

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

THURSDAY, THE 29TH DAY OF JANUARY 2015/9TH MAGHA, 1936

WP(C).No. 32384 of 2014 (W)

PETITIONERS:

1. VISWAMBARAN, AGED 61 YEARS,
S/O.KOLLIKKARA VELAPPAN,
KOLLIKKARA, ELINJIPRA P.O., CHALAKUDY,
KODASSERY VILLAGE, CHALAKUDY TALUK, THRISSUR DISTRICT
2. RAMAN, AGED 61 YEARS,
S/O.AYYAPPAN, MOOSARIVALAPPIL, KALLIKKALKUNNU,
ELINJIPRA P.O., CHALAKUDY, KODASSERY VILLAGE,
CHALAKUDY TALUK, THRISSUR DISTRICT

BY ADV. SRI.ANCHAL C.VIJAYAN

RESPONDENTS:

1. STATE OF KERALA
REPRESENTED BY ITS SECRETARY TO GOVERNMENT ,
DEPARTMENT OF REVENUE, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN 695 001.
2. THE SECRETARY TO GOVERNMENT,
DEPARTMENT OF FOREST AND WILD LIFE,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM
PIN 695 001.
3. THE DISTRICT COLLECTOR,
THRISSUR , PIN 680 001.
4. THE TAHAZILDAR,
CHALAKUDY, THRISSUR DISTRICT, PIN 680 307
5. THE VILLAGE OFFICER,
KODASSERY, THRISSUR DISTRICT, PIN 680 725

**6. THE DIVISIONAL FOREST OFFICER,
THRISSUR, PIN 680 001.**

**BY SPL. GOVERNMENT PLEADER (FORESTS), SRI. M.A. THOMAS KUTTY
BY SRI.M.P.MADHAVANKUTTY, SPL. GOVT. PLEADER FOR FORESTS**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
29-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

WP(C).No. 32384 of 2014 (W)

APPENDIX

PETITIONERS' EXHIBITS

**EXHIBIT P1 : COPY OF THE PETITION SUBMITTED BY THE 1ST PETITIONER
TO THE 1ST RESPONDENT DATED 04/11/2014**

**EXHIBIT P2 : COPY OF THE PETITION SUBMITTED BY THE 2ND PETITIONER
TO THE 1ST RESPONDENT DATED 04/11/2014**

RESPONDENTS' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

DST

P.R. RAMACHANDRA MENON, J.

W.P.(C) No.32384 of 2014

Dated this the 29th day of January, 2015

JUDGMENT

The petitioners have approached this Court with the following prayers:

"i. Issue a writ in the nature of mandamus or any other appropriate writ, direction or order commanding the 1st respondent to consider Exhibits P1 and P2 applications submitted by the peittioners for Joint Verification of the land as defined under Rule 2(e) of the Kerala Land Assignment (Regularization of Occupation of Forest Lands Prior to 01.01.1977) Special Rules, 1993 within a time limit as deem fit to by this Hon'ble Court;

ii. Declare that the land which is in possession of the petitioners in survey Nos.1134/1 and 1134/2 in Kodassery Village in Thrissur District is liable to be assigned in the name of the petitioners as per provisions of the Kerala Land Assignment (Regularization of Occupation of Forest Lands Prior to 01.01.1977) Special Rules, 1993;

iii. Declare that petitioners are not liable to be evicted from the land in survey Nos.1134/1 and 1134/2 in Kodasseri Village, Chalakudy Taluk, Thrissur District in connection with the distribution of land under the zero land scheme;

iv. To allow such other and further relief's as this Hon'ble Court find deem fit to in the nature and circumstances of the case;

and

v. Allow the Writ Petition with the petitioners' costs."

2. The petitioners have approached the 1st respondent by filing Exts.P1 and P2 applications for conducting a joint

verification in terms of Rule 2(e) of the Kerala Land Assignment (Regularization of Occupation of Forest Lands Prior to 01.01.1977) Special Rules, 1993. The prayer is to cause the same to be considered and finalised within a reasonable time.

3. Heard the learned Special Government Pleader appearing for the respondents as well.

4. After hearing both the sides, the writ petition is disposed of, directing the 1st respondent to consider and pass final orders on Exts.P1 and P2, after affording an opportunity of hearing to the petitioner, at the earliest, at any rate, within 'three months' from the date of receipt of a copy of this judgment.

'Status quo' shall be continued till the finalisation of the proceedings as above.

Petitioners shall produce a copy of this judgment, along with a copy of the writ petition, before the 1st respondent, for further steps.

**P.R. RAMACHANDRA MENON,
JUDGE**

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