(1) Number of pages 22

(2) Date of repair Aug. 82

(3) Initials of the Referencer bm

TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

P-&-D. DEPARTMENT

G.O. No. / B.P. No.	2810. PC.	Press. / Mis.
Dated	8.10.1883	~~198~~.

Not to be folded or roughly handled.

Archives —1 10,006-9 88

2810/1

GOVERNMENT OF MADRAS.

PUBLIC WORKS DEPARTMENT.

General.
Establishment.

READ—the following letter from Major A. C. SMITH, R.E., Executive Engineer, South Arcot Division, to the Superintending Engineer, Fifth Circle, dated Arasur, 27th September 1883, No. 603 :—

I have the honor to bring to your notice that, to my immense amazement, I heard on the morning of the 25th that the material supplied by contractor Shunmooga Moodelly for improvements to the Collector's cutcherry had been attached on the evening of the 24th by an amin of the District Munsif's Court, Cuddalore, on account of certain amount due by the contractor to one Appavoo Chetty. The taluk overseer at once went to the district munsif and represented that the materials were *all* Government property, for which payments had been made by them; that they were in charge of Government, and that the contractor had no right whatever thereto; but the munsif does not appear to have taken any notice of the same.

1 Letter, No. 1027, of 25th September 1883, to District Munsif, Cuddalore.
1 Letter, No. 179, of 26th September 1883, from District Munsif, Cuddalore.
1 Letter, No. 144, from District Munsif, Cuddalore, with
1 Injunction, No. 142, of 14th August 1883.
1 Letter, No 892, of 23rd August 1883, to District Munsif, Cuddalore.

2. Then my letter, No. 1027, of 25th instant, was sent to the munsif; copy of this, together with copy of his reply, No. 179, of 26th idem, is forwarded herewith. From his reply it would appear that the munsif cannot pass any order on my letter unless formal application on stamp is put in either in person or by a vakil of the Court.

3. With his letter, No. 144,* the munsif sent in an injunction, No. 142,* of 14th August 1883, ordering stoppage of payment on the bills submitted, or about to be submitted, by the contractor; and in reply, in my No. 892 * of the 23rd idem, the munsif was informed that the contractor's bill for materials, &c., had been already paid for, and that should there be any money due to him, it must be very little, while there were dues by him to Government. From this the munsif must be fully aware that the materials supplied by the contractor were Government property.

* Sent herewith.

4. In the present case the materials were on *Government land* or *on the work spot; they belonged to Government*, and were *in charge of a Government storekeeper*. I must confess I cannot understand by what right such an attachment was made. If the court has issued order for such attachment, it seems to me that, in all courtesy, due notice should have been given to the rightful owner, viz., Government, through their officer, the Executive Engineer in charge of the material, in order to give an opportunity of disproving false statements on the part of others as to the ownership of the property.

5. I am not aware of the law which allowed the court to adopt the measure in question; but, as far as I can see from the proceedings in the present case, the court would be equally justified in attaching the Government building at the post office, which was being carried out by the same contractor.

6. It is not improbable that in several cases contractors might be in debt to others; if for such debts any court is able to attach the property of Government, that is, the materials, &c., paid for by them and in charge of their officers, without any inquiry whatever as to the rightful ownership, then their works must suffer. This, in fact, appears to be an arbitrary step, which is likely to put Government to much loss, and their officers to great and unnecessary annoyance.

7. Under the circumstances set forth above, I request that the matter may be submitted to Government for their special consideration, and that sanction may be obtained at once for employment of a vakil, whom I shall, if necessary, engage in anticipation of sanction.

No. 2396.

Endorsement on the above.

Forwarded to the Chief Engineer, Public Works Department, with the recommendation that sanction may be given for the employment of a vakil.

CHEPAUK,
1st October 1883.

(Signed) H. L. PRENDERGAST, Colonel, R.E.,
Superintending Engineer, Fifth Circle.

ORDER—dated 8th October 1883, No. 2810 W., Public Works.

The employment of a vakil, as proposed, is sanctioned.

(True Extract.)

Major, R.E.,
Under Secy. to Govt., P.W.D.

To the Superintending Engineer, Fifth Circle.
„ Examiner, Public Works Accounts.
„ Judicial Department.

Exd. A. F. Goodall.
Spare Copies

2810/82

GENERAL.
ESTABLISHMENT.

Govt. of {1883} Madras.

PUBLIC WORKS.

Dated October, 8th.

Recd. *Encl.*

G.O., 8th Oct. 1883, No. 2810 W.

OCTOBER.

Collector's Cutcherry at Munjakuppam

Sanctioning the employment of a vakil in connection with the attachment of the materials supplied by a contractor for improvements to the — by an order of the district munsif of Cuddalore.

D. P. W.

No. 603

SOUTH ARCOT DIVISIONAL OFFICE,

CAMP Arcour

27th September 1883.

