

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

MONDAY, THE 5TH DAY OF JANUARY 2015/15TH POUSHA, 1936

WP(C).No. 33307 of 2014 (K)

PETITIONER :

**RAJAPPAN, S/O.KRISHNAN,
ANKARA HOUSE, NECHUR P.O.,
ALATHUR VILLAGE, PALAKKAD-678 544.**

BY ADV. SRI.P.BABU KUMAR

RESPONDENT(S):

- 1. STATE OF KERALA,
REP. BY GOVERNMENT SECRETARY OF FOREST,
SECRETARIAT, THIRUVANANTHAPURAM-695 001.**
- 2. DIVISIONAL FOREST OFFICER,
NENMARA, PALAKKAD-678 508.**
- 3. CHIEF FOREST CONSERVATOR,
EASTERN CIRCLE, OLAVAKKODE-678 002.**
- 4. THE FOREST RANGE OFFICE,
ALATHUR-478 542**

**R1 TO R4 BY GOVERNMENT PLEADER SRI.JOSEPH GEORGE
BY SPL. GOVT. PLEADER (FOREST) SRI.M.P.MADHAVANKUTTY**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 05-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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WP(C).No. 33307 of 2014 (K)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXIBIT P1:** TRUE PHOTOCOPY OF THE ORDERS IN OA NOS.349/75 & 350/75 OF
FOREST TRIBUNAL, PALAKKAD DATED 24.04.1979
- EXIBIT P2:** TRUE PHOTOCOPY OF THE SALE DEED NO.1300/90 OF
KUZHALMANNAM SRO DATED 31.05.1990
- EXIBIT P3:** TRUE PHOTOCOPY OF THE SALE DEED NO.255/91 OF KUZHALMANNAM
SRO DATED 07.02.1991
- EXIBIT P4:** TRUE PHOTOCOPY OF THE SALE DEED NO.257/91 OF
KUZHALMANNAM SRO DATED 07.02.1991
- EXIBIT P5:** TRUE PHOTOCOPY OF THE LETTER ISSUED BY 2ND RESPONDENT TO
THE 4TH RESPONDENT DATED 21.06.2010.
- EXIBIT P6:** TRUE PHOTOCOPY OF THE REPORT SEND BY 2ND RESPONDENT TO
THE 4TH RESPONDENT DATED 04.08.2010.

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

P.A.TO.JUDGE

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P.R. RAMACHANDRA MENON, J.

W.P.(C) No.33307 of 2014

Dated this the 5th day of January, 2015

JUDGMENT

The case of the petitioner is that the properties covered by O.A. Nos.349 and 350 of 1975 are exclusively belonging to the petitioner and his brothers. In spite of the fact that an award was passed by the Forest Tribunal, Palakkad in favour of the petitioner, the property is still to be restored, despite the lapse of 3½ decades. The petitioner contends that, there is no mitigating circumstance and that the property is not covered by any notification under the 'Ecologically Fragile Land Act'. Though the said fact has been certified by the 4th respondent by submitting a report, no positive action has been taken by the respondents. Hence the writ petition.

2. The learned Special Government Pleader concedes that the verdict passed by the Forest Tribunal has become final and that the property does not come within the purview of 'Ecologically Fragile Land Act'. But, various procedural formalities have to be completed before the properties are correctly

identified and restoration is made possible. It is stated that, earnest efforts are being pursued and seeks for six month's time to complete the same.

After hearing both the sides, the writ petition is disposed of, directing the respondents to take all necessary remedial measures to redress the grievance of the petitioner by effecting restoration of the property covered by O.A. Nos.349 and 350 of 1975. This shall be done at the earliest, at any rate, within 'six months' from the date of receipt of a copy of this judgment.

Petitioner shall produce a copy of this judgment, along with a copy of the writ petition, before the respondents, for further steps.

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

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