

Jayakrishnan vs State of Kerala

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Court : Kerala

Decided On : Mar-31-2021

Judge : Honourable the Chief Justice Mr.S.Manikumar,Honourable Mr. Justice Shaji P.Chaly

Appeal No. : WP(C)/8658/2021

Appellant : Jayakrishnan

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE THE CHIEF JUSTICE
MR.S.MANIKUMAR & THE HONOURABLE MR. JUSTICE SHAJI
P.CHALY WEDNESDAY, THE 31ST DAY OF MARCH 2021 / 10TH
CHAITHRA, 1943 PETITIONER:

1 JAYAKRISHNAN, S/o C.K.JAYAPRADEEP, AGED 33 YEARS,
PARAS TIERA SECTOR - 137, NOIDA, NEW DELHI, NCR, PIN 201305
2 MADHU JOHN, S/O P.M.JOHN, AGED 47 YEARS, PLOT NO.41,
PAINILPHARA HOUSE, GIRINAGAR, ELAMKULAM VILLAGE,
ERNAKULAM DISTRICT, PIN 682 020. 3 MANJU, W/O BIJU, AGED 36

YEARS, THALAMALI, ADIMALI, KORANGOTTY P O, MANNAMKANDOM VILLAGE, DEVIKULAM TALUK, IDUKKI DISTRICT, PIN 685 561. BY ADV. SRI.R.RAMADAS

RESPONDENTS:

1 STATE OF KERALA, REPRESENTED BY CHIEF SECRETARY TO GOVERNMENT, SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695 001. 2 PRINCIPAL CHIEF CONSERVATOR OF FORESTS, OFFICE OF THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS, VAZHUTHACAUD, THIRUVANANTHAPURAM, PIN 690 014. 3 THE DISTRICT COLLECTOR, COLLECTORATE, PAINAVU- KUYILIMALA, IDUKKI, PIN 685 603. 4 THE TAHSILDAR, TALUK OFFICE, DEVIKULAM, DEVIKULAM P O IDUKKI DISTRICT, PIN 685 613. 5 THE VILLAGE OFFICER, OFFICE OF THE VILLAGE OFFICER, ANAVIRATTY, IDUKKI DISTRICT, PIN 685 561. 6 THE VILLAGE OFFICER, OFFICE OF THE VILLAGE OFFICER, MANNAMKANDOM, ADIMALI P O, IDUKKI DISTRICT, PIN 685 561. 7 THE DEPUTY DIRECTOR (SURVEY), COLLECTORATE, PAINAVU - KUYILIMALA, IDUKKI DISTRICT, PIN - 685 603. 8 HEAD SURVEYOR, TALUK OFFICE, DEVIKULAM P.O., DEVIKULAM, IDUKKI DISTRICT, PIN - 685 613. 9 THE DIVISIONAL FOREST OFFICER, MUNNAR, DEVIKULAM P.O., IDUKKI DISTRICT, PIN - 685 613. 10 THE DIVISIONAL FOREST OFFICER, MANKULAM, MANKULAM P.O., VIRUPPARA, IDUKKI DISTRICT, PIN - 685 561. :: 2 ::

11 THE RANGE OFFICER, FOREST RANGE OFFICE, ADIMALI, ADIMALI P.O., IDUKKI DISTRICT, PIN - 685 561. 12 C. GANESHAN, S/O. CHELLAYA, VATTAYAR P.O., PEECHAD PLAMALA, IDUKKI DISTRICT, PIN - 685 565. 13 P.V. PAULOSE, S/O. VARGHESE, POTTACKAL HOUSE, VATTAYAR P.O., PEECHAD PLAMALA, IDUKKI DISTRICT, PIN - 685 565. 14 P.J. ANNAMMA, W/O. P.A. GEORGE, PADATHUPARAMBIL HOUSE, VATTAYAR P.O., PEECHAD PLAMALA, IDUKKI DISTRICT, PIN-685 565. 15 PRASANNA SIVARAMAN,

