

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No.	<i>479</i>	<u>Press</u> <u>Mis.</u>
Dated	<i>11-5-</i>	<i>1966</i>

Not to be folded or roughly handled

Proceedings of the Madras Government, Public Department,

11th May 1866.

Read the following papers :—

No. 62. TO HIS EXCELLENCY THE HONORABLE SIR W. T. DENISON, K. C. B.,

Governor in Council, Fort Saint George.

The humble Petition of VENCATA-SAWMY CHETTY, residing in Big Parcherry, Black Town,

HUMBLY SHEWETH,

That your petitioner having been served with a notice from the Municipal Commissioners, under date 5th January

* A.

1866, No. 2, a copy* of which is enclosed, for taking down 65 huts, within two

months, on the east side of the Barracks and Hospital occupied by the 16th Regiment Native Infantry, of the Old Jail

† B.

Street, Black Town, he petitioned† for taking up the whole ground, or grant a

compensation for the space required for roadings.

2. That aggrieved at the proceedings of the Municipal Commissioners, under date the 7th instant, transcript‡ whereof

‡ C

is herewith forwarded, your petitioner, with every sentiment of respect, begs to

submit this his humble appeal from their resolution, for redress at the hands of your Excellency in Council, on the following, among other, grounds.

3. That the said land was purchased by your petitioner for a *bona fide* consideration; that it was afterwards mortgaged owing to his embarrassed circumstances; that the rents now realized upon the huts is insufficient to pay the interest itself, and, to make up the deficiency, he is compelled to give out of his own limited hard earnings.

4. That if the 65 huts be demolished, not only there will be a reduction in the house rent, but also diminish the dimension of the land; that the consequence will be that of your petitioner making good that amount to complete the interest, and be also accountable to the mortgagee for the land so taken away by the Municipal Commissioners.

5. That, as from the notice above adverted to, it appears that the Municipal Commissioners are acting with the sanction of your Excellency in Council, given on the 29th November 1865, your petitioner humbly trusts that the hardship of his case will be taken into consideration to prevent the resolution.

6. That the roadings are proposed on sanitary grounds, and your petitioner submits that the Hospital standing west to the land required has been undisputed for health for time not known by him, that the distance between the Hospital and the land in question is upwards of 100-yards, and that there should be any reason now alleged that ventilation is necessary, it is left to your Excellency in Council to judge whether he should be a sufferer by a such heavy loss in forfeiting 6½ Grounds of his land.

7. That, under Act IX of 1865, it is provided, in Section 82, that “when there is any hindrance to the acquisition by purchase of any land or building required for the purpose of this Act, the Governor in Council, upon the representation of

"the Commissioners, and after such inquiry as may be thought proper, may declare that the land or building is needed for a public purpose, and may order proceedings for obtaining possession of the same for the Governor in Council, and for determining the compensation to be paid to the parties interested, according to any laws now or hereafter to be in force for the acquisition of land for public purposes; and the Governor in Council may vest such land or building in the Commissioners on their paying the compensation awarded."

8. That from this provision, your petitioner entertains the belief that Government never contemplated to distress landed proprietors, excepting by a compensation for such land as may be required for public purposes.

9. That your petitioner has, moreover, to submit that if the land now required for roadings be taken up, the other portions will be so broken up into partitions that not only they cannot be appropriated in the advantageous manner as they could now be, but also their value will be so deteriorated as to make him the loser by one-half, if not two-thirds, of the price at which they can now be sold.

10. That from these facts, your Excellency in Council will perceive the position in which your petitioner will be reduced if the resolution of the Municipal Commissioners be enforced.

11. That it is only lately Government offered to purchase the entire land, and your petitioner agreed to the sale of it; that an estimate was made by the Collector—and how this question was disposed of your petitioner is not aware; that he is even now willing to its entire sale, which measures 41 grounds; and at 70 Pagodas per ground, according to the local valuation, the net amount is Rupees 10,045.

12. That the land marked for roadings is $6\frac{1}{2}$ grounds, the value of which is Rupees 1600.

13. That your petitioner submits it would be a case of unparalleled hardship if he is deprived of the $6\frac{1}{2}$ grounds—a case by which he will be so ruined, that himself and all his family must, as the necessary consequence that will follow it, be completely beggared.

14. That, under these circumstances, your petitioner submits his case for the favorable consideration of your Excellency in Council, with a view that either the entire ground be taken away, so as to enable him to absolve the mortgage *in toto*, or grant a compensation, under Section 82 of the said Act, to pay in part of the mortgage.

