IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE SATHISH NINAN

&

THE HONOURABLE MRS. JUSTICE SHOBA ANNAMMA EAPEN

WEDNESDAY, THE 9TH DAY OF APRIL 2025 / 19TH CHAITHRA, 1947

OP(FT) NO. 2 OF 2025

IA 4/2023 IN OA NO.7 OF 2023 OF FOREST TRIBUNAL, PALAKKAD

PETITIONERS/RESPONDENTS 1 & 6 IN OA NO.7/2023:

1 V.S. SUJITH,
AGED 58 YEARS,
S/O. LATE V.K. SREENIVASAN, 35/200,
SIVANIKETH BUILDING, KALATHILPARAMBU ROAD,
ERNAKULAM TOWN, ERNAKULAM TALUK, PIN – 682023.

2 V.S. SANJAY,
AGED 49 YEARS,
S/O. LATE V.K. SREENIVASAN, 35/200,
SIVANIKETH BUILDING, KALATHILPARAMBU ROAD,
ERNAKULAM TOWN, ERNAKULAM TALUK, PIN – 682023.

BY ADVS.
M.P.MADHAVANKUTTY
MATHEW DEVASSI
ANGEL GYLES LIKE

RESPONDENTS/PETITIONERS AND RESPONDENTS 2 TO 5 IN OA 7/2023:

1 STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT FOREST DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM, PIN – 695001.

2 THE CUSTODIAN AND PRINCIPAL CONSERVATOR OF FOREST
OFFICE
VAZHUTHAKKAD, THIRUVANANTHAPURAM, PIN – 695001.

3 THE CHIEF CONSERVATOR OF FOREST,
PUTHUPPARIYARAM, PALAAKKAD, KERALA, PIN – 678009.

4 THE DIVISIONAL FOREST OFFICER,
ATHIRA NAGAR, PUTHUPARIYARAM,PALAKKAD, PIN – 678009.

5 V.S. VINAYASOBHINI,
AGED 85 YEARS,
W/O.LATE V.K. SREENIVASAN, 35/200, SIVANIKETH BUILDING,
KALATHILPARAMBU ROAD, ERNAKULAM TOWN, ERNAKULAM TALUK,
PIN – 682023.

6 V.S. SARITHA,
AGED 60 YEARS,
D/O. V.K. SREENIVASAN, W/O. M.S. BHAVADAS, AMRUTHA
NIVAS, SREEPURAM COLONY, YAKKARA POST, PALAKKAD,
PIN – 678701.

7 V.S. SUMITHA,
AGED 56 YEARS,
D/O. V.K. SREENIVASAN, KALLIYARA ESTATE BUNGALAW,
MALAMPUZHA NO. I VILLAGE, KADUKKAMKUNNAM AMSOM DESOM,
MALAMPUZHA POST, PALAKKAD, PIN – 678651.

8 V.S. SAJITHA,
AGED 48 YEARS,
D/O. V.K. SREENIVASAN, MADAMBIKA HOUSE, UNIT 1ST LANE,
KURIACHIRA, THRISSUR DISTRICT, PIN – 680006.

* ADDL. RESPONDENT NO.9

9 G.P.NAIR FAMILY TRUST,
NAIR MAHAL, SENAPATI BAPAT MARGH, MAHIM, MUMBAI 400016,
REPRESENTED BY ITS POWER OF ATTORNEY HOLDER.
K.G.KURUVILA, AGED 69 YEARS, S/O.LATE. K.M.GEORGE,
KAYYALAKKAKOM, KURUVANKONAM WARD, KOWDIYAR,
THIRUVANANTHAPURAM, NOW RESIDING AT 12-E,
HEERA BLUE BELLS APARTMENTS, VELLAYAMBALAM,
THIRUVANANTHAPURAM-695010.

* [ADDL. R9 IS IMPLEADED AS PER ORDER DATED 24/03/2025
IN IA 1/2025 IN OP(FT) 2/2025.]

BY ADVS.
SHRI.NAGARAJ NARAYANAN, SPL. G.P. (FOREST)
JAMES KURIAN

THIS OP (FOREST TRIBUNAL) HAVING COME UP FOR HEARING ON 09.04.2025, ALONG WITH OP(FT).4/2025, 7/2024 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE SATHISH NINAN

&

THE HONOURABLE MRS. JUSTICE SHOBA ANNAMMA EAPEN

WEDNESDAY, THE 9TH DAY OF APRIL 2025 / 19TH CHAITHRA, 1947

OP(FT) NO. 4 OF 2025

OA NO.7 OF 2023 OF FOREST TRIBUNAL, PALAKKAD

PETITIONER/ADDITIONAL RESPONDENT SOUGHT TO BE IMPLEADED IN THE OA:

**M/S VAS PHARMACEUTICALS (INDIA) PVT. LTD,
THOPPIL ESTATE, JANATHA, VYTTILA (POST), ERNAKULAM,
COCHIN – 19, REPRESENTED BY ITS MANAGING DIRECTOR
VASUDEVAN. K. PANDALATH, PIN – 682019.**

BY ADV JESWIN P.VARGHESE

RESPONDENTS/CLAIMANTS AND RESPONDENTS IN THE OA:

1 **V.S SUJITH,
AGED 58 YEARS,
S/O (LATE) V.K SREENIVASAN, KALLIYARA ESTATE, BUNGALOW,
MALAMPUZHA -1 VILLAGE, KADUKKUMKUNNAM, AMSOM DESOM,
MALAMPUZHA P.O, PALAKKAD, AND AS MANAGING PARTNER M/S
G.P NAIR PLANTATION REGISTERED OFFICE, KALLIYARA ESTATE
BUNGALOW, PADINJARA MURI, MALAMPUZHA – 1 VILLAGE,
MALAMPUZHA P.O, PALAKKAD., PIN – 678651.**

