

**IN THE COURT OF THE TRIBUNAL FOR EFL CASES/
ADDITIONAL DISTRICT JUDGE-I, KOZHIKODE**

Present: Sri. N.R. Krishnakumar, Tribunal for EFL Cases/

Additional District Judge-I, Kozhikode

Wednesday, the 25th day of February, 2026

IA 02/2025 in OA 03/2013

Between:

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| 1 | K.N. Venkateswaran, S/o. Late. K.V. Narayan Iyer, aged 60 years, residing at T.C. 23/805, 'Sivaprasad, Valyasala Street, Trivandrum. | Petitioners/
Applicants |
| 2 | Unni Francis, S/o. T. K. Francis, aged 39 years, residing at Talappillil House, B. Street, Mananthawady, Wayanad-670 645. | |
| 3 | Tonny Francis, S/o. T. K. Francis, aged 36 years, residing at Talappillil House, B. Street, Mananthawady, Wayanad-670 645. | |

And:

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| 1 | The Govt. of Kerala, rep. by the Chief Secretary, to the Government of Kerala, Thiruvananthapuram. | Respondents/
Respondents |
| 2 | The Custodian of Ecologically Fragile Lands, Vested in Government (The Principal Chief Conservator of Forests), Forest Head quarters, Vazhuthakkadu, Thiruvananthapuram. | |

This petition is coming on the 06th day of February 2026 for final hearing before me in the presence of Sri. K.K. Krishnakumar Advocate for petitioners and Smt. Dilna.D.B. Special Govt. Pleader for respondents and having stood over to this day for consideration, the court passed the following:

ORDER

This is an application filed by the applicant under order XI rule 1,2 and 4 of CPC seeking permission to serve interrogatories on the respondents.

2. The OA is filed to declare that the application schedule property is not an

ecological fragile land and to set aside the notification under section 3 of Kerala Forest (Vesting and Management of Ecologically Fragile Land) Act, 2003 (EFL Act for short). After trial, this Tribunal allowed the application on the ground that the property which has been exempted from vesting under Private Forest vesting and assignment Act 1971 cannot be notified under EFL Act and the property contained coffee, pepper, murikku etc. and therefore does not satisfy the requirements of ecologically fragile land. The respondents challenged the order by filing MFA before to Hon'ble High Court. The Hon'ble High Court allowed the MFA and set aside the order of this court and remanded the matter for fresh disposal. The Hon'ble High Court has held that the finding of this Tribunal that the OA schedule property could not be notified as ecologically fragile land since it was exempted from vesting under the Vesting Act is erroneous. It was further observed that only point to be considered as to whether the property was principally cultivated with long term crops as on the appointed day and whether the property satisfy the definition of 'Forest' under EFL Act or not.

3. After remand, the applicant filed IA.1/25 to direct the respondents to produce documents. It is claimed that a recommendation/proposal was sent from the office of Mananthavady Forest Range Officer to notify the OA scheduled property under section 4 of EFL Act. The said proposal, if produced, would go to show that the property is not fit to be notified under section 3 of the EFL Act. Therefore the applicant prayed the court to direct the respondents to produce the said documents. This court allowed that application and directed the respondents to produce the document. Divisional Forest Officer, North Wayanad then filed an affidavit stating that the documents sought to be produced are not available and report of the EFL Committee has already been submitted.

4. Now the present application is filed to serve interrogatories on the respondent to know whether the subject matter of the property was ever recommended/proposed to be notified under section 4 of EFL Act or not and if such recommendation was made what was the report or result etc. The respondents filed counter statement and opposed the application on the ground that the respondents never intended to notify

the disputed land under section 4 as the property satisfies all the ingredients of EFL Land within the meaning of section 2(b) of EFL Act. The burden to prove that the property was principally cultivated as on the appointed day and not a forest is on the applicant. So far as the point in issue is concerned, the interrogatories are irrelevant and therefore the petition is liable to be dismissed.

5. I have examined contention of the parties. As already stated above, this Tribunal directed the respondents to produce the relevant documents and it is reported that the documents are not available. The interrogatories now sought to be served on the respondents can only be answered on the basis of the documents which are not available with the respondent now. Moreover, whether the property was cultivated land on the appointed day or not is the only question to be decided in this case. This aspect has to be proved by the applicant by adducing independent evidence. Anyway, since the documents which are necessary to answer the interrogatories are not available with respondents, even if this petition is allowed and the respondents are directed to file answer affidavit, they may not be able to answer the interrogatories properly. Under the above circumstances, I am not inclined to allow this petition.

Hence this petition is dismissed.

(Dictated to the Confidential Assistant, typed by him directly on computer, corrected by me and pronounced in open Court, this the 25th day of February, 2026)

Sd/-

Tribunal for EFL Cases/
Additional District Judge-I

No oral or documentary evidence on either side.

Sd/-

Tribunal for EFL Cases/
Additional District Judge-I

Fair/copy of Order
in IA.02/2025 in OA 03/2013
Dated: 25.02.2026

