

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No.	498	Press Mis.
⁴⁶³⁻⁴⁶⁴ Dated	22-2-	1868.

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
22nd February 1863.*

No. 463. Read the following letter from the Officiating Conservator of Forests, to the Secretary to Government, Revenue Department, Fort St. George, dated Camp at Ootacamund, 10th February 1868, No. 543 :—

1. In forwarding the accompanying Proceedings* of the Board of Revenue, I have the honor to request the orders of Government with reference to paragraphs 5 and 6.

2. In 1863 the Bolumpatty forests were handed over to our department. Besides other timbers, they contain valuable Blackwood, which, prior to our taking charge, was occasionally worked for Government by Mr. Thomas, the late Collector of the district, who had at one time several old decoy elephants for dragging out this timber. In 1866, when Lieutenant Foord was the Forest Officer in charge of this range, twenty very fine logs of Blackwood, containing 899 cubic feet, were felled in these forests for the Madras Gun Carriage, and after they had been dragged out of the forest a Native of Coimbatore laid claim to them, stating that they had been cut on land mortgaged to him; it then came to light that the late Collector had given a Parsee firm in Coimbatore (Roostumjee & Co.) a Puttah for eighty bullahs of land in the finest part of these forests. Our department knew nothing whatever of this until after the timber had been felled. There was a small experimental Coffee plantation in the upper valley, over the crest of the ghaut, which had, I believe, been opened out by Mr. Thomas, and I had casually heard that a Native had purchased this, but I had no idea that he had a Puttah for any of the forest which had been just handed over to us.

3. When the claim to the timber was set up by the mortgagee, the Collector decided that it belonged to Government, because in the Coimbatore District the reserved timbers on Puttah land are generally considered the property of Government; it was also discovered that the original holders of the Puttah had applied to cut this timber on the payment of the usual seigniorage, which request the Collector had never granted. The orders of the Board imply that the mortgagees have a right to all the timber on the Puttah, without even payment of seigniorage, but they are referred to our department. In the face of this order I can do nothing, but waive all claim to the timber already felled, and inform them that the forest is their's without any reservation.

4. Another somewhat similar case is now before the Board. A few months ago Dr. Cleghorn was marking off a portion of the Balapully jungles (along the line of rail) for a fuel reserve, when a Native set up a claim to 2,500 acres of forest; we then learnt, for the first time, that the Assistant Collector of the district had granted a Cowle for this block six years ago, and though the forest was at that time under our department, it was never reported to us, and the Collector himself appears not to have known of it. If forest is given up like this without even our knowledge, and without ever being reported to our department, constant difficulties will arise.

Proceedings of the Board of Revenue, dated 23rd January 1868, No. 534.
Read the following letter from the Collector of Coimbatore, to the Secretary to the Board of Revenue, dated 5th December 1867, No. 337.

1. In March 1861, Mr. Thomas granted on Puttah to Roostumjee & Co., of Coimbatore, eighty bullahs of forest land on the Porathee range of hills, in the Bolampatty valley. In May

*Proceedings of the Madras Government, Revenue Department,
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of the succeeding year I joined the district. In July 1863, Roostumjee & Co. requested me by post, (a copy of their letter accompanies this communication,) to allow them to cut timber in their Puttah land on the payment of seigniorage. This sanction I never granted. I was aware that there was valuable timber in the valley, but at that time I was personally unacquainted with the localities; the probable quantity of timber, and the demand for it either on the part of Government or the public. For a long time, indeed for several years, the subject was allowed to drop, and the Parsees, Roostumjee & Co., sold or mortgaged their lands to one Andu Sait, a merchant in Coimbatore. Some time ago, the Forest Department cut a quantity of timber; Blackwood chiefly I think, in the Parsee's Puttah land. Andu Sait complained to this Office that the Forest Department had been trespassing on his land and cutting timber on it, which he requested they might be prevented from removing until the question of right to it had been decided. I have decided that the timber is the property of Government. My reason for this decision is, that in granting lands on Puttah when this land was given, it was usual to reserve the right to the Teak and Blackwood trees. In this opinion I am strengthened by the fact that two years after the land was given to the Parsees, they applied in writing for leave to cut the timber.