2 **V.S SANJAY,
S/O (LATE) V.K SREENIVASAN, KALLIYARA ESTATE, BUNGALOW,
MALAMPUZHA -1 VILLAGE, KADUKKUMKUNNAM, AMSOM DESOM,
MALAMPUZHA P.O, PALAKKAD, AND AS MANAGING PARTNER M/S
G.P NAIR PLANTATION REGISTERED OFFICE, KALLIYARA ESTATE
BUNGALOW, PADINJARA MURI, MALAMPUZHA – 1 VILLAGE,
MALAMPUZHA P.O, PALAKKAD, PIN – 678651.**

3 VINAYASOBHINI,
W/O (LATE) V.K SREENIVASAN, KALLIYARA ESTATE, BUNGALOW,
MALAMPUZHA -1 VILLAGE, KADUKKUMKUNNAM, AMSOM DESOM,
MALAMPUZHA P.O, PALAKKAD, AND ASMANAGING PARTNER
M/S G.P NAIR PLANTATION REGISTERED OFFICE,
KALLIYARA ESTATE BUNGALOW, PADINJARA MURI,
MALAMPUZHA – 1 VILLAGE, MALAMPUZHA P.O, PALAKKAD,
PIN – 678651.

4 V.S SARITHA,
D/O (LATE) V.K SREENIVASAN, KALLIYARA ESTATE, BUNGALOW,
MALAMPUZHA -1 VILLAGE, KADUKKUMKUNNAM, AMSOM DESOM,
MALAMPUZHA P.O, PALAKKAD, AND AS MANAGING PARTNER
M/S G.P NAIR PLANTATION REGISTERED OFFICE,
KALLIYARA ESTATE BUNGALOW, PADINJARA MURI,
MALAMPUZHA –1 VILLAGE, MALAMPUZHA P.O, PALAKKAD,
PIN – 678651.

5 V.S SUMITHARA,
(CORRECT NAME IS V.S SUMITHA),
D/O (LATE) V.K SREENIVASAN, KALLIYARA ESTATE, BUNGALOW,
MALAMPUZHA -1 VILLAGE, KADUKKUMKUNNAM, AMSOM DESOM,
MALAMPUZHA P.O, PALAKKAD, AND AS MANAGING PARTNER
M/S G.P NAIR PLANTATION REGISTERED OFFICE,
KALLIYARA ESTATE BUNGALOW, PADINJARA MURI,
MALAMPUZHA –1 VILLAGE, MALAMPUZHA P.O, PALAKKAD,
PIN – 678651.

6 V.S SUJATHA,
(CORRECT NAME IS V.S SAJITHA),
D/O (LATE) V.K SREENIVASAN, KALLIYARA ESTATE, BUNGALOW,
MALAMPUZHA -1 VILLAGE, KADUKKUMKUNNAM, AMSOM DESOM,
MALAMPUZHA P.O, PALAKKAD, AND AS MANAGING PARTNER
M/S G.P NAIR PLANTATION REGISTERED OFFICE,
KALLIYARA ESTATE BUNGALOW, PADINJARA MURI,
MALAMPUZHA – 1 VILLAGE, MALAMPUZHA P.O, PALAKKAD,
PIN – 678651.

7 STATE OF KERALA,
REPRESENTED BY THE PRINCIPAL SECRETARY FOREST AND WILD
LIFE DEPARTMENT, THIRUVANANTHAPURAM DISTRICT,
PIN – 695001.

8 THE CUSTODIAN ECOLOGICALLY FRAGILE LAND AND ADDITIONAL
PRINCIPAL CHIEF CONSERVATOR,FOREST DEPARTMENT, FOREST
AND HEAD QUARTERS, VACHUTHACAUD POST,
THIRUVANANTHAPURAM DISTRICT, PIN – 695014.

9 THE CONSERVATOR OF FOREST,
EASTERN CIRCLE, OLAVAKKODE POST, PALAKKAD DISTRICT,
PIN – 678002.

10 THE DIVISIONAL FOREST OFFICER,
DIVISIONAL FOREST OFFICE, OLAVAKKODE, OLAVAKKODE POST,
PALAKKAD DISTRICT., PIN – 678002.

11 G.P. NAIR FAMILY TRUST,
REPRESENTED BY K.G. KURUVILLA, AGED 65 YEARS,
KAYYALAKKAKAM HOUSE, KURAVANKONAM POST, SASTHAMANGALAM,
THIRUVANANTHAPURAM, PIN – 695003.

BY ADVS.
M.P MADHAVANKUTTY
JAMES KURIAN
MATHEW DEVASSI
ANGEL GYLES LIKE

THIS OP (FOREST TRIBUNAL) HAVING COME UP FOR HEARING ON 09.04.2025, ALONG WITH OP(FT).2/2025 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE SATHISH NINAN

&

THE HONOURABLE MRS. JUSTICE SHOBA ANNAMMA EAPEN

WEDNESDAY, THE 9TH DAY OF APRIL 2025 / 19TH CHAITHRA, 1947

OP(FT) NO. 7 OF 2024

AGAINST THE JUDGMENT DATED 06.03.2024 IN OA NO.7 OF 2023 OF FOREST TRIBUNAL, PALAKKAD

PETITIONER/1ST RESPONDENT:

V.S. SUJITH,
AGED 58 YEARS,
S/O. LATE V.K. SREENIVASAN, KALLIYARA ESTATE BUNGALAW, MALAMPUZHA NO.I VILLAGE, KADUKKAMKUNNAM AMSOM DESOM,MALAMPUZHA POST, PALAKKAD AND AS MANAGING PARTNER M/. G.P. NAIR PLANTATION, REGISTERED OFFICE, KALLIYARA ESTATE BANGLOW, PADINJAREMURI, MALAMPUZHA VILLAGE, MALAMPUZHA POST, PALAKKAD, PIN – 678651.

