

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 1ST DAY OF APRIL 2015/11TH CHAITHRA, 1937

WP(C).No. 10635 of 2015 (D)

PETITIONER(S):

**JAMES P.C., ,
MANAGING PARTNER, GEMINI PLANTATION, PERIYACHOLA,
THEKKADI, MUTHALAMADA VILLAGE, CHITTUR TALUK,
PALAKKAD DISTRICT.**

**BY ADVS.SRI.SAJAN VARGHEESE K.
SRI.LIJU. M.P**

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
DEPARTMENT OF FOREST & WILD LIFE,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695 001.**
- 2. THE DIVISIONAL FOREST OFFICER,
DEPARTMENT OF FOREST, NENMARA, CHITTUR TALUK,
PALAKKAD DISTRICT - 678 506.**
- 3. THE DIVISIONAL FOREST OFFICER,
DEPARTMENT OF FOREST, PARAMBIKULAM, THOONAKKADAVU,
CHITTUR TALUK, PALAKKAD DISTRICT - 678 661.**
- 4. THE WILD LIFE WARDEN,
PARAMBIKULAM WILD LIFE SANCTUARY,
PARAMBIKULAM - 678 661, PALAKKAD DISTRICT.**

BY SPL. GOVERNMENT PLEADER SRI.M.P.MADHAVANKUTTY

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
01-04-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1- TRUE COPY OF DEED NO. 2202/2004 OF SRO, KOLLENGODE.
- EXHIBIT P2- TRUE COPY OF THE SALE DEED NO. 1379/2007 OF SRO, KOLLENGODE.
- EXHIBIT P3- TRUE COPY OF THE FORM NO.11 ISSUED ON 28-09-2000 IN CONNECTION WITH DUES ON AGRICULTURAL INCOME TAX IN RESPECT OF THE SAID PROPERTIES.
- EXHIBIT P4- TRUE COPY OF THE APPLICATION FILED IN OA NO. 27/2010 ON THE FILE OF FOREST TRIBUNAL KOZHIKODE.
- EXHIBIT P5- TRUE COPY OF THE WRITTEN STATEMENT FILED BY THE RESPONDENT NO.2 IN OA NO. 15/2009 ON THE FILE OF TRIBUNAL UNDER KERALA FOREST (VESTING & MANAGEMENT OF ECOLOGICALLY FRAGILE LANDS) ACT IN PALAKKAD.
- EXHIBIT P6- TRUE COPY OF THE REPORT DATED 20-3-2014 ISSUED BY THE VILLAGE OFFICER, MUTHALAMADA-1 VILLAGE TO THE TAHSILDAR, CHITTUR.
- EXHIBIT P7- TRUE COPY OF THE COMMUNICATION DATED 19-03-1998 ISSUED BY THE FOREST RANGE OFFICER, SUNGAM RANGE, THOONAKKADAVU.
- EXHIBIT P8- TRUE COPY OF THE COMMUNICATION DATED 20-12-2008 MADE BY THE FOREST, ELATHODE SECTION, SUNGAM RANGE TO THE FOREST RANGE OFFICER, THOONAKKADAVU.
- EXHIBIT P9- TRUE COPY OF THE SANCTION PROVIDED BY THE RESPONDENT NO.3 TO THE PETITIONER ON 07-10-1996.
- EXHIBIT P10- TRUE COPY OF THE SANCTION PROVIDED BY THE RESPONDENT NO.3 TO THE PETITIONER ON 06-04-1998.
- EXHIBIT P11- TRUE COPY OF THE ROUTE PERMIT ISSUED BY THE WILD LIFE WARDEN (RESPONDENT NO.4) TO THE PETITIONER ON 14-05-2008.
- EXHIBIT P12- TRUE COPY OF THE LETTER DATED 13-01-2011 ISSUED BY THE RESPONDENT NO.2 TO THE WILD LIFE WARDEN, PARAMBIKULAM (RESPONDENT NO.4).
- EXHIBIT P13- TRUE COPY OF THE COMMUNICATION DATED 27-01-2011 ISSUED BY THE WILD LIFE WARDEN, PARAMBIKULAM (RESPONDENT NO.4) TO THE PETITIONER.
- EXHIBIT P14- TRUE COPY OF THE PETITION DATED 11-11-2013 SUBMITTED BEFORE THE HON'BLE CHIEF MINISTER OF KERALA.

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EXHIBIT P15- TRUE COPY OF THE PETITION DATED 04-12-2014, FOR RENEWAL OF
THE ROUT PERMIT SUBMITTED BEFORE THE RESPONDENT NO.2.

EXHIBIT P16- TRUE COPY OF THE DEED NO. 5980/2005 EXECUTED IN FAVOUR OF
JOBY M.PONNAT.

EXHIBIT P17- TRUE COPY OF THE DEED NO. 1004/2008.

EXHIBIT P18- TRUE COPY OF THE ROUT PERMIT ISSUED TO SRI. JOBY M.PONNAT
DATED 12-11-2014.

EXHIBIT P19- TRUE COPY OF THE ROUTE PERMIT ISSUED TO
SRI. K.V.MADHUSOODANAN DATED 12-11-2014.

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

P.R. RAMACHANDRA MENON, J.

W.P(C). No. 10635 of 2015

Dated this the 1st day of April, 2015

J U D G M E N T

The petitioner has approached this Court with the following prayers:

- "i) call for records relating to Exhibits -P1 to P19;*
- ii) issue a writ of certiorari or other appropriate writ or order or direction quashing Exts-P12 and P13;*
- iii) issue a writ of mandamus or other appropriate writ or order or direction, directing the respondents with particular reference to respondents No. 2 to 4 to issue route permit through Keerappadi & Thekkadi check posts to reach the property covered in Exts-P1 to P15 as prayed for in Ext-15 in a time limit to be fixed by this Hon'ble Court;*
- iv) issue a writ of mandamus or other appropriate writ or order or direction, directing the respondent No. 2 to dispose of Ext-P15 in the light of Exts-P7 to P11, P18 & P19 after having heard the petitioner in a time limit to be fixed by this Hon'b;e Court;*
and
- v) pass such other and further orders as are deemed fit and necessary in the interests of justice."*

2. During the course of hearing the learned counsel for the petitioner submits that, the grievance of the petitioner has already been projected by way of Ext.P15, which is pending

consideration before the 2nd respondent/Divisional Forest Officer. Prayer is to cause the same to be considered and disposed of, within a reasonable time.

3. Heard the learned Government Pleader as well.

4. Considering the limited extent of relief sought for, this Court does not find it necessary to go into the merits of the case. The writ petition is disposed of, directing the 2nd respondent/Divisional Forest Officer to consider and pass appropriate orders on Ext.P15, after affording an opportunity of hearing to the petitioner. It shall be done, at the earliest, at any rate, within 'two months' from the date of receipt of a copy of the judgment.

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

Sd/-

P.R. RAMACHANDRA MENON, JUDGE.