

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

MONDAY, THE 23RD DAY OF MARCH 2015/2ND CHAITHRA, 1937

WP(C).No. 9084 of 2015 (I)

PETITIONER(S):

1. SHINY BABU, AGED 43 YEARS,
W/O.E.J.BABU, RESIDING AT ELANJIKKAL VEEDU,
VETILAPARA P.O, CHIKLAYI, CHALAKUDY,
THRISSUR DISTRICT.
2. NALINI KUTTAN, AGED 78 YEARS, W/O.KUTTAN,
RESIDING AT KOTTIYATTIL HOUSE, VETILAPARA P.O.,
CHIKLAYI, CHALAKUDY, THRISSUR DISTRICT.

BY ADVS.SRI.P.G.SURESH
SRI.G.SUDHEER (THURAVOOR)
SRI.RAJAN VISHNURAJ
SRI.V.HARISH

RESPONDENT(S):

1. STATE OF KERALA,
REPRESENTED BY ITS SECRETARY,
DEPARTMENT OF FOREST AND WILDLIFE, SECRETARIAT,
THIRUVANANTHAPURAM - 695 001
2. DISTRICT COLLECTOR,
COLLECTORATE, THRISSUR DISTRICT - 680 001.
3. DIVISIONAL FOREST OFFICER,
CHALAKUDY DIVISION, THRISSUR DISTRICT - 680 307.
4. A.K. CHANDRA BOSE, S/O.A.K.KUMARAN,
RESIDING AT ARUKATTIL VEEDU, VETILAPARA P.O,
CHIKLAYI, CHALAKUDY, THRISSUR- 680 721

R1 TO R3 BY SR GOVERNMENT PLEADER SRI.K.C.VINCENT
BY SPL. GOVT. PLEADER (FOREST) SRI.M.P.MADHAVANKUTTY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 23-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1 - A TRUE PHOTOCOPY OF THE PATTA ISSUED IN THE NAME OF THE 4TH RESPNDENT'S MOTHER.
- EXT.P2 - A TRUE PHOTOCOPY OF THE APPLICATION FOR LICENSE DATED 24-02-2011
- EXT.P3 - A TRUE PHOTOCOPY OF THE APPLICATION FOR RENEWAL DATED 22-02-2013
- EXT.P4 - A TRUE PHOTOCOPY OF THE TAX RECEIPTS EVIDENCING PAYMENT OF TAX FOR THE UNSURVEYED RESERVE FOREST BY THE 4TH RESPONDENT
- EXT.P5 - A TRUE PHOTOCOPY OF THE REPRESENTATION DATED 27-11-2014 PREFERRED BEFORE THE 2ND AND 3RD RESPONDENTS.

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

P.A.TO JUDGE

P.R. RAMACHANDRA MENON, J.

W.P.(C) No.9084 of 2015

Dated this the 23rd day of March, 2015

JUDGMENT

Petitioners have approached this Court the following prayers:

(i) Issue a writ of mandamus or any other appropriate writ directing the official respondents to evict the 4th respondent from the illegal encroachment and possession of the reserved forest land.

(ii) Issue a writ of mandamus or any other appropriate writ directing the respondent No.2 and 3 to consider Exhibit P5 Representation and pass orders, by affording a reasonable opportunity of being heard to the petitioners or their authorised representatives, without any further delay.

AND

(iii) Pass such other order, direction or reliefs as this Hon'ble Court may deem fit in the interest of justice, equity and good conscience."

The learned counsel for the petitioners submits that, the grievance of the petitioners has also been projected by way of Ext.P5 representation and that the petitioners will be satisfied, if a direction is given to the second respondent to have it considered and finalized within a reasonable time.

2. Heard the learned Government Pleader as well.

3. In view of the limited extent of relief sought for, this Court does not find it necessary to issue notice to the 4th respondent or to deal with the merits of the case.

4. In the above circumstances, there will be a direction to the second respondent to consider and pass appropriate orders on Ext.P5, with notice of hearing to the petitioners and also to the 4th respondent, at the earliest, at any rate, within 'six weeks' from the date of receipt of a copy of this judgment.

The petitioners shall produce a copy of this judgment, along with a copy of the writ petition, before the second respondent, for further steps.

The writ petition is disposed of.

Sd/-
P.R. RAMACHANDRA MENON,
JUDGE

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