BY ADVS.
M.P.MADHAVANKUTTY
MATHEW DEVASSI
ANANTHAKRISHNAN A. KARTHA

RESPONDENTS/PETITIONER AND RESPONDENTS 2 TO 10:

1 G.P. NAIR FAMILY TRUST,
AGED 64 YEARS,
REPRESENTED BY ITS POWER OF ATTORNEY HOLDER K.G. KURUVILLA, S/O. K.M. GEORGE, RESIDING AT 3A CORDIALE REGENCY APARTMENT, VELLAYAMBALAM, THIRUVANANTHAPURAM, PIN – 695010.

2 VINAYASOBHINI,
AGED 85 YEARS,
W/O. V.K. SREENIVASAN, KALLIYARA ESTATE BUNGALAW,
MALAMPUZHA NO. I VILLAGE, KADUKKAMKUNNAM AMSOM DESOM,
MALAMPUZHA POST, PALAKKAD AND AS MANAGING PARTNER
M/S. G.P. NAIR PLANTATION, REGISTERED OFFICE,
KALLIYARA ESTATE BANGALOW, PADINJAREMURI, MALAMPUZHA I
VILLAGE, MALAMPUZHA POST, PALAKKAD, PIN – 678651.

3 SARITHA V.S,
AGED 60 YEARS,
D/O. V.K. SREENIVASAN, KALLIYARA ESTATE BUNGALAW,
MALAMPUZHA NO. I VILLAGE, KADUKKAMKUNNAM AMSOM DESOM,
MALAMPUZHA POST, PALAKKAD AND AS MANAGING PARTNER M/S.
G.P. NAIR PLANTATION, REGISTERED OFFICE, KALLIYARA
ESTATE BANGALOW, PADINJAREMURI, MALAMPUZHA I VILLAGE,
MALAMPUZHA POST, PALAKKAD, PIN – 678651.

4 SUMITHA V.S,
AGED 54 YEARS,
D/O. V.K. SREENIVASAN, KALLIYARA ESTATE BUNGALAW,
MALAMPUZHA NO. I VILLAGE, KADUKKAMKUNNAM AMSOM DESOM,
MALAMPUZHA POST, PALAKKAD AND AS MANAGING PARTNER M/S.
G.P. NAIR PLANTATION, REGISTERED OFFICE, KALLIYARA
ESTATE BANGALOW, PADINJAREMURI, MALAMPUZHA I VILLAGE,
MALAMPUZHA POST, PALAKKAD, PIN – 678651.

5 SAJITHA,
AGED 54 YEARS,
D/O. V.K. SREENIVASAN, KALLIYARA ESTATE BUNGALAW,
MALAMPUZHA NO. I VILLAGE, KADUKKAMKUNNAM AMSOM DESOM,
MALAMPUZHA POST, PALAKKAD AND AS MANAGING PARTNER M/S.
G.P. NAIR PLANTATION, REGISTERED OFFICE, KALLIYARA
ESTATE BANGALOW, PADINJAREMURI, MALAMPUZHA I VILLAGE,
MALAMPUZHA POST, PALAKKAD, PIN – 678651.

6 SANJAY V.S.,
AGED 52 YEARS,
S/O. V.K. SREENIVASAN, KALLIYARA ESTATE BUNGALAW,
MALAMPUZHA NO. I VILLAGE, KADUKKAMKUNNAM AMSOM DESOM,
MALAMPUZHA POST, PALAKKAD AND AS MANAGING PARTNER M/S.
G.P. NAIR PLANTATION, REGISTERED OFFICE, KALLIYARA
ESTATE BANGALOW, PADINJAREMURI, MALAMPUZHA I VILLAGE,
MALAMPUZHA POST, PALAKKAD, PIN – 678651.

7 STATE OF KERALA,
REPRESENTED BY THE PRINCIPAL SECRETARY, FOREST AND WILD LIFE DEPARTMENT, THIRUVANANTHAPURAM, PIN – 691001.

8 THE CUSTODIAN OF ECOLOGICALLY FRAGILE LANDS AND ADDITIONAL PRINCIPAL CHIEF CONSERVATOR,
FOREST DEPARTMENT, FOREST HEAD QUARTERS, VAZHUTHACAUD, TRIVANDRUM, PIN – 695014.

