

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

WEDNESDAY, THE 18TH DAY OF NOVEMBER 2015/27TH KARTHIKA, 1937

WP(C) .No. 7770 of 2014 (S)

PETITIONER(S) :

JANA SAMPARKA SAMITHY
REG.NO.431/11, AMBALLOOR PANCHAYATH COMMITTEE
REPRESENTED BY ITS SECRETARY, K.A.RAFEEK, AGED 40 YEARS,
S/O. ALI, PALLIYAMTHADATHIL, MARITHAZHAM,
KANJIRAMATTOM-682 315
ERNAKULAM DISTRICT.

BY ADVS.SRI.T.M.MOHAMMED YOUSUFF(SR.)
SMT.MOLLY JACOB
SMT.RABIA BEEGAM T.K.
SRI.JOBI.A.THAMPI
SMT.M.KABANI DINESH
SMT.ASHIYA YOUSEFF
SMT.FASHIYA YOUSEFF
SMT.SITHARA SHAMSUDEEN

RESPONDENT(S) :

1. STATE OF KERALA
REP.BY CHIEF SECRETARY, THIRUVANANTHAPURAM
KERALA-695 001.
2. KERALA STATE INDUSTRIES DEVELOPMENT CORPORATION
THIRUVANANTHAPURAM, KERALA-695 001.
3. DISTRICT COLLECTOR
COLLECTORATE, KAKKANADU, ERNAKULAM
KOCHI-682 030.
4. THE STATE LEVEL MONITORING COMMITTEE
REPRESENTED BY ITS CONVENER
(AGRICULTURAL PRODUCTION COMMISSIONER)
GOVT. OF KERALA, THIRUVANANTHAPURAM-695 001.

R2 BY ADV. SRI.SAJI VARGHESE, SC, KSIDC LTD.
R1,R4 BY Spl.GOVERNMENT PLEADER SMT.GIRIJA GOPAL

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
18-11-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 7770 of 2014 (S)

APPENDIX

PETITIONER(S) ' EXHIBITS

EXT.P1 : COPY OF THE ORDER IN GO(RT)NO.1439/2011/ID DTD.17.11.2011.

EXT.P1(a) : PHOTO COPY OF THE MEMORANDUM OF ASSOCIATION.

EXT.P2 : PHOTO COPY OF THE ORDER IN GO(RT) No.1439/2011/ID DATED
17.11.2011.

EXT.P3 : COPY OF THE ORDER IN GO(RT)NO.14/2012/ID DTD.5.1.2012.

EXT.P4 : COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER TO
THE HON'BLE CHIEF MINISTER OF KERALA, DTD.6.12.2013.

EXT.P5 : COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER TO
THE 1ST RESPONDENT DTD.5.3.2014.

RESPONDENT(S) ' EXHIBITS

NIL

//TRUE COPY//

P.A.TO JUDGE

ami/

**ASHOK BHUSHAN, C.J. &
A.M.SHAFFIQUE, J.**

W.P.(C)No.7770 of 2014

Dated this the 18th day of November, 2015.

J U D G M E N T

SHAFFIQUE, J.

This writ petition is in the form of a Public Interest Litigation, seeking the following reliefs :

"(i) To issue an appropriate writ order or direction, directing the 1st respondent to consider the Exhibit P4 and P5 representations submitted by the petitioner and take a decision in the matter of exemption under section 10 of the Kerala Paddy and Wetland Conservation Act, 2008.

(ii) To issue writ of mandamus commanding the 4th respondent to submit a report to the 1st respondent State Government regarding the real nature of the properties proposed for the Electronic Park and the records made available to them by the public and Government officials on various levels.

(iii) To issue any other writ, order or direction as this Hon'ble Court may deem fit and necessary in the facts and circumstances of the case."

2. According to the petitioner, it is a registered organisation. They approached the Government with the grievance of general public in a matter relating to setting up

of Electronic Park at Amballoor. It is stated that though several attempts had been made to acquire lands for the aforesaid purpose, no steps had been taken in the matter by the Government. The petitioner therefore submitted Exts.P4 and P5 representations to the Government and since there was no response to the representations, this writ petition is filed.

3. Counter affidavit has been filed by respondents 1 and 4 inter alia stating the steps that had been taken with reference to the setting up of Electronic Park at Amballoor. It is mentioned that an Expert Committee on Electronics formed by the Government of Kerala, in 2009, had recommended the establishment of Electronic Manufacturing Clusters in Thiruvananthapuram and Kochi. It is stated that, sanction for the acquisition of land was accorded for 334 acres of land comprised in the Block No.22, Survey no.273 part to 356 part of Amballoor village, Kanayannur Taluk, Ernakulam District, subject to clearance under the Kerala Conservation of Paddy and Wet Land Act,

2008. Later, the area to be acquired had been reduced to about 100 acres, after taking into consideration various facts and circumstances involved in the matter, like, shortage of funds with KSIDC etc. and not due to any legal impediments. The Government has now issued an order dated 11.9.2015 granting in principle sanction to the KSIDC for conversion of 100 acres of land at Amballoor, Ernakulam District, for setting up of Electronic Park, on certain conditions.

4. Counter affidavit has also been filed by the 2nd respondent on similar lines. It is stated that in furtherance to the Government order dated 11.9.2015, the District Collector has convened the DLPC on 14.9.2015 and further steps in this regard is in progress. It is also mentioned that KSIDC has already transferred a sum of Rs.13 Crores to the District Collector, Ernakulam, towards expenses for land acquisition. Having regard to the fact that the Government and its agency is proceeding with acquisition of land for Electronic Park, which is clearly indicated in the counter affidavit filed, we do not think that any further direction is

required to be issued with reference to the relief sought for.

5. The main grievance of the petitioner is the inaction on the part of the Government in proceeding with the acquisition process. Since the Government has already given in principle sanction and proceedings are now being taken by the KSIDC and it is also indicated that they have requested the District Collector to take further steps in the matter, no further directions are required in the matter. We take on record the submissions given in the form of affidavits.

Accordingly, this writ petition is closed.

Sd/-
ASHOK BHUSHAN,
CHIEF JUSTICE.

Sd/-
A.M.SHAFFIQUE,
JUDGE.

ami/

//True copy//

P.A. to Judge