

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

WEDNESDAY, THE 14TH DAY OF OCTOBER 2015/22ND ASWINA, 1937

RP.No. 862 of 2015 IN WP(C).22123/2015

**AGAINST THE JUDGMENT IN WP(C) 22123/2015 of HIGH COURT OF KERALA
DATED 22-07-2015**

REVIEW PETITIONER/PETITIONER:

**P.JAYAKUMAR
S/O.SRI.POULOSE, PUTHETH HOUSE
OONUKAL P.O.KUTTAMANGALAM VILLAGE
KOTHAMANGALAM TALUK, ERNAKULAM DISTRICT.**

BY ADV. SRI.K.BALACHANDRAN (PN)

RESPONDENTS/RESPONDENTS:

- 1. THE STATE OF KERALA
REPRESENTED BY ITS SECRETARY, DEPARTMENT OF FOREST
SECRETARIAT, THIRUVANANTHAPURAM. 695 001**
- 2. THE DIVISIONAL FOREST OFFICER
NORTH WAYANAD DIVISION, MANANTHAVADY FOREST, WAYANAD. 671 121**
- 3. THE CONSERVATOR OF FORESTS
NORTHERN CIRCLE, KANNUR. 670 003**

BY GOVERNMENT PLEADER SRI. M.P. MADHAVANKUTTY

**THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON 14-10-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

JJJ

K. VINOD CHANDRAN, J.

Review Petition No. 862 of 2015
in
W.P.(C) No. 22123 of 2015 (M)

Dated this the 14th day of October, 2015

ORDER

The learned counsel for the Review Petitioner contends that the scope of a petition under Article 227 of the Constitution of India would be wider and hence, the judgment passed on 22.7.2015 should be reviewed and the issue heard on merits.

2. A reading of the judgment would indicate that this Court declined exercise of discretion only in the context of there being available a remedy by way of revision, as provided under the Statute.

3. The learned counsel would rely on a decision in **State of Kerala v. Margrate Joshy - 1999 (3) KLT 359**, wherein it was categorically held that a writ petition under Article 226 of the Constitution of India is not maintainable against an order passed under Section 61D of the Forest

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Act, 1961. However, it was also held that a writ petition under Article 227 of the Constitution of India is maintainable. The above writ petition has been filed under Article 226 of the Constitution of India. The dismissal of the above writ petition, for reason of alternate remedy, would not even interdict the petitioner from invoking the provisions under Article 227 of the Constitution of India or Section 115 of the Code of Civil Procedure, if so advised.

The review, however, is not maintainable and the same is dismissed.

Sd/-
K.VINOD CHANDRAN,
JUDGE