

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 28TH DAY OF JANUARY 2015/8TH MAGHA, 1936

WP(C).No. 1458 of 2015 (F)

PETITIONER(S):

**T.K.PURAVATH, AGED 68 YEARS
S/O.KORUTHU, THEKKILAKKATTU HOUSE, THATTEKKAD P.O.
PALAMATTOM, KOTHAMANGALAM.**

BY ADV. SRI.M.A.ABDUL HAKHIM

RESPONDENTS:-:

- 1. STATE OF KERALA,
REPRESENTED BY ITS SECRETARY, FOREST DEPARTMENT
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695001.**
- 2. PRINCIPAL CHIEF CONSERVATOR OF FORESTS (WILD LIFE) &
CHIEF WILD LIFE WARDEN,
FOREST HEADQUARTERS, THIRUVANANTHAPURAM-695001.**
- 3. DIVISIONAL FOREST OFFICER,
KOTHAMANGALAM DIVISION, KOTHAMANGALAM-686691.**
- 4. DIVISIONAL FOREST OFFICER,
MALAYATTOOR DIVISION, KODANAD, PERUMBAVOOR-683544.**
- 5. RANGE FOREST OFFICER,
KOTHAMANGALAM, ERNAKULAM DISTRICT-686691.**

BY SPECIAL GOVT.PLEADER SRI.M.A.THOMASKUTTY, FOR FOREST

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 28-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1. A PHOTOSTAT COPY OF THE APPLICATION DATED SUBMITTED BY THE PETITIONER TO THE 2ND RESPONDENT DATED 18.10.2003.**
- EXHIBIT P2. A PHOTOSTAT COPY OF THE LETTER ISSUED BY THE 2ND RESPONDENT TO THE 4TH RESPONDENT DATED 24.11.2003.**
- EXHIBIT P3. A PHOTOSTAT COPY OF THE INVENTORY OF STOCKS PREPARED BY THE 4TH RESPONDENT DATED 18-10-2003**
- EXHIBIT P4. A PHOTOSTAT COPY OF THE STATEMENT SUBMITTED BY THE PETITIONER TO THE RANGE OFFICER UNDER THE 4TH RESPONDENT DATED 15.03.2006.**
- EXHIBIT P5. A PHOTOSTAT COPY OF THE LETTER ISSUED BY THE 4TH RESPONDENT TO THE 2ND RESPONDENT DATED 29.03.2006.**
- EXHIBIT P6. A PHOTOSTAT COPY OF THE LETTER ISSUED BY THE 2ND RESPONDENT TO THE 4TH RESPONDENT DATED 22.02.2014.**
- EXHIBIT P7. A PHOTOSTAT COPY OF THE LETTER ISSUED BY THE 4TH RESPONDENT TO THE 2ND RESPONDENT DATED 04.06.2014.**
- EXHIBIT P8. A PHOTOSTAT COPY OF THE LETTER ISSUED BY THE 2ND RESPONDENT TO THE 3RD RESPONDENT DATED 18.07.2014.**
- EXHIBIT P9. A PHOTOSTAT COPY OF THE ORDER ISSUED BY THE 3RD RESPONDENT TO THE 5TH RESPONDENT DATED 27.09.2014.**
- EXHIBIT P10. A PHOTOSTAT COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER TO THE 3RD RESPONDENT DATED 27.11.2014.**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

P.R. RAMACHANDRA MENON J.

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W.P.(C) No. 1458 of 2015

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Dated, this the 28th day of January, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers :

- i. Issue a writ of certiorari or other appropriate writ or order direction setting aside Ext. P6 order passed by the second respondent and Ext. P9 order passed by the 3rd respondent.
- ii. Issue a writ of mandamus or other appropriate writ or order directing the 2nd respondent to dispose of Ext. P1 application for Certificate of Ownership within such time as this Hon'ble Court shall deem just.
- iii. Grant such other order or directions as may be deemed necessary in the facts and circumstances of the case and in the interests of justice.

2. The learned counsel for the petitioner points out that Ext. P1 application was submitted by the petitioner before the second respondent for issuance of certificate for retention of trophies of Wild Animals, which according to the petitioner is a lawful possession for

more than a century. It is stated that the petitioner has inherited said items through his father, who took his last breath in the year 1997, after crossing 103 years. On filing the application as above, Ext. P3 inventory of stocks was taken by the 4th respondent. The petitioner has submitted Ext. P4 statement as to the various factual particulars on 15.03.2006. On finalizing the proceedings, with reference to Ext. P1 application, Ext. P6 order was issued by the second respondent for seizing the entire articles alleging some discrepancies. This was followed by Ext. P9 order passed by the 3rd respondent. Though the petitioner sought to project sequence of events and facts and circumstances, vide Ext. P10, the same has not yielded any positive result. Hence the writ petition.

3. Heard the learned special Government Pleader appearing for the respondents. It is stated that the proceedings pursuant to Ext. P1 are still to be finalized by the second respondent. It is also borne out by records and from the instructions that no opportunity of hearing was given to the petitioner before the proceedings were finalized as per Ext. P6.

4. In the said circumstances, this Court finds it fit and proper to direct the second respondent to consider Ext. P1

application filed by the petitioner, in accordance with law and in the light of relevant documents and pass appropriate orders, after affording an opportunity of hearing, which shall be done, at the earliest, at any rate, within two months from the date of receipt of a copy of this judgment. Further proceedings pursuant to impugned orders shall be kept in abeyance till such time, which will depend upon the fate of the above proceedings.

The petitioner shall produce a copy of this judgment along with copy of the writ petition before the second respondent for further steps.

Sd/-

**P. R. RAMACHANDRA MENON,
(JUDGE)**

kmd