15. That should Government be disposed that the question be tried in a Civil Court, your petitioner will take the necessary steps for that purpose, and until the decision of that tribunal is given, orders be issued to the Municipal Commissioners to suspend the execution of their Notice of 5th January 1866; but your petitioner presumes that, as the subject comes under the legitimate cognizance of Government, the purchase of the entire land, or compensation for the portion required, may be passed, for which your petitioner shall, as in duty bound, ever pray.

(Signed) க- வெங்கடசாமி செட்டி.

19th February 1866.

A.
No. 2.
NOTICE.
Original
1st Division.

His Excellency the Governor in Council having sanctioned, on the 29th November 1865, under the provisions of Section 99 of the Madras Municipal Act, No. IX of 1865, the removal of the huts

which stand in the way of the improvement of the hutting ground situated on the east of the Barracks and Hospital occupied by the 16th Regiment Native Infantry, on the side of the old Jail Street, Black Town, which has been reported by the District Surgeon to be absolutely required on sanitary grounds, the Municipal Commissioners for the Town of Madras hereby require and give notice to you, Vencatasawmy Chetty, the owner of the land on which such huts are built, to remove 65 sixty-five huts marked thus X, Nos. 1 to 65, within two months from the service of this notice, and in case you refuse or neglect to remove the huts within the time appointed, the Municipal Commissioners will cause the said huts to be taken down, and the materials to be sold as provided in the before mentioned Section of Act No. IX of 1865.

(Signed) B. CARDOZO,
(„) S. JESUDASEN,
Municipal Commissioners,
for the Town of Madras.

MUNICIPAL COMMISSIONER'S OFFICE,
MADRAS, 5th January 1866.

B.

TO THE MUNICIPAL COMMISSIONERS FOR THE TOWN OF MADRAS.

The humble Petition of Vencatasawmy Chetty,
residing in Big Parcherry, Black Town,

HUMBLY SHEWETH,

That your petitioner has duly received the notice of your Honorable Board, dated 5th January 1866, No. 2, requiring the destruction of 65 huts, within two months from the service of the said notice, on the east side of the Barracks and Hospital occupied by the 16th Regiment Native Infantry, of the old Jail Street, Black Town.

2. That your Petitioner on this subject begs leave respectfully to bring under consideration the peculiar nature of his case, to which he solicits that attention which it demands.

3. That the said land, measuring 41 grounds, was purchased by your petitioner about five years ago, and on which there were then huts standing, without any objection being raised as to the existence of the same.

4. That about six months ago, Government wished to have possession of the said land, and your petitioner readily tendered its sale; that the Collector was ordered, on this occasion, to make an estimate of it; and what amount was fixed by that functionary your petitioner is not aware of, from the fact of his having received no answer to his tender.

5. That, subsequently, he was directed to keep that part of the land in a cleanly state, to which he personally attended, with the view to the accomplishment of that order.

6. That, while matters stood thus, your petitioner was served with the notice above adverted to, for the purpose of opening roads in that land, to admit of ventilations, on sanitary grounds, for the 16th Regiment Native Infantry, stationed on the west thereto, under Section 99 of the Madras Municipal Act No. IX of 1865.

7. That your petitioner has no objection to meet this desirable arrangement, but from the fact of his case, as would be explained hereafter, he humbly trusts that due consideration will be given to it, that he may not be a sufferer thereby.

8. That the said land was purchased by him, for a *bona fide* consideration, five years ago, from the late Streenevasa Pillay, in whose name the Government grant existed, but he has now a bill of sale in his own name; that, in consequence of a new rule, he has offered to pay 25 years' quit rent, so that there may be no further assessment leviable thereon hereafter, and for which purpose he has delivered up the old title deeds, with the bill of sale in his name, to the Collector, for which he received a receipt.

9. That the said land was mortgaged by your petitioner some time ago; and, therefore, the receipt of the Collector alluded to in the above paragraph has been delivered to the mortgagee, for obtaining the renewal of the title deed, on the amount being paid, to be held by him until the mortgage is absolved.

10. That, from the above circumstance, it will be perceived that your petitioner is now but a nominal owner of the property in question, and any diminution in the dimension of the land will be

brought against him by the mortgagee, perhaps, if he does not succeed of your petitioner making up the deficiency, he may be pressed by legal measures to redeem the property by the immediate re-imbursement of the amount for which it is mortgaged.

11. That the whole area of the land amounts to 41 grounds, and according to the local valuation, at 70 Pagodas per ground, the net amount is Rupees 10,045, that the space required for laying out the road is 6½ grounds, the value of which is 1600 Rupees, which being deducted from the former amount, there remains Rupees 8445.

