

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

FRIDAY, THE 13TH DAY OF FEBRUARY 2015/24TH MAGHA, 1936

WP(C).No. 3421 of 2015 (C)

PETITIONER(S) :

**AYYAPPAN,
S/O.RAMAN, MANKURUSSI HOUSE, PEECHI ROAD,
KUZHALMANNAM P.O, ALTHUR, PALAKKAD**

**BY ADVS.SRI.P.BABU KUMAR
SRI.P.YADHU KUMAR**

RESPONDENT(S) :

- 1. STATE OF KERALA,
REP. BY GOVERNMENT SECRETARY TO FOREST, SECRETARIAT,
THIRUVANANTHAPURAM- 695 001.**
- 2. DIVISIONAL FOREST OFFICER,
NENMARA, PALAKKAD- 678 508.**
- 3. CHIEF FOREST CONSERVATOR,
EASTERN CIRCLE, OLAVAKKODE- 678 002.**
- 4. THE FOREST RANGE OFFICER,
ALATHUR- 678 542.**

BY SPL.GOVERNMENT PLEADER SRI.M.P.MADHAVANKUTTY (FOREST)

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 13-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Msd.

WP(C).No. 3421 of 2015 (C)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1: TRUE PHOTOCOPY OF THE JUDGMENT IN MFA NO.443/85 OF
THE HON'BLE HIGH COURT OF KERALA DATED 08.08.1990**
- EXT.P2: TRUE PHOTOCOPY OF THE FINAL DECREE IN O.S.NO.603/91 OF
THE SUB COURT, PALAKKAD DATED 07.04.1999.**
- EXT.P3: TRUE PHOTOCOPY OF THE REPRESENTATION FILED BY PETITIONER
BEFORE THE 2ND RESPONDENT DATED 17.11.1994**
- EXT.P4: TRUE PHOTOCOPY OF THE SURVEY PLAN PREPARED BY
THE ASST. DIRECTOR FOR FOREST MINI SURVEY, KOZHIKODE WHICH
THE PETITIONER OBTAINED UNDER RTI ACT DATED 24.02.2010.**

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

P.R. RAMACHANDRA MENON, J.

W.P(C). No. 3421 of 2015

Dated this the 13th day of February, 2015

J U D G M E N T

The petitioner has approached this Court with the following prayers:

- "i) Issue a writ of mandamus or any other appropriate writ order or direction directing the respondents to restore the dejure possession of the property scheduled in OA No.165/81 of the Forest Tribunal, Palakkad in favour of the petitioner in the light of the Ext.P2 Final Decree.*
- ii) Issue any other appropriate order or direction which this Hon'ble Court deems fit and proper in the nature and circumstances of the case."*

2. The learned counsel for the petitioner submits that, the petitioner along with his brother have filed O.S.No.165/1981 before the Forest Tribunal, palakkad, and after considering the merits of the case it was allowed. The State/Department sought to challenge the same by filing MFA No.443/85, it came to be dismissed on 08.08.1990. Despite the lapse of more than three decades, the property is still to be restored to the petitioner and hence the present writ petition with the prayers as mentioned above.

3. The learned Government Pleader submits on instructions that, the procedural formalities are being completed and that a long time was required to trace out the files. The learned Government Pleader further submits that, proceedings are being pursued on war footing and the same will be completed within the shortest possible time and seeks for 'four months' time in this regard.

4. After hearing both the sides, the writ petition is disposed of, directing the 2nd respondent to consider and pass appropriate orders on Ext.P3, in accordance with law, after affording an opportunity of hearing to the petitioner. It shall be done, as expeditiously as possible, at any rate, within four months from the date of receipt of a copy of this judgment.

The petitioner shall produce a copy of this judgment along with a copy of this writ petition before the 2nd respondent for further steps.

Sd/-

P.R. RAMACHANDRA MENON, JUDGE.