

Government letter No. 21021/FG1/76/AD dated 3-5-1976 from Agriculture (Forest General) Department to the Chief Conservator of Forests.

Sub:- Transfer of Perumpara Estate- regarding.

Ref:- Your letter No. G2- 1755/76 dated 5/8-3-1976

I am directed to invite a reference to the letter cited and to inform you that section 108(j) of the transfer of property Act 1882 reads thus:

“ 108 ( J ) The lessee may transfer absolutely or by way of mortgage or by Sub-lease the whole or any part of his interest in the property, and any transfer of such interest or part may again transfer it. The Lessee shall not by reason only of such transfer, ceased to be Subject to any of the liabilities attaching to the Lease”.

But this right of free transfer is limited to a certain extent by the provisions of section 108 which is to the effect that the possession by the leases of the same rights and liabilities as those of the lessor is only in the absence of a contract or local usage to the contrary and also by the provisions of section 108 (0) which lays down that the lessee may use the property and its products but he must not use or permit another to use the property for a purpose other than that for which it was leased.

In the instant case no such restriction regarding transfer of the leased property is seen imposed in the leased deeds. Hence the transfer of the lease hold right by Shri Chettiar is, subject to the provisional of section 108( 0) in order.

I am to request that further action may be pursued in the letter in the light of the above.

Sd/- for Secretary to Government.

Endt. on G2-1755/76 dated 5/11-5-4976

Copy to the Conservator of Forests, Trichur for necessary action (Ref. CH. 1625/59)

Sd/-  
For Chief Conservator of Forests.

Endt. on Ch. 1685/59 dated 20-5-1976

Copy forwarded to the Divl. Forest officer, Chalakudy for immediate necessary action (ref. CC4-1154/72 )

Copy to stock file.

For Conservator of Forests,  
Trichur