12. That, if your petitioner be compelled, under Section 99 of 1865, to give up the 65 huts, he will then have to account to the mortgagee for the deficiency—a circumstance which must naturally distress him in the extreme, nay, in truth, quite out of his power to do so.

13. That the opening of these roads are upon sanitary grounds for the benefit of the 16th Regiment Native Infantry, and it is submitted that if the Government be desirous to protect the health of the Corps in its service, it must be a case of unparalleled hardship, the owner of landed property should be made to suffer.

14. That, if your petitioner was living under the despotic and arbitrary rule of the Mahomedan Government, no regard will be paid to his interest; for the will of such Government will be carried out at the sacrifice of lives and property in the most unmerciful manner; but, believing the justice and benevolent administration of the British, he entertains the confidence of his case receiving that liberal consideration which the Government under which he lives is distinguished.

15. That your petitioner, moreover, begs to add that, by the partition, these roads, one from east to west, and two from south to north, that have been proposed to be opened, will occasion the land to be broken up in such small plots that they would not be available for such purposes as they would as at present; hence, these plots will become so totally useless and valueless that, instead of obtaining for them, according to the local rate, at 70 Pagodas per ground, perhaps he will never be able to realize more than one-third of it, by which his former outlay and his present circumstance must of necessity be severely affected.

16. That your petitioner, embarrassed in his pecuniary affairs, is already unable to pay the very interest to the mortgagee for the money borrowed; that at present he manages to make up this payment from the rents of the huts, the shortcoming being made up from his earnings in other transactions with considerable inconvenience.

17. That, under these circumstances, your petitioner submits your Honorable Board will give due consideration to his case; that, under Section 82 of the said Act No. IX of 1866, he entreats that Government will be pleased to take up the entire land as proposed some months ago; and, if this be deemed undesirable, that a compensation for the 6½ grounds may be awarded to him—a measure he believes Government will admit to be consistent with reason as regards the subject living under its administration—for which he shall, as in duty bound, ever pray.

Madras, 31st January 1866.

(Signed) VENCATASAWMY CHETTY.

C.

Extract from the Proceedings of a Meeting of the Municipal Commissioners for the Town of Madras, under date the 7th February 1866.

Read petition from Vencatasawmy Chetty requesting, with reference to Board's notice, under date 5th idem, requiring the destruction of huts situated on the east side of the Barracks and Hospital occupied by the 16th Regiment N. I., that Government will take the entire land on which the huts are situated as proposed some months ago, or that a compensation be awarded him for the 6½ grounds required for roadways.

RESOLUTION.—The Board cannot entertain this request for compensation, as they are proceeding in the matter under Section 99 of Act IX of 1865.

(A true Extract).

(Signed) S. JESUDASEN,
Municipal Commissioner
for the Town of Madras.

To Vencatasawmy Chetty.

No. 553 of 1866.

Referred to the Municipal Commissioners, for full report, with a plan of the ground. It is remarked that Section 99, Act IX of 1865, empowers them to order the petitioner's huts to be removed, but not to take up any of the land for public purposes, or prevent petitioner from building other huts, as long as they are not dangerous to health, by reason of being crowded together, wanting drainage, or not easily cleansed.

(By Order),

FORT SAINT GEORGE,
13th April 1866.

(Signed) J. GROSE,
Acting Under Secretary to Government.

No. 63. TO THE RIGHT HONORABLE LORD NAPIER,

Governor in Council, Fort Saint George.

The humble Petition of VENCATASAWMY
CHETTY, residing in Big Parcherry,
Black Town,

HUMBLY SHEWETH,

That, aggrieved at the Proceedings of the Municipal Commissioners for the Town of Madras for the demolition of huts near the Barracks of the 16th Regiment, your petitioner addressed* Sir W. T. Denison, K. C. B., complaining of the hardship of his case on the 19th February 1866.

* As per enclosed copy.

2. That, in consequence of the Municipal Commissioners' orders for such demolition being limited, your petitioner requested on the 26th February to suspend such demolition, pending the instructions of Government; but, regardless of such request, and caring little or nothing of the supreme head, they replied to say that "they cannot accede to the delay requested," and, accordingly, with the aid of the Police, entered into the grounds of your petitioner, and then and there removed the huts, for the purpose of making the roadings.

3. That your petitioner submits that no complaint whatever was made on sanitary grounds for upwards of 100 years, and that, if there was any cause for it now, it is humbly submitted whether your petitioner is to be made a sufferer by the loss of his ground.