2. Andu Sait claims the right to cut the timber (that is, reserved timber, which when the land was given to the Parsees consisted of Teak and Blackwood) on his land on the payment of the usual seigniorage to the exclusion of the Forest Department, and to cut all other jungle-wood when he chooses without payment of seigniorage to any one.

3. My view of the question, which must, I think, be considered with reference to the existing circumstances in 1861, is that, with regard to the timber termed "reserved" in that year, the Government may do what they like, but that all other timber usually termed at that time "jungle-wood," Andu Sait has a right to cut and dispose of when and where he pleases.

4. To my view of his right to dispose of the "reserved" timber, viz., Teak and Blackwood, Andu Sait takes* exception. I beg, therefore, to forward the question for the Board's decision, and I shall be glad to receive their early orders on the subject, as the Forest Department are anxious to get possession of the felled Blackwood, which is the cause of the present discussion.

5. Translated copies of the marginally noted papers are submitted for the Board's perusal.

* *Vide* translation of his Petition, dated 2nd December 1867.

1. Collector's order to the Tahsildar of Coimbatore, dated 15th March 1861, No. 54.

2. Durkhast by Roostumjee & Co., dated 19th June 1861.

3. Cowle Puttah, dated 8th February 1862.

4. Collector's order to Tahsildar, 1st August 1864, No. 316.

5. Tahsildar's Urzee, dated 8th October 1864, No. 398.

6. Deposition given by Roostumjee & Co., dated 16th August 1864.

ENCLOSURE No. 1.

ABSTRACT.—Requesting permission to cut the trees standing on their Puttah land on payment of seigniorage.

ENCLOSURE No. 2.

ABSTRACT.—Translation of a Petition presented by Andu Sait.

ENCLOSURE No. 3.

ABSTRACT.—Translation of a Takeed issued to the Tahsildar of Coimbatore, dated 15th March 1861.

ENCLOSURE No. 4.

ABSTRACT.—Translation of Durkhast presented by Roostumjee & Co.

ENCLOSURE No. 5.

ABSTRACT.—Translation of Puttah granted to Roostumjee & Co.

ENCLOSURE No. 6.

ABSTRACT.—Translation of a Takeed issued to the Tahsildar of Coimbatore, dated 1st August 1864.

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ENCLOSURE No. 7.

ABSTRACT.—Translation of an Arzee from the Tahsildar of Coimbatore to the Collector of Coimbatore.

ENCLOSURE No. 8.

ABSTRACT.—Deposition given by Roostumjee & Co.

1. The Board do not concur with the Collector in the view which he takes of the question raised in the foregoing letter, nor can they agree with him in his line of argument.

2. The reservation of certain trees applies only to Government land, and when a Puttah is given for any land, it ceases to belong to Government, and unless the reservation of trees is specially conditioned in the Puttah, or a personal notification to that effect is issued, the Courts would, in the opinion of the Board, hold constructively that Government had waived its reservation.

3. It appears to the Board that the only point apparently in favor of the Collector's line of argument is the application of the original Puttahdars for leave to cut the trees on payment of seigniorage.

4. This would, however, be ascribed by them to ignorance, and they would appeal, with much force, to the terms of the Collector's order, plainly contemplating the clearance of the land for cultivation.

5. The Board do not, however, see that the Collector can interfere in the matter. The Forest Department has entered on the land and felled the trees, and no decision or order of the Collector could have any legal force as against the petitioner.

6. The petitions should, the Board think, be referred to the Conservator of Forests, who can decide for himself whether he will uphold the acts of his subordinates or not.

No. 464.

ORDER THEREON, 22nd February 1868, No. 498.

Forests, No. 14.

1. The Government concur in opinion with the Board. If the conditions of the Puttah have been fulfilled

by the grantee, and if the timber was not reserved, it must be at his disposal and that of his assignees or representatives.

2. The Government observe that both the cases quoted occurred some six or seven years ago.

3. The Government have more recently strictly prohibited such grants without the concurrence of the Forest Department, and they will be prepared to repudiate any grants made in disregard of these orders.

(True Extract.)

(Signed) F. BRANDT,

Under Secretary to Government.

To the Officiating Conservator of Forests.
,, the Board of Revenue.

Exd S. T. Augustin.

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