Revenue (1897) Department.

ROUTINE SERIES.

G.O., No. 1539

DATED 14th Augt: 1897

[Despatch Abstract.]

Petition from Dasa Mastry of Nadiwa
Nilgiris disposed of under Para II Boun

BACK PAPERS.

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

FURTHER PAPERS.

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

Revenue (1897) Department.

CURRENT No. 1770

From H. A. Sim Esqre I.C.S. Sg Private Secretary to H.E. the Governor.

List

Order R No. 1539 dt 14th augt. 1897

Para 11 Board

No.

Mlle 16.8.97

Dated 10th August 1897

Received

Registered

Enclosures /

Spare copies

To

Sdc Petitioner. Dtd. 17.8.97

17.VIII.97

SUBJECT.

Transfers a petition dated 6th August 1897, from Dewa Thaiba, of Nadeswar Chan praying that he may be allowed to retain possession of a piece of land &c.

By order

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Notice

Whereas you have encroached upon the Nadewaitam Reserved Forest and planted 4 acres of land with coffee and vegetable without any permission obtained from this Department and whereas you have notwithstanding the communication to before the Second class Magistrate of Dataccamund and of the warning given to you by both the Dy. Ranger and Forest Guard, you are hereby required to vacate the land within one month from the date on which this notice is served upon you. Failing which you will be prosecuted under the Forest Act.

Dated Coonoor
the 1st July 1897

To

Dorsamaiah
Nadewaitam

J. Ward Col.
District Forest Officer
Nilgiris

PETITION
0660
REVENUE DEPT

To

His Excellency Sir Arthur Havelock
G.C.B.C.M.G.
Governor of Fort Saint George in Council

The Memorial of Thara Rietty Ryot
of Tellavattum, Nilgiris, Humbly Sheweth—

That your Memorialist was, in 1892, a Road
Mistry of the District Board working
on part of the Great Road at Tellavattum,
and is still a Resident of that Locality.—

2 That working, at that time, to settle down
in the security of his work— Memorialist
applied to the Canum of the Village for
a piece of land for cultivation, and was pointed
out the plot he now occupies, to the grant
of which he was assured no objection existed,
and upon which, with the permission of the
Canum, he entered in the first instance
and began to cultivate.—

3 On confirmation of the Canum's assurance
and action in the matter, your Memorialist,
in June 1893, received a patta, in the
ordinary Course of the Jeemmabundi, from
Mr Wyke Murray, acting Collector of the
Nilgiris— without any intimation that

occupation was irregular & undesirable.
The petition accused the land at Rs 1/2/ per annum,
which was paid by your memorialist on demand.
4 In Oct the Gamekeeper of the following
year - the Arabic Mr Ld Rees C.S.C, the
permanent Collector of the Nilgiris, issued another
petition to your memorialist - petition confirming his
occupation and validating his title by removing
from the previous petition the words "cultivated
without permission" - from which circumstances
your memorialist understood he was treated
as an ordinary Ryot, & let his Venture secure
and his title undisputable. The
Assessment according to this document
was Rs 2/2/ & rates Customary in the District,
and the Government has been continued and
was paid by your memorialist
5 In February 1895, the Forest Department,
for the first time became aware that
alleged, of memorialists occupation - and that
the said land was inside a Forest Reserve
and prosecuted him before the Deputy
Sheriff and Sub magistrate of Ootacamund,
who fined memorialist Rs 40/- for the supposed
offence. The Evidence offered by the prosecution
did not support the allegation that Forest
Land had been cleared, nor did the
Sub magistrate take notice of the Cogent
fact that the occupation was with the full
knowledge and sanctioned of the Responsible
Revenue Authorities, and that he

from an alleged offence. for which his own
laches were responsible.

6 That your memorialist appealed against the
conviction of the then District magistrate
who reduced the fine to Rs 20/- but upheld the
conviction.

7 That both Corenum and Forest Guard
on their depositions before the Dist magistrate
declared that they were ignorant of the fact
that their land was situated inside a
Forest Reserve or that they were aware
that such a reservation had been declared
under the said Act, which the committing
magistrate merely recorded in his Judgment
but did not record as a distinct finding.

8 That your memorialist was entitled,
when the Reservation was made, to be treated
as a patta holder by the Forest Settlement
Officer according to the provisions of Act V of 1882
and his claims to his holding investigated.
Your memorialist, however, did not receive
the prescribed notice although his
occupation was perfectly obvious to every
person by, to the Forest Settlement Officer,
to the Deputy Tahsildar, to the Revenue
Inspector of the Division and to the
Carnum being most prominent in open
ground, on the trunk road and the
highway into Wynaad.

9 That there is not more reason to
object to your memorialists occupation

in this part of the Reserve, which is open
-ened, with a public road crossing and
re crossing, as to the occupation by the
District Board of Road reserves or to
similar occupation by a European gentleman,
who encroached on another part of the
Forest and where encroachment was ordered
and sanctioned.

10 That your memorialists occupation was not
with the full knowledge and consent of
all officials, who if they thought it ir-
regular or objectionable would have
interfered at the time. Her prosecution
by the Forest Department in February 1895
was an act of oppression and injustice
and its sanctioned repetition now an act
in violation of the law which declares
that no second prosecution can be
maintained on the identical facts constituting
the first offence.

11 That your memorialist reported & brought
his occupation to the notice of successive
Collectors, in his numerous petitions praying
for the Remuneration of his holding, so that
it cannot be said that he was endeavouring
to conceal it from responsible officers.

12. He also addressed a further petition
to the collector, the Honble Mr E.H. Keeso
on September 1895, setting forth the facts
of his case and seeking for just and
equitable [illegible] under the circumstances

and although that petition has been before three successive collectors, has been reported upon by subordinate Officials and even submitted for Legal opinion - no reply has yet been vouchsafed to your memorialist.

13 That nearly seven (7) years have elapsed since your memorialist was put in possession of the land during which time he has built upon it - has planted Coffee and vegetables - has borrowed money upon it, on the faith of his possession and on what prima facie is an irrevocable title. These are circumstances which entitle your memorialist to just and equitable treatment at your Excellency's hands and which, if denied, your memorialist is convinced will be accorded by a Civil Court of competent jurisdiction - that will permit of all the facts of the case being put before it for consideration.

14 In conclusion your memorialist prays that Your Excellency will in a spirit of justice and mercy,

(A) Confirm his occupation as a special case and direct its demarcation and the issue of a patta valid in Law or-

(B) will give him compensation in land of an Equivalent value in some less objectionable locality and adjudge him fair compensation in money for the expense he has incurred relying on the pro-

of official action which these now re
seeks to reparate.

Your Memorialists herewith submit
the order he has received and which
he presumes is intended as an answe
to his petition to the Collector of
September 1895 with which all
material documents were filed, as
which should be called for and
inspected.

Your Memorialists as in
duty bound will ever pra

his
Mark of Shera Maieby

Enc 1 Notice by the Forest Department
14th August 1897.

We thro
Etc

6th August 1897

To

His Excellency the Governor
in Council

Government House
Peradeniya

Subject

Memorial of
Head Maistry of
Kadugannawa

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

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.							

N.B.—
A = Copy in full.
B = Not to be copied.
P = Copy abstract only.
Q = Copy heading only