

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

MONDAY, THE 19TH DAY OF JANUARY 2015/29TH POUSHA, 1936

WP(C).No. 29285 of 2014 (I)

PETITIONER:

**NIRMALA, AGED 50 YEARS,
D/O.GOVINDANKUTTY NAIR,
RESIDING AT MADATHIL MANNATHILHOUSE, VENGASERRY,
OTTAPALAM TALUK, PALAKKAD DISTRICT**

BY ADV. SRI.P.R.VENKETESH

RESPONDENTS:

- 1. STATE OF KERALA,
REPRESENTED BY ITS CHIEF SECRETARY, SECRETARIAT,
THIRUVANANTHAPURAM 695 001**
- 2. THE SECRETARY,
DEPARTMENT OF FOREST AND WILF LIFE, SECRETARIAT,
THIRUVANANTHAPURAM 695 001**
- 3. THE CUSTODIAN OF VESTED FOREST,OLAVAKODE,PALAKKAD
678009**
- 4. THE DIVISIONAL FOREST OFFICER,OLAVAKODE,PALAKKAD,
678009**

**R4 BY ADV. GOVERNMENT PLEADER
BY GOVERNMENT PLEADER
BY SRI.M.P.MADHAVANKUTTY, SPL. GOVT. PLEADER FOR FORE**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
19-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

WP(C).No. 29285 of 2014 (I)

APPENDIX

PETITIONER'S EXHIBITS

**EXHIBIT P1 : COPY OF THE ORDER DATED 18-08-1977 OF THE FOREST
TRIBUNAL, PALAKKAD IN O.A. 961/74.**

RESPONDENTS' EXHIBITS

**ANNEXURE-R4(A) : COPY OF NOTIFICATION NO. C6-21437/2000 DATED 21.4.2001
OF THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS
[WILDLIFE], THIRUVANANTHAPURAM.**

//TRUE COPY//

P.A. TO JUDGE

DST

P.R. RAMACHANDRA MENON, J.

W.P(C). No. 29285 of 2014

Dated this the 19th day of January, 2015

J U D G M E N T

The petitioner has approached this Court with the following prayers:

“a) Issue a writ of mandamus or any other appropriate writ, order or direction directing the respondents to restore the land included in Exhibit P1 order to the Legal heirs of the late Govindankutty Nair as expeditiously, at any rate within a time frame to be fixed by this Hon'ble Court.”

2. The grievance of the petitioner projected in the writ petition is that, in spite of the orders passed by the Forest Tribunal Palakkad in O.A.No.961/74 as per Ext.P1 dated 18.08.1977, the property is still to be restored to the petitioner and hence the writ petition.

3. A detailed statement has been filed by the 4th respondent pointing out that the idea and understanding of the petitioner as to the facts and figures as on date is not correct. Even though the order passed by the Forest Tribunal by way of Ext.P1 has become final, the property was subsequently notified as part of 'Ecologically Fragile Land', as per Annexure R4(a) notification dated 21.04.2001.

4. Heard the learned Special Government Pleader as well.

5. In view of the law declared by this Court as per the judgment in WP(C) No.26691/2010 and connected cases dated 17.11.2014, the petitioner, if aggrieved of Ext.R1(a), is having effective remedy before the custodian. In the said circumstances, this writ petition is disposed of, without prejudice to the rights and liberties of the petitioner to pursue other appropriate remedy in accordance with law.

Sd/-

P.R. RAMACHANDRA MENON, JUDGE.

Pn