

IN THE COURT OF THE MUNSIFF, ADIMALY
Present: Sri. AYYAPPALAL, MUNSIFF.
On Monday the 1 day of June, 2026/ 11th day of Jyaishta 1948
I.A.3/2024 IN O.S.62/2023

Petitioners/Defendants:

1. The State of Kerala represented by the District Collector, Idukki, Painavu.P.O.
 2. The Principle Conservator of Forest, Vazhuthakadu, Thiruvananthapuram.
 3. The Principle Conservator, EFL Custodian, Vazhuthakadu, Thiruvananthapuram.
 4. The Divisional Forest officer, Munnar, Devikulam.P.O.
 5. The Divisional Forest Officer, Flying Squad, Kothamangalam, Kothamangalm.P.O.
 6. The Forest Range officer, Adimali, Koompanpara.P.O.
 7. The Forest Range Officer, Thalakodu Flying Squad, Kothamangalam.
 8. The Deputy Range Officer, Forest Station, Machiplavu.P.O.
 9. The Section Forest Officer, Forest Range Office, Koompanpara.P.O
- By Adv.Sri.T.K.Manoj(Government pleader)

Respondents /Plaintiffs

1. N.M.Johnson,S/o .Late.Varkey, aged about 55 years, Niravathu house, Vattayar.P.O, Peechadu Kara, Anaviratty Village, Devikulam Taluk.
 2. Eldhose.N.V. S/o Late Varkey, aged about 61 years, Niravathu house, Vattayar.P.O., Peechadu Kara, Anaviratty Village, Devikulam Taluk.
 3. N.V.Simon, S/o Late. Varkey, aged about 53 years, Niravathu house, Vattayar.P.O., Peechadu Kara, Anaviratty Village, Devikulam Taluk.
- By Adv.Sri.K.Rainge.

This petition filed under Order 7 Rules 11 of the civil procedure code and coming before me for hearing on 26/05/2026 and having been stood over the consideration till 01/06/2026 in the presence of the above counsels and the court on the same day passed the following.

ORDER

1. This order disposes of an application filed by the defendants under Order VII Rule 11(d) of the Code of Civil Procedure (CPC), seeking rejection of the plaint on the ground that the suit is barred by law.
2. The learned counsel for the defendants filed this petition stating that the subject matter of the suit is land notified under the Kerala Forest (Vesting and Management of Ecologically Fragile Lands) Act, 2003. It is contended that as per Section 13 of the said Act, civil courts do not have the jurisdiction to entertain cases relating to land notified as ecologically fragile land. Therefore, the suit is not maintainable and is liable to be rejected
3. To decide an application under Order VII Rule 11 of the CPC, the Court must confine its examination strictly to the averments made in the plaint. The plaintiffs instituted this suit for a permanent prohibitory injunction. The material averments in the plaint are as follows:
4. The plaintiffs claim absolute possession and enjoyment of 150 acres of land in Anaviratty village, Devikulam Taluk, which they aver is fully cultivated with cardamom, coffee, and pepper. They claim to have derived possession from M/s Nellithanam Rubber Produce Company Ltd. in 1980.

The plaintiffs allege a long history of litigation before the Board of Revenue, the Hon'ble High Court of Kerala, and the Hon'ble Supreme Court of India regarding the assignment/lease of this land for cardamom cultivation. They contend that the Supreme Court has ordered that they shall not be dispossessed.

5. The core grievance in the plaint is that the defendants (officers of the Forest Department) are attempting to prevent the plaintiffs from cultivating the land, claiming that the property is included as 'Ecologically Fragile Lands' (EFL) under the Kerala Forest (Vesting and Management of Ecologically Fragile Lands) Act, 2003. The plaintiffs assert that the plaint schedule property is Government Revenue Tarisu Land, fully cultivated with cardamom and coffee, and hence exempt from the EFL Act under Section 3. They further aver that they were not given any notice regarding the EFL notification, making the notification illegal and arbitrary. Based on this, they seek an injunction against the forest officials.
6. The counsel for the plaintiffs vehemently argued that the suit is for declaring the property as revenue land and not forest land; hence, the statutory bar is not applicable. He further argued that since no proper

notification under Sections 3 and 4 of the EFL Act was issued, the declaration of the land as EFL is void.