9 CONSERVATOR OF FOREST EASTERN CIRCLE,
OLAVAKKODE, PALAKKAD, PIN – 678002.

10 THE DIVISIONAL FOREST OFFICER,
DIVISIONAL FOREST OFFICE, OLAVAKKODE, PALAKKAD,
PIN – 678002.

BY ADVS.
JAMES KURIAN
VENUGOPAL R
SANTHI M
JESWIN P VARGHESE
SREETHU SATHYAN(K/000695/2024)

THIS OP (FOREST TRIBUNAL) HAVING COME UP FOR HEARING ON 09.04.2025, ALONG WITH OP(FT).2/2025 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE SATHISH NINAN

&

THE HONOURABLE MRS. JUSTICE SHOBA ANNAMMA EAPEN

WEDNESDAY, THE 9TH DAY OF APRIL 2025 / 19TH CHAITHRA, 1947

OP(FT) NO. 16 OF 2024

AGAINST THE ORDER DATED 15.05.2024 IN IA 3/2024 IN OA NO.3 OF 2015 OF FOREST TRIBUNAL, PALAKKAD

PETITIONER/4TH RESPONDENT:

V.S. SUJITH,
AGED 58 YEARS,
S/O. LATE V.K. SREENIVASAN, KALLIYARA ESTATE BUNGALAW, MALAMPUZHA NO.I VILLAGE, KADUKKAMKUNNAM AMSOM DESOM,MALAMPUZHA POST, PALAKKAD AND AS MANAGING PARTNER M/. G.P. NAIR PLANTATION, REGISTERED OFFICE, KALLIYARA ESTATE BANGLOW, PADINJAREMURI, MALAMPUZHA VILLAGE, MALAMPUZHA POST, PALAKKAD, PIN – 678651.

BY ADVS.
M.P.MADHAVANKUTTY
MATHEW DEVASSI
ANANTHAKRISHNAN A. KARTHA

RESPONDENTS/APPLICANTS/RESPONDENTS NOS. 1 TO 3 & RESPONDENTS NOS. 5 TO 9:

1 G.P. NAIR FAMILY TRUST,
REPRESENTED BY ITS POWER OF ATTORNEY HOLDER K.G. KURUVILLA, AGED 64 YEARS, S/O. K.M. GEORGE, RESIDING AT 3A CORDIALE REGENCY APARTMENT, VELLAYAMBALAM, THIRUVANANTHAPURAM, PIN – 695010.

2 STATE OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT FOREST
DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM,
PIN – 695001.

3 M/S VAS PHARMASUITICALS (INDIA) LTD,
REPRESENTED BY ITS MANAGING DIRECTOR,
PANDALATH BUNGALOW, THYKOODAM, VYTILA, COCHIN,
PIN – 682019.

4 V S SANJAY,
AGED 58 YEARS,
S/O LATE V K SREENIVASAN, 35/200, SIVANIKETH BUILDING,
KALATHIPARAMBU ROAD, ERNAKULAM TOWN, ERNAKULAM,
PIN – 682016.

5 VINAYASOBHINI,
AGED 85 YEARS,
W/O. V.K. SREENIVASAN, KALLIYARA ESTATE BUNGALAW,
MALAMPUZHA NO. I VILLAGE, KADUKKAMKUNNAM AMSOM DESOM,
MALAMPUZHA POST, PALAKKAD AND AS MANAGING PARTNER M/S.
G.P. NAIR PLANTATION, REGISTERED OFFICE, KALLIYARA
ESTATE BANGALOW, PADINJAREMURI, MALAMPUZHA I VILLAGE,
MALAMPUZHA POST, PALAKKAD.(NOW RESIDING AT
MADAMBIKATTIL HOUSE, UNITY LANE, KURIACHIRA P.O.,
THRISSUR), PIN – 680006.

6 SARITHA V.S.,
AGED 60 YEARS,
D/O. V.K. SREENIVASAN, KALLIYARA ESTATE BUNGALAW,
MALAMPUZHA NO. I VILLAGE, KADUKKAMKUNNAM AMSOM DESOM,
MALAMPUZHA POST, PALAKKAD AND AS MANAGING PARTNER M/S.
G.P. NAIR PLANTATION, REGISTERED OFFICE, KALLIYARA
ESTATE BANGALOW, PADINJAREMURI, MALAMPUZHA I VILLAGE,
MALAMPUZHA POST, PALAKKAD (NOW RESIDING AT MANNIRAD
HOUSE, KUZHAL MANDAM P.O., PALAKKAD), PIN – 678702.

7 SUNITHA V.S,
AGED 56 YEARS,
D/O. V.K. SREENIVASAN, KALLIYARA ESTATE BUNGALAW,
MALAMPUZHA NO. I VILLAGE, KADUKKAMKUNNAM AMSOM DESOM,
MALAMPUZHA POST, PALAKKAD AND AS MANAGING PARTNER M/S.
G.P. NAIR PLANTATION, REGISTERED OFFICE, KALLIYARA
ESTATE BANGALOW, PADINJAREMURI, MALAMPUZHA I VILLAGE,
MALAMPUZHA POST, PALAKKAD (NOW RESIDING AT RAM NILAYAM,
NAMASHIDA, PANAMPILLY NAGAR P.O., KOCHI, PIN – 682036.

8 SAJITHAV S,
AGED 54 YEARS,
D/O. V.K. SREENIVASAN, KALLIYARA ESTATE BUNGALAW,
MALAMPUZHA NO. I VILLAGE, KADUKKAMKUNNAM AMSOM DESOM,
MALAMPUZHA POST, PALAKKAD AND AS MANAGING PARTNER
M/S. G.P. NAIR PLANTATION, REGISTERED OFFICE, KALLIYARA
ESTATE BANGALOW, PADINJAREMURI, MALAMPUZHA I VILLAGE,
MALAMPUZHA POST, PALAKKAD (NOW RESIDING AT
MADAMBIKKATTIL HOUSE, UNITY LANE, KURIACHIRA P.O.,
THRISSUR), PIN – 680006.

