



2025:KER:31056

WP(C) NO. 14455 OF 2025

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE T.R.RAVI

TUESDAY, THE 8TH DAY OF APRIL 2025 / 18TH CHAITHRA, 1947

WP(C) NO. 14455 OF 2025

PETITIONER:

ROSHAN BENNY
AGED 27 YEARS, W/O BENNY, KARUVALY HOUSE, COLONY
PADI, ERUMATHALA P.O, ALUVA, ERNAKULAM DISTRICT,
PIN - 683112.

BY ADV RENNY AUGUSTINE

RESPONDENTS:

- 1 STATE OF KERALA
REPRESENTED BY SECRETARY TO GOVERNMENT, DEPARTMENT
OF REVENUE, GOVERNMENT SECRETARIAT,
THIRUVANATHAPURAM, PIN - 695001.
- 2 THE SUB COLLECTOR
OFFICE OF THE SUB COLLECTOR DEVIKULAM, IDUKKI
DISTRICT (ADDITIONAL CHARGE OF SPECIAL OFFICER),
PIN - 685613.
- 3 THE PRINCIPAL CHIEF CONSERVATOR OF FOREST & HEAD
FOREST FORCE VAZHUTHACAD, THIRUVANATHAPURAM,
PIN - 695001.
- 4 THE TAHSILDAR
DEVIKULAM TALUK, DEVIKULAM CIRCULAR ROAD,
DEVIKULAM, IDUKKI DISTRICT, PIN - 685613.



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5 THE VILLAGE OFFICER
OFFICE OF THE VILLAGE OFFICE, VATTAVADA IDUKKI
DISTRICT, PIN - 685612

SRI. T. P. SAJAN. SPL. GP.
SRI.NAGARAJ NARAYANAN, SPL.GP.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 08.04.2025, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:



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T.R. RAVI, J.

W.P.(C) No.14455 of 2025

Dated this the 08th day of April, 2025

JUDGMENT

The petitioner claims to be the owner in possession of property admeasuring 72.65 Ares in Survey No.211/1 in Resurvey No.19/9/1 in Resurvey No.62 of Vattavada Village in Devikulam Taluk, Idukki District. The petitioner purchased the property as per sale deed No.2745/2023 of Devikulam SRO dated 20/11/2023. The area where the property is situated is declared as Kurinjimala Sanctuary by the Government. The petitioner relies on the Government Order to contend that the designated authority is empowered to decide on the existence, nature and extent of rights of any person, in or over land situated within the limits of the Kurinjimala Sanctuary.

2. Accordingly, the petitioner submitted an application before the 2nd respondent seeking to get the property mutated



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to his name after conducting the enquiry stipulated. This writ petition is filed aggrieved by the delay in considering the application and taking further action thereon.

3. Heard the learned Counsel for the petitioner and the learned Government Pleader.

4. Learned Counsel for the petitioner submitted that, for the present, the petitioner will be satisfied with a direction to the 2nd respondent to consider his application in terms of the Government Order

5. Learned Government Pleader submitted that, the Patta produced by the petitioner are suspicious and even otherwise, mutation cannot be effected with respect to the properties falling within Block No.62 of Vattavada Village. Only Patta lands exempted under the notification dated 06.10.2006 can be owned and possessed by private individuals.

6. Since the petitioner has filed an application seeking



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mutation of the property, it is for the 2nd respondent to consider the application and pass appropriate orders thereon. The genuineness of the Patta produced by the petitioner and the question whether the property falls within the notified area are also to be decided by the 2nd respondent.

The writ petition is hence disposed of, directing the 2nd respondent to consider the petitioner's application, provided the application is received and is pending before the said authority. The decision on the application shall be taken, after issuing notice and after affording an opportunity of hearing to the petitioner and the Wild Life Warden, Munnar. The order, as directed above, shall be passed within two months of receipt of a copy of this judgment.

Sd/-

**T.R.RAVI
JUDGE**

mpm



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APPENDIX OF WP(C) 14455/2025

PETITIONER'S EXHIBITS

Exhibit P1	TRUE COPY OF THE SALE DEED NO.2745/2023 OF DEVIKULAM SRO DATED 20.11.2023.
Exhibit P2	TRUE COPY OF LETTER NO. 121/2024 DATED 28.11.2024 ISSUED BY 5TH RESPONDENT TO THE PETITIONER.
Exhibit P3	TRUE COPY OF JUDGMENT IN WPC NO.24342/2022 DATED 3.11.2022.
Exhibit P4	TRUE COPY OF THE COMMUNICATION DATED 18.3.2024 BETWEEN 4TH AND 5TH RESPONDENT RECEIVED UNDER RTI ON 14.11.2024.
Exhibit P5	TRUE COPY OF THE APPLICATION DATED 4.3.2025 BEFORE THE 2ND RESPONDENT.