

ORDINARY, MS.

<i>Public</i>	DEPARTMENT.
G.O., DATED 2-2-92	
No. 75	

INDEXED.

When given for copying 2/2

[Despatch Abstract.]

Copy to the first Epi.
graphical for early atten-
tion & report. Board's last
request that an official
may be deputed to in-
spect & report on the
inscriptions at the
Kari Ramani temple.
Salem —

PROCEEDINGS OF THE BOARD OF REVENUE
(LAND REVENUE).

MR. G. McWATTERS.

READ—letter from the Government Pleader, Madras, dated 29th September 1891, No. 867.

ABSTRACT.—Reporting the result in S.A. No. 190 of 1888 on the file of the High Court.

READ—letter from the Government Pleader, Madras, dated 22nd October 1891, No. 957.

ABSTRACT.—Forwarding a copy of the remand order in S.A. No. 190 of 1888 on the file of the High Court.

ENCLOSURE No. 1.

Extract of High Court's Order.

The third contention is that the *onus* of proof has been erroneously thrown on the appellant and that it was not for him to prove his title in the first instance. Section 4 premises the case in which the Government proposes to constitute *any* land a reserved forest, and sections 4 to 10 describe the procedure to be followed by the claimant and the Forest Settlement-officer and the Forest-officer. The scheme suggested by them appears to be that the land proposed to be reserved is taken *prima facie* not to be private property. The words "at the disposal of Government," which occur in section 3, are designedly omitted in section 4, and the language of sections 6 to 8 indicates that the claimant has to prove his title. It is no doubt true that the Act does not purport to take away any pre-existing right of property and that section 3 limits the power of Government to land at its disposal as explained in section 2; but section 2 excludes only private property from the land declared to be at the disposal of Government, and the declaration that it includes unoccupied land, whether assessed or unassessed, is intended to authorise a presumption that such land is not, until the contrary is shown, private property. If the land is really occupied when a notification is published under section 4, it will no doubt be a ground for presuming that the occupant is the *prima facie* owner, and shifting the *onus* on to Government, but it is still incumbent on the claimant in the first instance under sections 4 to 10 to establish some *prima facie* ground of ownership before Government can be called upon to disprove his title or prove its title. We are therefore of opinion that the courts below have properly cast on the appellant the burden of proof.

RESOLUTION—dated 17th November 1891, Forest No. 471.

Communicated to the Collector of Salem and Conservator of Forests, Central Circle.

(True Copies and Extract.)

(Signed) H. A. SIM,
Acting Secretary.

To the Collector of Salem.

„ Conservator of Forests, Central Circle.

„ four Special Forest Settlement-officers.

Copy to the Secretary to Government, Revenue Department,
with reference to Government Order, dated
10th March 1890, Mis. No. 1672.

„ „ Conservator of Forests, Northern Circle.

„ „ „ Southern „

„ to all Collectors, except Madras and Salem,
for communication to Forest Settlement-officers.

„ to the Examiner of Forest Accounts.

Exd. J. P. Oliver.

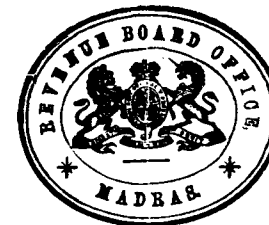
REVENUE DEPARTMENT.

1891.

Board of Revenue

(Land Revenue),

MADRAS.



Proceedings of the Board of Revenue

(Land Revenue),

Dated 18th January 1892.

Forest No. 36. Miscellaneous.

The Hon. J. Gope.

READ the following letter from the Collector of Salem dated 5th January 1892, No. 4356 and endorsement of the Conservator of Forests, Central Circle, dated 8th January 1892, No. 2599.

With reference to para 11 of the High Court order dated 22-9-91 passed in the Periakalroyen Second Appeal (No. 190 of 88) I have the honor to bring to the notice of the Board that genuineness or otherwise of the inscription at the Lari Ramon temple therein referred to is one of the most important pieces of evidence bearing on the issue as to the Cullaghari's title remanded by the High Court for further hearing.

I have the honor therefore to request that arrangements may be made at a very early date to send an expert in such matters to the spot so that he may inspect the stone and report on the matter.

Forwarded.

Printed December th.

Proceedings, dated 17th November 1891,
Forest No. 471

Communicating copy of the remand order in S.A. No. 190 of 1888 on the file of the High Court.

Resolution.

Submitted to Government with
the request that the Superintendent
of the Archaeological Survey may
be instructed to either proceed himself
or depute an expert to Salem to
inspect and report on the inscrip-
tion referred to.

(True Copies and Extract)

W. S. Sanyal
Asst. Secretary.

1.
The Secretary to Government, R. S.,
The Collector of Salem.
The Conservator of Forests, Central Circle.

OS

Recd 30/1/92
Rep 1/2/92
(1892.) Public Dept.
REVENUE DEPARTMENT.

301

ABSTRACT.

Current No 598.

From

The Board of Rev. Int. N° 537.
(Land Revenue)

Transferred
to the Public Depart-
ment.

Relinquished

Dated 18"
Received 19 3 Jan/92.
Enclosures

No. 36 his Forest.

SUBJECT.

July. to Govt. letter from
the Collector of Salem requesting
to make arrangements for the
inspection of the inscription
of the Hari Ramana Temple
referred to in the Perrya Kalayam
case, and the request that
the Supdt. Archaeological
Survey may be instructed
to proceed himself or to depute
an officer for the purpose.

M. Apt. Levy.
Hon. Secy
27 Jan/92
WITH ORDER
H. H.
Order 27/1/92
K. 75
Note: to the Govt
Epigraphist for early
attention and report.
a child has been struck by lightning
in the vicinity of the temple.
Subd. that the G. E. & not the
S. A. S. is the proper officer.
The Public Dept. - 1/2
Copy - Comm. of Land Rev.

C. 1/2
R. 2/2

400/- Epigraphist

DISPATCHED
31/1/92
IN M.S.

BACK PAPER, No. of 18

FURTHER PAPER, No. 608/92
11/7/92

HEAD AGAIN ORDER OF GOVERNMENT, DATED
18, No. MISCELLANEOUS.

ENCLOSURE.

Current No.

STATEMENT WITH DITTO.

ORDER OF GOVERNMENT.

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

PAPER NOT FILED YET, BEING KEPT FOR DISPATCH
IN ORIGINAL (not paged).

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