

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

TUESDAY, THE 7TH DAY OF APRIL 2015/17TH CHAITHRA, 1937

WP(C).No. 10501 of 2015 (K)

PETITIONER(S):

**THE STATE FARMING CORPORATION OF KERALA LTD.,
FARM HOUSE, PB NO.13, VETTIT,HALA P.O.,
ALIMUKKU, PUNALUR, KOLLAM
PIN-689 696, REPRESENTED BY ITS MANAGING DIRECTOR.**

**BY SRI.K.ANAND, SENIOR ADVOCATE
ADV. SMT.LATHA KRISHNAN**

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY CHIEF SECRETARY TO GOVERNMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695 001.**
- 2. THE ADDITIONAL CHIEF SECRETARY TO GOVERNMENT,
FOREST AND WILDLIFE DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695001.**
- 3. THE PRINCIPAL CHIEF CONSERVATOR OF FOREST,
FOREST HEAD QUARTERS, VAZHUTHACAUD,
THIRUVANANTHAPURAM - 695 014.**
- 4. THE DIVISIONAL FOREST OFFICER,
PUNALUR FOREST DIVISION, PUNALUR,
KOLLAM DISTRICT PIN-691 305.**
- 5. THE DIVISIONAL FOREST OFFICER,
RANNI FOREST DIVISION, RANNI, PATHANAMTHITTA DISTRICT,
PIN-689 672.**
- 6. THE DIVISINAL FOREST OFFICER,
KONNI FOREST DIVISION, KONNI, PATHANAMTHITTA DISTRICT,
PIN-689 672.**

**R1 BY SENIOR GOVERNMENT PLEADER SRI.K.C.VINCENT
R2 TO R6 BY SRI.M.P.MADHAVANKUTTY, SPL. GOVT. PLEADER**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
07-04-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 10501 of 2015 (K)

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1 - TRUE COPY OF LEASE DEED DATED 29-3-1984.

EXT.P2 - TRUE COPY OF GOVERNMENT ORDER NO.G.O.(MS)NO.97/84/AD
DATED 28-3-1984.

EXT.P3 - TRUE COPY OF THE MINUTES OF MEETING DATED 28-5-2013.

EXT.P4 - TRUE COPY OF LETTER DATED 5-12-2013 ALONG WITH THE CALCULATION
STATEMENT.

EXT.P5 - TRUE COPY OF LETTER DATED 2-3-2015 ISSUED BY THE 3RD RESPONDENT.

EXT.P6 - TRUE COPY OF LETTER DATED 5-1-2015 ISSUED BY THE ADDITIONAL
PRINCIPAL CHIEF CONSERVATOR.

EXT.P7 - TRUE COPY OF THE LETTER DATED 13-3-2015.

EXT.P8 - COPY OF THE LETTER DATED 17-3-2015 TO ADDITIONAL CHIEF PRINCIPAL
CONSERVATOR OF FOREST (PROTECTION).

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

P.R. RAMACHANDRA MENON, J.

.....
W.P.(C)No.10501 OF 2015
.....

Dated this the 7th day of April, 2015

J U D G M E N T

The petitioner has approached this Court with the following prayers:

"(a) To call for records of Ext.P4 and P5 and declare that the petitioner is not liable to pay the amount as detailed in Ext.P4 and P5;

(b) To declare that the action of respondents in claiming penal and arrears of rent at enhanced rate is illegal and arbitrary;

(c) To direct respondents to forbear from taking any action against the petitioner to realization of the amounts alleged in Ext.P4 and P5;

(d) To stay all further proceedings pursuant to P6 pending disposal of the writ petition;

(e) To stay all further proceedings pursuant to Ext.P6, till the one time settlement takes effect;

(f) To grant such other appropriate reliefs to the petitioner as this Hon'ble Court may deem fit and proper in the interest of justice."

2. When the matter came up for consideration before this Court on 31.03.2015, the following orders were passed:

"Government Pleader seeks for time to get instruction as to the course and events pursuant to Ext.P8.

List the matter on 07.04.2015.

'Status quo' shall be maintained till the next date of posting."

3. The learned Special Government Pleader appearing for the respondents submits that the issue is pending consideration before the 2nd respondent by way of Ext.P7.

3. In the above circumstances, this Court finds that the matter has to be dealt with by the 2nd respondent by passing appropriate orders on Ext.P7. Accordingly, there will be a direction to the 2nd respondent to consider Ext.P7 and pass appropriate orders in accordance with law, after affording an opportunity of hearing the petitioner, at the earliest, at any rate, within three months from the date of receipt of a copy of this judgment. *'Status quo'* ordered by this Court will continue till such time.

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

The writ petition stands disposed of accordingly.

Sd/-
P.R.RAMACHANDRA MENON
JUDGE

//true copy//

P.S. to Judge

St/-