

**IN THE COURT OF THE KERALA FOREST (VESTING AND  
MANAGEMENT OF ECOLOGICALLY FRAGILE LANDS)  
TRIBUNAL, PALAKKAD**

**Present:- Sri. R.Vinayaka Rao, Kerala Forest (Vesting and  
Management of Ecologically Fragile Lands) Tribunal (Additional  
District Judge-I).**

**Thursday, the 30<sup>th</sup> day of April, 2026/10<sup>th</sup> day of Vaisakha, 1947 S.E.**

.....

**INTERLOCUTORY APPLICATION No.02/2026 IN ORIGINAL APPLICATION No.07/2021,**  
**INTERLOCUTORY APPLICATION No.02/2026 IN ORIGINAL APPLICATION No.08/2021,**  
**INTERLOCUTORY APPLICATION No.01/2026 IN ORIGINAL APPLICATION No.09/2021,**  
**INTERLOCUTORY APPLICATION No.02/2026 IN ORIGINAL APPLICATION No.10/2021,**  
**INTERLOCUTORY APPLICATION No.02/2026 IN ORIGINAL APPLICATION No.11/2021.**

**I.A. No. 02/2026 in O.A. No. 07/2021**

**Petitioners/Respondents :**

1. The State of Kerala represented by the Principal Secretary (Forests & Wildlife), Thiruvananthapuram.
2. The Principal Chief Conservator of Forests & Custodian of Ecological Fragile Lands, Forests Head Quarters, Thycaud, Vazhuthakkad, Thiruvananthapuram.
3. The Chief Conservator of Forests, Eastern Circle & Custodian of Vested Forests, Olavakkode Post, Palakkad.

**By Advocate:Special Government Pleader**

**Vs.**

**Respondent/Applicant :**

A.Santhakumari, W/o.Late Radhakrishnan, Kanakandath House, Veppilasserry,  
Kavasserry Post, Kavaserry I Village, Alathur Taluk, Palakkad District.

**By Advocate: K.K.Sudheer**

**I.A. No. 02/2026 in O.A. No. 08/2021**

**Petitioners/Respondents :**

1. The State of Kerala represented by the Principal Secretary (Forests & Wildlife), Thiruvananthapuram.
2. The Principal Chief Conservator of Forests & Custodian of Ecological Fragile Lands, Forests Head Quarters, Thycaud, Vazhuthakkad, Thiruvananthapuram.
3. The Chief Conservator of Forests, Eastern Circle & Custodian of Vested Forests, Olavakkode Post, Palakkad.

**By Advocate:Special Government Pleader**

**Vs.**

**Respondent/Applicant :**

Umadevi, W/o.Mohanan, Kanakandath House, Veppilasserry,  
Kavasserry Post, Kavaserry I Village, Alathur Taluk, Palakkad District.

**By Advocate: K.K.Sudheer**

**I.A. No. 01/2026 in O.A. No. 09/2021**

**Petitioners/Respondents :**

1. The State of Kerala represented by the Principal Secretary (Forests & Wildlife), Thiruvananthapuram.
2. The Principal Chief Conservator of Forests & Custodian of Ecological Fragile Lands, Forests Head Quarters, Thycaud, Vazhuthakkad, Thiruvananthapuram.
3. The Chief Conservator of Forests, Eastern Circle & Custodian of Vested Forests, Olavakkode Post, Palakkad.

**By Advocate:Special Government Pleader**

**Vs.**

**Respondent/Applicant :**

Narayanankutty, S/o.Late Muthu Nair, Kanakandath House, Veppilasserry,  
Kavasserry Post, Kavaserry I Village, Alathur Taluk, Palakkad District.

**By Advocate: K.K.Sudheer**

**I.A. No. 02/2026 in O.A. No. 10/2021**

**Petitioners/Respondents :**

1. The State of Kerala represented by the Principal Secretary (Forests & Wildlife), Thiruvananthapuram.
2. The Principal Chief Conservator of Forests & Custodian of Ecological Fragile Lands, Forests Head Quarters, Thycaud, Vazhuthakkad, Thiruvananthapuram.
3. The Chief Conservator of Forests, Eastern Circle & Custodian of Vested Forests, Olavakkode Post, Palakkad.

**By Advocate:Special Government Pleader**

**Vs.**

**Respondent/Applicant :**

K.Vijayalakshmi, W/o.Sasikumar, Anaswaram House, Pariyode, Anjumoorthy Post, Vadakkencherry II Village, Alathur Taluk, Palakkad-678 543.

