

Emperor Vs. Kamla Pati

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Court : Allahabad

Decided On : Nov-15-1923

Reported in : (1924)ILR46All128; 81Ind.Cas.711

Judge : Stuart, J.

Appellant : Emperor

Respondent : Kamla Pati

Judgement :

Stuart, J.

1. It is not necessary to go into this application at great length. In the United Provinces Gazette of 16th of September, 1922, Part I, page 1016, there is a notification (No. 889/XIV--25) by which 713 acres in patti Ramgarh Malia Juthia village were disforested according to principles stated in paragraph 24(5) of the Grievances Committee report. It was a block of forest of less than 2 square miles which was added to the Eeserves by the 1911--1917 Forest Settlement. On the facts as stated by the District Magistrate of Naini Tal this particular area had formerly been 'protected forest' within the meaning of Chapter IV, Act VII of 1878, and in 1916 it had been removed from the category of 'protected forest' and placed in the category of 'reserved forest.' The learned Counsel for the applicant urges that on the passing of the notification it became either 'village forest,' or land in no way subject to the provisions of Act VII of 1878. I agree with the learned District

Magistrate that the effect of the notification was to restore the status of the land to what it was before, i.e., it again became 'protected forest.' Therefore the provisions of Sections 29 and 32 would apply to it and the conviction is a good one. I see no reason to interfere with the sentence and dismiss this application.

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