

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE MR.JUSTICE ANTONY DOMINIC
&
THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS**

MONDAY, THE 16TH DAY OF FEBRUARY 2015/27TH MAGHA, 1936

RP.No. 28 of 2015 () IN WA.1087/2011

**AGAINST THE ORDER/JUDGMENT IN WA 1087/2011 of HIGH COURT OF KERALA
DATED 13-06-2014**

REVIEW PETITIONER/APPELLANT:

**K.MOHAMMED IBRAHIM REHAMATHULLA
FORESTER(RETIRED) SOCIAL FORESTERY, MALAPPURAM**

BY ADV. SRI.S.KRISHNAMOORTHY

RESPONDENT(S)/RESPONDENTS:

- 1. STATE OF KERALA,
REP BY THE SECRETARY
FOREST AND WILD LIFE DEPARTMENT
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM 695 001**
- 2. CHIEF CONSERVATOR OF FOREST
(ADMINISTRATION)
FOREST HEADQUARTERS THIRUVANANTHAPURAM 695 014**
- 3. FOREST RANGE OFFICER,
SOCIAL FORESTRY , MALAPPURAM**

BY SR GOVERNMENT PLEADER SRI.M.K.ABOOBACKER

**THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON 16-02-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

APPENDIX

REVIEW PETITIONER'S EXHIBITS

ANNEXURE 1: TRUE COPY OF THE LETTER DATED 23.9.1987
ISSUED BY 2ND RESPONDENT.

ANNEXURE 2: TRUE COPY OF THE LETTER DATED 29.8.1998
ISSUED BY THE 2ND RESPONDENT.

ANNEXURE 3: TRUE COPY OF THE LETTER NO.MSF.1-842/98
DATED 7.11.98 ISSUED BY THE ASST.CONSERVATOR OF FORESTER.

ANNEXURE 4: TRUE COPY OF the ORDER IN SLP (C)....CC
NO.(S) 19150/2014 DATED 1.12.2014.

//True Copy//

PA to Judge

Rp

ANTONY DOMINIC & ALEXANDER THOMAS, JJ.

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in

W.A.No.1087 of 2011

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Dated this the 16th day of February, 2015

O R D E R

Antony Dominic, J.

This petition is filed seeking review of the judgment of this Court in WA No.1087/11. Counsel mainly placed reliance on Annexure 2 order issued by the Chief Conservator of Forest on 29th of August, 1998. This, according to the counsel, shows that no amount is liable to be recovered from the review petitioner. When this order was brought to the notice of this Court, this Court passed order dated 5/2/15 requiring the learned Government Pleader to obtain instructions in the matter. Accordingly, instructions have been obtained by the learned Government Pleader vide communication dated 10/2/15 issued by the Additional Principal Chief Conservator of Forest, which shows that the Government did not act upon Annexure 2 relied on by the petitioner. This, therefore, shows that Annexure 2 cannot improve the case of the review petitioner in any manner.

2. Learned counsel for the petitioner then contended that substantial amounts are sought to be recovered and that the amount has been wrongly quantified. In our view, the correctness of the quantification of the amount to be recovered from the petitioner was not an issue that was raised before this Court nor has this Court considered the same. Therefore, if at all, the petitioner has any grievance in that respect, that is a matter to be separately agitated.

3. Learned counsel then contended that the Government is in the process of reconsidering the order dated 25/1/2008 to grant further relaxations. Even if the Government is reconsidering the matter, that does not in any manner suggest that our conclusions in the judgment are erroneous.

4. Be that as it may, we clarify that if the Government ultimately issues any such order as contended before us and if the petitioner is eligible for the benefit thereof, the judgment in

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: 3 :

the writ petition or the appeal rendered by this Court will not deprive him of the said benefit.

Clarifying the position as above, the review petition is disposed of.

Sd/-
**ANTONY DOMINIC
JUDGE**

Sd/-
**ALEXANDER THOMAS
JUDGE**

Rp

//True Copy//

PA to Judge