



No. Tim/145-MA/984

By Fax & By post

प्रभागीय वन अधिकारी का कार्यालय

OFFICE OF THE DIVISIONAL FOREST OFFICER

मध्य अण्डमान / MIDDLE ANDAMAN

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Rangat, dated the 8<sup>th</sup> <sup>Feb</sup> January, 2012.

To

The Executive Secretary,  
Andaman Adim Janjati Vikas Samiti,  
Port Blair.

**Sub.:- Conditional order for removal of a dead Gurjan tree standing behind Primary School, Great Andamanese Settlement, Strait Island - reg.**

**Ref. :- Your letter No.9-3/AAJVS/2007/652 dated 3<sup>rd</sup> February, 2012.**

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Sir,

With reference to your letter cited above it is to state that the said order is a conditional order issued under section-133 of Cr.P.C. Every order so issued should state the time within which the order is to be executed and if not, appear and move to set aside the order. In the instant case, the order dated 12.01.2012 directing the undersigned to comply with the conditional order dated 14.11.2011 issued in the case No.76/2011 was received in this office on 19.01.2012. **This order directs DFO, MA to dispose the said tree on or before 30.11.2011 without causing any damage to anyone's property or to appear at 10.00 am in the court of SDM, South Andaman on 01.12.2011 and to show-cause why this order should not be enforced.** The Sub-Divisional Magistrate, South Andaman has already been requested to suitably amend the conditional order giving reasonable time period to implement the orders or to appear before him and to show-cause why this order should not be enforced.

It is reiterated that the order issued under section-133 of Cr.P.C. is a conditional order and not an absolute order. Without giving reasonable opportunity an order under section-133 of Cr.P.C. cannot be made absolute.

In view of the above, you are free to file any petition before the competent authority for non-compliance of the conditional order under section-133 of Cr.P.C.

Yours faithfully,

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(P. Viswakannan, IFS)
Divisional Forest Officer
Middle Andaman

Copy to :-

1. The Director, Tribal Welfare, Port Blair for favour of information.
2. The Range Officer, Long Island for information.
3. The Social Worker, AAJVS, Strait Island for information.