From

The Executive Engineer,

South Arcot Division.

To

The Superintending Engineer,

5th Circle.

Sir,

I have the honor to bring to your notice that, to my immense amazement, I heard on the morning of the 25th that the material, supplied by contractor Shunmooga Mudaly for improvements to the Collector's Cutcherry, had been attached on the evening of the 24th by an amin of the District Munsiff's Court, Cuddalore, on account of certain amount due by the Contractor to one Appavoo Chetty. The Taluq overseer at once went to the District Munsiff and represented that the materials were all Government property for which payments had been made by them, that they were in charge of Government and that the Contractor had no right whatever thereto; but the Munsiff does not appear to have taken any notice of the same.

2 Then my letter no. 1027 of 25th instant was sent to the Munsiff, Copy of this together with Copy of his reply no. 179 of 26th idem, is forwarded

ENCLOSURES. 5
1 Letter No 1027 of 25-9-83 to D ito Munsiff Cuddalore
1 D — No 179 of 26-9-83 from D
1 D — No 146 forwarded with Inj unction No 142 of 14-8-83.
1 D — No 872 of 23-8-83 to D.

forwarded herewith. From his reply it would appear that the Munsiff cannot pass any order on my letter unless formal application on stamp is put in either in person or by a Vakil of the Court.

3. With his letter No. 146 the Munsif sent in an injunction No. 142 of 14th August 1883 ordering stoppage of payment on the Bills submitted or about to be submitted by the Contractor, and in reply in my No. 892 × sent herewith of the 23rd idem the Munsif was informed that the Contractor's Bill for materials &c. had been already paid for, and that should there be any money due to him it must be very little, while there were dues by him to Government. From this the Munsif must be fully aware that the materials supplied by the Contractor were Government property.

4. In the present case the materials were on Government land or on the work spot, they belonged to Government and were in charge of a Government storekeeper. I must confess I cannot understand by what right such an attachment was made. If the Court has issued order for such attachment, it seems to me that in all Courtesey due notice should have been given to the right-ful owner Viz. Government through their officer, the Executive Engineer in charge of the

the material, inorder to give an opportu-nity of disproving false statements on the part of others as to the ownership of the property.

5. I am not aware of the law which allowed the Court to adopt the measure in question; but as far as I can see from the proceedings in the present case, the Court would be equally justified in attaching the Government building at the Post office which was being carried out by the same Contractor.

6. It is not improbable that in several cases Contractors might be in debt to others; if for such debts any Court is able to attach the property of Government, that is, the materials &c. paid for by them and in charge of their officers, without any Enquiry whatever as to the rightful owner, then their works must suffer. This, in fact, appears to be an arbi-trary step, which is likely to put Government to much loss and their officers to great and

and unnecessary annoyance.

7. Under the circumstances set forth above, I request that the matter may be submitted to Government for their special Consideration, and that sanction may be obtained at once for Employment of a vakil, whom I shall, if necessary, Engage in anticipation of sanction.

I have the honor to be
Sir
Your most obedient servant

A Smith Major R.E.
Executive Engineer

No. 2396
Enclosures 5

Forwarded to the Chief Engineer P.W.D. with the recommendation that sanction may be given for the employment of a Vakil.

for Superintending Engr
Cuddalore
1st October 1883

Col. R.E.
Superintending Engr
S. Circle.

From
The Executive Engineer,
South Arcot Division.

No. 603.

Dated
Despatched
Received
Enclosures.

D. P. W.

Collector Cuddalore 1st
Sanction is given.
Subsistence Grant
Chief Engineer
Madras 2/10/83

No. 142.

ATTACHMENT.

Sections 272 and 486 of the Code of Civil Procedure.

IN THE COURT OF THE DISTRICT MUNSIF AT Cuddalore

Regular Suit No. 436 of 1883.

Plaintiff. Appavu Setti

Defendant. Shanmuga Mudali, Contractor, D.P.W.

To Major A. C. Smith R.E.
Executive Engineer, South Arcot

Sir,

The Plaintiff having applied under Section 492 of the Code of Civil Procedure, for an attachment of ~~certain money now in your hands~~ Rs 1000 (one thousand) for which the Defdt has submitted or is about to submit a bill, to you for certain works Completed by him

I request that you will hold the said money subject to the further order of this Court, in satisfaction of the decree that may be passed against the Defdt in the above Suit

By order of the Court
I have the honor to be,

Sir,

Your most obedient Servant,

Dated the 14th day of August 1883

C Venkatachalam Pillai
Head Clerk
District Munsif.

noted
MC

noted
MC

நம்பர் கச்சை

சிவில் புரொசீட்ர் கோட் 272 - 486 வது பிரிவுகள் படிக்கு.

டிண்டிரிக்டு வன்சிபு கோர்ட்டில்

188 வது கெ.

வாதி.

