

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 24TH DAY OF JUNE 2015/3RD ASHADHA, 1937

OP(C).No. 516 of 2013 (O)

**AGAINST THE JUDGMENT IN C.M.A.NO.42 OF 2009 OF ADDITIONAL DISTRICT
COURT (ADHOC)-II, KALPETTA, DATED 21-11-2012**

PETITIONER(S)/APPELLANT :

**O.M.THOMAS, AGED 44 YEARS,
S/O.MATHAI, OTTAKKUNNEL HOUSE, VELIYAMBALAM P.O.,
NADAVAYAL VILLAGE.**

BY ADV. SRI.S.M.PRASANTH

RESPONDENT(S)/RESPONDENT :

**GOVERNMENT OF KERALA,
REP. BY SOUTH WAYANAD DIVISIONAL FOREST OFFICER,
KALPETTA, PIN- 670 002,
(AUTHORIZED OFFICER UNDER THE KERALA FOREST ACT).**

BY SPL.GOVERNMENT PLEADER SRI.MADHAVAN KUTTY

**THIS OP (CIVIL) HAVING BEEN FINALLY HEARD ON 24-06-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

Msd.

OP(C).No. 516 of 2013 (O)

APPENDIX

PETITIONER(S)' EXHIBITS :

- P1: A TRUE COPY OF THE ORDER NO.A.2-4278/04 DATED 16.11.2009.**
- P2: A COPY OF THE JUDGMENT DATED 21.11.2012 OF THE ADDL.DISTRICT COURT (ADHOC)II, KALPETTA IN C.M.A NO.42 OF 2009.**
- P3: A TRUE COPY OF THE JUDGMENT IN C.C.NO.2 OF 2011 DATED 02.03.2013.**

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

B. KEMAL PASHA, J.

.....
O.P.(C) No.516 of 2013
.....

Dated this the 24th day of June, 2015

J U D G M E N T

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It seems that the petitioner has been proceeding with the matter under Article 227 of the Constitution of India. This is a case wherein a revision lies, as the judgment under challenge is one passed in a CMA on an order under Section 61A of the Forest Act. When an efficacious remedy by way of a revision is there, the proceedings under Article 227 of the Constitution of India is barred. The petitioner is permitted to withdraw this O.P.(Civil) with liberty to file a C.R.P. in the matter.

With the said observations, this O.P.(Civil) is closed.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/24/06

// True Copy //

PA to Judge