Revenue (189/) Department.

MISCELLANEOUS SERIES.

G.O., No. 1429
Confidential No. 416
DATED 3 March '91

[Despatch Abstract.]

Recording pending further report B/F recording ~~with~~ remarks letter from the Conservator of Forests S. Circle reporting on the advisability of acquiring certain forests in N. Malabar.

BACK PAPERS.

G O	No	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

Confidential No 5

1891.

Board of Revenue

(Land Revenue)

MADRAS.

(C No 1302.)

To

DISPOSED OF BY GOVT ORDER. R. No. 1429 Date 3-3-91.

The Secretary to Government R.D.

The Hon: Mr Garstin.

Recd 12/2/91. C.S.I

Proceedings, dated 10th February 1891,
Forest No. 105 Mis. Routine. Enclosures.

12 FEB 91

Subject

Recording, with remarks, S.C. Conservator's letter reporting on the advisability of acquiring certain forests in North Malabar.

G.O. mis No 1429 dt 3-3-91
AS 7/3/91
Recorded, pending receipt of the further report promised by the Conservator. Rem 20.7.6.91. CS 28/2/91

To the Conservator of F.R. Dft 4/3/91.

P.T.O.

Confidential

REVENUE BOARD OFFICE MADRAS

Proceedings of the Board of Revenue

(Land Revenue).

Dated 10th February 189 1.

Forest No. 105 Mis.

The Honorable L. Grove.

Read the following letter from Col J. Campbell Walker, Conservator of Forests, S.C. dated 16th January 1891. No. 2538.

do Proceedings of 8th December last, Confdl. Forest No. 1252 Mis, I am directed to report fully as to the advisability of acquiring certain Forests in North Malabar referred to by the Collector in a letter of the 3rd November.

Those Forests form subject of the following claims.

(a) Peria claim No. 2. Parapparavan Bavuthi Haji valued at Rs 30,000. Special appeal 833 of 1888.

(b) Padri claim No. 2. Kuppatodi Nair valued at Rs 35,000 Special appeal 834 and 864 of 1888.

(c) Padri (Poombra) claim No. 1 Puthadi Kattilamma valued at Rs 60,000.

Special appeal 1744 of 1888.

which have all been decided against Government on the ground, amongst others, that the as respondent failed to make good its title.

2. I am in communication with Mr. Drummond and Mr. Morgan on the subject which is not ripe for report. I may, however, mention that Baroti Haji on being pressed by Mr. Morgan at Tellicherry demanded 4 Lakhs for his Peria Forest and 2 Lakhs for an adjoining Forest in Kanoth still under appeal which are prohibitive prices.

3. In going through the papers connected with the cases however I find that in its Proceedings Forest No. 680 Miscellaneous of 15th October last the Board requested Sanction of Government to handing over possession of the Forest known as Peria claim No. 2 which formed subject of Special appeal 833 of 1908 and that such Sanction has been accorded by Government Orders No. 6432 of 23rd October communicated by Board's Proceedings, Forest No. 1146 Miscellaneous of 3rd idem. This would appear to clash with the Proceedings directing enquiry and report as to its acquisition.

4. In connection with the Padri (or Pambras) claim No. 1 I forwarded a letter from the Collector of Malabar with my endorsement No. 1943 of 17th November requesting Sanction for the payment of Rs 1035-10-7 to the claimants and referred to the value of the Forest to be surrendered.

Ordered at 6 lakhs.

The Board sent this to Government on the 28th idem with the request that the refund may be sanctioned. I have not received any further instructions on the subject. I merely report the above so that there may be no misunderstanding and in order that I may be favoured with definite instructions whether to acquire or not.

5. If Government is not prepared to hand over the forests in question I think it matter for serious consideration whether appeals should not be made to the Privy Council if allowable. I cannot divest myself of the idea that the action of the District and High Courts in throwing the onus of proof on Government instead of on the claimants is directly contrary to the provisions of the Madras Forest Act and even if the Board and Government and their legal advisers do not concur in this view it should, I submit, be borne in mind that we are likely to make much better terms with the claimants if their claims are still Sub Judice than if all idea of further appeals is definitely abandoned. It is, I imagine fully certain that they could not make good their title in any ordinary Civil Courts although the appellate Courts have

He has no ground for action for this assumption

What is the High Court for in adjudicating these Cases

2. have admitted their claims on the ground that Government failed to make good its title which was not, I submit, the point on which the Forest Settlement Officer had to adjudicate.

Resolution

Recorded.

2. Definite instructions as to acquisition will be issued when the Conservator's report is received.

3. The Board is not prepared to recommend an appeal to the Privy Council, on the ground stated.

4. As regards para 3, the Remainder of the forest is a necessity of the High Court's decree and does not preclude a subsequent acquisition.

True Copy and Extract

Ag. Secretary

To
The Collector of Malabar
Conservator of Forests. S.C.
Copy " Government. R.D.

AB

1893

When given for copying ____
When copied ____
When examined ____
When signed ____
} 189 .

READ AGAIN G.O., No. 189 , DATED

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT	A	A	A	A	A	A	A
LETTER OF GOVERNMENT							
STATEMENT WITH DITTO							
PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH IN ORIGINAL.							

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