

GOVERNMENT OF KERALA

No.45630/FS-A2/82/AD.

Agriculture (Forest-Special A) Department
Trivandrum, dt.26-8-1982

CIRCULAR MEMORANDUM

Sub:- Instruction regarding proper conduct of Vested Forest Cases - reg.

1. As it is deemed necessary for the proper conduct of Vested Forests cases the following instructions are issued.

2. Counter affidavits to be filed before Forest Tribunals in O.A.Cases are now drafted by the Law wing attached to the office of the Chief Conservator of Forests, based on the statement of facts furnished by the social Divisional Forest Officers. The special Government pleader who is to conduct the case before the Forest Tribunal on behalf of Government should see that the cases are conducted properly before the Tribunals. He should cross examine the witnesses for the applicants thoroughly and examine the witnesses for the applicants thoroughly and examine defence witnesses to prove all the averments contained in the counter affidavits. Relevant documents including extract of list attached to notification issued under rule 2A should be produced before the Tribunal. The Prosecution should be conducted with diligence and care.

3. At present nobody is inspecting the work of special Government pleaders. The Joint Secretary, 7 AW Department wing in the office of the Chief Conservator of Forests will, hereafter review, every quarter, the work of the Government Pleader and also conduct, inspection of the case files in the office of the Special Government Pleaders and give necessary instructions to the special Government Pleaders in this conduct of cases.

4. Regarding the filing of appeals against the orders of the Forest Tribunal allowing the applications, the following instructions are issued.

5. The special Government Pleader should apply for certified copy of the order on the date of the order itself. As and when certified copy of the order is received, the special Government Pleader should forward the same to the Custodian with a copy of his opinion regarding the scope for appeal within three days. The Spl.Government Pleader should also indicate in his letter the date of expiry of the appeal period. Special Government Pleader should send a copy of his letter to the Custodian and to the concerned Spl. Divisional Forest Officer also for follow up action. The Custodian should forward the order of the Tribunal with the connected records with his comments and the

opinion of the Special Government Pleader to the Law wing in the Officers of the Chief Conservator of Forests, Trivandrum within a week by special Messenger. The Law Wing will examine the scope for appeal and return the records with pinion within a week to the Custodian, by Special Messenger. The Custodian will then taken action to file the appeals in consultation with the additional Advocate General, immediately, in cases wher it is decided to file appeal.

6. The Chief Conservator of Forests (Development) will also inspect the office of the Custodian every Quarter and review the work. He will send the review report to Government.

K.L.N.RAO,
Special Secretary to Government.

To

The Chief Conservator of Forests, Trivandrum.

Endt.No.VF-34725/82.

Office of the Chief Conservator
of Forests, Trivandrum, dt.15-9-82

Copy to all Divisional Forest Officers Conservator of Forests, Vested Forests Kozhikode and all Conservator of Forests for information and strict necessary action.

Copy to B,E,C, section in office Branch Officers Junior Superintendent (Law).

Copy to CA to Chief Conservator of Forests, Developmet and Chief Conservator of Forests.

Copy to Superintendent/stock file.

For Chief Conservator of Forests.

Approved for issue

Superintendent