

- (1) பக்கங்களின் எண்ணிக்கை 22
 (2) புதுக்கித் திருப்பிய நாள் 16.10.90
 (3) ஆதாரங்குறிப்பவர் சுருக்கொப்பம் de

தமிழ்நாடு ஆவணக் காப்பகம்.

தமிழ்நாடு அரசு

PWD துறை

56

அரசாணை எண். மு. கோப்புத் தாள் எண்.	3181	அச்சகம் பலவகை
நாள் :	27-11-1891	198 .

மடிக்கவேண்டிய கையாளவேண்டாது

11 Sheet

ஆவண. கா-1-18,006-15-6-87.

14-0-11

106

27TH NOVEMBER 1891, No. 3181 W., PUBLIC WORKS.

GOVERNMENT OF MADRAS.
PUBLIC WORKS DEPARTMENT.

Buildings and Roads.
Civil Works.

READ—the following paper :—

G.O., dated 20th November 1891, Mis. No. 2050 M., Local and Municipal.

Read—the following letter from S. MUHAMMAD HUSAIN SAHIB, Khan Sahib, Chairman, Municipal Council, Periyakulam, to the Chief Secretary to Government (through the Sub-Collector and the Collector of Madura), dated 19th October 1891, No. 318 :—

I have the honour to state that the Local Public Works Department overseer Mr. J. B. Rodrigues repaired the local Postmaster's quarters, a Government building, by pulling down the old compound walls and re-erecting the same and by re-thatching the roof of the building within the compound with straw without permission, and thereby acted contrary to the provisions of sections 180 and 179, respectively, of the Municipal Act. When the repairs were going on, I issued a notice to the Postmaster to show cause why license was not taken from the Municipal Council under the above sections.

2. When the repairs were completed, the overseer applied to me for (in his own words) formal sanction. The Council resolved to prosecute the overseer under sections 179, 180 and 263 of the Act, informing him, at the same time, that the Municipal law does not exempt Government buildings from its operation. The Council generally objects to thatched buildings being built or renewed as many houses in this town were burnt down during the recent fires and refuses licenses for thatching roofs to such persons as can easily afford to erect substantial buildings. The overseer was accordingly prosecuted before the Serishtadar-Magistrate, Periyakulam, who acquitted him for the reasons stated in his (Magistrate's) judgment.

3. The Magistrate is of opinion that the re-erection of the compound walls does not fall under section 180 but falls under section 179 and the G.O., No. 327, dated 23rd March 1889, filed in support of the prosecution, is not applicable to the present case; but the Council is of opinion that, as the walls are not made of any inflammable substances to make it applicable to section 179, license, under section 180, should be taken for the erection of the compound walls, as building means any wall under section 3 (ix) and that the Government Order quoted above clearly supports the prosecution under section 180. The Magistrate makes no mention of the overseer's failure to take out license under section 179, but smoothly says that the building is a public one and the overseer has no personal interest in it and that he cannot see any thing in the body of the Government Order that a prosecution is necessary against a public servant who violates the provisions of the said section unknowingly; but section 263 of the Act does not exclude public buildings from the operation of the Act.

4. The Council, on being informed that the case was thrown out by the Magistrate, resolved to move the Government on the subject to address the High Court, through the Public Prosecutor, for the re-trial of the case under section 417 of the Criminal Procedure Code.

BUILDINGS AND ROADS.
CIVIL WORKS.

Govt. of {1891} Madras.
PUBLIC WORKS.

Dated November, 27th.

Recd.

Encl.

G.O., 27th Nov. 1891, No. 3181 W.

NOVEMBER.

Government Buildings in Municipal Towns

Proceedings in the Local and Municipal Department passing orders on correspondence relative to repairs being carried out by the Public Works Department to the Postmaster's quarters at Periyakulam in Madras district without the permission of the local Municipality and the prosecution of the overseer in consequence, communicated to Superintending Engineers with request that the attention of officers and subordinates be drawn to the instructions in G.O., No. 670 W., of 7th March 1889, on the subject,

Municipal Office

Periyakulam

19 October 1891

No. 3181

From, Mr. M. A. S. Mahomed Hussain Sahib, Khan Sahib, Chairman, Municipal Council, Periyakulam

To, The Chief Secretary to Government of Madras

Local & Municipal Department
Through The Subcollector and the Collector of Madras

Sir,
I have the honor to state that the local P. W. D. Quarder Mr. J. B. Rodrigues repaired the local Postmaster's quarters, a government building by pulling down the old Compound walls and re-erecting the same and by re-thatching the roof of the building within the compound with straw without permission, and thereby acted contrary to the provisions of Sections 180 and 179 respectively of the Municipal Act. When the repairs were going on, issued a notice to the Postmaster to show cause why license was not taken from

2. From
from the Municipal Council under
the above sections.

2. When the repairs were com-
-pleted, the Overseer applied to
me for (in his own words) formal
sanction. The Council resolved
to prosecute the Overseer under section
179, 180 and 263 of the Act informing
him at the same time that the
Municipal Law does not exempt
Government buildings from its
operation. The Council generally
objects to that class of buildings -
being built or renewed as many
houses in this town were burnt
down during the recent fires, and
refuses licenses for thatching roofs
to such persons as can easily afford
to erect substantial buildings.
The Overseer was accordingly pro-
-secuted before the Sheristadar
Magistrate Periyakulam who
acquitted him for the reasons stated
in his (Magistrate's) judgment.

