

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

MONDAY, THE 1ST DAY OF NOVEMBER 2021 / 10TH KARTHIKA, 1943

WP(C) NO. 23712 OF 2021

PETITIONERS:

- 1 RAJAPPAN NAGAN, AGED 67 YEARS, S/O NAGAN,
CHATTUPARAKKUDI, MACHIPLAVU, DEVIKULAM TALUK,
IDUKKI DISTRICT.
- 2 RAMAN RAMAN, AGED 65 YEARS, S/O RAMAN,
CHATTUPARAKKUDI, MACHIPLAVU, DEVIKULAM TALUK,
IDUKKI DISTRICT.

BY ADV B.V.JOY SANKAR

RESPONDENTS:

- 1 STATE OF KERALA, REPRESENTED BY THE CHIEF SECRETARY,
SECRETARIAT, THIRUVANANTHAPURAM, PIN-695001.
- 2 THE SECRETARY, REVENUE DEPARTMENT, THIRUVANANTHAPURAM,
- 3 PRINCIPAL FOREST CONSERVATOR, FOREST OFFICE,
VAZHUTHACAUD, THIRUVANANTHAPURAM-695014.
- 4 DISTRICT COLLECTOR, COLLECTORATE, KUYILIMALA,
PAINAV P.O, IDUKKI-685603.
- 5 DIVISIONAL FOREST OFFICER DIVISIONAL FOREST OFFICE,
DIVISIONAL FOREST OFFICE DEVIKULAM, MUNNAR, IDUKKI-
685613.

SRI HANIL KUMAR SPL.G.P.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
01.11.2021, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:



JUDGMENT

The petitioners say that they are members of the 'Muthuvan' community, which is one of the Scheduled Tribes under the Constitution; and that even though they have been in possession of forest land for the last more than 19 years and are conducting legitimate agricultural operations thereon, they are being harassed by the 5th respondent - Divisional Forest Officer and other officers under his command, without any cause. They, therefore, pray that the said respondent and the officers under him be directed not to cause any vexation to them or to cause any impediment to their agricultural operations in any manner.

2. Sri. Hanil Kumar learned Special Government Pleader appearing for the respondents, submitted that the 5th respondent has acted legitimately because he received actionable information that, under the guise of agricultural



operations being carried on by indigenous people, various others had trespassed into the forest land, exploiting their vulnerability. He submitted that the 5th respondent has, therefore, taken stringent action to ensure that no one other than the members of the Scheduled Tribes are allowed to cultivate in the forest and that all outsiders are sternly dealt with. He reiteratingly submitted that action of the 5th respondent is not, in any manner, directed against the petitioners or any member of the Scheduled Tribes; and that they will be at full liberty to continue in possession and to conduct agricultural operations in the land in question. He, however, explained that a new modus has now been adopted by vested interests, using the members of the Scheduled Tribes, to obtain illegal access to the forest; and thus prayed that the 5th respondent be permitted to take necessary action against the same, as and when it is noted.

3. I must say that I find substantial force in the afore submissions of Sri. Hanil Kumar

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because, constitutionally, it is the members of the Scheduled Tribes who have rights to conduct agricultural operations in the forest land. No one else can be permitted to do so and if any attempt is made by anyone to make use of the vulnerability of the members of the Schedules Tribes for the purpose of obtaining illegal access to the forest, then stringent action must be taken by the 5th respondent.

In the afore perspective, I order this writ petition and direct the 5th respondent and officers under him not to cause any harassment or vexation to the petitioners, as long as they themselves are undertaking agricultural operations in the property in question; however, making sure that no outsiders with vested interest are allowed access, except in compliance of the provisions of law, if any.

Needless to say, the 5th respondent will be obligated in law to continue his endeavour to ensure that persons who are not members of

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Scheduled Tribes are not allowed access into the forest or to exploit it in any manner whatsoever in future.

RR

sd/-

DEVAN RAMACHANDRAN

JUDGE

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APPENDIX OF WP(C) 23712/2021

PETITIONER EXHIBITS

Exhibit P1 TRUE COPY OF THE REPRESENTATION DATED
12.10.2021 SUBMITTED BEFORE THE 4TH
RESPONDENT.

Signature valid

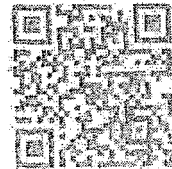
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Date: 2021.11.08 14:12:02 +05:30

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HIGH COURT OF KERALA
AT ERNAKULAM

Number and Year of the Case : WP(C) 23712/2021
Name of Applicant : ADVOCATE GENERAL
KERALA
Number and Date of
Application : A 27447/2021, 05-11-2021
Date when copy was
delivered : 08-11-2021

Examiner



ONLINE COMMUNICATION

Signature valid

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Date: 2021.11.08 14:12:14 +05:30