4. That your petitioner has already stated that the land was mortgaged; that the mortgagee will come upon him for the space taken away for the roadings, as there will be a reduction in the rent of the huts which have been pulled down.

5. That your petitioner will by no means thwart the object of Government for public purposes; but, at the same time, he entertains the belief that a British Government will not ruin its subject.

6. That Act IX of 1865 provides compensation when lands for public purposes are required, and your petitioner, under this provision, solicits that concession.

7. That the ground so taken may be measured, and it is left to your Lordship in Council to grant such compensation commensurate with the value of the ground.

8. That, at the Durbar last held, the expressions that fell from your Lordship, unquestionable hopes are entertained that the well-being of the people will be cared for indiscriminately; that your petitioner is an humble subject of this Government;

that he is already in undescribable distresses; that all articles of provision are obtained at famine rate; and he, therefore, looks upon your Lordship for that justice and merciful consideration which his case claims, and for which he shall, as in duty bound, ever pray.

MADRAS, 18th April 1866.

(Signed) க, வெங்கடசாமிசெட்டி.

No. 64. From the Municipal Commissioners for the Town of Madras, to the Chief Secretary to Government, Fort Saint George; dated Madras, 21st April 1866.

We have the honor to return the petition of Vencatasawmy Chetty referred to us, under date the 13th instant, for full report.

2. We beg to state, for the consideration of Government, that the objectionable condition of the ground mentioned in the petition, came under the notice of His Excellency the Commander-in-Chief, who called our attention thereto, by letter dated 12th September 1865, from the Quarter Master General of the Army. The Medical Officer of the District had, also, so far back as 1862, brought the unhealthy condition of the place to our notice.

3. Supported by such strong evidence, we applied to Government, on the 23rd November 1865, for permission to open roadways, or streets, as shown in the plan herewith forwarded, under Section 99 of Act IX of 1865, and obtained authority to open two streets conformably to the provisions of that Section.

4. Notices were served on the petitioner, and on the occupants of the huts to be removed, on the 5th January 1866, and two months time given. At the expiration of the term, the huts not having been removed, we directed our Engineer to take steps to remove them. His workmen at first were threatened, on which the work was immediately stopped, and application for protection was made to the Police; when an Inspector of Police warned the occupants of the consequences of resistance, after which no further opposition was offered, and the huts on the two roadways were removed by the owners themselves.

5. In reference to the petitioner's complaint that we are taking possession of the ground for streets or public thoroughfares, we beg to state that such has not been done, nor is it our intention to do so, our acts have been strictly confined to what we deemed necessary "for the avoidance of risk of disease to the inhabitants and the neighbourhood." The *propriety* in the ground still rests with the petitioner, and should he at a future date desire to convert the ground into a garden or otherwise, no claim on the part of the Commissioners could be urged.

No. 65. ORDER THEREON, 11th May 1866, No. 479.

The huts which form the subject of the Petition recorded above, were removed by order of the Municipal Commissioners, under Section 99 of Act IX of 1865. The Commissioners do not state whether or not the provisions of that Section, with regard to the disposal of the materials, have been observed in this case. Information upon this point should be forwarded.

2. The Government observe that the Commissioners in writing of these clearings designate them as "streets," though, in paragraph 5 of their letter, it is explained that there has been no intention of forming streets upon the land cleared.

3. Ordered that the following endorsement be passed on Petition :—

"Petitioner will be informed that the clearing of which he complains was not made to form a street, but in order to avoid the risk of disease from over-crowding and bad ventilation."

(True Extract).

Chief Secretary.

To the Municipal Commissioners for the Town of Madras,
with the Plan.
,, Petition Department.

Exd. J. H. Burns.

think it necessary that
the matter should be de-
cided in a court. He will
take measures to do so &
come in order for the pro-
prietor of the present
the notice should be
given until a decision
is passed in the court.

For Saint George
13th April 1866.

Referred to the Municipal Commissioners for full report with
a plan of the ground. It is remarked that section 99 Act ~~IX~~ of 1865 empowers
them to order the Petitioner's huts to be removed but not to take up any of the
land for public purposes or prevent petitioners from building other huts
as long as they are not dangerous to health by reason of being crowded
together, wanting drainage or not easily cleansed.

By Order

J. W. L.

Attest Under Secy to Govt.

up the whole land or to
grant compensation for the
space required for buildings
that upon the Municipal
Commissioners passed Reso:
resolutions of which a copy
is herewith enclosed.