9 CUSTODIAN AND THE PRINCIPLE CONSERVATOR OF FOREST
FOREST OFFICE, VAZHUTHAKKAD, THIRUVANTHAPURAM,
PIN – 695014.

BY ADVS.
JAMES KURIAN
GOVERNMENT PLEADER
JESWIN P VARGHESE
VENUGOPAL R
SHRI.NAGARAJ NARAYANAN, SPL. G.P. (FOREST)

THIS OP (FOREST TRIBUNAL) HAVING COME UP FOR HEARING ON 09.04.2025, ALONG WITH OP(FT).2/2025 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE SATHISH NINAN

&

THE HONOURABLE MRS. JUSTICE SHOBA ANNAMMA EAPEN

WEDNESDAY, THE 9TH DAY OF APRIL 2025 / 19TH CHAITHRA, 1947

OP(FT) NO. 18 OF 2024

IA 17/2024 IN OA NO.3 OF 2015 OF FOREST TRIBUNAL, PALAKKAD

PETITIONERS/PETITIONERS/RESPONDENTS 4 AND 5:

1 V.S. SUJITH,
AGED 58 YEARS,
S/O. LATE V.K. SREENIVASAN, 35/200,
SIVANIKETH BUILDING, KALATHILPARAMBU ROAD,
ERNAKULAM TOWN, ERNAKULAM TALUK, PIN – 682023.

2 V.S. SANJAY,
AGED 49 YEARS,
S/O. LATE V.K. SREENIVASAN, 35/200,
SIVANIKETH BUILDING, KALATHILPARAMBU ROAD,
ERNAKULAM TOWN, ERNAKULAM TALUK, PIN – 682023.

BY ADVS.
M.P.MADHAVANKUTTY
MATHEW DEVASSI
ANANTHAKRISHNAN A. KARTHA
ANGEL GYLES LIKE

RESPONDENTS/RESPONDENTS/APPLICANTS & RESPONDENTS 1 TO 3 AND 6 TO 9:

1 G.P. NAIR FAMILY TRUST,
REPRESENTED BY ITS POWER OF ATTORNEY HOLDER,
K.G. KURUVILLA, S/O. K.M. GEORGE, RESIDING AT 3A
CORDIALE REGENCY APARTMENT, VELLAYAMBALAM,
THIRUVANANTHAPURAM, PIN – 695010.

2 STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT FOREST DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM, PIN – 695001.

3 THE CUSTODIAN AND PRINCIPAL CONSERVATOR OF FOREST OFFICE,
VAZHUTHAKKAD, THIRUVANANTHAPURAM, PIN – 695001.

4 M/S. VAS PHARMACEUTICALS (INDIA) LTD.,
REPRESENTED BY ITS MANAGING DIRECTOR PANDALATH BUNGALOW, THYKOODAM VYTTILA, COCHIN, PIN – 682019.

5 V.S. VINAYASOBHINI,
AGED 85 YEARS,
W/O.LATE V.K. SREENIVASAN, 35/200, SIVANIKETH BUILDING, KALATHILPARAMBU ROAD, ERNAKULAM TOWN, ERNAKULAM TALUK, PIN – 682023.

6 V.S. SARITHA,
AGED 60 YEARS,
D/O. V.K. SREENIVASAN, W/O. M.S. BHAVADAS, AMRUTHA NIVAS, SREEPURAM COLONY, YAKKARA POST, PALAKKAD, PIN – 678701.

7 V.S. SUNITHA,
AGED 56 YEARS,
D/O. V.K. SREENIVASAN, KALLIYARA ESTATE BUNGALAW, MALAMPUZHA NO. I VILLAGE, KADUKKAMKUNNAM AMSOM DESOM, MALAMPUZHA POST, PALAKKAD, PIN – 678651.

8 V.S. SAJITHA,
AGED 48 YEARS,
D/O. V.K. SREENIVASAN, MADAMBIKA HOUSE, UNIT 1ST LANE, KURIACHIRA, THRISSUR DISTRICT,, PIN – 680006.

BY ADVS.
JAMES KURIAN
SHRI.NAGARAJ NARAYANAN, SPL. G.P. (FOREST)
VENUGOPAL R
M.RAMACHANDRAN

THIS OP (FOREST TRIBUNAL) HAVING COME UP FOR HEARING ON 09.04.2025, ALONG WITH OP(FT).2/2025 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

SATHISH NINAN &
SHOBA ANNAMMA EAPEN, JJ.
= = = = = = = = = = = = = = = = = = =
O.P.(FT) Nos.4, 7, 16, & 18 of 2024 &
2 of 2025
= = = = = = = = = = = = = = = = = = =
Dated this the 9th day of April, 2025

J U D G M E N T

Sathish Ninan, J.

These original petitions arise from Original Applications pending before the Forest Tribunal, Kozhikode, under the Kerala Forest (Vesting and Management Of Ecologically Fragile Lands) Act, 2003 (for short, "EFL Act"). There are three Original Applications before the Forest Tribunal viz. OA 9/2010, OA 3/2015 and OA 7/2023. The Original Applications are filed by three different applicants.

2. An extent of 3300 acres of land originally belonged to one Emoor Bhagavathy Devasom Trust. In the year 1963, from out the said extent, an extent of 1300 acres was leased out to one G.P.Nair. All the three applicants claim right over the property under G.P.Nair,

through different titles.

3. The entire extent of 1300 acres was originally notified under the EFL Act. This led to the filing of OA 9/2010, 3/2015 by the respective applicants. Subsequently an erratum notification was issued on 07.10.2022 bringing down the extent to 67.56 hectares, from out of the 1300 acres.