3. The Magistrate is of opinion
that the re-erection of the compound
walls does not fall under section
180 but falls under section 179 -
and

public hearings from the operation
of the Act.

4. The Council on being informed
that the case was thrown out by
the Magistrate, resolved to move
the Government on the subject
to address the High Court through
the Public Prosecutor for the retrial
of the case under section 417 of
the Criminal Procedure Code.

5. I therefore request that you
will be good enough to comply
with the request of the Council.

6. Copies of the connected
records of the case and of the
resolutions of the Council on the
subject are herewith enclosed.

I have the honor to be,

Sir
Your most obedient servant,

Surendra Prasad
Chatterman

1/11/11

Local & Municipal Department

3274 23-5-97 2842C

From

The Chairman

5³⁷
27.10.91

Municipal Council

Prigollan

To The Chief Secretary to
Government
of Madras
Local & Municipal Deptt.

Third The Sub-Collector of Madras

Dated 19th October 1891

Sept 20th

Recd

No 310

Enclures. 8.

Referring that a case
against the D.P.W. Overseer under
Sections 179, 180 and 283 of the
Municipal Act was thrown out
by the S.D. Magistrate and re-
questing the Government to
address the High Court there
the Public Prosecutor for
the retrial of the case for
the reasons stated in them.

5/12/91

His 1132

Submitted.

2. The S.D. Magistrate
was wrong to have
acquitted the Deptt.
but the appeal
proposed seems
quite unnecessary.
According to the
D.P.W. Overseer seems
in that is correct.

Remained
at S.D. Collector.

23.10.91.

No 537

Forwarded

S.P. Gane

27.10.91

Ag. Govt.

21/8/91



Govt. of 189/1 Madras

Local and Municipal Department.

To

The P. W. Department

Proceedings, dated 20th November 1891,
No. 2050 (M. P. W.)

Subject.

Communicating to
the Municipal Council Periyar
Kulam remarks of the Sub-Collector
on the action of the Magistrate
in acquitting the
D. P. W. Curator stating that
orders will issue in the P. W. Dept
to ensure the due observance
of the law in regard to buildings
belonging to Government in
Municipal towns.

Act No. IV of 1884 - (Madras)

No. 1836 W - 12-7-83
" 1787 " 17-12-82 Final
" 617 " 17-3-83 "
" 722 " 8-5-85
" 523 E - 26-8-85
~~6203 - 17-9-85~~
" 524 E - 26-8-85
" 528 E - 27-8-85
" 620 E - 17-9-85
" 2765 W - 20-11-85
" 2129 C - 12-12-85
" 619 C - 23-3-85
" 446 E - 13-8-85
" 412 C - 1-2-86
" 446 W - 22-2-86
" 670 W - 7-3-89
" 4477 C - 14-10-91.

Local and Municipal Department, Madras



PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following paper:—

From the Chairman, Municipal Council,
Periyar Kulam, dated 19 October 1891 No. 318.

Order, 20 November 1891 No. 2050 M. P. W.

The Sub-Collector's remarks in which
the Government Curator, will be communi-
cated to the Municipal Council, Periyar Kulam.
2. Orders will issue in the Public Works
Department to ensure the due observance of the
law in regard to buildings belonging to
Government in Municipal towns.

(True Extract)

M. Brodie

Asst. Assistant Secretary

To the Chairman, Municipal Council, Periyar Kulam
through the Collector of Madras
Public Works Department.
with C No. 2853 in original: to be returned.

No 3181 W d 27 Nov 91

P. H. A. works
PUBLIC WORKS DEPARTMENT.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

2481/10
READ the following

From the Chairman Muni Council Periyathalam No 3181 19-10-91
Supt. Public Works Collector of Madura No 1132 & 23-10-91 -
- do - Collector of Madura No 537 & 27-10-91 -
Pros. Local & Muni Dept. No 2050 in (Muni) & 20-11-91.

g. P. R.
Communicated to
Suptg. Engineers, who will
draw the attention of
officers and subordinates
of the department to the
instructions in G.O. No
670 W of 7. March 1889.

20 Supt. Engrs
C.A. to Govt. of P. H. A.
L. & M. Dept.
with 8 enclos.

g. P. R.
S. 24.11

C. H.

CW^o 12284

91

PUBLIC WORKS

27/11/91

27. XI. 91 3181W

Govt buildings in
Municipal towns

Proceeding at the
Lt. Col. Dept. passing
orders on corree relative
to repairs being carried
out by the P.W.D. to the
Police Station quarters at
Periyakulam ^{in Madras} without
the permission of the
local municipality &
the presence of the
overseer is consequently
canceled & SEs are
requested to the attention
of officers & assistants
for drawing the
instructions in G.O. No.
670 of 1899 on ~~the~~
subject

11

27/11/91 3-30 PM