

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 23RD DAY OF NOVEMBER 2015/2ND AGRAHAYANA, 1937

WP(C).No. 29915 of 2004 (J)

PETITIONER(S):

**ABHIRAMI PLANTATIONS AND RESORTS
PVT. LTD., C.I.T. ROAD, KILLIPALAM,
TRIVANDRUM, REP. BY ITS MANAGING DIRECTOR,
MRS. SHEEBA SREEDAS NAMBOOTHIRI,
AGED 36, W/O.SREEDAS NAMBOOTHIRI,
RESIDING AT T.C.28/153, KAITHAMOOKKU, PATTAH,
THIRUVANANTHAPURAM-695 024.**

**BY ADVS.SRI.R.T.PRADEEP
SRI.V.VIJULAL**

RESPONDENT(S):

- 1. THE STATE OF KERALA, REP. BY THE
CHIEF SECRETARY, GOVERNMENT OF KERALA, SECRETARIAT,
THIRUVANANTHAPURAM.**
- 2. THE PRINCIPAL SECRETARY, DEPARTMENT
OF REVENUE, SECRETARIAT, THIRUVANANTHAPURAM.**
- 3. THE PRINCIPAL SECRETARY, DEPARTMENT
OF FOREST, SECRETARIAT, THIRUVANANTHAPURAM.**
- 4. THE DISTRICT COLLECTOR, COLLECTORATE,
KOZHIKODE.**
- 5. THE TAHSILDAR, TALUK OFFICE,
KUTTIADY.**
- 6. THE VILLAGE OFFICER,
KAVILUMPARA VILLAGE.**

BY SPECIAL GOVERNMENT PLEADER SRI.M.P.MADHAVANKUTTY (FOREST)

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
23-11-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 29915 of 2004 (J)

APPENDIX

PETITIONER(S)' EXHIBITS:

**EXT.P1: TRUE COPY OF ORDER DTD.4.12.1976 OF THE KERALA FOREST TRIBUNAL,
CALICUT.**

**EXT.P2: TRUE COPY OF JUDGMENT DTD.7.4.1978 IN MFA.NO.382/1977 OF THIS
HON'BLE COURT.**

**EXT.P3: TRUE COPY OF JUDGMENT DTD.7.7.1992 IN RP.NO.218/1984 OF THIS
HON'BLE COURT.**

**EXT.P4: TRUE COPY OF TAX RECEIPT DTD.12.7.1996 FOR RS.7789/- ISSUED TO THE
PETITIONER FIRM.**

**EXT.P5: TRUE COPY OF TAX RECEIPT DTD.19.3.1998 FOR RS.4445/- NO.34 ISSUED
TO -DO-**

**EXT.P6: TRUE COPY OF POSSESSION CERTIFICATE DTD.30.7.1996 ISSUED BY 6TH
RESPONDENT TO THE PETITIONER FIRM.**

**EXT.P7: TRUE COPY OF JUDGMENT DTD.17.12.1998 IN OP.NO.8015/1998 OF THIS
HON'BLE COURT.**

**EXT.P8: TRUE COPY OF REPRESENTATION DTD.3.12.2003 OFILED BY MANAGING
DIRECTOR OF PETITIONER FIRM BEFORE THE REVENUE MINISTER,
GOVERNMENT OF KERALA.**

**EXT.P9: TRUE COPY OF REPRESENTATION DTD.3.12.2003 FILED BY -D- BEFORE THE
FOREST MINISTER, KERALA STATE.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

A.MUHAMED MUSTAQUE, J.

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W.P.(C).No. 29915 of 2004

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Dated this the 23rd day of November, 2015

J U D G M E N T

The petitioner approached this Court challenging action of the respondents to refuse accept land tax and issue possession certificate in respect of the land in Sy. No.82 (re-survey No.175) of Kavilumpara Village.

2. It was refused in view of the fact that the land in question is notified under the Kerala Forest (Vesting and management of Ecologically Fragile Lands) ordinance 2000.

3. It is to be noted that there are series of writ petitions before this Court challenging notification. This was disposed by the Division Bench of this Court in Planters Forum v. State of Kerala [2015 (2) KLT 783] in which persons approached this Court was given liberty to approach the Tribunal under the above Act in terms of Sec.10(A) of the Act within one month. It is also to be noted that the petitioner had approached the Chief

Conservator of Forest challenging the inclusion of the petitioner's land in the notification. Therefore this Court is of the view that the petitioner is also free to challenge the above decision of the CCF before the Tribunal. Therefore, the following directions are issued:

If the petitioner approaches the Tribunal within one month from the date of receipt of the copy of this judgment, the Tribunal shall entertain the challenge and dispose the matter in accordance with the law within further period of six months. The possession certificate issued pursuant to interim direction will be subject to the decision of the Tribunal. The issuance of the possession certificate and acceptance of basic tax will be subject to the result of decision of the Tribunal.

sd/-

sab

A.MUHAMED MUSTAQUE, JUDGE