

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

TUESDAY, THE 3RD DAY OF AUGUST 2021 / 12TH SRAVANA, 1943

WA NO. 671 OF 2021

AGAINST THE JUDGMENT IN WP(C) 9505/2021 OF HIGH COURT OF KERALA

APPELLANTS/RESPONDENTS 3, 4 AND 6:

- 1 P.J.SIBI
S/O. JOSEPH, PAINADATH HOUSE, CHERIVAPPASSREY,
NEDUMBASSERY P.O, ALUVA, ERNAKULAM-683 585.
- 2 SOBI SIBI,
W/O. SIBI P.J, PAINADATH HOUSE, CHERIVAPPASSREY,
NEDUMBASSERY P.O, ALUVA, ERNAKULAM-683 585.
- 3 SINI SURESH,
W/O. LATE A.V. SURESH, AMBATTU HOUSE,
MANJAPRA, ALUVA, ERNAKULAM-683 581.

BY ADV SAJEEV KUMAR K.GOPAL

RESPONDENTS/PETITIONERS & RESPONDENTS 1, 2 AND 5:

- 1 MAYAKRISHNAN S.P
AGED 61 YEARS, S/O. LATE PERUMAL,
DOOR NO. VGP/VIT/117, KOVILLOOR P.O, IDUKKI-685 615.
- 2 POTHUMANI,
W/O. S.P. MAYAKRISHNAN, DOOR NO. VGP/VIT/117,
KOVILLOOR P.O, IDUKKI 685 615.
- 3 DIVISIONAL FOREST OFFICER,
OFFICE OF THE FOREST RANGE OFFICER,
MUNNAR, IDUKKI-685 612.
- 4 FOREST RANGE OFFICER,
OFFICE OF THE FOREST RANGE OFFICER,
KANTHALLOOR, IDUKKI 685 620.

5 TOJO MATHEW,
S/O. MATHEW MAICHEL, VELLIYAPILLIL HOUSE,
ANTHINAD, BHARANAMGANAM, KOTTAYAM-686 578.

R1 & R2 BY ADV.SRI.P.RAMAKRISHNAN
R3 & R4 BY T.P.SAJAN, SPL. GP

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON
03.08.2021, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

JUDGMENT

Dated this the 3rd day of August, 2021

S.Manikumar, C.J.

Short judgment impugned in this writ appeal is extracted hereunder:

"It is stated that since there is a civil dispute between the petitioners and respondents 3 to 6 and an injunction order has been passed as per Ext.P10 order, the petitioners apprehend that respondents 1 and 2 would grant permission to respondents 3 to 6 to cut and remove the trees in Survey Nos.106/1, 124/1A, 187/6, 190/1, 280/3 and 6/1 of Vattavada Village.

2. Petitioners have approached the Divisional Forest Officer with Ext.P11 representation requesting not to grant permission to cut and remove the trees without ascertaining the facts.

3. Therefore, there shall be a direction to the Divisional Forest Officer, Munnar to take a decision on Ext.P11 representation after affording an opportunity of hearing to the petitioners as well as respondents 3 to 6 within a period of six weeks at any rate before any decision on application if any submitted by the respondents 3 to 6 is taken.

The Writ Petition is disposed of accordingly."

2. Though Mr.Sajeev Kumar K.Gopal, learned counsel for the appellants made submissions on the memorandum of grounds, Mr.P.Ramakrishnan, learned counsel for respondents 1 and 2 submitted

that after hearing both parties, the Divisional Forest Officer, Idukki (respondent No.3) has already passed final orders.

Inasmuch as the impugned judgment has already worked out, resulting in the Divisional Forest Officer, Idukki (respondent No.3) passing final orders on Exhibit P11 representation made by the private respondents, nothing survives in this writ appeal for further adjudication. Writ appeal is, therefore, dismissed.

Pending interlocutory applications, if any, shall stand closed.

Sd/-

**S.Manikumar
Chief Justice**

Sd/-

**Shaji P.Chaly
Judge**

vpv

/TRUE COPY/

P.A. TO JUDGE