4. The applicant in OA 3/2015 amended the OA schedule, correcting the extent in tune with the notification, as 67.56 hectares. In the other two OAs' the extent described is 1300 acres. But the applicants are in unison that their claim is over the very same 67.56 hectares.

5. OP(FT) Nos.7/2024, 16/2024, 18/24 and 2/2025 are filed by the applicant in OA 7/2023. In OP(FT) 7/2024 the challenge is against the order impleading the applicants in OA 3/2015 as additional respondent in OA 7/2023. OP(FT) 2/2025 is challenging the refusal to jointly try all the three OAs.

6. OP(FT) Nos.16/2024 and 18/2024 are filed by the applicant in OA 7/2023. The challenge in OP(FT) 16/2024 is against the order permitting amendment of the schedule with regard to the extent. OP(FT) 18/2024 is filed against the order refusing to stay OA 3/2015 under Section 10 of the Code of Civil Procedure.

7. OP(FT) 4/2024 is filed by the applicant in OA 9/2010 for a direction to the Tribunal to consider his pending interlocutory applications in OA 7/2023 seeking to implead him as additional respondent and also seeking stay of all proceedings in OA 7/2023 till determination of maintainability as preliminary issue.

8. We have heard the learned counsel Sri.James Kurian, Sri.M.P.Madhavankutty and Jeswin P. Varghese, the learned counsel for the respective applicants and Sri.Nagaraj Narayanan, the learned Special Government Pleader.

9. As noticed, the claim of all the three applicants are over the very same property, having an

extent of 67.56 hectares which is included in the erratum notification under the EFL Act. They all claim under the very same title holder, but under different titles. Each of the applicants claim that they are the owners as defined under Section 2(f) of the EFL Act having the right to possess the property. They seek to get themselves impleaded in the OAs of the rival applicants.

10. The learned counsel appearing for the applicant in OA 3/2015 would argue that, his OA is being unnecessarily protracted by the other applicants. Though the claim of all the applicants is over the notified 67.56 hectares, only the schedule to his Original Application viz. OA 3/2015 has been amended. The schedule to the other two Original Applications still mention the extent as 1300 acres. In OA 7/2023, though a Commissioner was deputed, the report is yet to be filed. In OA 9/2010 even the steps have not been completed yet, it is pointed out.

11. Having considered the entire facts, we are of the opinion that it is only appropriate that all the three original applications be tried and disposed of jointly. Separate trials of the original applications might result in conflicting findings. In terms of Section 10 of the EFL Act restoration is to be to the owner of the property. The definition of the term “Owner”, as referred to supra, indicates that such person should have a right to possess the property. Therefore, “the right to possess” of the applicants would also be of relevance. The original applications are to be jointly tried and disposed of. The grievance of the applicant in OA 3/2015 that the disposal would be protracted, can be safeguarded by giving appropriate directions.

Resultantly, the Original Petitions are disposed of as hereunder :-

(i) The Commissioner appointed in OA 7/2023 shall be given strict instructions to have the

report filed within an outer limit of three months from today.

(ii) Steps if any to amend the schedule in OA 7/2023 and OA 9/2010 shall be taken within one month from today.

(iii) If any of the applicants need any matters to be ascertained by the Commissioner, it shall be open for them to file a work memo before the Commissioner appointed in OA 7/2023 within three weeks from today. The Commissioner shall have such matters also ascertained.

(iv) The Tribunal shall jointly try and dispose of the Original Applications 9/2010, 3/2015, 7/2023.

(v) The applicant in an OA, if impleaded as respondent in the other OAs, will stand removed from the party array.

(vi) The Tribunal shall have the Original Applications posted once in every two weeks to

ensure the progress of the proceedings, and shall make every endeavour to have the OAs tried and disposed of within a period of two months after the filing of the report by the Commissioner.

Sd/-
SATHISH NINAN
JUDGE

Sd/-
SHOBA ANNAMMA EAPEN
JUDGE

kns/-

//True Copy//

P.S. To Judge

APPENDIX OF OP(FT) 4/2025

PETITIONER EXHIBITS

Exhibit P1	**A TRUE COPY OF O.A. NO. 7/2023 PENDING BEFORE FOREST TRIBUNAL, PALAKKAD DATED 20.02.2023**
Exhibit P2	**A TRUE COPY OF THE APPLICATION REGISTERED AS I.A. NO. 10/2025 IN O.A. NO.7/2023 PENDING BEFORE FOREST TRIBUNAL, PALAKKAD DATED 15.02.2025**
Exhibit P3	**A TRUE COPY OF THE APPLICATION REGISTERED AS I.A. NO. 11/2025 IN O.A. NO. 7/2023 PENDING BEFORE FOREST TRIBUNAL, PALAKKAD DATED 20.02.2025**
Exhibit P4	**A TRUE COPY OF THE APPLICATION REGISTERED AS I.A. NO. 12/2025 IN O.A. NO. 7/2023 PENDING BEFORE FOREST TRIBUNAL, PALAKKAD DATED 27.02.2025**
Exhibit R11(a)	**COPY OF THE ORDER OF EFL TRIBUNAL IN OA NO. 9/2010 DATED. 11-10-2017 FILED BY THE PETITIONER**
Exhibit R11(b)	**COPY OF THE STATUS REPORT OF THE CASE DOWNLOADED FROM COURT WEBSITE**
Exhibit R11(c)	**TRUE COPY OF THE JUDGMENT DATED 22-07-2010 IN W.P. (C)NO. 37690 OF 2008 PASSED BY THIS HON'BLE COURT**
Exhibit R11(d)	**COPY OF THE JUDGEMENT IN O.S. NO. 2 OF 2006 DATED 01.09. 2006 PASSED BY THIS HON'BLE COURT**
Exhibit R11(e)	**COPY OF THE JUDGMENT DATED. 30.09.1997 IN CMA.NO. 26 OF 1997 PASSED BY DISTRICT COURT, PALAKKAD**
Exhibit R11(f)	**COPY OF THE JUDGEMENT IN OS 380 OF 2010 DATED 30.09.2011 OF MUNSIFF'S COURT (ADDITIONAL), PALAKKAD**

