

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

TUESDAY, THE 24TH DAY OF FEBRUARY 2015/5TH PHALGUNA, 1936

WP(C).No. 8392 of 2014 (Y)

PETITIONER :

- 1. RUGMANI, AGED 86 YEARS
W/O.LATE GANGADHARAN, KAVALODE, MELARCODE (PO)
ALATHUR TALUK, PALAKKAD - 678 703.**
- 2. DEVI, AGED 64 YEARS
W/O.BALACHANDRAN & D/O.LATE GANGADHARAN, KAVALODE
MELARCODE (PO), ALATHUR TALUK, PALAKKAD - 678 703.**

**BY ADVS.SRI.S.M.UNNIKRISHNAN
SRI.U.BALAGANGADHARAN**

RESPONDENT(S) :

- 1. STATE OF KERALA
REPRESENTED BY ITS CHIEF SECRETARY
FOREST AND WILD LIFE
THIRUVANANTHAPURAM 695 001.**
- 2. THE PRINCIPAL CHIEF CONSERVATOR OF FOREST
THIRUVANANTHAPURAM - 695 001.**
- 3. THE CHIEF CONSERVATOR OF FOREST
EASTERN CIRCLE & CUSTODIAN OF VESTED FOREST
ARANYA BHAVANAM, OLAVAKODE, PALAKKAD - 678 001.**
- 4. THE DIVISIONAL FOREST OFFICER
NEMMARA FOREST DIVISION, NEMMARA,
PALAKKAD - 678 508.**
- 5. THE FOREST RANGE OFFICER
ALATHUR FOREST RANGE, ALATHUR,
PALAKKAD - 678 541.**

**R1 TO R5 BY SPL. GOVT. PLEADER (FOREST) SRI.M.P.MADHAVANKUTTY
BY GOVT. PLEADER SRI. MUHAMMED SHAFI**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 24-02-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

Mn

...2/-

WP(C).No. 8392 of 2014 (Y)

APPENDIX

PETITIONERS' EXHIBITS :

EXHIBIT P1 COPY OF PURCHASE CERTIFICATE NO.7142/76 DATED 7/9/1977 LF
ALATHUR LAND TRIBUNAL.

EXHIBIT P2 COPY OF THE ORDER IN ORIGINAL APPLICATION NO.69/74 DATED 8TH
SEPTEMBER 1975 ON THE FILE OF THE FOREST TRIBUNAL,
PALAKKAD.

EXHIBIT P3 COPY OF ORDER IN IA NO.307/87 IN OA NO. 69/1974 DATED 15TH
MARCH, 1988 ON THE FILES OF THE FOREST TRIBUNAL, PALAKKAD

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.S. TO JUDGE

Mn

P.R. RAMACHANDRA MENON J.

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W.P.(C) No. 8392 of 2014

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Dated, this the 24th day of February, 2015

JUDGMENT

The petitioners have approached this Court with the following prayers :

- "1. To issue Writ in the nature of mandamus commanding the respondents 43 to 5 jointly to restore 2 Acres and 39 cents of property covered by Ext. P2 order of the Forest Tribunal, Palakkad to the petitioners with immediate effect.
2. To issue Writ in the nature of mandamus commanding the third respondent to issue NOC in respect of the property covered by Ext. P2 order of Forest Tribunal Palakkad to facilitate restoration of excluded and exempted land under Section 2(f) (1) c and 3 (2) of Kerala Private Forest (Vesting & Assignment) Act 1971
3. To issue Writ in the nature of mandamus commending the fifth respondent to refrain from reconstructing "Jenda" across the property of petitioners covered by Ext. P2 order of Forest Tribunal, Palakkad
4. Declare that the petitioners are entitled to be restored with 2.39 Acres covered by Ext. P2 order being the property excluded and exempted under Section 2(f) and 3 (2) of the Kerala Private Forest (Vesting and Assignment) Act 1971 respectively.

5. Such other reliefs that the Hon'ble Court deem fit and proper in the facts and circumstances of the case.

2. The writ petition was admitted on 24.03.2014. Despite lapse of nearly one year, no counter affidavit has been filed so far.

3. Heard the learned Government Pleader as well, who submits that, various procedural formalities have to be completed so as to cause the land covered by Exts. P1 to P3 to be restored in favour of the petitioner, more so, when all the records have to be traced out. It is also pointed out that earnest efforts are taken by the concerned respondent and that steps will be completed within the shortest possible time.

4. In the said circumstances, the writ petition is disposed of, directing the respondents to complete the procedural formalities to have the grievance of the petitioner redressed at the earliest, at any rate, within three months from the date of receipt of a copy of this judgment.

The 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