

Pradeep B. Vs. State of Kerala

Pradeep B. Vs. State of Kerala

SooperKanoon Citation : sooperkanoon.com/1099124

Court : Kerala

Decided On : Nov-11-2013

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

Appellant : Pradeep B.

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON MONDAY, THE 11TH DAY OF NOVEMBER 2013 20TH KARTHIKA, 1935 WP(C).No. 27620 of 2013 (B) ----- PETITIONER(S): ----- PRADEEP T.B., THAIVALAPPIL HOUSE, PADIYAM P.O., THRISSUR - 680641. BY ADV. SRI.K.SANIL KUMAR. RESPONDENT(S): ----- 1. STATE OF KERALA, REP. BY THE SECRETARY TO GOVERNMENT, FOREST AND WILDLIFE, THIRUVANANTHAPURAM - 695 001.

2. THE DIVISIONAL FOREST OFFICER, THRISSUR, THRISSUR 680000.

3. THE CONSERVATOR OF FOREST, THRISSUR - 680003.

4. THE DEPUTY TAHSILDAR (R.R), THRISSUR - THRISSUR - 20.

5. THE VILLAGE OFFICER, PADIYAM, PADIYAM P.O., THRISSUR - 680 641.
BY GOVERNMENT PLEADER SMT.K.T.LILLY & BY

SRI.M.P.MADHAVANKUTTY, SPL. GOVT. PLEADER FOR FOREST. THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 11.11.2013, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: RVS/ WP(C).No. 27620 of 2013 (B) APPENDIX PETITIONER(S)' EXHIBITS : -----
EXT.P-1: TRUE COPY OF THE LETTER DATED 16.5.2013. EXT.P-2: TRUE COPY OF THE OBJECTION FILED BY THE PETITIONER DATED 31.5.13. EXT.P-3: TRUE COPY OF THE

ORDER

DATED 17.7.13 BY THE 2^D RESPONDENT. EXT.P-4: TRUE COPY OF THE RELEVANT PAGES OF THE AGREEMENTS. EXT.P-5: TRUE COPY OF THE APPEAL FILED BEFORE 3^D RESPONDENT EXT.P-6: COPY OF THE STAY PETITION. EXT.P-7: COPY OF THE RECEIPT ISSUED BY THE 3^D RESPONDENT DATED 7.8.13. EXT.P-8: COPY OF THE DEMAND NOTICE ISSUED BY THE 4^H RESPONDENT DATED 12.9.13. RESPONDENT(S)' EXHIBITS: ----- NIL. /TRUE COPY/ P.A.TO JUDGE rvs/ P.R.RAMACHANDRA MENON, J.

----- W.P.(c) No.27620 OF 2013-----
----- Dated this the 11th day of November, 2013

JUDGMENT

The petitioner was awarded the work to cut and remove certain trees situated in the Non-revertable Forest area where cultivation is going on. It is stated that alleging lapse on the part of the petitioner in completing the work, recovery proceedings are being pursued, pursuant to Ext.P3 order dated 17.7.2013 passed by the second respondent. By virtue of Clause 24 of the relevant agreement, the aggrieved party is at liberty to file appeal before the third respondent and it is accordingly, that the petitioner has approached the third respondent by filing Ext.P5 appeal against Ext.P3 order, receipt of which has been acknowledged, as borne by Ext.P7. It is without any regard to the pendency of the said appeal that Ext.P8 demand notice has been issued to the petitioner, which made the petitioner to approach this Court by filing this writ petition.

2. Heard the learned Government Pleader as well.

3. Considering the facts and circumstances, the writ petition is disposed of, directing the third respondent to consider and pass final orders W.P.(C)No.27620/2013 2 on Ext.P5 appeal in accordance with law, as expeditiously as possible, at any rate, within 'two months' from the date of receipt of a copy of this judgment. Further proceedings pursuant to Exts.P3 and P8 shall be kept in abeyance till such time. The petitioner shall produce a copy of this judgment along with a copy of the writ petition before the third respondent for further steps. P.R.RAMACHANDRA MENON JUDGE sv. W.P.(C)No.27620/2013 2

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com