



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH

WEDNESDAY, THE 20TH DAY OF NOVEMBER 2024 / 29TH KARTHIKA, 1946

WP(C) NO. 34022 OF 2024

PETITIONERS:

- 1 JOSEPH MATHEW
AGED 67 YEARS, S/O. ITTIYAVARAH,
THEKKEKANDATHIL, POONAMKODE,
KARAKURUSSI, THACHAMPARA,
MANNARKKAD TALUK, PALAKKAD., PIN - 678593
- 2 MARIYAMMA
AGED 62 YEARS, W/O. JOSEPH MATHEW,
THEKKEKANDATHIL, KARAKURUSSI,
MANNARKKAD TALUK, PALAKKAD., PIN - 678593

BY ADVS.

P.R.VENKATESH
ASHA P.KURIAKOSE
LAKSHMI MEENAKSHI P.R.
MAITHRI SRIKANT

RESPONDENTS:

- 1 DIVISIONAL FOREST OFFICER
ARANYA BHAVAN, OLAVAKODE,
PALAKKAD, PIN - 678002
- 2 TAHSILDAR
OTTAPALAM TALUK OFFICE,
OTTAPALAM, PALAKKAD., PIN - 679101
- 3 VILLAGE OFFICER
KARIMPUZHA-II VILLAGE OFFICE,
ELAMBULASSERY, PALAKKAD., PIN - 679513
- 4 ASST DIRECTOR
RE-SURVEY OFFICE, FOREST MINI SURVEY,
KOZHIKODE., PIN - 673004

W.P.(C) No. 34022/2024



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2024:KER:86898

5 RANGE FOREST OFFICER
FOREST RANGE OFFICE,
OTTAPPALAM RANGE, OTTAPPALAM TALUK,
PALAKKAD DISTRICT., PIN - 679513
SRI.T.P.SAJAN, SPL. G.P. (FOREST)

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
20.11.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:



J U D G M E N T

The petitioners preferred Ext.P11 application before the respondent No.5 seeking permission to cut and remove rubber trees for re-plantation. The learned Counsel for the petitioners submits that there may be a direction to the respondent No.5 to consider and dispose of the said application.

Having heard Sri.P.R.Venkatesh, the learned counsel appearing for the petitioners and Sri.T.P.Sajan, the learned Special Government Pleader (Forest), the writ petition is disposed of with a direction to the respondent No.5 to consider and dispose of Ext.P11 application, after hearing the petitioners, within a period of two months from the date of receipt of a copy of this judgment.

Sd/-
DR. KAUSER EDAPPAGATH
JUDGE



APPENDIX OF WP(C) 34022/2024

PETITIONER EXHIBITS

- EXHIBIT P1 TRUE COPY OF THE ORDER DATED 8.11.1978 IN OA NO. 814/1975 OF THE FOREST TRIBUNAL, PALAKKAD
- EXHIBIT P2 TRUE COPY OF DOCUMENT NO. 859/1990 AT THE SRO, KADAMPAZHIPURAM IN FAVOUR OF 1ST PETITIONER
- EXHIBIT P3 TRUE COPY OF DOCUMENT NO. 860/1990 AT THE SRO, KADAMPAZHIPURAM IN FAVOUR OF THE 2ND PETITIONER
- EXHIBIT P4 A TRUE COPY OF LETTER ISSUED BY THE DIVISIONAL FOREST OFFICER DATED 17.2.1981
- EXHIBIT P5 TRUE COPY OF THE JUDGMENT DATED 20.11.2023 IN W.P. (C) NO. 37708/2022
- EXHIBIT P6 TRUE COPY OF THE JUDGMENT DATED 16.9.2022 IN W.P. (C) NO. 21536/2022
- EXHIBIT P7 TRUE COPY OF THE NO OBJECTION CERTIFICATE DATED 17.11.2023 ISSUED BY THE DFO, PALAKKAD
- EXHIBIT P8 TRUE COPY OF THE JUDGMENT DATED 21.11.2023 IN COC NO. 1495/2023
- EXHIBIT P9 TRUE COPY OF THE ORDER DATED 25.5.2024 ISSUED BY THE FOREST RANGE OFFICER, OTTAPPALAM
- EXHIBIT P10 TRUE COPY OF THE ORDER DATED 09.09.2024 IN CONT. CASE NO. 1422/2024
- EXHIBIT P11 TRUE COPY OF THE APPLICATION DATED 18.11.2024

RESPONDENT ANNEXURES

- ANNEXURE R1 (a) TRUE COPY OF THE LETTER DATED 14.10.2024