**By Advocate: K.K.Sudheer**

**I.A. No. 02/2026 in O.A. No. 11/2021**

**Petitioners/Respondents :**

1. The State of Kerala represented by the Principal Secretary (Forests & Wildlife), Thiruvananthapuram.
2. The Principal Chief Conservator of Forests & Custodian of Ecological Fragile Lands, Forests Head Quarters, Thycaud, Vazhuthakkad, Thiruvananthapuram.
3. The Chief Conservator of Forests, Eastern Circle & Custodian of Vested Forests, Olavakkode Post, Palakkad.

**By Advocate:Special Government Pleader**

**Vs.**

**Respondent/Applicant :**

K.Subhadra Amma, W/o.Achuthan Nair, Kanakandath House, R.Mangalam, Kannambra Post, Kannambra Village, Alathur Taluk, Palakkad District.

**By Advocate: K.K.Sudheer**

These Interlocutory applications having been heard on 21.04.2026 and this court on 30.04.2026 passed the following:-

**COMMON ORDER**

The above petitions are filed by the Special Government Pleader for and on behalf of the respondents in O.A. to consider the maintainability of the original applications as a preliminary issue.

2. Counter statement is filed in all the petitions. Heard the counsel for the petitioners and the counsel for the applicants in O.A.

3. The following point arises for consideration by this Tribunal:

*Whether the above petitions are to be allowed or not and the proper order to be passed in the above petitions as well as in the original applications ?*

4. The Point :- The case of the applicants in the original applications is as follows. The application schedule properties and other properties were actually belonging to Muthu Nair as per Sale deed No. 1415 of 83 of Alathur Sub-Registrar's Office, The entire property was planted with rubber in the year 1984. Applicant in OA No. 7 /21 is the daughter-in-law of Muthu Nair, and applicants in the other OAs are the children of Muthu Nair. After the death of Muthu Nair, the entire properties were partitioned by the legal heirs of Muthu Nair including his daughter-in-law as per a partition deed numbered 2121/1994, of SRO Palakkad, C schedule in the partition deed was set apart to the husband of the applicant in OA No. 7 of 2021. The husband of the

applicant in OA No. 7 of 2021 died on 23.06.2019. So the daughter-in-law of Muthu Nair, who is the applicant in the said OA, claimed title and possession over the said property and the said property is the application schedule property in OA No. 7 of 2021. The D schedule property in the partition deed was allotted to the share of applicant in OA No. 9 of 2021. The E scheduled property in the partition deed was allotted to the share of the applicant in OA 8/2021. F schedule property in the partition deed was allotted to the share of the applicant in OA. 10/2021. The B schedule property in the partition deed was allotted to the share of the applicant in OA No. 11/2021. According to the applicants, following the dispute raised by the Forest Department regarding the property, Revenue and Forest Officials have jointly inspected the land as per the Kerala Land Assignment (Regularisation of Occupations of Forest Lands Prior to 1-1-1977) Special Rules. 1993 and found that the land is a rubber plantation and also that the land was under physical possession before 1977 and mahazar and report of the same were also prepared. A report is alleged to have been sent to the Government of Kerala for approval and authorization of Central Government, as required under Section 2 of Forest Conservation Act, 1980. Subsequently, temporary possession certificates certifying that the applicants have the application schedule property in their possession are alleged to have been issued by the Village Officers. Subsequently, notifications are said to have been issued by the Forest Department, notifying that the applicants' properties are ecologically fragile lands. So the above applications were filed to hold and declare that the application schedule properties are not coming under the definition of Ecologically Fragile Lands Act, 21 of 2005 since it is principally cultivated with rubber plantation under Section 2(E) of the Act and without complying Section 3(2) Section 3(1) notification will not be valid one and to hold and declare that the properties notified under Section 3(1) of the EFL Act, the notification number D1383/77 dated 20.08.1985 of the private forest vesting and assignment Act, 1971 shall stand extinguished and to hold and declare that the Erratum Notification issued by custodian of forest dated

04.03.2023 shall not exclude O. A. scheduled property from the EFL notification.

5. The respondents entered appearance and the Divisional Forest Officer has filed a written statement in all the original applications. Thereafter, the above petitions are filed to consider the maintainability of the original applications. According to the Forest Department, the vested forest land having an extent of 3.2155 hectares in Resurvey No. 236/3,4 were erroneously got notified as Ecologically Fragile Land as per notification number, EFL6-121/2006 dated 25.07.2006 of the Custodian of Ecologically Fragile Lands but later the error was corrected by way of an erratum notification issued by the custodian of Ecologically Fragile Lands on 04.03.2023 and it was published in Kerala Gazette No. 1 Volume 12 dated 21/03/2023. According to the Forest Department, the properties are statutory vested in the State and notified under the Kerala Private Forest (Vesting and Assignment Act), 1971 and are not notified as EFL now and therefore any claim on the above forest is to be settled as per Act No 02/1971 which is beyond the jurisdiction of this Tribunal.

