

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE T.R.RAMACHANDRAN NAIR

TUESDAY, THE 9TH DAY OF JUNE 2015/19TH JYASHTA, 1937

Con.Case(C).No. 300 of 2015 () IN WP(C).16260/2012

AGAINST THE ORDER/JUDGMENT IN WP(C) 16260/2015 of HIGH COURT OF KERALA
DATED 13-07-2012

PETITIONER(S)/PETITIONERS:

1. A.K.MUHAMMED AGED 49 YEARS
S/O LATE P.KUNHI MOOSA, AMMOOLAKANDIYIL HOUSE
CHOKLI P.O., THALASSERY, MDA MAHE
KANNUR DISTRICT
REPRESENTED BY POWER OF ATTORNEY HOLDER
JAFAR KHAN A.P., AMBALA PARAMBIL HOUSE
KUNNAMANGALAM P.O., KOZHIKODE DISTRICT.

2. P.MOHAMMED
PALAZHI, OLAVANNA DESOM, GURUVAYURAPPAN COLLEGE P.O.
KOZHIKODE DISTRICT.

BY ADV. SRI.P.M.POULOSE

RESPONDENT(S)/RESPONDENTS 2 & 3:

1. SRI.RAJESH RAVINDRAN, AGED 42 YEARS
S/O SRI. C.RAVINDRAN
RESIDING AT OLAVAKODU CUSTODIAN AND CONSERVATOR OF FORESTS
VESTED FORESTS, OLAVAKODE CIRCLE-678002.

2. P.DHANESH KUMAR, AGED 39 YEARS
FATHERS NAME NOT KNOWN RESIDING AT KALPETTA
DIVISIONAL FOREST OFFICER, SOUTH WAYANAD DIVISION
KALPETTA, WAYANAD DISTRICT-673001.

BY SHRI M.P. MADHAVANKUTTY, SPL. G.P.

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME UP FOR
ADMISSION ON 09-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

T.R. RAMACHANDRAN NAIR, J.

C.O.C.No.300 of 2015

Dated this the 9th day of June, 2015

JUDGMENT

The petitioners herein are the petitioners in the writ petition and it is alleged that the interim order passed by this Court, produced as Annexure I, has been violated. Therein, the direction was that coercive steps will not be initiated against the petitioners. The said interim order is stated to be continuing. Alleging that in violation of the interim order, a portion of the property was subjected to eviction of occupants including demolition of a building in the possession of the petitioners, this Contempt Case has been filed.

2. An affidavit has been filed by the respondent. The substantial contention taken in paragraph 5 is that the interim order has not been violated. The encroachment in the tribal land having an extent of 8 cents in R.S. No.126/1 of Vellarimala Village of Vythiri Taluk has been detected by the forest officials on 24.1.2015. The apparent contention is that it was an encroachment made by one Shri Manoj

Chooralmala with the help of a group of persons who does not belong to Scheduled Tribe. After issuing Annexure R2(a) notice, the eviction process was completed.

3. Learned Special Govt. Pleader submitted that the area is not one claimed by the petitioners in the writ petition. The petitioners have filed a reply affidavit also. Therein, they have relied upon a communication issued by the Village Officer under the Right to Information Act.

4. As far as the above dispute, i.e. whether the demolition was done in an area not in the possession of the petitioners is concerned, it cannot be a matter where this Court can take evidence in this Contempt Case.

Therefore, without prejudice to the contentions of the petitioners to be raised in the writ petition, the C.O.C. is closed.

(T.R. RAMACHANDRAN NAIR, JUDGE.)

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