

(1) Number of pages 6(2) Date of repair 7.6.38(3) Initials of the Referencer J.B.38

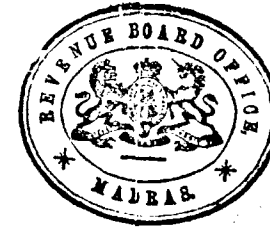
MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No.	1165 Revenue	Press Mis.
Dated	17th February 1890.	

Not to be folded or roughly handled



Proceedings of the Board of Revenue
(Land Revenue).

Dated 5 February 1890.

Forest No. 116, Miscellaneous.

Mr. W. P. Side.

READ

the following letter from the Collector of South
Canara to the Secretary to the Commissioners of
Land Revenue, dated 23 December 1889, No.
2398 and endorsement thereon of the Conserv-
ator of Forests, Southern Circle, dated 11
January 1890, No. 2823.

It has been brought to my notice
that in the final notification of the Hosabettu
Reserved Forest, published at pages 526 and
527 Part I of the Fort St George Gazette of
24 July 1888 whereby all rights cease except
those specified, record has not been made
of two important rights of way, which are
shown on the accompanying sketch map Colored
-ed blue and marked ABC and DB. In
the sketch accompanying the draft
notification

Notification (herewith re-submitted to be kindly returned) they may be seen shown by dotted lines. I have been through the forest and am satisfied that these paths are absolutely necessary for the use of the congregations of two Catholic churches. That marked A.B. 6 is a regularly made path constructed by the villagers and kept in order by them. It was the District Forest Officer's business to have proposed these to the Settlement Commission. They themselves did not know it was necessary to make a claim and there was nothing to call for action on any particular member of the community. What is everybody's business is nobody's business, and this is why the Forest Officer has been made responsible. He called on the Tahsildar for a list of paths and one was sent in which this was included, but before it was received, he submitted his proposals. He explains that he thought the people could go by the recorded path (marked red) and then outside the block, but this route is three quarters of

of a mile long - and of the greatest inconvenience to children attending school; and besides, the path is rough and hilly and as the people say with truth an impossible one for the conveyance of corpses.

The people are temporarily permitted to use the paths as before, but I think the right should be formally recorded if possible, and should not depend upon mere departmental permission which might be withdrawn. I have the honor therefore to suggest that, if possible, this may be done. I cannot find any precedent and do not know what would be the most appropriate method, whether by a notification under Section 18 or otherwise.

Endorsement : - It is not clear to me how this case should be dealt with. It is advisable that the rights of way should be admitted if this is now possible. The question is about procedure. The Forest Settlement Officer is capable of revising a judgment on a claim, if such judgment contains errors of law, and, I believe, of fact. In this case, however.

However, no claim was made, and there is
no question of the revision of particular
judgments. Can it be held that the
general statement of the Forest Settlement
officer (that no other rights exist than those
recorded in the Settlement papers) is equi-
valent to a general judgment; and can he
revise such a general statement, if an
error of fact is pointed out to him?

Resolution:

The Board is of opinion that a depart-
mental order will be sufficient. The
guarantee required against withdrawal
is in the Collector's own hands: he should
leave the privilege undisturbed till the
necessity for it ceases, and record it in
the permanent order book.

(True copies and Extracts)

Secretary

To The Collector of South Canara
Conservator of Forests, S. C.

Copy to the Secretary to Government R. D.

10

Revenue Department

18th.

Board of Revenue

(Land Revenue),

MADRAS.

G.O. 20-7-88 No 501-601A.

No 26-689, No 3951; No 836

3579/35-11

To

No 1029

G. G. mis.

Recorded..

Run

11.2.

11/2

The Secretary to Government

Revenue Department

The Hon. J. H. Garston, Esq.

11/2



Proceedings, dated 5 February 1892,
Forest No. 116, Mis.

Rev 6 February.

Subject.

Considering that a departmental order will be sufficient in the matter of two important rights of way proposed to be recorded in Hosabettu Reserve in South Canara District.

c. 12/2
11/2

P.T.S. S.K. 15/2