APPENDIX OF OP(FT) 7/2024

PETITIONER EXHIBITS

Exhibit P1	**A TRUE COPY OF THE I.A. 7/2024 DATED 31-01-2024 BEFORE THE FOREST TRIBUNAL**
Exhibit P2	**A TRUE COPY OF THE O.A.NO. 7/2023 BEFORE THE TRIBUNAL FOR KERALA (VESTING AND MANAGEMENT OF ECOLOGICALLY FRAGILE LANDS) 1ST ADDITIONAL DISTRICT COURT, PALAKKAD**
Exhibit P3	**A TRUE COPY OF THE O.A. BEARING NO. 3/2015 BEFORE THE EFL TRIBUNAL, PALAKKAD**
Exhibit P4	**A TRUE COPY OF THE OBJECTION FILED BY THE PETITIONER HEREIN I.A. NO. 7/2024 IN O.A. NO. 7/2023BEFORE THE FOREST TRIBUNAL, PALAKKAD**
Exhibit P5	**A TRUE COPY OF THE COMMON ORDER IN I.A. NO. 7/2024 AND I.A. NO. 8/2024 BEFORE THE FOREST TRIBUNAL, PALAKKAD**

RESPONDENT EXHIBITS

Exhibit -R1(e)	**True copy of the judgment in CRP.No. 1931 of 1997 passed by this Hon'ble Court**

PETITIONER EXHIBITS

Exhibit P6	**A TRUE COPY OF THE POWER OF ATTORNEY**

RESPONDENT EXHIBITS

Exhibit -R1(f)	**TRUE COPY OF THE JUDGEMENT IN O.S NO.380 OF 2010 OF MUNSIFF'S COURT PALAKKAD**
Exhibit -R1(a)	**TRUE COPY OF THE JUDGEMENT DATED 12-09-2001 IN C.R.P. NO. 259 OF 1999**
Exhibit -R1(d)	**TRUE COPY OF THE COMMON JUDGMENT PASSED AGAINST THE RESPONDENTS IN THE SAID RE-NUMBERED O.S NO.292/1996 IN CMA NO.26/97 SUB COURT, PALAKKAD.**
Exhibit -R1(c)	**TRUE COPY OF JUDGEMENT DATED 05-10-2006 IN MFA NO.610 OF 2003 PASSED BY THIS HON'BLE COURT**

Exhibit -R1(b) **TRUE COPY OF THE JUDGEMENT DATED 12-09-2001 IN C.R.P. NO.1293 OF 2000 PASSED BY THIS HON'BLE COURT**

APPENDIX OF OP(FT) 16/2024

PETITIONER EXHIBITS

Exhibit P1	**A TRUE COPY OF I.A. 3/2024 IN O.A. NO. 3/2015 DATED 03-01-2024 BEFORE THE FOREST TRIBUNAL**
Exhibit P2	**A TRUE COPY OF THE O.A. BEARING NO. 3/2015 BEFORE THE EFL TRIBUNAL, PALAKKAD**
Exhibit P3	**A TRUE COPY OF THE OBJECTION FILED BY THE PETITIONER I.A. NO. 3/2024 IN O.A. NO. 3/2015 BEFORE THE FOREST TRIBUNAL, PALAKKAD**
Exhibit P4	**A TRUE COPY OF THE ORDER DATED15-05-2024 IN I.A. NO. 3/24 IN O.A. NO. 3/15 BEFORE THE FOREST TRIBUNAL, PALAKKAD**
Exhibit P5	**A TRUE COPY OF THE POWER OF ATTORNEY**

RESPONDENT EXHIBITS

Exhibit R1(a)	**True copy of Judgment in C.R.P.No. 259 of 1999 passed by this Hon'ble Court dated.12.09.2001**
Exhibit R1(b)	**True copy of the Judgement Dated 12-09-2001 in C.R.P. No: 1293 of 2000-H passed by this Hon'ble Court**
Exhibit R1(c)	**True copy of the Judgement dated 05-10-2006 in MFA No: 610 of 2003 passed by this Hon'ble Court**
Exhibit R1(d)	**True copy of the judgment passed by the Munsiff's court, Palakkad in CMA 26/97 dated. 30.09.1997**
Exhibit R1(e)	**True copy of the Judgement of this Hon'ble Court in CRP 1924 of 1997 dated 27-10-1997**
Exhibit R1(f)	**True copy of the Judgement of this Hon'ble Court in CRP 1931 of 1997 dated 27-10-1997**
Exhibit R1(g)	**True copy of the judgement in OS No. 380 of 2010 of Munsiff's Court Palakkad dated 30.11.2011**

