

C I R C U L A R No.22/82

Sub:- Auction sale of thondy materials for which sanction is obtained from the Court for disposal – Instructions issued.

It is reported by the Conservator of Forests, Vested Forests, Kozhikode that the thondy materials involved in some Forest offences in Thamarassery Range of Spl. Division, Kozhikode was sold in auction on 25-12-1980. The thondy was put up for auction as sanctioned by the Judicial 1st class Magistrate, Thamarassery vide his No.A2.3050/80 dt.6-12-1980. The sanction of the court was obtained by Department as the thondies were easily perishable.

The value fetched for the thondy was below seignior age and hence the Divl. Forest Officer (Spl.) Kozhikode has submitted the sale papers to the Conservator of Forests, Vested Forest, Kozhikode requesting for confirmation of sale. Since the sale was conducted as per order of the Court, the sale papers were forwarded by the Conservator of Forests, Vested Forests, Kozhikode to the Judicial 1st Class Magistrate Court recommending the sale for confirmation.

But the sale papers were returned by the Court saying that “Since there is no provision, confirmation has to be done by the Departmental basis.

As there is no provision in the Kerala Forest Act insisting to obtain the confirmation orders in sale of thondies from Courts for which sanction for the sale of thondies are issued from Court, the Conservator of Forests in other circles have been requested to report the procedure being followed in their Circles in such cases. The Conservators have reported that the procedure being followed in their circle in that the sale papers in respect of thondies for which sanction is accorded by the Courts for disposal are being sent to the court itself for confirmation.

The procedure reportedly being followed is not based on the provisions of the Kerala Forest Act. Section 58 of the Kerala Forest Act provided for the procedure to be followed when easily perishable properties seized under section 62 (1) of Kerala Forest Act. There is no specific provision existing to get confirmation orders from the Court. Only sanction for the disposal of the thondy materials are required to be obtained from the Court. There is no necessity to send the sale papers to the Court for confirmation. Once the Court issues sanction for the sale of thondy it is up to the Department to dispose of thondy as per rules and deposit the sale proceeds before the Court as Court deposit.

In the above circumstances it is hereby instructed that the thondy materials which are likely to be deteriorated or diminished in value or contained any longer may be sold in

auction with the sanction of the Court concerned subject to clause 58A and 58B of Kerala Forest Act and the sale confirmed by the departmental officers who are competent as per their respective delegation of powers. The sale proceeds should be deposited in the court as Court Deposit.

The above instructions should be followed strictly by all concerned.

Sd/-
For Chief Conservator of Forests.

To

All Conservators of Forests, and Divl. Forest Officers
All Branch Officers, Section Heads and Sections
C.A.s to Chief Conservator of Forests/Chief Conservator of Forests
“ Chief Conservator of Forests (Wild Life) and Chief Conservator of
Forests (Vigilance)
Stock file.

Endt. on TR.9468/82 dt.11-8-82.

Copy to CF/ML/VC/CH for necessary action

Sd/-
Conservator of Forests.

(True copy)

For Conservator of Forests, Trichur.

M.18.8.