

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 29TH DAY OF OCTOBER 2015/7TH KARTHIKA, 1937

WP(C).No. 20845 of 2007 (F)

PETITIONER:

**KALATHIL AMBADY, S/O.KANNAN,
KARUVACHERRY, P.O.NILESHWAR,
HOSDURG TALUK, KASARAGOD (DT.)**

**BY ADVS.SRI.PHILIP ANTONY CHACKO
SRI.M.R.MOUNEESH**

RESPONDENT(S):

- 1. THE STATE OF KERALA, REPRESENTED BY
ITS CHIEF SECRETARY, GOVERNMENT OF KERALA,
SECRETARIAT, THIRUVANANTHAPURAM.**
- 2. THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS,
STATE OF KERALA, THIRUVANANTHAPURAM.**
- 3. THE CUSTODIAN OF ECOLOGICALLY FRAGILE
LANDS APPOINTED AS PER THE PROVISIONS OF ACT
NO.21 OF 2005 AND PRINCIPAL CHIEF CONSERVATOR
OF FORESTS, THIRUVANANTHAPURAM.**
- 4. THE DIVISIONAL FOREST OFFICER,
KANNUR DIVISION, P.O.THANA, KANNUR.**
- 5. THE FOREST RANGE OFFICER,
KANHANGAD, KASARAGOD (DT.)**

BY SRI.M.P.PRAKASH, SPL. GOVT. PLEADER(FOREST)

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 29-10-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

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APPENDIX

PETITIONERS' EXHIBITS:

- EXT. P1: THE TRUE COPY OF THAT JUDGMENT DATED 5.11.1984 IN M.F.A.NO.420/1978 BY THE DIVISION BENCH OF THIS HON'BLE COURT.
- EXT. P2: THE TRUE COPY OF THE JUDGMENT DATED 7.6.1994 IN O.P.NO.3704/1992 BY THIS HON'BLE COURT.
- EXT. P3: THE TRUE COPY OF LETTER DATED 19.6.1997 ISSUED BY THE 4TH RESPONDENT OT SMT.KUTTIANATH KHADEEJA THE W/O.A.P.KUNJABDULLA.
- EXT. P4: THE TRUE COPY OF THAT RECEIPT NO.18 DATED 9.7.1997 ISSUED BY THE VILLAGE OFFICER, PALAVAYAL VILLAGE, TO KADHEEJA AND KARIM FOR 2.98 HECTARES FOR THE YEAR 70-71 TO 97-98.
- EXT. P5: THE TRUE COPY OF THE REGISTERED DOCUMENT NO.2321/1997 DATED 15.7.1997 EXECUTED BY KADHEEJA WIFE OF A.P.KUNJABDULLA AND KARIM SON OF A.P.KUNJABDULLA IN FAVOUR OF THE PETITIONER IN SUB REGISTRARS OFFICE, NILESWARAM.
- EXT. P6: THE TRUE COPY OF THE REGISTERED DOCUMENT NO.2320/1997 DATED 16.7.1997 EXECUTED BY KADHEEJA WIFE OF A.P.KUNJABDULLA AND KARIM SON OF A.P.KUNJABDULLA IN FAVOUR OF THE PETITIONER IN SUB REGISTRARS OFFICE, NILESWARAM.
- EXT. P7: THE TRUE COPY OF THE RECEIPT NO.43 DATED 8.12.1997 FOR COLLECTING RS.20/- AS T.R.FEES FROM DOCUMENT NO.2320/1997 AND 2321/1997 ISSUED BY VILLAGE OFFICER, PALAVAYAL IN THE NAME OF THE PETITIONER.
- EXT. P8: THE TRUE COPY OF THE REPRESENTATION DATED 12.11.2006 SENT BY THE PETITIONER TO THE CHIEF MINISTER, KERALA, TRIVANDRUM.
- EXT. P9: THE TRUE COPY OF THE KERALA FOREST (VESTING & MANAGEMENT OF ECOLOGICALLY FRAGILE LANDS) ACT, 2003 (ACT 21 OF 2005)
- EXT. P10: THE TRUE COPY OF THAT COMMUNICATION DATED 6.12.2006 SERVED ON THE PETITIONER BY THE END OF FEBRUARY 2007.

RESPONDENTS' EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

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A.MUHAMED MUSTAQUE, J.

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W.P.(C).No. 20845 of 2007

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Dated this the 29th day of October, 2015

J U D G M E N T

The issue in this writ petition is relating to the constitutional validity of the Kerala Forest (Vesting & Management of Ecologically Fragile Lands) Act 2003.

2. The Division Bench of this Court disposed the various writ petitions challenging constitutional validity of the above Act by upholding validity.

While disposing the writ petition, this Court has given one month's time to the writ petitioner therein to approach EFL Tribunal. In that view of the matter, it is appropriate that the petitioner is also given time to submit application u/s 10 (i) and 10 A as the case may be. Therefore, the petitioner is given one month's time to file an application u/s 10(i) as the case may be from the date of receipt of the copy of this judgment. The EFL Tribunal shall dispose of such application within six months from the date of receipt of the copy of the application. The original writ petition is disposed of.

sd/-

sab

A.MUHAMED MUSTAQUE, JUDGE