

Marine (1899) Department.

G.O., No. 615 Mar

DATED 5th July 1899

[Despatch Abstract.]

Wharfe Private Jetties at Cocanada.

Authorising the Collector, in view to the construction of a masonry wall and a platform alongside the salt creek from the tower clock to the Foster Road junction at Cocanada, to enter upon the land after giving reasonable notice to the owners to have certain — removed.

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Authorizing the Collector, in view to the construction of a masonry wall and a platform alongside the salt creek from the Tower clock to the Foster road junction at Cocanada, to enter upon the land after giving reasonable notice to the owners to have certain — removed.

GOVERNMENT OF MADRAS.

MARINE DEPARTMENT.

READ—the following papers:—

Letter from the Chairman, Municipal Council, Cocanada, dated 21st Jan. 1899, No. 1170.
 Endorsement thereon by the Collector of Godavari, dated 21st Feb. 1899, No. 767.
 Letter from the Presidency Port Officer, Madras, dated 20th April 1899, No. 48/149 G.
 Endorsement from the Government Solicitor, Madras, dated 12th June 1899, No. 303.

ORDER—No. 615, Marine, dated 5th July 1899.

The construction of a masonry wall and a platform alongside the salt creek from the Tower clock to the Foster road junction at Cocanada was sanctioned in G.O., Mis. No. 1058 M., dated 3rd May 1897. In order to carry out these works, certain wooden jetties erected by private merchants have to be removed.

2. It would appear that these jetties exist on sufferance, and that the owners have no claim to compensation on their removal. The Collector is accordingly authorized to enter upon the land after giving reasonable notice to the owners to have the wharfs removed.

(True Extract.)

Under Secretary to Government.

To the Presidency Port Officer.
 " Collector of Godavari.
 " Revenue Department.
 " Local and Municipal Department.

Exd. T. K. Narayana Aiyangar.

MARINE DEPARTMENT.

again
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Circulated to

ORDER.

2615 Mar of 5-7-99
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To the Presidency Port Officer.
 " Collector of Godavari
 " Revenue Department
 " Local & Municipal Dept.

Read the following:—

From the Government Solicitor, Madras, No. 303, dated 12th June 1899

Private jetties at Coarada

Circulated to

His Excellency the Governor

FOR ORDERS

Slag V.

Submitted with reference to His Excellency's remarks dated 8th May 1899.

2. The Advocate General is of opinion that there appears to be a strong probability that the owners of all the jetties in question are mere licensees and that it is very unlikely that any of them would be able to establish any claim to Compensation, if the jetties were removed. He accordingly advises that the authorities should order the removal of the jetties and decline to recognise any claims for Compensation.

3. It is therefore submitted that the Collector should be directed to enter upon the lands after giving reasonable notice to the owners to have the wharves

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Carps removed.

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Marine (1899) Department.

CURRENT No. *779*
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Order

From *The Govt Submarine*
India.

No. 303.

Dated *12-6-99.*

Received *15-6-99*

Enclosures |

Spare copies

SUBJECT.
Abutment wall along the Salt
Creek, Co Canada
Inwards the opinion of the
Advocate General regarding
the removal of debris for
the construction

No.	Date.
fp. 417	Mar 13-5-98
	cc.

No.	Date.

OPINION

1. I feel considerable difficulty in advising in this case as I have no information as to the time when, or the circumstances in which, the jetties in question were originally constructed. It would appear from the tabular statement appended to the letter of the Presidency Port Officer to the Secretary to Government, Marine Department, dated April 20th 1899, that the jetties are eight in number and that two out of the eight were allowed to be built on the condition that they should be removed and their sites surrendered if required by Government or the Municipality. I observe, however, that the letter of the Chairman, Municipal Council, Coconada, to the Secretary to Government, Local and Municipal Department, dated November 24th 1896, contains the following statement:- " . . . there are five jetties of private individuals, projecting into the canal. These were permitted by the Port Conservancy ^{Board} on condition of being given up when the site was required by Government or the Municipal Council". If this statement is correct there can be no question that at any rate the owners of the five jetties to which the statement refers are not entitled to compensation on the removal of the jetties in order that the work of the construction of the abutment wall may be proceeded with.

2. On the information before me I can only say that there appears to me to be a strong probability that the owners of all the jetties in question are mere licensees, and I think it is very unlikely that any of them would be able to establish any claim to compensation, on the ground that they had acquired rights, by prescription or otherwise, if the jetties were removed.

3. I think the authorities should order the removal of the jetties and decline to recognise any claims for compensation which the owners may put forward.

C. Arnold White
Advocate General

Ootacamund.
June 8th 1899

True Copy

Ernest Barclay

Government Solicitor

(1899) Department

From

Ernest Barclay
Government Solicitor
Madras

To

The Secretary to Government
Marine Department
Madras

N° 303

Dated. 12th June 1899
Recd

Enclos

Forwarded with Enclosures with
reference to the Order of Govern-
ment N° 417. Mar. dated 13th
May 1899. Marine.

Ernest Barclay
Government Solicitor

100/100/100

100/100/100

Marine