6. The applicants in O. A. contend that the erratum notification which was published in the official gazette as No. 12, Volume 12, dated 21. 3. 2023 is entirely different property and survey numbers are not at all applicable to the disputed survey numbers in the above mentioned OAs and moreover even if an erratum notification was published changing the ecological fragile land to the vested forests category the notification regarding the ecological fragile land was not denotified by the respondents and this Tribunal has enough jurisdiction to conduct the above OA cases and mere erratum notification does not change the category of the land unless there is a denotification. It is contended by the applicants in O. A. that the erratum notification produced by the respondents is not pertaining to the application schedule properties and it is for the properties belonging to one Sivaraman and his family, which is situated just near the application schedule properties. The said Sivaraman and his family members are

having their properties in old Survey No. 428/J/3 and 428/J/4 and 428/J/ 5 and those properties are notified as not EFL as per notification and the said Sivaraman and his family filed OA 45. of 2008 before this Tribunal and the said OA was allowed by this Tribunal. The matter was taken before the Hon'ble High Court as well as the Hon'ble Apex Court, and the O. A. orders were confirmed. Thereafter the applicants in those OAs approached the Hon'ble High Court to release the properties and the department released the property as de-notified by way of erratum notification and now the said erratum notification is produced and the respondents are trying to mislead this Tribunal. It is admitted fact that the properties in the applications are notified under EFL Act and so there will be a de-notification in publishing the same in Kerala Gazette and that has not been happened and so the petitions are devoid of merits. So the applicants in OAs prayed to dismiss the petition.

7. The respondents have contended in written statement that the forest claimed as the above applications are private forests for which erstwhile Madras Preservation of Private Forest Act 1949 was applicable and vested in the Government by operation of the Kerala Private Forests (Vesting and Assignment) Act, 1971 (Act 26/1971) with effect from 10.05.1971. It is contended that the applicants have no valid title for the areas claimed in the field. It is contended that as per the Partition Deed through which the applicants claimed title does not cover the disputed vested forests, the applicants have no valid title for the forest claimed in the field and the applications are not maintainable either in law or on facts and they are not entitled to seek the reliefs sought for in the application. According to the respondents the Vested Forest disputed in the field that is the application schedule property is part of the VFC New Item Sl. No. 10 known as Vellaparakunnu. Though the said Vested Forest was later got notified as per the provisions of the Act 21/2005, 14.339 hectares (35.431669 acres) of Vested Forest in Re-Sy. Nos. 236/3 & 236/4 including the application schedule property was

excluded by notification No. EFL1-1747/2022 dated 04.03.2023 of the Custodian of Ecologically Fragile Lands and thus, the legal status of the disputed forests is Vested Forests by virtue of the Act 26/1971 and therefore, the dispute need not be adjudicated as per the scheme of Section 10 of EFL Act. It is contended that the application schedule properties being a forest attracting the Act 26/1971, the jurisdiction of this Hon'ble Tribunal is specifically barred as per Section 13 of the Act. According to the respondents in OAs the land in Re-Sy. No. 236/3pt, 4pt (Old Sy. No. 428J1pt, 2pt) was demarcated, surveyed and notified as Vested Forest as per notification No.1383/1977 dated 20.05.1985 and erratum notification No. B2-3590/2001 dated 15.02.2005 of the Custodian of Vested Forests and all the right, title and entitlement of the ex-owners in respect to the above said area was extinguished and vested in Government with effect from the appointed day of the Act 26/1971, i.e., 10.05.1971 and the above said areas were surveyed and notified as per the provisions of the Act 26/1971. According to the respondents in OA 3.2155 hectares of Vested Forest in Sy. Nos.236/3,4 included in the notifications were erroneously got notified as ecologically fragile land as per the notification No. EFL.6-121/2006 dated 25.07.2006 of Custodian of Ecologically Fragile Lands and the same got published in the Kerala Gazette No.34, Vol.51, Part III dated 22.08.2006. This 3.2155 hectares of Vested Forests in Sy. No.236/3,4 which was erroneously notified as ecologically fragile land was corrected by way of notification No. EFL1-1747/2022 dated 04.03.2023 of the Custodian of Ecologically Fragile Lands and published in the Kerala Gazette No.12, Vol.12, Part III dated 21.03.2023. So it is contended that as the disputed Vested Forest is excluded from the purview of the Act 21/2005, the area remains as Vested Forest and the Tribunal constituted under Section 8 of Act 26/1971, only has got jurisdiction to adjudicate any claims on the said area.

