

*Proceedings of the Madras Government, Revenue Department,
10th August 1871.*

No. 51. Read the following letter from the Conservator of Forests, to the Secretary to Government, Revenue Department, Fort Saint George, dated Coimbatore, 6th August 1871, No. 445 :—

1. Letter from the Assistant Collector in charge of the Salem Forests, No. 40, dated 31st May 1871.
2. Letter from the Collector of Salem, No. 1,517, dated 3rd June 1871.
3. Letter from the officer in charge of Salem Forests, to Conservator, dated 7th June 1871, No. 49.
4. Letter from Conservator, to Forest Officer, Salem, No. 419, dated 26th July 1871.
5. Letter from Forest Officer, Salem, to Conservator, No. 103, dated 2nd August 1871.

With reference to the correspondence as per margin, I have the honour to request the sanction of Government for bringing a Civil suit against one Moonnoosawmy Moodelly, a Charcoal Contractor in the Salem District, for arrears of revenue due under his contract.

ENCLOSURE No. 1.

From H. T. KNOX, Esq., Assistant Collector in charge of Salem Forests, to the Collector of Salem, dated 31st May 1871, No. 40.

I HAVE the honour to forward a Mochilikah given by Moonnoosawmy Moodelly on receiving the firewood and charcoal contract for the official year 1869 and 1870, and to request that you will be good enough to cause Rs. 104-10-8, with interest from the 31st March 1870, to be recovered under the Revenue Recovery Act as an arrear of land-revenue.

2. You will perceive that the contractor Moonnoosawmy Moodelly has agreed that any balance due by him shall be recovered as an arrear of land-revenue.

ENCLOSURE No. 2.

From C. T. LONGLEY, Esq., Collector of Salem, to the Assistant Collector in charge of the Forest Conservancy Department, Salem, dated 3rd June 1871, No. 1,517.

With reference to your letter No. 40 of the 31st ultimo, I have the honour to refer you to the Board's Proceedings of the 15th July 1869, No. 5,052, and the opinion of the Advocate-General embodied therein, from which you will see that the amount of contract referred to in your letter cannot be recovered under Act II. of 1864. You must have recourse to the Civil Courts.

2. In future, however, I would suggest that the contracts of the Forest Department be drawn up in the names of the Revenue Divisional Officers, which will remove the difficulty now experienced. The rents (unless coercive measures are necessary) will as usual be collected by your department and credited to the Forest Budget.

ENCLOSURE No. 3.

From the Acting Assistant Conservator of Forests, Salem, to the Conservator of Forests, Ootacamund, dated 7th June 1871, No. 49.

W. MOONNOOSAWMY Moodelly of Salem Town executed a contract with this department for the fuel and charcoal in this talook for Rs. 3,700 ; the contract expired on the 31st March last, and there is a balance still due of Rs. 104-10-8, about which there is some trouble in recovering from him. I should feel obliged therefore by your informing me if I may prosecute the contractor, and recover the amount due, together with interest from the date of expiration of contract.

2. Mr. Knox, the Assistant Collector, when in charge of this Office, referred the matter to the Collector, and requested that officer to cause the amount to be recovered under the Arrear Land Revenue Act ; Mr. Longley, however, has expressed his inability to do so, but advises us to sue the contractor in a Civil Court.

3. Transcripts of letters herein alluded are enclosed for your perusal.

*Proceedings of the Madras Government, Revenue Department,
10th August 1871.*

ENCLOSURE No. 4.

From the Conservator of Forests, to the Acting Assistant Conservator of Salem, etc., Forests,
dated Ootacamund, 26th July 1871, No. 419.

With reference to your letter No. 49 of the 7th June last, I have the honour to inform you that a Civil suit cannot be brought without the sanction of Government, or at least the Board.

2. The Revenue Board in their Proceedings No. 8,493 of the 17th November 1869 ruled that forest contracts should be framed so as to run in the name of the Collector, and that then payments due under them could be recovered under Act II. of 1864; and in my letter No. 1,841 of the 21st December 1869, to the officer in charge of your district, I ordered that this was always to be done in future; I wish now to be informed of the date of this contract, and, if subsequent to the Proceedings of the Board, why it was not made to run in the name of the Collector; if it is prior to the Board's Proceedings, a Civil suit may perhaps be sanctioned.

3. In their Proceedings No. 367 of the 18th January 1870 (copy sent to your Office), the Board sanctioned a Civil suit being brought against two charcoal contractors in your district, are these the same men? Was the suit brought? And was the money recovered?

ENCLOSURE No. 5.

From the Acting Assistant Conservator, Salem and South Arcot Forests, to the Conservator of Forests, Ootacamund, dated 2nd August 1871, No. 103.

REFERRING to your letter No. 419, dated 26th ultimo, paragraph 2, I have the honour to state in reply that the contract with Moonosawmy Moodelly was framed in April 1869, seven months before the ruling of the Revenue Board. I therefore beg you will be so good as to obtain the Board's sanction to a Civil suit.

2. With reference to paragraph 3 I beg to state that the charcoal contractors therein alluded are not the same men. The suit against them was never brought; the contract was cancelled and tickets were issued to recover the kist, which the contractors failed to pay.

No. 52. ORDER THEREON, 10th August 1871, No. 1,350.

Forests, No. 2.

THE institution of a Civil suit is sanctioned as desired. The draft plaint should be submitted for approval before filing, and the result will be reported.

2. The Conservator should have detailed the facts and circumstances of the case in his letter, instead of referring Government to the original correspondence.

(True Extract.)

(Signed) A. DE C. SCOTT, Captain, R.E.,
Under-Secy., P.W.D.,
for Secy. to Govt.

To the Conservator of Forests.

Exd. F. R. Bantleman.

your letter is received
Major
Conservator of Forests
10350
I institution for civil suit
sanctioned as desired
2nd August 1871
Detailed to forest in accordance with
case in letter. in case of happening
for the orig. correspondence
10 Aug 71
A. D. C. Scott
Under-Secy. to Govt.
10350
Conservator of Forests

22/92 PH
9762/R#192

Govt. of {1871} Madras.

REVENUE.

To

THE CONSERVATOR OF FORESTS.

Dated August 16th

Recd.

Encl.

G. O., 10th August 1871, No. 1,350.

AUGUST.

Nos. 51-52.

Suit against Mooncosawmy Moodelly, a charcoal contractor in Salem District.—
Sanction granted for the institution of—for arrears of revenue due under his contract, with an observation that the Conservator of Forests should have detailed the facts of the case in his letter.