

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

SATURDAY, THE 21ST DAY OF NOVEMBER 2015/30TH KARTHIKA, 1937

Con.Case(C).No. 1271 of 2015 (S)

INTERIM ORDER DATED 04/08/2014 IN WP(C).NO.20009/2014.

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PETITIONER/PETITIONER IN WP(C):

**MERCY BENNY, AGED 46 YEARS,
W/O. BENNY THOMAS, KOCHUMUTTATH HOUSE,
PULLIPPADAM P.O., MALAPPURAM DISTRICT - 676 542.**

BY ADV. SRI.M.A. ABDUL HAKHIM.

RESPONDENT/1ST RESPONDENT:

**K.K. SUNIL KUMAR, AGED 43 YEARS,
S/O. RAGHAVAN GURUKKAL,
DIVISIONAL FOREST OFFICER,
NILAMBUR NORTH DIVISION,
NILAMBUR, MALAPPURAM DISTRICT - 676 506.**

BY SPL. GOVT. PLEADER SRI.M.P.MADHAVANKUTTY.

**THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME UP FOR ADMISSION
ON 21-11-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

rs.

APPENDIX

PETITIONER'S ANNEXURES:-

- ANNEXURE A1** COPY OF THE SAID REPLY ISSUED BY FOREST RANGE OFFICER, EDAVANNA DATED 01/03/2013.
- ANNEXURE A2** CERTIFIED COPY OF THE INTERIM ORDER OF THIS HON'BLE COURT IN WP(C).NO.20009/2014 DATED 04/08/2014.
- ANNEXURE A3** CERTIFIED COPY OF THE INTERIM ORDER OF THIS HON'BLE COURT IN WP(C).NO.20009/2014 DATED 09/04/2015.
- ANNEXURE A4** COPY OF THE COMMISSION REPORT IN WP(C).NO.20009/2014 DATED 25/03/2015.
- ANNEXURE A5** COPY OF THE OBJECTION TO COMMISSION REPORT FILED BY THE RESPONDENT IN WP(C).NO.20009/2014 DATED 16/06/2015.
- ANNEXURE A6** COPY OF THE MAHZAR PREPARED BY FOREST OFFICERS DATED 12/08/2014.

RESPONDENT'S ANNEXURES:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

A.MUHAMED MUSTAQUE, J.

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**C.O.C.No.1271/2015**  
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Dated this the 21st Day of November, 2015

This Contempt arises out of an interim order passed by this Court. This Court passed an interim order on 04/08/2014 to retain status quo. Petitioners allege that after the status quo order, the respondents cut and removed rubber trees planted in the land. They allege that the rubber trees are having the age of 10 years. There is a disputed question of facts involved, whether the land in question is a forest land or not. The respondents have a case that they have taken possession of the land in question on 23/07/2014. It is also their case that it forms part of the private forest vested with the Government. It is not clear when exactly the trees were cut and removed. However, taking note of the nature of the action, this Court is of the view that there is no wilful misconduct on the part of the respondents.

Accordingly, the contempt of court case is closed.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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