

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 23RD DAY OF DECEMBER 2015/2ND POUSHA, 1937

WP(C).No. 39430 of 2015 (C)

PETITIONERS:

1. M.G. RAMACHANDRAN NAIR, AGED 52 YEARS,
S/O.LATE GOVINDAPILLAI, HOUSE NO.29,
LEKSHMI PONNARA SREEDHAR NAGAR,
NEDUMANGAD P.O, THIRUVANANTHAPURAM.
2. K.RADHAKRISHNA PILLAI,
DEVIKA, TC 9/2066, SASTHAMANGALAM,
THIRUVANANTHAPURAM.
3. LALITHAKUMARI AMMA,
JYOTHIRNILAYAM, KARIMPINPUZHA P.O,
KOTTARAKKARA.

BY ADVS.SRI.R.SANJITH
SMT.C.S.SINDHU KRISHNAH

RESPONDENTS:

1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY, DEPARTMENT OF FOREST,
SECRETARIAT, THIRUVANANTHAPURAM.
2. DIVISIONAL FOREST OFFICER,
THIRUVANANTHAPURAM.
3. CUSTODIAN (ECOLOGICALLY FRAGILE LANDS)-AND
CHIEF CONSERVATOR OF FOREST (DEPARTMENT),
FOREST HEAD QUARTERS,VAZHUTHACAUD,
THIRUVANANTHAPURAM- 695 014
4. THAHASILDAR,
NEDUMANGAD, THIRUVANANTHAPURAM.
5. VILLAGE OFFICER,
THENOOR VILLAGE, NEDUMANGAD,
THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI.BIJU MEENATTOOR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 23-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

- P1:- TRUE COPY OF THE NOTIFICATION BEARING NO.EFL 10-2455/2010 DTD 7/8/2010 ISSUED BY THE 3RD RESPONDENT
- P2:- A TRUE COPY OF THE APPLICATION FOR REVIEW FILED BY THE PETITIONERS BEFORE THE 3RD RESPONDENT
- P3:- TRUE COPY OF THE ACKNOWLEDGEMENT RECEIPT ISSUED BY THE 3RD RESPONDENT
- P4:- TRUE COPY OF THE INTIMATION DTD 12/2/2011 ISSUED BY THE 3RD RESPONDENT
- P5:- TRUE COPY OF THE REPLY DTD 20/7/2011 ISSUED UNDER THE RIGHT TO INFORMATION ACT
- P6:- TRUE COPY OF THE REPRESENTATION DTD 24/1/2015 PREFERRED BY THE PETITIONERS TO 5TH RESPONDENT
- P7:- TRUE COPY OF THE COMMUNICATION DTD 11/1/2011 ISSUED BY THE 5TH RESPONDENT TO THE 3RD RESPONDENT
- P8:- TRUE COPY OF THE JUDGMENT OF THIS HONOURABLE COURT DTD 22/1/2014 IN WPC.NO. 2022/2014

RESPONDENT(S)' EXHIBITS:

NIL

/TRUE COPY/

P.A.TO JUDGE

A.MUHAMED MUSTAQUE, J.

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W.P.(C).No. 39430 of 2015

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Dated this the 23rd day of December, 2015

J U D G M E N T

The petitioner had approached the 3rd respondent by Ext.P2 application for clarification. The petitioner submits that in the light of Rule 17 of the Kerala Forest (Vesting and management of Ecologically Fragile Land) Rule 2007, the 3rd respondent has necessary power to consider Ext.P2. Therefore this Court is of the view that Ext.P2 shall be considered after adverting to the nature of power under Rule 17 by the 3rd respondent within a period of two months from the date of receipt of the copy of this judgment after notice to the petitioner. In the light of above, Ext.P4 issued by the 3rd respondent to the 2nd respondent has to be recalled to pave way for consideration of Ext.P2.

The writ petition is disposed of, as above.

sd/-

sab

A.MUHAMED MUSTAQUE, JUDGE

