

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

CIVIL APPEAL NO(s). 8032 OF 2001

ELIZABETH JACOB

Appellant (s)

VERSUS

DISTRICT COLLECTOR, KERALA & ORS.

Respondent(s)

(With office report)

Date: 09/04/2008 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE H.K. SEMA

HON'BLE MR. JUSTICE MARKANDEY KATJU

For Appellant(s)

Mr. M.P. Vinod,Adv.

For Respondent(s)

Mr. P.V. Dinesh,Adv.

UPON hearing counsel the Court made the following
ORDER

On 06.02.2008 after hearing learned counsel on both the sides

this Court passed the following order :

"In this appeal, the disputed question of fact is involved with regard to the possession and ownership of the property having an extent of 9.39 acres of land in Survey No.1131 of Peermade Village. The disputed question of fact is whether the said land is a part of a reserve forest. It appears that in this appeal the Forest Department has not been impleaded as a party. We, however, feel that this question can be answered by the Forest Department. We direct the Chief Conservator of Forest, Government of Kerala to file a detailed affidavit as to whether the aforesaid land is within the forest reserves or not within six weeks. Two weeks' thereafter is allowed to file reply. List thereafter."

:2:

Till today no counter-affidavit has been filed by the Chief Conservator of Forest, Government of Kerala as directed. Mr. P.V. Dinesh, learned counsel appearing for the respondent, submits that he had sent the communication to the Advocate General, Government of Kerala and the Advocate General, Kerala in turn written a letter to the Chief Secretary, Government of Kerala.

Admittedly, learned counsel for the respondent has not sent any communication to the Chief Conservator of Forest, Government of Kerala as directed by this Court. The Advocate for the respondent conducted the case in a casual manner. Even our detailed order, it appears, has not been read

by the Advocate for the respondent. We direct the Chief Conservator of Forest, Government of Kerala to file a detailed affidavit as to whether the aforesaid land is within the forest reserves or not. Detailed affidavit shall be filed within one month from today.

A copy of this order shall be sent to the Chief Secretary, Government of Kerala. List this matter after one month.

(PAWAN KUMAR)
COURT MASTER

(ANAND SINGH)
COURT MASTER