

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 20TH DAY OF NOVEMBER 2015/29TH KARTHIKA, 1937

WP(C).No. 4701 of 2014 (K)

PETITIONER(S):

**P.T.RAJESH, AGED 40 YEARS,
S/O.BALACHANDRAN, RESIDING AT PUTHUKUDI HOUSE,
KOTTOOLI, KOZHIKODE-673 016.**

**BY ADVS.SRI.V.V.SURENDRAN
SRI.P.A.HARISH**

RESPONDENT(S):

- 1. STATE OF KERALA, REPRESENTED
BY SECRETARY, LOCAL SELF GOVERNMENT DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM.**
- 2. THE DISTRICT COLLECTOR,
CIVIL STATION, KOZHIKODE-673 020.**
- 3. THE VILLAGE OFFICER,
KOTTOOLI , KOZHIKODE.**
- 4. THE KOZHIKODE CORPORATION,
REP. BY ITS SECRETARY, CORPORATION BUILDING, BEACH ROAD,
KOZHIKODE-673 032.**
- 5. P. S. ASSANKOYA,
S/O.AHAMMEDKOYA, KALMABI MANZIL, KUNDUNGAL
POST KALLAI, CALICUT-3.**
- 6. A. K. PRADEEP,
S/O. A. K. PRABHASANKAR, SANTHI, POST PUTHIYANGADI,
KOZHIKODE-673 021.**
- 7. C. P. M. ABOOBACKERKOYA,
S/O. A. V. ABULLAKOYA, BC, GALAXY APARTMENT,
WEST NADAKKAVU, KOZHIKODE-673 011.**

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8. ANWAR HASSAN,
S/O.HASSANKOYA, CYLONG HOUSE, HALWA BAZAR,
KOZHIKODE-673 011.
9. P. P. MARIYAMBI,
P. P. HOUSE, VETTAMPOYIL, KALLAI POST,
KOZHIKODE-673 003.
10. WAFI,
W/O.LATE P. P. NAZEER AHAMED, 20/1326, BAITHUL BARAMY,
POST THIRUVANNUR, KOZHIKODE-673 029.
11. NASHWA MARIAM,
D/O.LATE P. P. NAZEER AHAMED, 20/1326, BAITHUL BARAMY,
POST THIRUVANNUR, KOZHIKODE-673 029.
12. NAFIA , AGED 16 YEARS,
D/O.LATE P. P. NAZEER AHAMED,
(MINOR RESPONDENT BY MOTHER 7TH RESPONDENT).
13. WAZEER AHAMED, AGED 9 YEARS,
S/O.LATE P. P. NAZEER AHAMED,
(MINOR RESPONDENT BY MOTHER 7TH RESPONDENT).
14. M/S.CONFIDENT PROJECT INDIA (P) LTD.,
EDAPPALLY-682 028, REP BY ITS MANAGING DIRECTOR,
T. A. JOSEPH, KRR NO 4, THERUVIPARAMBIL HOUSE VENNALA,
EDAPPALLY POST, ERNAKULAM-682 028.

R1-R3 BY GOVERNMENT PLEADER SRI.MANOJ KUNJACHAN
R4 BY ADV. SRI.K.D.BABU, SC
R5-R14 BY ADV. SRI.S.SHANAVAS KHAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
20-11-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

msv/

APPENDIX

PETITIONER(S)' EXHIBITS

P1:-A TRUE COPY OF THE COMMUNICATION ISSUED BY THE MINISTRY OF ENVIRONMENT & FOREST DTD 17/3/2004.

P2:-TRUE COPY OF THE ORDER ISSUED BY THE 4TH RESPONDENT DTD 13/9/2010.

P3:-TRUE COPY OF THE COMMUNICATION ISSUED BY THE 1ST RESPONDENT TO THE 4TH RESPONDENT DTD 1/8/2012.

P4:-TRUE COPIES OF THE QUERIES DTD 20/5/2013 OF O T SUDHEESH TO THE 3RD RESPONDENT UNDER THE RIGHT TO INFORMATION ACT AND THE ANSWERS GIVEN BY THE 3RD RESPONDENT DTD 12/6/2013.

P5:-TRUE COPIES OF QUERIES DTD NIL OF ANTONY AJO TO THE AGRICULTURAL FILED OFFICER UNDER THE RIGHT TO INFORMATION ACT AND THE ANSWERS GIVEN DTD. 28.12.2013.

P6:-TRUE COPY OF COMMUNICATION DTD 9/4/2013 TO THE GOVERNMENT SECRETARY, DEPARTMENT OF REVENUE.

P7:TRUE COPY OF COMMUNICATION OF THE 2ND RESPONDENT TO THE 4TH RESPONDENT DATED ON 20.7.2014.

P8:-TRUE COPY OF THE STOP MEMO ISSUED BY THE 3RD RESPONDENT TO THE RESPONDENT 5 TO 13 DATED ON 25.6.2013.

P9;-TRUE COPY OF THE JOINT REPORT DATED ON 3.8.2013.

P10:-TRUE COPY OF THE PROCEEDINGS DTD 30/9/2013 OF THE 2ND RESPONDENT.

P11:-TRUE COPY OF THE JUDGMENT OF THIS HONOURABLE COURT IN WPC 18098/2013 DTD 20/11/2013.

RESPONDENT(S)' EXHIBITS:

EXT.R14(a): TRUE COPY OF THE ENVIRONMENT CLEARANCE CERTIFICATE DTD.17.6.2015 ISSUED BY THE MINISTRY OF ENVIRONMENT AND FORESTS, NEW DELHI (MOEF).

EXT.R2(a): TRUE COPY OF THE REPORT.

EXT.R2(b): TRUE COPY OF THE DATA BANK ABSTRACT.

//TRUE COPY//

P.S.TO JUDGE

A. MUHAMED MUSTAQUE, J

W.P.(C).No. 4701 of 2014

Dated this the 20th day of November, 2015

JUDGMENT

The writ petition is filed challenging the construction being undertaken by the 14th respondent.

2. This Court passed an interim order originally restraining the construction. Thereafter, the matter was taken in writ appeal No.497/2014. In the writ appeal, the Division Bench of this Court, taking note of the fact that clearance of Ministry of Environment has not yet obtained, granted interim stay against the construction. The respondents 5 to 14 today placed before this Court, a clearance from Ministry of Environment dated 17/06/2015.

3. The learned Standing Counsel for the Kozhikode Corporation also submits that they have issued a permit.

4. In the light of the above, it is ordered that respondents 5 to 14 are free to undertake the construction in accordance with permit granted to them.

The writ petition is disposed of as above.

Sd/-
A. MUHAMED MUSTAQUE
JUDGE

bpr