

MISCELLANEOUS SERIES.

G.O., No. 1404

DATED 26<sup>th</sup> April

[Despatch Abstract.]

Referring to the Board of Revenue for remarks letter from the  
 Collr & M Magistrate of S. Canara requesting <sup>inter alia</sup> issue of instructions  
 as to the method of preventing the <sup>assessd in C.C. No. 91 of 1898 in the file of the Sub Magistrate of Coimbatore</sup> Kumpaladars in the <sup>and the other</sup> ~~Coimbatore~~  
 taluk from cutting timber standing on forest lands.

# BACK PAPERS.

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# FURTHER PAPERS.

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$\frac{0}{18}$  2,000-30-3-05.

# Revenue (1899) Department.

CURRENT No. 234/

From

The Judicial Department.

Order

No. 960.

Dated 6<sup>th</sup> April 1899

Received 6/4.

Registered 7<sup>th</sup> .. ..

Enclosures 2 files of records.

Spare copies -

# SUBJECT.

Transferring to the Revenue Dep<sup>t</sup>,  
with remark letter from the District  
Magistrate of South Canara sub-  
mitting report with reference to G.O.  
No: 55, Judicial, dated the 6<sup>th</sup> January  
1899 on the felling of certain trees  
on the lands in the S. Canara D<sup>t</sup>.

# BACK PAPERS.

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# FURTHER PAPERS.

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10.1.29  
19.1.29



\* Stitches in f-o 55 JudP 6.1.29

10.1.29 (11.1.29)

Letter from the Magistrate of  
South Canara No 88 817.29  
(Judicial Cus 977/99)

To the Under Secretary.

Relying on the opinion of  
the Govt Pleader, the Government  
in its order (Judicial) No 55 8  
6.1.99, decided not to appeal to  
the High Court against the  
judgment of the second class  
magistrate of Coondapur,  
acquitting certain persons charged  
with the offence of felling trees on  
unreserved lands, (for sale). In the  
opinion referred to above, the Govt  
Pleader stated that the principal  
charge in the case being the cutting  
of reserved and classified trees on  
unreserved land, two points should  
be established before the appeal  
could be successful, (i) that the  
trees were reserved or classified,  
(ii) that the land from which the  
trees were cut, was Government land.  
The magistrate (who tried the  
case) having himself not decided  
the second point but left it in doubt.

There was some likelihood of the appeal being successful, if the first could be proved. But in the Govt Pleader's opinion, there was no evidence directed to the first point; he therefore gave it as his opinion that an appeal was not likely to be successful.

3/ In the letter now received, the District Magistrate impugns the correctness of the Government Pleader's opinion and points out that the fact whether the trees were reserved or classified was not disputed during the trial and that even if <sup>the fact</sup> had been questioned, there was no necessity to prove it, as the felling of trees (not reserved or classified) for sale as in the present case (and not for bona fide agricultural and domestic purposes) is also an infringement of rule (9) of the Rules under Section 26 of the Forest Act, punishable under rule (15) thereof.

The District Magistrate then proceeds to request the issue of instructions on the following:-

- (1) whether any further action should be taken in respect of the <sup>present</sup> case
- (2) how he is to act if there on the

paras 3 to 5 of the Current.

u.s.o (Judl)  $\frac{2042 \text{ hrs}}{23.8.94}$  T

para 7 of the Current.

\* formal title-deed granted in the early years of British rule, conveying to the grantee full proprietary rights within certain specified boundaries.

strength of the ~~present~~ judgment, the accused extend their felling operations, as, the District Magistrate fears, they are likely to do.

It would appear, moreover, that the mulpattadars all over the taluk are now engaged in cutting timber trees on the pretence that the lands on which the trees stand, are covered by their <sup>\*</sup>mulpattas.

3/ As regards (i) the District Magistrate states that the appeal time has expired; no further action can therefore apparently be taken in the matter. If the Judicial is of this opinion, the draft endorsement may be counter-initialled, so that point (ii) may be considered in the Revenue Department and the necessary instructions issued to the Collector.

18.3.99

Secy

Muzaffarabad

that the Govt Pleader's opinion was accepted by the District Magistrate

holding view

can be done in the present case tho' it seems clear

That the Govt. Pleader's opinion was wrong.

The remedy as to the future seems to lie in continued prosecution after more careful instructions of the subordinate magistrates.

But the matter can be further considered in the Bd's news article when the full R.O. proposed reaches this Dept.

*me*  
28/3/89  
*me*  
10/5/89  
End of the line

Please see draft endorsement submitted  
13.4.99  
*me*  
*will*

He was referring only to the evidence as the record. This being a criminal case there should have been at least formal end; that the fees were reserved & that the land was not land.

*me*  
The case failed because the essentials were not thoroughly proved. All that it is necessary to do is to prove these essential matters of fact properly in future. Matters incidental to the constitution of an offence can not be the fact that thing left to rest on a reservation as not disputed alone though of course if not this further very little evidence is sufficient to establish them.

*me*  
18/4/99  
15  
*me*  
The ~~land~~ (me)

Read again f.o 112 & 20.1.99  
.. also C.O. 2341 (f.o. 1.99)  
No. 960 & 6.4.99.

Encl. this No. 1404 d/20 April 99

Referred to the Board of Revenue for remarks with reference to the statement in para 7 of the Magistrate's letter d/17.2.99 that the accused in the case are likely to extend their operations and that the Mulpattadars in the Goudapoor taluk are engaged in cutting timber. They could lay their hands upon, in view of the approaching settlement. The Board of Revenue is also requested to frame proposals as to the best method of preventing the abuses above referred to.

To the Bd: R.O. with ~~referred~~ *me* d/22.4.99  
13.4.99

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When examined \_\_\_\_\_  
When signed \_\_\_\_\_

} 189

READ AGAIN G.O., No.  
189 .

, DATED

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT

LETTER OF GOVERNMENT

STATEMENT WITH DITTO.

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH  
IN ORIGINAL.

*N.B.—*

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