Appearing against the
said Resolutions states that
if the 65 huts are removed
there will be not only a re-
duction in the house rent but
also diminution in the di-
vision of the land sale.
crease in its value; that if
the order of the Municipal
Commissioners be carried
out petitioners will be sub-
jected to a great loss & hence
can be ruled.

Prays that on consideration
of the circumstances herein
stated either the entire land
may be taken up by Govt.
as proposed formerly or a com-
pensation at the rate of 40
pounds per acre be granted
as provided section 82 of
Act of 1865 of the Govt.

Public 1866 & 1867
No 553 of 1866

From Venetian

City residing in
Big Lanchbury,
Black Town of
Madras.

No 554

Dated 19 July 1866

And 22 Aug 1866

1 Enclosure

Brings to notice that
petitioners having been ordered
with a notice from the
Municipal Commissioners
under date the 5th January
No 2 requiring him to remove
55 huts on the east side
of the Barracks & Hospital
occupied by the 16th Regiment
at within 2 months on
sanitary grounds he
presents the petition within
requesting either to take

The Rt Hon^{ble} the Commrs in Council
 observes that the section of the Act
 which new street to be laid out is Sec 99
 & that it provides for making due com-
 pensation to the owners of the land
 He further observes that the Commrs
 does not appear to have sold the
 material of the lands grubbed down
 & paid the proceeds to the owners in
 accordance with Sec 99

The Commrs will be therefore
 called upon to state what compensation
 they propose to give the owners of the
 land & will also give their views
 on the matter. The Commrs will also
 be called upon to state whether they
 will also give the owners of the land
 the proceeds of the sale of the material
 grubbed down for any purposes.

J.P.

~~For Orders.~~

Ex 29 Nov 65

Nº 1222

x/Heads in
rather a
business &
all the way
from the
the street
ventilation
in the house
the house
the house
the house
the house

In Nov 1885 the Municipal
Commissioners asked the
permission of Gov^t to
make streets through an
unhealthy block of huts
181 yards long & 15 yards
broad.

The application was
made & granted under
Lic 99 Act 18 of 1885.

This was, I think, a

mistake. The only section
of the Act which relates
to opening out new streets
is Sec 79 (Act 12 of 1865)
& that provides for com-
pensating the owners of
the ground.

From the letter now
submitted it appears
that the Commissioners
have not only made
all the streets; but they
have also pulled down
all the huts.

15
Does they have the power
to do under Sec 99 but
that section requires
that the materials of the
huts should be sold &
the proceeds paid to the
owners. The Commis-
sioners do not say why they
have not done so.

They also have de-
termined that the
owner may have the
land again as a garden
so that I presume they
mean to prohibit building

Public Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following papers:

Peta from Venkataswamy
Quetty, Madras } Recd. letter 19 Feb 1866
27 April 1866
From Municipal Commrs for
the Town of Madras } — 21 April —

Order thereon 11 May 1866 No 479.

The huts which form the subject of the Petition recorded above, were removed by order of the Municipal Commissioners under Sec 99 of Act IX of 1865. The Commissioners do not state whether or not the provisions of that Section with regard to the disposal of the materials, have been observed.

W. J. W. J.

They gave no reason for the prohibition. I think they should be directed to report why they prohibit building on the plot of ground, & what steps have been taken for compensating the owner for the land taken up for streets & for the materials of the huts pulled down.

Sub. Proc. 11 May 1866
O. No 479

Vide order
J. S.

in this case ~~undecided~~.
right information upon
this point ~~will~~ ^{should} be for-
warded.

2. The Government
observe that the Commis-
sioners in writing of these
clearings ~~intended to form the~~
~~designated town as~~
~~successors of streets~~, though
in para 5 of their letter it
is explained that there has
been no intention of
forming streets upon the
land cleared.

3. Ordered that the
following endorsement be
passed on Petition.

"Petitioner will be
informed that the clearing
of which he complains
was not made to form
a street, but in order to
avoid the risk of disease
from overcrowding and
bad ventilation."

1A.
L. R.

To the Municipal Commrs
for the town of Madras
with the Plan
Accepted

Public 1860. Department

No. 479.

PROCEEDINGS OF GOVERNMENT

7942 624-
Dated 11th May 1860.

Passing an Endorsement
on Petition from Venkataswamy
Chetty, Madras, informing him
that the clearing of certain
huts on the ground opposite
the Barracks of the 16th Regt
of Black Town, was not
made to form a street, but
in order to avoid the risk
of disease from overcrowding
and bad ventilation.

02c 25.

(continued)