

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

FRIDAY, THE 27TH DAY OF MARCH 2015/6TH CHAITHRA, 1937

WP(C).No.8051 of 2015 (F)

PETITIONER:

**LAKSHMIKUTTY AMMA,W/O.LATE ITTINAN @ KUTTUKURUPPU,
THENNATTIL HOUSE,THADUKKASSERY,PALAKKAD.**

BY ADV.SRI.VINOD KUMAR.C

RESPONDENTS:

- 1. STATE OF KERALA,
REPRESENTED BY PRINCIPAL SECRETARY (FOREST AND
WILDLIFE DEPARTMENT),GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-659014.**
- 2. THE PRINCIPLE CHIEF FOREST CONSERVATOR OF FORESTS,
FOREST HEAD QUARTERS,THIRUVANANTHAPURAM-659014.**
- 3. CUSTODIAN (ECOLOGICAL FRAGILE LANDS),
CUSTODIAN (EFL) OFFICE,FOREST HEAD QUARTERS,
THIRUVANANTHAPURAM-659014.**
- 4. DIVISIONAL FOREST OFFICER,ARANYA BHAVAN,
FOREST COMPLEX,OLAVAKKODE,PALAKKAD-678 002.**

R1 TO R4 BY SRI.THOMAS KUTTY,SPL.GOV'T. PLEADER FOR FOREST

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 27-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

pk

WP(C).No.8051 of 2015 (F)

APPENDIX

PETITIONER'S EXHIBITS:

EXHIBIT P1:TRUE COPY OF THE DEATH CERTIFICATE DATED 09.11.05.

EXHIBIT P2:TRUE COPY OF THE RELATIONSHIP CERTIFICATE DATED 24.02.2010.

**EXHIBIT P3:TRUE COPY OF THE DIRECTION BY 1ST RESPONDENT
DATED 16.04.2013.**

**EXHIBIT P4:TRUE COPY OF THE DIRECTION BY 3RD RESPONDENT
DATED 17.01.2014.**

RESPONDENT'S EXHIBITS:

NIL

//TRUE COPY//

P.S. TO JUDGE

pk

P.R. RAMACHANDRA MENON, J.

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W.P.(C). No. 8051 of 2015

Dated this the 27th day of March, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers:

"1. Issue a writ in the form of mandamus directing the respondents to implement the Ext.P2 and P3 directions forthwith.

2. Issue a writ in the form of mandamus directing the respondents to restore back the property scheduled in OA 1111/1974 of forest tribunal Palakkad in the name of the petitioner within a stipulated time.

3. To issue such other order or direction this Hon'ble Court may think fit and proper to issue in the circumstances of the case."

2. The learned Special Government Pleader submits that, pursuant to Ext.P3 proceeding bearing No. 14744/E2/2012/F&WLD dated 16.04.2013 issued by the 1st respondent, the concerned property belonging to the petitioner has already been de-notified as per the proceedings dated 22.4.2014. The restoration of the property pursuant to the proceedings in O.A 1111/1974 could not be effected because of the fact that the legal heirship Certificate of the deceased is still

to be produced by the petitioner. Once the said Certificate is produced, it is stated that the concerned respondent will consider the matter and finalize the proceedings within the shortest possible time.

3. In the said circumstance, the writ petition is disposed of with liberty to the petitioner to produce the legal heirship Certificate of the deceased within 'two weeks', upon which the matter shall be considered and appropriate steps shall be taken to restore the property at the earliest, at any rate, within 'two months' thereafter.

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

sd/-

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

kp/-