

68-2-37
M.R.O. 1-39,000-16-10-24

MADRAS RECORD OFFICE.

Government of Madras.

Public DEPARTMENT

G.O. No.	7476	Press
		Mis.
Dated	2-12-19	1869

Not to be folded or roughly handled

*Proceedings of the Madras Government, Public Department,
15th December 1869.*

No. 73. Read the following letter from A. McC. WEBSTER, Esq., Officiating President of the Municipal Commissions in Malabar, to the Chief Secretary to Government, Fort Saint George, dated Calicut, 16th November 1869, No. 36.

With reference to Government Order, dated 22nd October, No. 1452, I have the honour to solicit instructions for my guidance in any case that may hereafter arise of the nature of that on which the order was passed.

2. Hitherto applications for the transfer to Municipalities of waste lands situated within Municipal limits have, under the provision of Government Order, No. 829, of the 10th April 1867, been made to Government, and I am doubtful, therefore, whether in future it will be necessary to forward such applications. There are old parade-grounds at Calicut and Tellicherry and other waste lands which have hitherto been considered to be Government property.

3. The parade-ground at Cochin was never, I believe, formally made over to the Municipality, and it was considered, therefore, that the sanction of Government to its transfer was necessary before the Commissioners could claim to exercise rights of ownership.

4. I beg respectfully to point out that, in a rising town like Cochin, where waste land is scarce, Government should retain a sufficiency for eventual requirements as sites for public buildings, &c. If all the waste lands be given up to the Municipality, and sites are hereafter required, Government will have to pay large sums for compensation for lands it may be found necessary to take up.

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No. 74. ORDER THEREON, 15th December 1869, No. 1716.

The orders of Government in the Revenue Department, noted in the margin, prohibit the transfer of Government waste lands, and lands registered as Gramanattam, to Municipalities without special sanction. These orders are not at all affected by the recent decision of Government,* upon the claim of the Municipal Commissioners of Cochin to the old parade-ground at that station, and the trees growing upon it. Mr. Webster has not apprehended the grounds upon which this decision was based.

2. The parade-ground at Cochin was never formally transferred to the Municipality, because, as a public highway, not within the exemption, it became vested in the Commissioners under Section 11 of the Towns' Improvement Act, immediately on its introduction; and the order of Government on the subject was merely a recognition of this fact.

3. The question whether or not ground claimed by a Municipality under Section 11 is a public highway and as such vested in the Commissioners, must always be a question of fact; and consequently the decision of Government regarding the parade-ground at Cochin constitutes no precedent for the transfer of those at Tellicherry and Cannanore.

10th April 1867, No. 829,	
24th Oct. " " 2505.	
15th Nov. " " 2700.	

* G. O., 22nd Oct. 1869, No. 1452, Public.

Proceedings of the Madras Government, Public Department,
15th December 1869.

4. Where a claim in which Government are interested is preferred by Municipalities to lands, or their appurtenances, under Section 11, it is the duty of the Collector to submit, after full inquiry as to the facts and the nature of the alleged public highway, a report on the claim for the orders of Government, who will then be in a position either to acquiesce in the claim, or to take such steps as may seem advisable for contesting it.

(True Extract.)

Chief Secretary.

To the President of the Municipal Commissions in

„ Revenue Department.

„ Public Works Department.

Public Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letter from the
Officiating Magistrate, and
President of the Municipal
Commission, Malabar.

Here Enter 16th Nov 1869 N^o 36.

Order thereon: 15 Decr 1869 No 1716

10th April 1867 N^o 829
24th Oct. 1867 N^o 2505
15th Nov. 1867 N^o 2700

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in the Revenue Department
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the transfer of Government waste
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not at all affected by the
recent decision of Govt upon
the claim of the Municipal
Commission.

MA

G. O. 22nd Oct 1869 N^o 1452 Public

Oct. of 1869

PUBLIC.

To

THE PRESIDENT OF THE MUNICIPAL
COMMISSIONS IN

&c, &c, &c.

Dated December, 15th.

Recd.

Encl.

G. O. 15th December 1869, No. 1716.

DECEMBER.
Nos. 73-74.

Noting that applications for the transfer of waste
lands within Municipal limits to Municipalities
should be made to Government.

Commissioners of Cochin
to the old parade ground
at that station and the
trees growing upon it. Mr.
Webster has not apprehended
the grounds upon which this
decision was based.

2. The parade ground at
Cochin was never formally
transferred to the Muni-
cipality, because, as a public
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exemption, it became vested
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ment Act, immediately
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3. The question whether or
not ground claimed by a
Municipality under Sec
11, is a public highway and
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be a question of fact, and
consequently the decision of
Government regarding the
parade ground at Cochin
constitutes no precedent for
the transfer of those at
Tellicherry and Cannanore.

4. Where claims in which
Government are interested are
preferred by Municipalities to
lands, or their appurtenances,
under section 11, it is the
duty of the collector to submit,
after full enquiry as to the
facts and the nature of the
alleged public highway,
a report on the claim for

for the orders of Government,
 who will then be in a position
 either to acquiesce in the claim
 or to take such steps as may
 seem advisable for contesting it.

Wentworth claim
 under Act of 1844
 as per file

(3)

Box of 118 Bureaux.

Public

To

The Recd. of the Gov. Comr. of

for

Date 15th Decr 1844, No. 1716
 Recd.

Nos. 73 174

Noting that application
 for the transfer of public
 lands within District
 Council to the Municipalities
 should be made to
 Govt

To the President of the Municipal Commissions in all 10 Districts including Malabar 22/12
 .. Revenue Department. }
 .. Public Works Department. } desd 20/12

230/11-
 1213/12