7. Per contra, the counsel for the defendants relied on the decision of the Hon'ble High Court of *Kerala in Government of Kerala v. K. N. Venkateswaran, 2025 KHC OnLine 1612*. Relying on this precedent, it was argued that the vesting of ecologically fragile land is automatic and the civil court lacks jurisdiction to adjudicate this dispute.
8. The settled legal principle for exercising jurisdiction under Order VII Rule 11(d) CPC is that the Court must read the plaint meaningfully and in its entirety. If, upon such reading, the suit appears to be barred by any law, the plaint shall be rejected. The defence set up in the written statement is wholly irrelevant at this stage.
9. The guiding principles for deciding an application under Order VII Rule 11 are well-settled by the Hon'ble Supreme Court. The true test is to first read the plaint meaningfully and as a whole, taking the averments to be true in their entirety (*Geetha D/o Late Krishna v. Nanjunda Swamy, 2023 KHC 6967*). For invoking this power, only the averments in the plaint can be looked into, and there cannot be any addition or subtraction.

10. Upon a meaningful reading of the plaint, it is explicitly admitted by the plaintiffs that the defendants are claiming rights over the schedule property and initiating actions under the Kerala Forest (Vesting and Management of Ecologically Fragile Lands) Act, 2003. The plaintiffs are challenging the inclusion of their land under the EFL Act on two primary grounds: first, that it is cultivated with cardamom and coffee and therefore exempt; and second, that the notification process was legally flawed.

11. Section 13 of the Kerala Forest (Vesting and Management of Ecologically Fragile Lands) Act, 2003 expressly states that no Civil Court shall have the jurisdiction to settle, decide, or deal with any question or to determine any matter which is by or under the Act required to be settled, decided, or dealt with by the Tribunal or the Custodian. The question of whether a particular land is an ecologically fragile land or is exempted due to the cultivation of long-duration crops is a matter exclusively within the jurisdiction of the Forest Tribunal.

12. Addressing the plaintiff's argument that the notification under the EFL Act is defective or void, the Hon'ble High Court in ***Government of Kerala v. K. N. Venkateswaran (supra)*** conclusively settled this position. The

Court held that vesting under Section 3 of the EFL Act is automatic and is not dependent on the notification or its placement before the Advisory Committee. Therefore, the plaintiff's challenge regarding the defect in the notification cannot bypass the statutory bar on civil jurisdiction, as the vesting happens automatically by operation of law if the land qualifies.

13. Furthermore, the High Court clarified that the EFL Act is an independent enactment. To determine whether a land is an ecologically fragile land, the relevant factor is its status and qualification as on the appointed date under the EFL Act, which is 02/06/2000. The burden of proving that a particular land is not an ecologically fragile land rests squarely on the claimant. Therefore, if the plaintiffs claim that the land is exempted from the definition of "forest" because it is principally cultivated with crops of long duration, this is a factual burden they must discharge before the specially constituted Forest Tribunal, not a Civil Court.

14. The clever drafting of the plaint, framing the relief as a simple injunction while fundamentally challenging the classification and vesting of the land under the EFL Act, cannot confer jurisdiction upon this Court. Allowing this suit to proceed would amount to circumventing the express statutory

bar prescribed under Section 13 of the EFL Act.

15.From the statements in the plaint itself, it is evident that the dispute squarely falls within the ambit of the Kerala Forest (Vesting and Management of Ecologically Fragile Lands) Act, 2003. Consequently, the jurisdiction of this Court is expressly barred by Section 13 of the said Act.

16.In the result, the application is allowed. The plaint in O.S. No.63 of 2023 stands rejected under Order VII Rule 11(d) of the Code of Civil Procedure.

No order as to costs.

Dictated to the Confidential Assistant, transcribed and typed by her, corrected and pronounced by me in open court on the 1st day of June, 2026.

**AYYAPPALAL,
MUNSIFF.**

**APPENDIX
NIL**

**AYYAPPALAL,
MUNSIFF.**