

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

TUESDAY, THE 31ST DAY OF MARCH 2015/10TH CHAITHRA, 1937

WP(C).No. 8631 of 2015 (D)

PETITIONER(S):

**B.VISWANATHAN, AGED 52 YEARS
S/O.K.R.BHASKARA PANICKER, KOTTUMMAL HOUSE
KURUMBALANGODE VILLAGE, POTHUKAL, PATHAR P.O.
NILABUR TALUK, NOW RESIDING AT SREEYAM PUTHEN VEEDU
MANICKAMANGALAM P.O., KALADY - 683 574,
ERNAKULAM DISTRICT.**

**BY ADVS.SRI.K.SHIBILI NAHA
SRI.SAJU RAGHAVAN**

RESPONDENTS:

- 1. DIVISIONAL FOREST OFFICER,
NORTH DIVISION, NILAMBUR
MALAPPURAM - 673 121.**
- 2. FOREST RANGE OFFICER
NILAMBUR RANGE, MALAPPURAM - 673 121.**

**BY GOVERNMENT PLEADER SRI.JOSEPH GEORGE
BY SPL. GOVT. PLEADER SRI.M.P.MADHAVANKUTTY**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 31-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1: TRUE COPY OF THE TITLE DEED NO. 956/1989.
- EXT.P2: TRUE COPY OF THE BASIC TAX RECEIPT.
- EXT.P3: TRUE COPY OF POSSESSION CERTIFICATE ISSUED BY THE VILLAGE OFFICER POTHUKAL.
- EXT.P4: TRUE COPY OF THE SKETCH WITH RESPECT TO THE PROPERTY COVERED BY EXT.P1.
- EXT.P5: TRUE COPY OF THE APPLICATION SUBMITTED BEFORE THE 1ST RESPONDENT DATED 29/01/2015.
- EXT.P6: TRUE COPY OF THE REPLY ISSUED BY THE 1ST RESPONDENT DATED 16/02/2015.
- EXT.P7: TRUE COPY OF THE PERMIT GRANTED BY THE 2ND RESPONDENT DATED 06/12/11 PURSUANT TO THE DECLARATION SUBMITTED BY THE PETITIONER DATED 03/12/11.
- EXT.P8: TRUE COPY OF THE PERMIT GRANTED TO ONE GOPALAKRISHNAN DATED 24/02/2012.
- EXT.P9: TRUE COPY OF THE PERMIT ISSUED TO MR.GOPALAKRISHNAN ON 13/03/2012.
- EXT.P10: TRUE COPY OF THE PERMIT ISSUED TO SMT.MUNDI ON 05/03/2015.
- EXT.P11: TRUE COPY OF THE PURCHASE CERTIFICATE ISSUED ON 09/03/1977.

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

P.R. RAMACHANDRA MENON, J.

.....
W.P.(C)No.8631 OF 2015
.....

Dated this the 31st March, 2015

J U D G M E N T

The petitioner has approached this Court with the following prayers:

"i) issue a writ of certiorari or any other writ, order or direction calling for records leading to Ext.P6 and quash the original of the same.

ii) issue a writ of mandamus or any other appropriate writ, order or direction commanding the 2nd respondent to issue permission to the petitioner to cut and transport teak trees from the property covered by Ext.P1 and P11 as requested vide declaration dated 22.12.14.

iii) declare that the petitioner is entitled to cut and remove teak trees from his property on the basis of declaration dated 22.12.2014 and also Ext.P5, as contemplated under Section 6(6) of the Act.

iv) grant such other reliefs including the cost of these proceedings. "

2. Heard the learned Counsel for the petitioner as well as the learned Special Government Pleader for the respondents.

The learned Counsel for the petitioner submits that unlawful restrictions are being imposed by the respondents with regard to the rights of the petitioner over the property and improvements situated therein, especially with regard to the rights of the petitioner to cut and remove the trees.

3. The learned Special Government Pleader submits with reference to the contents of Ext.P6 that the Forest Range Officer has reported encroachment over the property belonging to the Forest Department and as such, a survey has been conducted so as to identify the property and also the trees, so as to consider the request of the petitioner to permit him to cut and remove the trees. It is also stated that the said proceedings, as mentioned in Ext.P6 will be completed within a span of one month and that the matter can be disposed of accordingly.

4. After hearing both the sides, the respondents are directed to complete the proceedings forming the subject matter of Ext.P6 in the light of the relevant materials including Exts.P7, P8 and such other relevant proceedings, of course, with notice to the petitioner. The proceedings, as above, shall be finalised at

the earliest, at any rate, within one month as assured and undertaken from the part of the respondents.

The writ petition is disposed of. The petitioner shall produce a copy of the judgment along with a copy of the writ petition before the respondents for further steps.

**P.R.RAMACHANDRA MENON
JUDGE**

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