

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 9TH DAY OF JULY 2015/18TH ASHADHA, 1937

WP(C).No. 20744 of 2015 (P)

PETITIONER :

**V.G.JANARDHANAN NAIR, AGED 64 YEARS,
S/O.GOPALAN NAIR, VATTAKKAVIL HOUSE, VELLAVOOR P.O.,
CHANGANACHERRY.**

BY ADV. SRI.S.NIDHEESH

RESPONDENTS:-:

1. THE DISTRICT COLLECTOR,KOTTAYAM - 686002

**2. THE TAHSILDAR
CHANGANACHERRY - 686101**

**3. THE VILLAGE OFFICER
VELLAVOOR VILLAGE, KOTTAYAM DISTRICT.**

R1 TO R3 BY GOVERNMENT PLEADER SMT. M.T. SHEEBA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 09-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1: TRUE COPY OF THE JUDGMENT DATED 26.05.2003 IN
C.C.NO.279/2001.

EXHIBIT P2: TRUE COPY OF THE PROCEEDINGS NO.B.3-1743/2011 DATED
23.06.2015 ISSUED BY THE 2ND RESPONDENT.

EXHIBIT P3: TRUE COPY OF THE DEMAND NOTICE DATED 23.06.2015 ISSUED BY
THE 2ND RESPONDENT.

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A.TO JUDGE

bp

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.20744 of 2015

Dated this the 9th day of July, 2015

J U D G M E N T

The petitioner has approached this Court challenging the proceedings under the Land Conservancy Act, 1957 and consequential demand raised against him.

2. The petitioner's case is that, Ext.P2 order is passed under the Land Conservancy Act on 23.06.2015. It is submitted that, the petitioner was heard sometime in 2008 and no further proceedings were initiated thereafter. Therefore, the conclusion of Ext.P2 proceedings now, is illegal.

3. The matter is relating to cutting and removing valuable trees from the Government land. The petitioner points out that, in respect of criminal prosecution against such illegal act, the accused therein have been acquitted.

4. The learned Government Pleader however points out that, the land conservancy proceedings are independent proceedings and it is within the province of Tahsildar to take a decision.

5. Taking note of the fact that, the petitioner was heard in 2008 and nothing has been transpired thereafter, I am of the view that, Ext.P2 has to be treated as a provisional order. The petitioner shall raise his objections against Ext.P2 within two weeks from the date of receipt of a copy of this judgment. Thereafter, after hearing

the petitioner, the entire exercise shall be completed after adverting to the petitioner's objections within a further period of one month. Till completion of the proceedings pursuant to the direction of this Court, demand against the petitioner shall be kept in abeyance.

This writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE.

AV