

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).22252/2012

(From the judgement and order dated 19/03/2012 in WA No.1981/2011 of The HIGH COURT OF KERALA AT ERNAKULAM)

STATE OF KERALA & ORS.

Petitioner(s)

VERSUS

M/S KARAPARA ESTATE A

Respondent(s)

(With appln(s) for permission to place addl. documents on record and prayer for interim relief and office report)

Date: 07/05/2014 This Petition was called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE RANJANA PRAKASH DESAI
HON'BLE MR. JUSTICE N.V. RAMANA

For Petitioner(s)

Mr. Ramesh Babu M.R.,Adv.

For Respondent(s)

Mr. M.P. Vinod,Adv.
Mr. Dileep Pillai, Adv.
Mr. Ajay K. Jain, Adv.
Ms. Neelam Saini, Adv.

UPON hearing counsel the Court made the following
O R D E R

Leave granted.

The appeal is disposed of in terms of the signed order.

(Vishal Anand)
Court Master

(Indu Pokhriyal)
Court Master

(Signed Order is placed on the file)

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.5502 OF 2014

(Arising out of Special Leave Petition (Civil) No.22252/2012

STATE OF KERALA & ORS.

Appellant(s)

VERSUS

M/S KARAPARA ESTATE A

Respondent(s)

O R D E R

Leave granted.

The State of Kerala has preferred this appea

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aggrieved by the Judgment of the Kerala High Court dated 19-3-2012 which directed the State to issue possession certificate in respect of land which according to the State of Kerala is a forest land in favour of the respondent.

A few facts need to be stated.

The respondent had requested the Village Officer

Nenmara for issuance of possession certificate of the area of land in their possession. The Village Officer refused to give possession certificate. The respondent, therefore, filed Writ Petition No. 19014 of 2011 in the High Court seeking a direction to the Village Officer to issue possession certificate to them in respect of the land in their

possession. Learned Single Judge allowed the Writ Petition and gave a direction to the Village Officer to issue possession certificate.

Aggrieved by the said Judgment, the State of Kerala preferred Writ Appeal No.1981 of 2011 before the Division Bench of the Kerala High Court. The Division Bench by an Order dated 19-3-2012 confirmed the order of learned Single Judge and dismissed the appeal. Thus, the order directing issuance of possession certificate was confirmed. The said order is challenged in this appeal.

On 13-8-2012, the operation of the impugned order was stayed by this Court.

We are informed that during the pendency of this appeal on 30-8-2013, the State Government has by detailed

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order dated 30-8-2013 cancelled the lease of the land in question and directed that the land be repossessed by the State.

On 4-10-2013, the respondent has challenged the said order by filing a writ petition in the Kerala High Court. It appears that on 4-10-2013, the Kerala High Court has passed an interim order restraining the State of Kerala from dispossessing the respondent.

Learned counsel for the parties submitted that in view of the fact that now a petition is filed by the respondent challenging cancellation of lease and an interim order is passed in favour of the respondent, the impugned order may be set aside and the appellant and the respondent may be permitted to raise all contentions in the writ petition which is pending in the Kerala High Court.

We find substance in this submission.

Hence, without expressing any opinion on the merits of the case of either the appellants or the respondent, we set aside the impugned order. The appellants and the respondent will be entitled to raise all contentions in the writ petition which is pending in the Kerala High Court.

Needless to say that the respondent can also raise the contention regarding his eligibility for issuance of possession certificate in respect of subject land in the Kerala High Court. We request the Kerala High Court to deal with all contentions of the parties independently since we have expressed no opinion on the merits of the case of either parties.

The appeal is disposed of in the afore-stated terms.

.....J
(RANJANA PRAKASH DESAI)

.....J
(N.V. RAMANA)

NEW DELHI;
MAY 7, 2014.