

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

TUESDAY, THE 10TH DAY OF MARCH 2015/19TH PHALGUNA, 1936

Con.Case(C).No. 145 of 2015 (S)

WP(C) 3096/2014 of THIS HONOURABLE COURT

PETITIONER/PETITIONER IN WPC NO. 3096/2014 :

**SUGUNAN N.B., AGED 40 YEARS,
S/O BHSKARANM RESIDING AT NEDUMPILLIL HOUSE,
NERYAMANGALAM P.O., NERYAMANGALAM PIN-686693**

**BY ADVS.SRI.K.K.ASHKAR
SMT.ASHIRA MOHAMED ASHROF**

RESPONDENT/7THE RESPONDENT IN WPC NO.3096/2014 :

**SRI.P.I.SHEIKH PAREETH, I.A.S.
AGE AND FATHERS NAME NOT KNOWN DIRECTOR,
DEPARTMENT OF TOURISM, GOVERNMENT OF KERALA,
PARK VIEW, THIRUVANANTHAPURAM**

BY GOVERNMENT PLEADER SRI. JOSEPH GEORGE

**THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME UP FOR
ADMISSION ON 10-03-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

- ANNEX.A1:** CERTIFIED COPY OF THE JUDGMENT DATED 31.3.2014 IN WPC NO.3096/2014.
- ANNEX.A2:** TRUE COPY OF THE STATEMENT DATED 7.3.2014 SUBMITTED ON BEHALF OF 7TH RESPONDENT IN WPC NO.3096/2014.
- ANNEX.A3:** TRUE COPY OF THE TENDER NOTICE NO, DOT/KITCO/CL/42 DATED 21.11.2014 PUBLISHED BY KITCO LTD ON BEHALF OF TOURISM DEPARTMENT, GOVERNMENT OF KERALA

RESPONDENT(S)' EXHIBITS :

- ANNEXURE R1(a):** COPY OF THE LETTER ADDRESSED TO CWRDM DT 25/2/2015.

//TRUE COPY//

P.A. TO JUDGE

bp

P.R.RAMACHANDRA MENON, J.

Cont.Case (C) No.145 of 2015

Dated this the 10th day of March, 2015

JUDGMENT

This contempt case has been filed by the petitioner alleging wilful disobedience of the undertaking and the direction issued by this Court as per Ext.A1 judgment dated 31.3.2014 in W.P.(C) No.3096 of 2014. It is stated that the proposed steps to certify the tourism project in the concerned locality without conducting any feasibility study was under challenge in the writ petition.

2. After considering the various prayers sought for and also the undertaking given from the part of the 7th respondent, particularly, as given in paragraphs 2 and 3 of the statement filed before this Court, the position was examined by this Court and the writ petition was disposed of recording the submission made by the learned Government Pleader that the project has already been abandoned and that no construction activities were intended to be effected in the premises. The respondent has taken a U turn and has issued Annexure A3 tender notice dated 21.11.2014 to set up a project without doing any feasibility study

Cont.Case (C) No.145 of 2015

and hence the alleged offence, which is sought to be proceeded against.

3. An affidavit has been filed by the 7th respondent in W.P. (C)No.3096 of 2014 pointing out that the earlier project was sponsored by the Central Government which has already been abandoned and the balance fund has already been returned to the Central Government. It is stated that a new project has been sorted out with the assistance of the State Government as proposed by G.O.(Rt) No.6052/2014/TSM dated 1.9.2014 with various components listed as item No. 1 to 15 as extracted below:

1. *Kiosk (7 Nos.)*
2. *Entrance Gate*
3. *Steel Foot Bridge*
4. *Compound wall*
5. *Boat Jetty*
6. *Signages*
7. *Tree Pit*
8. *Car parking area*
9. *Children's play area*
10. *Walk way*
11. *Drain*
12. *Toilet block*
13. *Sump Tank & External water supply*
14. *Landscaping*

15. Electrical

4. It is also stated that the project is sought to be established in the property belonging to the Department of Agriculture, who is having a total extent of 79.4 hectares, out of which the tourism project is connected only to 1.94 hectares. The property in this regard has already been demarcated in consultation with the department of Agriculture and the said department has already given permission for setting up the tourism project. The department of Agriculture has also certified that the proposed area is uncultivated or least cultivated area and that it will not affect the activity of the firm.

5. The learned Government Pleader points out that the undertaking before this Court to conduct the feasibility study stands as it is and the position has been explained in paragraphs 5 and 6 of the affidavit which reads as follows:

5. The Department of Tourism had asked the centre for Water Resources and Development Management Institute (CWRDM), Kozhikode (A Research Institute) to conduct a feasibility and environment impact assessment study in this regard. The true copy of the above letter addressed to CWRDM dated 25.2.2015 is produced herewith and

Cont.Case (C) No.145 of 2015

marked as Annexure-R1(a). The project will be implemented through KITCO as per the study.

6. In compliance of the judgment in W.P.(C) No.3096/14 dated 31.3.14, the department of Tourism has initiated for the conduct of feasibility and environmental impact assessment study through CWRDM. The project is not started at site. The project will be implemented only as per the recommendation of the study so that there will not be any adverse impact on the environmental features due to this project.

On going through the contents of the said affidavit and also the steps being taken by the concerned respondents, it is seen that the proposed project is sought to be implemented only after getting the feasibility study and environmental impact assessment through the Centre for Water Resources Development and Management, Kozhikkode. In the above circumstances, this Court finds that no further steps are necessary in this contempt case. It stands closed in the light of the affidavit filed before this court.

**P.R.RAMACHANDRA MENON,
JUDGE.**

rkc.