

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 25TH DAY OF FEBRUARY 2015/6TH PHALGUNA, 1936

WP(C).No. 2448 of 2015 (E)

PETITIONER :

**DEVAKI @ THANKAM , PISHARASSIAR
D/O.THEKKEPATTU PISHARATH LAKSHMI @ AMUKUTTY PISHARASSIAR
AGED 68 YEARS, MADHAVI NILAYAM, PATTAMBI ROAD, SHORNUR
PALAKKAD DISTRICT.**

**BY ADVS.SRI.BABU S. NAIR
SMT.SMITHA BABU**

RESPONDENTS :

- 1. THE STATE OF KERALA
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT
DEPARTMENT OF FOREST AND WILDLIFE
GOVERNMENT SECRETARIAT,
TRIVANDRUM, PIN - 695 001.**
- 2. THE CUSTODIAN (ECOLOGICALLY FRAGILE LANDS)
AND PRINCIPAL CHIEF CONSERVATOR OF FOREST (WILDLIFE)
FOREST HEAD QUARTERS, VAZHUTHACADU,
THIRUVANANTHAPURAM, PIN - 695 014.**
- 3. THE CONSERVATOR OF FOREST
EASTERN CIRCLE, OLAVAKKODE, PALAKKAD DISTRICT
PIN - 678 002.**
- 4. THE DIVISIONAL FOREST OFFICER
OLAVAKKODE, PALAKKAD DISTRICT, PIN - 678 002.**

R1 TO R4 BY SPL. GOVT. PLEADER SRI.M.P.MADHAVANKUTTY

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 25-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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WP(C).No. 2448 of 2015 (E)

APPENDIX

PETITIONERS' EXHIBITS :

- EXT.P1: TRUE COPY OF THE POSSESSION CERTIFICATE ISSUED TO THE
 PETITIONER BY THE VILLAGE OFFICER, SHORNUR - II VILLAGE,
 DATED 22/08/2014.**
- EXT.P2: TRUE COPY OF THE POSSESSION CERTIFICATE ISSUED TO THE
 SISTER OF THE PETITIONER BY THE VILLAGE OFFICER, SHORNUR-II
 VILLAGE, DATED 22/08/2014.**
- EXT.P3: TRUE COPY OF THE ORDER IN O.A.NO. 4/2011 OF THE KERALA
 FOREST (VESTING AND MANAGEMENT OF ECOLOGICALLY FRAGILE
 LANDS) TRIBUNAL, PALAKKAD DATED 26/09/2014.**
- EXT.P4: TRUE COPY OF THE REPRESENTATION MADE BY THE PETITIONER
 BEFORE THE RESPONDENTS DATED 14/10/2014.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

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P.R. RAMACHANDRA MENON J.

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W.P.(C) No. 2448 of 2015

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Dated, this the 25th day of February, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers:

"(i) Issue a writ of mandamus or any other appropriate writs, orders or directions commanding the respondents to implement the directions contained in Order in O.A. No. 4/2011 of the Kerala Forest (Vesting and Management of Ecologically Fragile Lands) Tribunal, Palakkad dated 26.09.2014

(ii) Issue a writ of mandamus or any other, appropriate writs, orders or directions commanding the respondents to take steps to restore the possession of the petitioner schedule properties in O.A. No. 4/2011 and issue all relevant documents to the applicants therein, such as no-objection certificate, survey sketch, mahazar regarding handing over the possession of the properties, forthwith

(iii) Grant such other reliefs as this Honourable Court may deem fit and proper in the circumstances of the case"

2. The 4th respondent has filed a statement, referring to the facts and circumstances. Paragraphs 4 and 5 of the said statement

are relevant, which read as follows :

"4. It is submitted that de-notification of the land has to be issued by Custodian (Ecological Fragile Land), Thiruvananthapuram and restoration of the lands involves steps like survey, demarcation and preparation of approval of survey sketch by the Forest Mini Survey Kozhikkode, submission of restoration proposal to Government through Chief Conservator of Forests, Eastern Circle, Palakkad and issue of restoration order by the Government.

5. It is submitted that the land proposed to be restored has to be got surveyed through the Assistant Director, Forest Mini Survey, Kozhikkode. After receipt survey sketch from the Assistant Director, Forest Mini Survey Kozhikkode, the Range Officer will submit a restoration proposal to the Divisional Forest Officer. The Divisional Forest Officer has to conduct a field inspection. After scrutiny at the Division level, the restoration proposal will have to be forwarded to the Chief Conservator of Forests. The Chief Conservator of Forests also has to conduct a field inspection. After verification in the office of the Chief Conservator of Forests, the proposal has to be submitted to the Additional Principal Chief Conservator of Forests (Northern Region),

Kozhikode for onward transmission to the Government. The Government has to approve the restoration proposal only after obtaining Government sanction, the land can be formally restored to the applicants. It is submitted that for completing the above formalities, at least 'six months' time will be required.

3. In view of the statement filed by the 4th respondent as above, the writ petition is disposed of, directing the respondents to complete procedural formalities and pass appropriate orders redressing the grievance of the petitioner, in accordance with law, as expeditiously as possible, at any rate, within four months from the date of receipt of a copy of this judgment.

Petitioner shall produce a copy of this judgment along with copy of the writ petition before the concerned respondent for further steps.

Sd/-

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

kmd