

3-12-12
CONFIDENTIAL.

Rev
Revenue (1897) Department.

MISCELLANEOUS SERIES.

G.O., No. 4131

Confidential 960

Dated 9th August 1897

[Despatch Abstract.]

Recording H.O. Communicating to the Collector of Malabar
Government Pleads opinion suggesting the best course to be
pursued in respect of the hills awarded to Govt in the
Kamotha forest reserve -

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
fo:	3298	Rev.	30 June 1897				

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
Min	5150	Rev.	1-10-97				

Confidential. Revenue (1897) Department.

CURRENT No. 6616
Confidential No. 70.



The Hon Mr. G. O. C. S.

From

The Board of Revenue, Land
Revenue, Madras.

For
Orders

No. 760/Cnf1.N114
Forest.

Please see with orders & G.O.
in the file put up. Govt. decides
that the ¹⁵ hills of Periyar shall
abandonment as they were all
decreed to ^{Bavathi} ^{Haji} of the High.
With regard to ^{the} Kanath hills,
4 hills were decreed to Govt.
and as it was not possible to
tell which from Govt. decides
that possession of the Kanath
hills is not to relinquish
the hills was settled. The Govt.
Pleader now tells the Board
how to act with regard to
the Kanath hills. There seems
to be no objection to the course
proposed & the following draft G.O. is submitted for approval

Dated 30th July 1897.
Received 3rd August 1897
Registered 3rd August 1897
Enclosures One
Spare copies —

SUBJECT.

Coming to the Collr. of Malabar -
Govt. Pleader's opinion suggesting
the best course to be pursued in
respect of the hills awarded to -
Govt. by the High Court in the Ka-
noth Reserve.

Read by Mr. G. O. C. S. 6616 (2)
Recorded by Mr. G. O. C. S. 6616 (2)
8/8/97 15/8/97 22/8/97

BACK PAPERS.

G.O.	No.	Department.	Date.
	Gp. 3298 Rev.		30-6-97

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Confidential.

Proceedings of the Board of Revenue (Land Revenue)
Forest NO.710/Conf1.No.13 dated 17th July 1897.

Read Government Order NO.3298 Misc.dated 30th June 1897.

Read also the following letter from G.W.Dance Esq.,
Collector of Malabar, to the Secretary to the Commissioners of Land
Revenue, Madras Conf1.Ref.on C No.15 dated 20th June 1897.

In reply to Board's Proceedings Forest NO.555 Misc.
Confidential No.12 dated 15th June 1897, I have the honour respect-
fully to observe that the Government Pleader's letter does not dis-
pose of an important question which, as I pointed out to the Board,
still remains unanswered. That is, what are the boundaries of the
land which have been adjudged to Bavothi Haji? There is at present
no means of knowing what the High Court meant to give him, and he
apparently did not know exactly what he claimed, for he has on dif-
ferent occasions pointed out different boundaries.

Resolution.

The Collector's letter will be forwarded to the
Government Pleader for favor of remarks.

The Government Order read above will be communica-
ted to the Collector of Malabar.

(True Copy & Extract)
(Signed) N.S.Brodie
Ag.Secretary.

TO
The Government Pleader with &ca.
The Collector of Malabar
Copy to the Conservator, S.C.

(True Copy)

Ree
Secretary.

Q.B.

Confidential

Proceedings of the Board of Revenue (Land Revenue)
Forest NO. 760/Conf. NO. 14, dated 30th July 1897.

Read the following letter from E.B. Powell Esq.,
Government Pleader Madras to the Secretary to the Commissioners
of Land Revenue Madras, NO. 590 dated 27th July 1897.

With reference to the Board's Proceedings NO. 710
the dated 17th July 1897 Forest NO. 13/Conf. NO. 13
Enclosures returned.

July 1897, I have the honor to state that after consulting with the
Acting Advocate General I have arrived at the conclusion regarding
the best course to be pursued in respect of the ^{following} ~~hills~~ ^{hills}
awarded to Government in the Kanoth Reserve by the High Court
ree.

1. In the first place if the Forest Settlement Officer has not
rescinded his Order excluding the four hills from the proposed Re-
serve he should do so at once.

2. If it is not intended to acquire under section 10 the remain-
ing land in Kanoth which has been adjudged to the Hajee a Notifica-
tion under section 16 will have to be published reserving out of
the tract described in the Notification the 4 hills and 6, the 4 hills disallowed to him by the High Court.

3. In describing the Hills in the Notification any boundaries
which they were identified in the Lower Court should be mentioned
as well as the names of the hills. If no boundaries have been men-
tioned then such boundaries must be stated as are bona fide
believed to represent the boundaries of the hills must
be given. After the issue of such Notification if any dispute ar-
ises between Government and the Hajee as to the correctness of the
boundaries the matter can easily be settled by either side having
recourse to a Civil Court, but the determination of the boundaries
is not within the scope of the Forest Act.

4. The officers of Government will of course relinquish whatever
tracts

Proceedings of the Board of Revenue (Land Revenue)
Forest NO. 710/Conf. NO. 13 dated 17th July 1897.

Read Government Order NO. 2298 Misc. dated 30th June 1897.

Read also the following letter from G.W. Dance Esq.,
Collector of Malabar to the Secretary to the Commissioners of Land

Revenue, Madras Conf. NO. 13 dated 30th June 1897.

In reply to Board's Proceedings Forest NO. 555 Misc.
Confidential NO. 13 dated 15th June 1897, I have the honor to re-
spond to observe that the Government Pleader's letter does not dis-
pose of an important question which as I pointed out to the Board,
still remains unanswered. That is, what are the boundaries of the
land which have been adjudged to the Hajee? There is at present
no means of knowing what the High Court meant to give him, and he
apparently did not know exactly what he claimed, for he has on dif-
ferent occasions pointed out different boundaries.

~~~~~

Resolution.

The Collector's letter will be forwarded to the  
Government Pleader for favor of remarks.

The Government Order read above will be communi-  
cated to the Collector of Malabar.

(True Copy & Extract)  
(Signed) H.S. Brodie  
As. Secretary.

TO  
The Government Pleader with Gov.  
The Collector of Malabar  
Copy to the Conservator, S.C.

*End 1*  
*to Mr. C. S. 16/11/97*  
*Secretary.*



tracts they bona fide consider do not form part of the four hills in question. Care should be taken that the Notification issued under section 16 should be strictly in accordance with the adjudication of the High Court. If a suit should be brought by the Haji against Government and the boundaries mentioned in the Notification are found to be incorrect the Notification will be void to that extent, and the last clause of section 16 will not operate as a bar to the suit.

As Government has passed orders regarding the Periya claim directing its relinquishment it is unnecessary to discuss the High Court decree in that case.

#### Resolution.

Communicated to the Collector of Malabar, the Conservator, Southern Circle, and the Forest Settlement Officer, Malabar.

3. The Board has no objection to the course advised by the Government Pleader.

(True Copy & Extract)

*Ree*  
Secretary.

TO

The Conservator, Southern Circle.

The Collector of Malabar.

The Forest Settlement Officer, Malabar &c. Districts

Copy to the Secretary to Government, Revenue Department

with a copy of Board's Progs. NO. 710 dated 17th July 1897.

*Q.B.*  
Q.B.



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