W/O.SIVARAMAN NAIR, MUKALAL HOUSE, VATTAYAR P.O.,
PEECHAD PLAMALA, IDUKKI DISTRICT, PIN-685 565. 16 S.T. RANGA
SWAMI, S/O. S. THANKAMUTHU PILLAI, MURUKALAYAM HOUSE,
VATTAYAR P.O., PEECHAD PLAMALA, IDUKKI DISTRICT, PIN - 685
565. 17 THOMAS, S/O. VARKEY, CHETTOOR HOUSE, VATTAYAR
P.O., PEECHAD PLAMALA, IDUKKI DISTRICT, PIN - 685 565. 18
JOHN RAJESH P.G, S/O. GEORGE, PULIKKAPARAMBIL HOUSE,
VATTAYAR P.O., PEECHAD PLAMALA, IDUKKI DISTRICT, PIN-685
565. 19 GEORGE V.V., S/O. VARKEY, VALETHU HOUSE, VATTAYAR
P.O., PEECHAD PLAMALA, IDUKKI DISTRICT, PIN - 685 565. 20
VARGHESE, S/O. KURIAN, CHAMBAKULATH HOUSE, VATTAYAR
P.O., KURISUPARA KOTTAPPARA, IDUKKI DISTRICT, PIN - 685 565.
21 JOSEPH, S/O. MATHAI, KALLANKUNNEL HOUSE, VATTAYAR
P.O., KURISUPARA KOTTAPPARA, IDUKKI DISTRICT, PIN - 685 565.
22 DEVASSE.D, S/O.DEVASIA, VADAKKAN HOUSE, VATTAYAR P.O.,
PEECHAD PLAMALA, IDUKKI DISTRICT, PIN - 685 565 23
KANNIYAMMA, W/O. KARUPPASWAMY, KUMAR BHAVAN HOUSE
NO.404, PINBAD, VATTAYAR P.O., DEVIKULAM, AANAVIRATTI,
IDUKKI DISTRICT, PIN - 685 565. 24 KUMAR, S/O. DURAIPANDY,
POOPPARA, SANTHANPARA P.O., IDUKE DISTRICT, PIN- 685 619 25
BABY XAVIER, KALARIKKAL HOUSE, OONNUKALLU
VELLAMAKUTHU, IDUKKI DISTRICT, PIN - 689 647 26 K.J.RAJAN,
S/O. JOSEPH, KANJIRATHINMOOTIL HOUSE, VATTAYAR P.O.,
PINBAD, IDUKKI DISTRICT, PIN - 685 565 SRI. SANDESH RAJA .K.
(SPL. GP); SRI.ARAVIND KUMAR BABU (SR.GP) THIS WRIT
PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
31.03.2021, THE COURT

ON THE SAME DAY DELIVERED THE FOLLOWING: :: 3 ::

JUDGMENT

Dated this the 31st day of March 2021 S.MANIKUMAR, C.J. This writ petition is
filed as a Public Interest Litigation seeking for

appropriate direction to the respondents 1 to 11 to prevent illegal encroachment into the forest lands in Mannamkandom and Mankulam Villages in Devikulam Taluk in Idukki District. They also sought for a direction to the respondents 1 to 11 to demarcate the forest lands by putting up jundas and also by fixing appropriate markings in order to prevent any sort of encroachment into forest lands.

2. Case of the petitioners is that there are large scale encroachment into forest lands in Mannamkandam and Mankulam villages in Devikulam

Taluk in Idukki District. It is alleged by the petitioners that the respondents 12 to 26 are persons who have encroached into forest lands in Mannamkandam and Mankulam Villages in Devikulam Taluk and by creating false and fabricated documents and they are now trying to get pattayam in respect of those forest lands, on the basis of their illegal possession. It is also alleged by the petitioners that there is inaction on the

part of the respondents 1 to 11 to take effective steps to prevent encroachment in the forest lands. :: 4 ::

3. Heard learned counsel for the parties and perused the materials available on record.

4. Posed the question as to whether the petitioners had submitted

any representation before any of the statutory authority to take action for removal of alleged encroachment, Mr.R.Ramadas, learned counsel for the petitioners submitted that representation has been made to the Hon'ble Minister. Perusal of the materials available on record, do not disclose pendency of any such representation before any statutory authorities. Directions can be issued if only the petitioners have made any representation before the authorities concerned in accordance with law.

5. In the light of the above, instant writ petition is dismissed.

Dismissal of the writ petition will not deprive the right of the petitioners to make representation to the statutory authorities concerned and if any such

representation is made, the same shall be considered by the authorities in accordance with law. SD/- S.MANIKUMAR CHIEF JUSTICE SD/- SHAJI P. CHALY JUDGE jes :: 5 :: APPENDIX PETITIONER'S EXHIBITS: EXT.P1: TRUE COPY OF THE JUDGMENT DATED 3.2.2015 IN WP(C)NO.22795/2014 PASSED BY THIS HON'BLE COURT. // TRUE COPY // P.S. TO JUDGE

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