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30/10/17



GOVERNMENT OF KERALA

Abstract

Forest & Wildlife Department – Judgement dated 06.04.2016 of the Hon'ble High Court in WP(C)No.13795/2016 filed by Sri. Thomas – complied – Orders issued.

FOREST & WILDLIFE (B) DEPARTMENT

G.O.(Rt)No. 395/2017/F&WLD Dated, Thiruvananthapuram, 20/10/2017

- Read: 1 Representation dated 21.03.2016 of Sri.Thomas.Pallathuvedu, Vettilapara P.O, Chalakudy, Thrissur
2 Judgement dated 06.04.2016 of the Hon'ble High Court in WP(C)No.13795/2016.

ORDER

Sri.Thomas, S/o Varghese, Pallathuvedu, Vettilapara P.O, Chalakudy, Thrissur District has filed WP(C)No.13795 of 2016 before the Hon'ble High Court seeking permission to cut 8 teak trees from his property in Survey No. 1774/I of Athirappally Village in Chalakkudy Taluk.The Hon'ble High Court as per Judgement read as 2nd paper above directed the first respondent, Secretary, Forest to consider the application within 3 months after notice of the petitioner.

2)Representation mentioned in the Judgement was not received in Government earlier. The same was received along with the Writ Petition only. As directed by Hon'ble High Court the petitioner has been heard on 30.01.2017. Advocate Viji Varghese (on behalf of the petitioner Sri. Thomas) and the Range Forest Officer Pariyaram were attended the hearing. Advocate Viji Varghese claimed that the Land in Survey No.1774/1 was disreserved as per Notification No. FE3-29499/66/Agri dated 09/08/1966. Hence he is entitled to cut and remove the trees.It is also pointed out that the teak trees now in the land are planted by Sri.Thomas after obtaining Patta and has not reserved any trees in the Patta when the Patta was issued.

3)The Range Forest Officer, Pariyaram reported that Government issued land assignment Patta to the petitioner. The First condition of the Patta is that "the full right over all the trees within the grant and specified in the Schedule vest in the Government and the assignee is to take care of all such trees standing on the land at the time of assignment or that may come into existence subsequent to it.Eventhough the teak trees are planted by the petitioner he is not eligible to cut and remove the trees as per condition .The trees are the property of the Government.The Survey No.1774/1 is not disreserved.The land in Survey No.1386,1387,1388,1389 are disreserved as per notification No.FE3-29488/66/Agri dated 9/8/1986.

4)Government examined the matter in detail. The first condition of the L.A pattayam of the petitioner is that the full right over all the trees within the grant and specified in the scheduled vests in the Government and the assignee is to take care of all such trees standing on the land at the time of assignment or that may come into existence subsequent to it. Besides, the land of the petitioner is not disreserved till date. Therefore the petitioner is not eligible to cut and remove the trees till the conditions of patta is changed. Hence the request of the petitioner is rejected.

5)The Judgement read as 1st paper above is complied with accordingly.

By order of the Governor
GIRIJA KUMARI G
DEPUTY SECRETARY

To:- Sri. Thomas, S/o Varghese, Pallathuveedu, Vettilapara P.O, Chalakudy, Thrissur
The Advocate General, Ernakulam.(with C/L)

The Principal Chief Conservator of Forest (F, L&R), Thiruvananthapuram.

The Principal Accountant General (Audit) Kerala, Thiruvananthapuram.

The Accountant General (A&E) Kerala, Thiruvananthapuram.

The Divisional Forest Officer, Chalakudy Division, Chalakudy, Thrissur – 680 307.

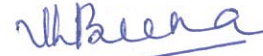
The Range Officer, Forest Range, Pariyaram, Chalakudy, Thrissur – 680 307.

The Village Officer, Athirappally Village, Chalakudy, Thrissur – 680 307.

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Section officer