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Joseph Vs. Special Tahsildar

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Court : Kerala

Decided On : Oct-22-2013

Judge : Honourable Mr.Justice P.R.Ramachandra Menon

Appellant : Joseph

Respondent : Special Tahsildar

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON TUESDAY,THE22D DAY OF OCTOBER201330TH ASWINA, 1935 WP(C).No. 25783 of 2013 (W) ---------- PETITIONER(S): ---------- JOSEPH, AGED79YEARS, S/O.OUSEPH, KUTTIYANIKKAL HOUSE, ASARIKAD P.O. THRISSUR. BY ADV. SRI.K.I.SAGEER RESPONDENT(S): ---------- 1. SPECIAL TAHSILDAR, LAND ASSIGNMENT, UNIT NO.2, THRISSUR - 680 001.

2. DISTRICT COLLECTOR, COLLECTORATE, THRISSUR - 680 001.

3. SECRETARY TO THE GOVERNMENT, FOREST DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM - 695 001.

4. STATE OF KERALA, REPRESENTED BY ITS CHIEF SECRETARY TO THE GOVERNMENT, SECRETARIAT, THIRUVANANTHAPURAM - 695001. BY SENIOR GOVERNMENT PLEADER JOSEPH GEORGE THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON2210-2013, THE COURT ON

THE SAME DAY DELIVERED THE FOLLOWING: PJ WP(C).No. 25783 of 2013 (W) ---------- APPENDIX PETITIONER(S)' EXHIBITS ---------- EXT.P-1: TRUE COPY OF THE PATTA NO.B4-4290/99 DATED229.2001 EXT.P-2: TRUE COPY OF THE REPRESENTATION DATED37.2013 SUBMITTED BY THE PETITIONER BEFORE THE1T RESPONDENT. RESPONDENT(S)' EXHIBITS ---------- NIL. / TRUE COPY / P.S. TO JUDGE PJ P.R. RAMACHANDRA MENON, J.

========== W.P.(C). No. 25783 of 2013 ---------- Dated this the 22nd day of October, 2013

JUDGMENT

Ext.P1 Patta was issued to the petitioner under the relevant provisions of the Kerala Land Assignment (Regulation of Occupation of Forest Lands prior to 01-01-1997) Special Rules, 1993 in respect of the rights and liberties over 1 acre (0.4047 hectors) of land. It is pointed out that O.P.No.14276/1993 came to be filed by the Nature Lovers Movement challenging the steps being taken by the State Government to regularize unauthorised occupation and encroachment of Forest lands . The said original petition came to be dismissed as per judgment dated 7.10.1999 rendered by the Full Bench of this Court. Challenging the said verdict, the original petitioner approached the Supreme Court by filing Civil Appeal No. 2116/2000. It was during the pendency of this matter before the Apex Court, that Ext.P1 Patta came to be issued to the petitioner and in the said circumstance, an endorsement was made on Ext.P1 Patta that, it was issued subject to the result of the matter pending consideration before the Apex Court . The case of the petitioner is that, the matter stands finalised by virtue of the judgment rendered by the Apex Court on 20.03.2009, as reported in JT20095) SC127(Nature Lovers Movement v. State of Kerala & Others), whereby the civil Appeal preferred by W.P.C. No. 25783 of 2013 -2- the Nature Lovers Movement was dismissed and the verdict passed by the Full Bench of this Court has been upheld. Despite the position as above and the request made by the petitioner, no positive steps are being taken by the respondents to delete the endorsement made on Ext.P1 and hence the writ petition.

2. Heard the learned Government Pleader as well.

3. In the above circumstances, this Court finds that the petitioner is entitled to succeed. There will be a direction to the first respondent to delete the adverse entry in Ext.P1 and issue a corrected Patta in the name of the petitioner. The proceedings as above shall be finalised at the earliest, at any rate within 'one month' from the date of receipt of a copy of this judgment. The petitioner shall surrender the original of Ext.P1 as and when demanded by the first respondent for further steps. The petitioner shall produce a copy of this judgment along with a copy of the writ petition before the first respondent for further steps. P.R. RAMACHANDRA MENON, JUDGE. kp/-

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