

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE**

MONDAY, THE 6TH DAY OF JULY 2015/15TH ASHADHA, 1937

WP(C).No. 19851 of 2015 (F)

PETITIONER(S):

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

**BY ADVS.SRI.K.ANAND (SR.)
SMT.LATHA KRISHNAN
SRI.M.N.RADHAKRISHNA MENON
SRI.JOSEPH SEBASTIAN (PARACKAL)**

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY SECRETARY,
FOREST AND WILD LIFE DEPARTMENT, SECRETARIAT,
TRIVANDURM - 695 001.**
- 2. THE SUPERINTENDENT OF POLICE,
KOLLAM - 691 001.**
- 3. DEPUTY SUPERINTENDENT OF POLICE,
PUNALUR, KOLLAM - 691 305.**
- 4. THE CIRCLE INSPECTOR OF POLICE,
PATHANAMPURAM, KOLLAM - 689 695.**
- 5. THE SUB INSPECTOR OF POLICE,
PATHANAMPURAM, KOLLAM - 689 695.**
- 6. SRI ABDUL LATHEEF,
S/O MUHAMMED KUNJU, KOLLAMKONIL VEEDU, MANCODU P.O.,
PATHANAMPURAM, KOLLAM - 689 694.**
- 7. SRI. HALEEL,
S/O HASSAN MAIDEN, KOLLAMKONIL VEEDU, MANCODU P.O.,
PATHANAMPURAM, KOLLAM - 689 694.**

msv/

WP(C).No. 19851 of 2015 (F)

8. SMT. RAHIANATH BEEWI,
D/O MUHAMMEDKUNJU, KOLLAMKONIL VADAKKEKARA,
MANCODU P.O., PATHANAMPURAM, KOLLAM - 689 694.
9. SMT. MUMTHAS,
D/O MUHAMMEDKUNJU, KOLLAMKONIL VADAKKEKARA,
MANCODU P.O., PATHANAMPURAM, KOLLAM - 689 694.
10. SRI. DILEEP KUMAR,
S/O KARUNAKARAN PILLAI, ASHILA VILASAM ,
POOMKULANJI P.O., PATHANANPURAM, KOLLAM (VICE -PRESIDENT,
GRAMAPANCHAYATH PATHANAPURAM).
11. SRI. SHAJAHAN,
S/O BAWA RAVUTHAR, ORIPPURAM PADINJATTATHIL,
MANCODU PO, PATHANAMPURAM, KOLLAM - 689 694.
12. SRI. SHAJI,
S/O MOIDEEN, ROADARUKI VEEDU, VAZHAPARA,
KIZHAKKEKARA, ROADARUKIL VEEDU, VAZHAPARA,
KJIZHAKKEKARA, MANCODU PO, PATHANAPURAM,
KOLLAM - 689 694.
13. SRI. O.N. JAMAL,
S/O NAINAN RAVUTHAR, ORIPPURAM, PADINJATINKARA,
MANCODU PO, PATHANAPURAM , KOLLAM - 689 694.
14. SRI. NAUSHAD,
S/OSULAIMAN RAVUTHAR, ORIPPURAM,
THEKKEKARA PUTHIYAVEEDU, MANCODU PO, PATHANAPURAM,
KOLLAM - 689 694.
15. SRI. K.P.BIJU
S/O PRABHAKARAN NAIR,
(CPI(M) BRANCH SECRETARY) ORIPPURAM, PADINJATINKARA,
MANCODU PO, PATHANAPURAM , KOLLAM - 689 694.
16. SRI. SHAJAHAN
S/O ABDUL RAHMAN, PLAVILA VEEDU, MANCODU P.O.,
PATHANAPURAM , KOLLAM - 689 694
17. SRI SHAJAHAN,
S/O HANIFA RAVUTHAR, SHERIFFA MANZIL , MANCODU P.O.,
PATHANAPURAM , KOLLAM - 689 694.

R1 TO R5 BY SENIOR GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
06-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

msv/

WP(C).No. 19851 of 2015 (F)

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1: TRUE COPY OF GOVERNMENT ORDER DATED 21/5/2012.

**EXT.P2: TRUE COPY OF COMPLAINT PREFERRED BEFORE THE CIRCLE INSPECTOR
OF POLICE PATHANAMPURAM ON 27/6/2015.**

EXT.P3: RECEIPT ISSUED BY THE CIRCLE INSPECTOR OF POLICE.

**EXT.P4: LETTER DATED 27/6/2015 SENT TO THE FOREST RANGE OFFICER,
PATHANAPURAM**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv**/**

ASHOK BHUSHAN, CJ

&

A.M. SHAFFIQUE, J.

W.P (C) No.19851 of 2015

Dated this, the 6th day of July, 2015

J U D G M E N T

Ashok Bhushan, CJ

Heard learned counsel for the petitioner and the learned Government Pleader. No notice is being issued to respondents 6 to 17 in view of the judgment which is being passed today.

2. Petitioner is a Government undertaking engaged in the cultivation of rubber and processing of field latex. Petitioner maintains many rubber estates in and around Pathanapuram in Kollam District. Petitioner's case is that petitioner has slaughtered the old rubber trees and steps have been taken for replanting at I-block area of Chithalvetty estate. It is submitted that while the pits were being dug, a group of local people and politicians assembled and jointly obstructed the work, claiming that some area through the middle of the estate has to be earmarked as road. Petitioner is unable to go on with the replanting work due to the obstruction caused by respondents 6

to 17. Petitioner claims to have filed a complaint before the Circle Inspector of Police, but, it is submitted that, no action has been taken by the police.

3. The learned Government Pleader submits that the petitioner, being a Government undertaking and the area being a forest area, police authority shall extend all help so as to enable the petitioner to carry out re-planting activities without any obstruction from respondents 6 to 17.

4. In the above view of the matter, we close this writ petition by directing respondents 2 to 5 to extend adequate protection to the petitioner for their re-planting activities for the year 2015 in the petitioner's rubber estate without being obstructed by respondents 6 to 17.

(sd/-)

(ASHOK BHUSHAN, CHIEF JUSTICE)

(sd/-)

(A.M.SHAFFIQUE, JUDGE)

jsr