8. So it is seen that the respondents in OA have taken a specific

contention of lack of inherent jurisdiction to entertain and try the above Original Applications. Sec.10 of the EFL Act reads as follows :-

*'Settlement of disputes by the Tribunal: - (1) Where any dispute arises as to whether:*

*(a) any land is an ecologically fragile land or not; or*

*(b) any Ecologically fragile land or portion thereof has vested in the Government or not; or*

*(c) the compensation determined under section 8 is insufficient or not the person who claims that the land is not an Ecologically fragile land or that the Ecologically fragile land has not vested in the Government or that the compensation is not sufficient, may, within five years from the date of commencement of this Act or within six months from the date of the notification under sub-section (1) of section 4 declaring the land to be an Ecologically fragile land or the date of communication of compensation under section 8, as the case may be, or within such time as the Government may notify in this behalf apply to the Tribunal for settlement of the dispute.*

*(2) An application under sub-section (1) shall be in such form and contain such particulars as may be prescribed.*

*(3) If the tribunal decides that any land is not an Ecologically fragile land or that an Ecologically fragile land or portion thereof has not vested in the Government and*

*(a) no appeal under section 11 has been preferred against the decision of the Tribunal within the period specified therein.*

*(b) such appeal having been preferred under section 11 has been dismissed by the High Court. the custodian shall, as soon as may be, after the expiry of the period referred to in clause (a) or, as the case may be, after the date of the order of the High Court dismissing the appeal, restore possession of such land or portion as the case may be, to the owner of such land.*

*(4) If the Tribunal decides that the compensation determined*

*under section 8 is not adequate and revises the amount of compensation and,-*

*(a) no appeal under section 11 has been preferred against the decision of the tribunal within the period specified therein, or*

*(b) such appeal having been preferred under section 11 has been dismissed by the High Court; the custodian shall, as soon as may be after the expiry of the period referred to in clause (a) or, as the case may be after the date of the order of the High Court dismissing the appeal, pay such compensation to the owner of such land.'*

9. It is seen that the respondents have a case that even though the application schedule properties were notified as forming part of ecologically fragile lands by way of erratum notification, the said properties have ceased to be ecologically fragile lands and they are Vested forests with regard to which there is already a notification. When the respondents specifically contend that the application schedule properties are not ecologically fragile lands and take the contentions that they are Vested Forests, then there is nothing for this Tribunal to decide in the above applications. This Tribunal will get jurisdiction to entertain and try the applications only when there is dispute as to whether the application schedule properties are ecologically fragile lands or not. The applicants require a declaration that the application schedule properties are not ecologically fragile lands. The respondents take a contention that the application schedule properties are not ecologically fragile lands. So there remains nothing for further adjudication by this Tribunal. The remedy of the applicants lies elsewhere. No purpose will be served by permitting the applicants to adduce evidence before this Tribunal. So it is found that this Tribunal has no jurisdiction to entertain and try the above applications and the petitions filed by the respondents in OA to consider the maintainability of the Original Applications is to be decided in their favour finding

out that this Tribunal has no jurisdiction to try the above applications and applications are not maintainable before this Tribunal. This point is accordingly found in favour of the respondents in OA.

10. In view of my findings in the above points, I find that the petitions filed by the respondents in OA are to be allowed. The question of maintainability of the Original Applications before this Tribunal is considered and it is found that this Tribunal has no jurisdiction to entertain and try the above Original Applications and that the said Original Applications are to be dismissed as not maintainable before this Tribunal.

**In the result,** the above petitions are allowed and the Original Applications are dismissed as not maintainable before this Tribunal.

*Dictated to Confidential Assistant, transcribed and typed by her, corrected and pronounced by me in open court on this the 30<sup>th</sup> day of April, 2026.*

Sd/-

**The Kerala Forest (Vesting and Management  
of Ecologically Fragile Lands) Tribunal,  
Palakkad.(Additional District Judge-I).**

**APPENDIX:-Nil.**

Sd/-

**The Kerala Forest (Vesting and Management  
of Ecologically Fragile Lands) Tribunal,  
Palakkad.(Additional District Judge-I).**

*Typed by: Mridhuka,K.S.  
Compared by: Abhishek.G*

**Fair/Copy of Common Order  
in IA.02/2026 in OA.07/2021,  
IA.02/2026 in OA.08/2021  
IA.01/2026 in OA.09/2021,  
IA.02/2026 in OA.10/2021 &  
IA.02/2026 in OA.11/2021.  
Dated: 30.04.2026.**