

CIRCULAR NO. 21/82

Sub:- Suits and O.Ps – Conduct of cases – General instructions issued

Following instructions are issued in regard to the conduct of O.P.s, O.Ss. and other suits filed before the High Court and subordinate courts in which R.Os., D.F.Os., C.Fs., and C.C.F. (or any of them) are impleaded as respondent or defendants and state is also made a proforma respondent. The D.F.Os, and C.Fs. will strictly follow these instructions.

1. As soon as a petition in any suit with notice for appearance is received by the D.F.O. he shall give necessary intimation to the concerned Law Officer viz. the Govt. Pleader, Additional Advocate General or Advocate General regarding the pendency of such suit/O.P. and promise detailed report and instruction within the date fixed for appearance in the notice. If, in any case the case cannot be properly presented within the date fixed for first appearance the Law Officer may be requested to move the court for adjournment.
2. The D.F.O. shall cause a detailed study to be conducted on the facts, averments and allegations contained in the petition and prepare a statement of facts answering the averments and allegations in the petition, parawise. The “Grounds” in the petition should also be answered parawise. However the legal questions need not be discussed in detail in the statement of facts. Such statement of facts should be accompanied by a brief history of case explaining the circumstances leading to the filing of the petition including action taken on the previous representation, if any, submitted by the petitioner and the nature of its disposal. Details regarding facts and figures required to elucidate any statement in the statement of facts may also be appended to the statement of facts.
3. The statement of facts as finalized by the Divisional Forest Officers will be forwarded to the Conservator of Forests in triplicate with connected records who shall with modification, if any, and his approval forward the same to the Chief Conservator of Forests. The Divisional Forest Officers will see that the statement of facts in every case is furnished to the Conservator of Forests within 15 days from the date of receipt of the petition with notice. If the statement of facts could not be furnished within the time limit, interim report shall be furnished indicating the date within which it could be furnished.

4. The records and case files forwarded along with the statement of facts should contain the file leading to the exhibits relied on by the petitioner and the exhibits proposed to be produced from the respondents side. Original of the documents like agreement, sale condition as signed by the Contractor, Mahazar etc. shall be made available along with the documents. Precedents which approved statement of facts have been filed, may also be quoted with copy of such statement of Facts.
5. The Divisional Forest Officers and Conservator of Forests are not to file statement of facts without prior approval of the Chief Conservator of Forests/Government. if in any case, statement is filed in view of the urgency of filing such statements to safeguard Government interests, such action should be got ratified by the Chief Conservator of Forests on production of copy of statement so filed. The circumstances in which statement were filed without approval by the C.C.F/Government should also be explained satisfactorily.
6. In cases where the petition in O.P. or O.S is accompanied by an interim petition for injunction, stay etc. the D.F.O. shall take expeditious action to object to such petition and defend the case. Counter statement filed against such interim petition need not have the prior approval from Chief Conservator of Forests or Government if the statements cannot wait for such approval. But while filing the counter statements against the interim petition the D.F.Os should ensure that the Law Officer is properly instructed with relevant details to oppose the petition and, in case there is likelihood of the interim petition being allowed in part or as a whole, sufficient instruction may be given to the Law Officer to move the Court to secure that Government interests are safeguarded by requiring the petitioner to give sufficient bank guarantee to make good the loss in the event the O.P. or O.S. is finally decided in favour of Government. The latest precedents in which the Court had passed such interim orders may also be made available to the Law Officer.
7. A "Register of Suit Notices and Suits" shall be maintained, in the proforma prescribed in the Appendix to this Circular, by the offices of the Divisional Forest Officers and D.F.Os (Special Divisions) and the Manager of the Office shall be responsible for the proper maintenance and custody of the Register with proper and upto-date entries in it. The entries will start as soon as a suit notice is received, and when a suit is instituted it will be verified whether a suit notice under S.80 C.P.C. had been served in respect of the Suit or claim. In respect of O.Ps., and suits where the requirement of "Suit Notice" had been dispensed with by the Court, the details regarding suit notice will also be dispensed with. The suit Register will be inspected by the concerned D.F.O. during the first week of every month, to watch the progress in the conduct of cases and to give timely instructions. The fact of such inspection

will be recorded in the register with date of inspection, this register is in addition to the O.A. Register now maintained by the offices of D.F.Os. the Suit Register shall be made available for inspection by the Joint Secretary to Government, Law Department Wing during the inspection of case files in Divisional Offices” .

8. The above instructions shall be strictly adhered to in conduct of cases.
9. The receipt of the Circular should be acknowledged by return.

To

All CFs & DFOs for information.

The directions contained in the Circular should be followed strictly.

Sd/- for Chief Conservator of Forests

Appendix

Register of Suit Notices, Suits, O.Ps, etc. showing the progress achieve

Suit Notices			Progress in conduct of cases						Nature				
Serial Number	Date of Suit Notice with address of the sender & abstract of subject	Date of final reply given to the suit notice & nature of disposal	Date of receipt of notice on suit/O.P. from the Court with petition	Suit/OP. No. with abstract on subject	Name of petitioner with address	Respondents cited in the petition	Details of CMP or interim appln. If nay with date of filing objection to the CMP of interim application	Date of forwarding the statement of facts to CCF/Govt.	Date of filing the statement of facts	Date of Order on interim application, if any	Whether Interim order was vacated, or not	Nature of disposal of the case by the Court (in favour of Govt./against Govt.	Further action taken (Appeal filed or not)
1	2	3	4	5	6	7	8	9	10	11	12	13	14

Endt. On ML-9106/82 dt. 9-8-82

Copy to all sections for urgent necessary further action.

For Conservator of Forests, Trichur.