பிரதிவாதி,

ஆயர,

உம்மிடத்தில் இப்போது இருக்கிற

பணத்தை ஜப்தி பண்ணும்படி சிவில் புரொசீடர் கோட்டு வது பிரிவுபிர
காரம் வாதி மனுசெய்து கொண்டபடியால் நீர் இந்தகோர்ட்டாருடைய மறுஉத்திரவுக்குள்ப்
படாது தெ. பணத்தை வைத்துக்கொண்டிருக்க வேணுமென்று கேட்டுக்கொள்ளுகிறேன்.

188 வது பிரி கெ.

தங்கள் விதேயன்,

டிண்டிரிக்ட்டு மூன்சீப்பு.

District Munsiff's Court
No. 164 Cuddalore

EXECUTIVE ENGINEER
SOUTH ARCOT DIVN

From
The District Munsiff of
Cuddalore

To
Major A. C. Smith R.E.
Executive Engineer, Southland

Sir!

I'm forwarding hereunto an
Injunction in duplicate to you,
I have the honor to request you will
be good enough to return the original
with an endorsement of acknowledging
the receipt of the duplicate.

I have the honor to be
Sir,
Your most obedient Servant
[illegible]
District Munsiff

No. 179 District Munsiff's Court
Cuddalore
Dated 26th September 1883.

From

The District Munsiff of
Cuddalore

To

The Executive Engineer of
South West Division

Sir,

In reply to your letter No: 1027 of the 25th Instant, I regret to say that I am not able to pass any orders in the matter therein referred to unless there be a formal application on Stamp, put in either in person or by an authorized Vakil of the Court.

I have &c
(Sd) C. Suryanarayan
District Munsiff.

True copy.

A. L. Smith Major R.E.
Executive Engineer

533.00

T-10-83

6.6 No 2
Ex 79/83

Encl No 2 in letter No.
603 of 27-9-83. from
the Exec Engr S.D. Dn

No 892.

South street Divisional office
Camp Chengam
23rd August 1883.

From

The Executive Engineer
South street Division

To

The District Munsiff
Cuddalore

Sir,

In acknowledging receipt of your letter No. 144 dated — giving cover to an Injunction dated 14th August 83 in Regular Suit No. 436 of 1883, I have the honour to inform you that the Injunction was received byme on the 16th as may be observed from the endorsement on original which has been already returned whereas two Bills amounting to Rs 712-9-2 for work done and materials supplied by the Defendant Thurmuga Mudaly were received on 11th Instant, and cheques for Rs 652-1-2 issued byme on the 13th and 14th idem, after making necessary deductions from the Bills.

2. There two dues to Government by the Defendant, but dues to the latter cannot be ascertained before further Bills are received; these, I should there

be any, I must however say, must be very little.

I have &c
(Sd) A.C. Smith Major R.E.
Executive Engr.

True copy.

A Smith Major R.E.
Executive Engineer

Encl: to 5th letter No 603 of 27-9-83 from the Executive Engineer South Arcot Division

No. 1027

South Arcot Divisional office
Camp. Panruti
25th September 1883

From

The Executive Engineer
South Arcot Division

To

The District Munsiff
Cuddalore

Sir

I have just now heard that the materials collected for improvements to the Collector's Cutcherry have been attached on account of the debt of Contractor Thanonjaya Mudaly. I have the honour to inform you that all the materials collected for the Cutcherry have been fully paid for and they are in fact Government property and the Contractor has no right to any of them, and as his accounts now stand there is nothing due to him from Government.

2. I request therefore that orders may be at once issued to cancel the attachment, as the materials are very much required for use on works.

I have &c
(Sd) A.C. Smith
Major R.E.
Executive Engineer

True copy.

A Smith Major R.E.
Executive Engineer

Enclosure No 1 in letter
No 603 of 27-9-83 from
the Exn Engr S.A. Dn

Genl
Votes

No 2810 M PUBLIC WORKS DEPARTMENT.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

UNDER date the 8th Octr 83

9810/10

From the Executive Engineer
South Arcot Division } H.E. No 603 of 27th Septr 83.

Endorsement thereon by the
Supg Engr Fifth Circle } No 2396 of 1st October 83

The employment
of a Vakil as proposed
is sanctioned

Dw
12/10

Cs
3/10

Supg. Engr Fifth Circle
Exam. P.W. Accts
Judicial Department

DK10
11

16-8-04
21-2-19

8473

Govt. of India.

PUBLIC WORKS.

Print Sewn
2/45 8/0

Date

Rec'd

Rec'd

G. O., October 1883, No. 2812

Nos.

Collector's Acknowledgment
at Munja Kuppam

Intimating the Employ
of a Vakil in Connec
with the attachment of
the Materials & Supplies
by a Contractor for Improve
of the _____ Road
Ordered to be
acknowledged by an
order of the District
Munsiff of Cuddapah

48
M

Entd in Record Register