

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

TUESDAY, THE 21ST DAY OF JULY 2015/30TH ASHADHA, 1937

WP(C).No. 23036 of 2008 (P)

PETITIONER:

P.KUNJA, AGED 63 YEARS,
W/O.LATE VELLA,
NJARAKATTIL HOUSE,
NOCHIPULLY.P.O,
MUNDOOR,
PALAGHAT.

BY ADVS.SRI.E.D.GEORGE,
SRI.P.V.ANILKUMAR.

RESPONDENT:

FOREST OFFICER,
OLAVAKODU RANGE,
OLAVAKODU, PALGHAT.

BY SPECIAL GOVERNMENT PLEADER SRI.M.A.THOMASKUTTY.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
21-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

Prv/2.

W.P(C).NO. 23036 OF 2008 (P)

APPENDIX

PETITIONER'S EXHIBITS:

**EXT.P1: TRUE COPY OF ORDER DATED 5.5.1977 IN O.A.1066/1974,
FOREST TRIBUNAL, PALGHAT.**

EXT.P2: TRUE COPY OF TAX RECEIPT DATED 16.07.2008.

RESPONDENTS' ANNEXURE:

**ANNEXURE R(A): A SKETCH SHOWING THE AREA WHICH WERE EXEMPTED BY THE
FOREST TRIBUNAL IS SHOWN IN GREEN COLOUR AND THE AREA
WHICH THE PETITIONER HAS ENCROACHED, WHICH IS A VESTED
FOREST IS SHOWN IN THE YELLOW COLOUR.**

//TRUE COPY//

P.A. TO JUDGE.

Prv/2.

K. VINOD CHANDRAN, J

W.P(C) No. 23036 of 2008

Dated this the 21st day of July, 2015

J U D G M E N T

The petitioner was aggrieved with the alleged threat of eviction from about 272 cents of property which the petitioner alleged was in the possession of the petitioner's husband and devolved on the petitioner, on his death.

2. The respondent has filed a counter affidavit, in which it has been stated that for 1.52 acres of land exemption was allowed by the Forest Tribunal in O.A No.1066/1974 filed by the petitioner's husband. The said area was in the possession of the husband of the petitioner and after his death, in the petitioner's possession. However, the petitioner's husband had trespassed into another 1.52 acres of property which is vested forest. The area in the possession of the petitioner and which is vested forest is clearly shown in Annexure R(a). In such circumstance, the writ petition is disposed of recording the

undertaking of the department that they do not intend to disturb petitioner's possession of 1.52 acres as indicated in Annexure R(a).

But with respect to the portion of vested forest, the petitioner would be liable for eviction, if not already evicted.

Writ petition is disposed of.

Sd/-

(K. VINOD CHANDRAN, JUDGE)

jma

//true copy//

P.A to Judge