

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V**

FRIDAY, THE 11TH DAY OF DECEMBER 2015/20TH AGRAHAYANA, 1937

WA.No. 2895 of 2009

AGAINST THE JUDGMENT DATED 15-10-2009 IN WP(C) 22178/2009.
.....

APPELLANT/PETITIONER:

**K.B.SALIM, S/O.K.M.BAVA,
KAVUNKAL HOUSE, PALACHUVADU,
KAKKANAD P.O., DISTRICT ERNAKULAM.**

BY ADV. SRI.BABU PAUL

RESPONDENT(S)/RESPONDENTS:

- 1. THE STATE OF KERALA,
REPRESENTED BY CHIEF SECRETARY TO GOVT.,
GOVT. SECRETARIAT, THIRUVANANTHAPURAM.**
- 2. THE COMMISSIONER AND SECRETARY TO GOVT.,
REVENUE DEPARTMENT, GOVT. SECRETARIAT,
GOVT. OF KERALA, THIRUVANANTHAPURAM.**
- 3. THE DISTRICT COLLECTOR,
IDUKKI DISTRICT, CIVIL STATION, IDUKKI.**
- 4. THE TAHSILDAR, UDUMBANCHOLA TALUK,
NEDUMKANDOM P.O., DISTRICT IDUKKI.**

BY SENIOR GOVERNMENT PLEADER SRI.P.IDAVIS

**THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 11-12-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

mbr/

**ASHOK BHUSHAN, C.J &
RAJA VIJAYARAGHAVAN V., J.**

W.A. No.2895 of 2009

Dated this the 11th day of December 2015

J U D G M E N T

Ashok Bhushan, CJ.

This writ appeal has been filed against the judgment dated 15.10.2009 in W.P.(C) No.22178 of 2009. The writ petition was filed by the petitioner seeking to declare that the ownership and title transferred by assignment to the assignees under the Kerala Land Assignment (Regularisation of occupation of forest land prior to 1-1-1977) Special Rules, 1993 cannot be dislodged or resumed by the Government.

2. Learned Government Pleader submits that amendments have been made in Rule 15, which has been substituted vide notification dated 16.11.2010 in Special Rules, 1993, by which, the lands assigned under Rule 1993 shall be heritable but shall not be alienable subject to the condition that the alienated land shall not be used for any purpose other than those specified in Rule 3. In view of the aforesaid amendment, the issues raised in this writ appeal has virtually become infructuous.

W.A. No.2895 of 2009

-: 2 :-

3. Learned counsel for the appellant does not dispute the aforesaid submission made by the learned Government Pleader.

In the above view of the matter, we dismiss the writ appeal as infructuous.

**Sd/-
ASHOK BHUSHAN
CHIEF JUSTICE**

**Sd/-
RAJA VIJAYARAGHAVAN V
JUDGE**

Jvt/11.12.2015.