

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 1ST DAY OF OCTOBER 2015/9TH ASWINA, 1937

WP(C).No. 29777 of 2015 (V)

PETITIONER(S):

**B. MADHAVAN @ APPU,
S/O.LATE V.K. BHASKARAN, AGED 49 YEARS,
23/515/J3, KRISHNA RESIDENCY,
ASHADAM RESIDENTIAL PARK,
ATHANI P.O., THRISSUR DISTRICT, PIN-680 581.**

**BY ADVS.SRI.SANTHEEP ANKARATH,
SRI.Y.JAFAR KHAN.**

RESPONDENT(S):

- 1. SUPERINTENDENT, RE-SURVEY,
OTTAPALAM-679 101.**
- 2. ADDITIONAL TAHSILDAR,
TALUK OFFICE, OTTAPALAM-679 101.**
- 3. VILLAGE OFFICER,
THRIKKADEER II VILLAGE, MANGODE,
OTTAPALAM TALUK, PALAKKAD DISTRICT-679 503.**
- 4. DIVISIONAL FOREST OFFICER,
OFFICE OF THE DIVISIONAL FOREST OFFICER,
DEPARTMENT OF FOREST AND WILD LIFE,
KALLEKULANGARA P.O., PALAKKAD-678 009.**

BY GOVT.PLEADER SMT.C.K. SHERIN.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 01-10-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1 COPY OF THE BASIC TAX REGISTER DATED 06/05/2013
CONCERNING PROPERTY OF THE PETITIONER.
- EXT.P2 COPY OF THE ORDER DATED 31/03/1998 IN CONTEMPT OF
COURT CASE NO.127/1997 PASSED BY THIS HONOURABLE COURT.
- EXT.P3 COPY OF THE ADDITIONAL COUNTER AFFIDAVIT DATED 21/05/1998
IN CONTEMPT OF COURT CASE NO.127/1997 FILED BY CUSTODIAN
OF VESTED FORESTS BEFORE THIS HONOURABLE COURT.
- EXT.P4 COPY OF THE JUDGMENT DATED 02/06/1998 IN CONTEMPT OF
COURT CASE NO.27/1997 PASSED BY THIS HONOURABLE COURT.
- EXT.P5 COPY OF THE SRRATUM NOTIFICATION NO.EFL 10-40/2013
DATED 21/08/2013 ISSUED BY FOREST DEPARTMENT.
- EXT.P6 COPY OF THE REPORT OF COMMITTEE FORMED FOR VERIFYING
EFL STATUS OF PROPERTY ALONG WITH COVERING LETTER
DATED 12/02/2013.
- EXT.P7 COPY OF THE POSSESSION CERTIFICATE NO.5954392
DATED 30/04/2014 ISSUED BY VILLAGE OFFICER,
THRIKKADEERI II VILLAGE.
- EXT.P8 COPY OF THE PETITION SUBMITTED BY THE PETITIONER BEFORE
THE 1ST RESPONDENT ALONG WITH FORM NO.8.
- EXT.P9 COPY OF THE MEMORANDUM OF WRIT PETITION EXCLUDING
EXTS. IN WP(C).NO.32609/2014 FILED BEFORE THIS HONOURABLE
COURT WITHOUT EXHIBITS.
- EXT.P10 COPY OF THE JUDGMENT DATED 04/12/2014 IN WP(C).NO.32609/2014
PASSED BY THIS HONOURABLE COURT.
- EXT.P11 COPY OF THE CORRELATION STATEMENT DATED 19/11/2014
CONCERNING THE PROPERTY OF THE PETITIONER.
- EXT.P12 COPY OF THE LETTER NO.H3.2015/1110/9/400 DATED 04/09/2015
FROM THE 2ND RESPONDENT TO THE 4TH RESPONDENT.

WP(C).No. 29777 of 2015 (V)

**EXT.P13 COPY OF THE REPLY DATED 21/09/2015 FROM THE PETITIONER
TO THE 2ND RESPONDENT.**

**EXT.P14 COPY OF THE LETTER DATED 23/09/2015 FROM THE PETITIONER
TO THE 4TH RESPONDENT.**

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.29777 of 2015

Dated this the 1st day of October, 2015

JUDGMENT

The petitioner approached the second respondent by Ext.P8 for demarcation and survey of his property. It appears that the second respondent insisted for production of No Objection Certificate from the Forest Department.

This Court is of the view, Ext.P8 is only being a request under the Surveys and Boundaries Act without insisting for No Objection Certificate from the Forest Department, the survey and demarcation shall be completed by the second respondent in accordance with law within a period of two months from the date of receipt of a copy of this judgment after issuing notice to the petitioner and the Forest Department.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

ln