

State of Kerala and Others

Vs

Kannan Devan Hills Produce Co. Ltd.

Civil Appeal No. 4109 of 1984

(Kuldip Singh, N. M. Kasliwal JJ)

07.02.1991

ORDER

1. We have today pronounced judgment in State of Kerala v. Kanan Devan Hills Produce Co. Ltd. ((1991) 2 SCC 272). For the reasons given in the said appeal this appeal has to be allowed. Mr. Nariman, learned counsel appearing for the respondent-company raised an additional point in this appeal. He contended that Kuttikanam cannot, in any case, be charged in respect of such timber which was planted by the grantee in the Concession Area. We do not agree with the contention of the learned counsel. The suit out of which this appeal has arisen was decreed by following the judgment of the Kerala High Court from which Civil Appeal No. 1277 of 1979 arose. This appeal has to be dealt with in the same manner as Civil Appeal No. 1277 of 1979. We allow the appeal with costs. The suit of the respondent is dismissed with costs. We quantify the costs as Rs. 5000.

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