Exhibit R1(h)	**True copy of the judgment s dated 22-07-2010 in W.P. (C)No. 37690 of 2008 passed by this Ho'ble Court.**
Exhibit R(ii)	**True copy of the judgment in in O.S. No. 2 of 2006 dated 01.09. 2006 passed by this Hon'ble Court**
Exhibit R1(j)	**True copy of the boundary sketch of the disputed property**
Exhibit R1(k)	**True copy of the sketch received as per under RTI.Act.**

APPENDIX OF OP(FT) 18/2024

PETITIONER EXHIBITS

Exhibit P1	**A TRUE COPY OF THE O.A. NO. 3/2015 BEFORE THE HON'BLE FOREST TRIBUNAL PALAKKAD**
Exhibit P2	**A TRUE COPY OF THE APPLICATION BEARING I.A. NO. 3/2023 FOR AMENDMENT FILED IN O.A. NO. 3/2015 BEFORE THE FOREST TRIBUNAL PALAKKAD**
Exhibit P3	**A TRUE COPY OF THE O.A 7/2023 BEFORE THE HON'BLE TRIBUNAL, PALAKKAD**
Exhibit P4	**A TRUE COPY OF THE O.A NO. 9/2010 BEFORE THE 1ST ADDITIONAL DISTRICT COURT, PALAKKAD**
Exhibit P5	**A TRUE COPY OF I.A. NO. 17/2024 IN O.A. NO. 3/2015 BEFORE THE HON'BLE TRIBUNAL PALAKKAD**
Exhibit P6	**A TRUE COPY OF THE OBJECTION IN I.A. NO. 17/2024 BEFORE THE HON'BLE TRIBUNAL PALAKKAD**
Exhibit P7	**A TRUE COPY OF THE ORDER IN I.A. NO. 17/2024 DATED11-11-2024**
Exhibit P8	**A TRUE COPY OF THE ORDER IN I.A. NO. 3/2024 DATED 15-05-2024 BEFORE THE HON'BLE TRIBUNAL, PALAKKAD**
Exhibit P9	**A TRUE COPY OF THE REPORT OF THE ADVOCATE COMMISSIONER DATED 19-07-2024**
Exhibit P10	**A TRUE COPY OF THE I.A.1 OF 2023 FOR DEPUTING AN ADVOCATE COMMISSIONER**

RESPONDENT EXHIBITS

Exhibit -R1(c)	**True copy of the judgment passed by Munsiffs Court, Palakkad against the Respondents in the said re-numbered OS 267/2010 in CMA 26/97**
Exhibit -R1(d)	**True copy of the Judgement of this Hon'ble Court in CRP 1931 of 1997 dated 27-10-1997**
Exhibit -R1(e)	**True copy of the Judgement of this Hon'ble Court in CRP 1924 of 1997 dated 27-10-1997**

Exhibit -R1(a)	**Copy of judgment in OS No.380 of 2010 of (Additional) court, Palakkad**
Exhibit -R1(b)	**True copy of the common Judgement Dated 05-10-2006 in MFA No: 610 of 2003 passed by this Hon'ble court filed by the first Respondent**

APPENDIX OF OP(FT) 2/2025

PETITIONER EXHIBITS

Exhibit-P1	**A TRUE COPY OF THE O.A. NO. 3/2015 BEFORE THE HON'BLE FOREST TRIBUNAL PALAKKAD**
Exhibit -P2	**A TRUE COPY OF THE APPLICATION FOR AMENDMENT FILED IN O.A. NO. 3/2015 IN I.A. NO.3/2023 BEFORE THE FOREST TRIBUNAL, PALAKKAD**
Exhibit- P3	**A TRUE COPY OF THE O.A 7/2023 BEFORE THE HON'BLE TRIBUNAL, PALAKKAD**
Exhibit-P 4	**A TRUE COPY OF THE O.A. NO. 9/2010 BEFORE THE 1ST ADDITIONAL DISTRICT COURT, PALAKKAD**
Exhibit-P5	**A TRUE COPY OF THE APPLICATION BEARING I.A. NO. 4/2023 IN O.A. NO. 7/2023 BEFORE THE HON'BLE TRIBUNAL, PALAKKAD**
Exhibit-P6	**A TRUE COPY OF THE OBJECTION BEARING I.A. NO. 4/2023 IN O.A. NO. 7/2023 BEFORE THE HON'BLE TRIBUNAL, PALAKKAD**
Exhibit-P 7	**A TRUE COPY OF THE ORDER IN I.A. NO. 4/2023 IN O.A. NO. 7/2023 BEFORE THE FOREST TRIBUNAL, PALAKKAD**

RESPONDENT EXHIBITS

Exhibit R9(b)	**True copy of the judgement in OS No. 380 of 2010 of Munsiff's Court Palakkad dated. 30.11.2011**
Exhibit R9(c)	**True copy of the judgment dated 30.09.1997 in C.M.A.26/1997 passed by the District Court, Palakkad**
Exhibit R9(d)	**True copy of the Order in CRP 1931 of 1997 dated 27-10-1997 passed by this Hon'ble Court**
Exhibit R9(e)	**True copy of the order in CRP 1924 of 1997 dated 27-10-1997 passed by this Hon'ble Court**
Exhibit R9(f)	**True copy of the order in Civil Appeal.No. 7835/2013 dated 12.05.2022 passed by the Hon'ble Supreme Court of India**

Exhibit R9(g)	**True copy of the Order dated.30.11.2022 in Civil Appeal. No. 7835/2013 passed by the Hon'ble Supreme Court of India**
Exhibit R9(a)	**Copy of the Decree in O.S.312 of 1983 passed by the Subordinate Judge, Palakkad dated.30.09.1985 downloaded from the Court website.**
