

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE THOTTATHIL B.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE SUNIL THOMAS

TUESDAY, THE 9TH DAY OF JUNE 2015/19TH JYAISHTA, 1937

WP(C).No. 16463 of 2015 (S)

PETITIONER:

1. N.RAMACHANDRAN AGED 80 YEARS
S/O. LATE P.N. NARAYANA PILLAI
SECRETARY (LEGAL) ENVIRONMENT PROTECTION COUNCIL ALUVA
PARISTHITHI BHAVAN, THINOTH ROAD, ALUVA 683 101

BY ADVS.SRI.T.C.SURESH MENON
SRI.P.S.APPU

RESPONDENTS:

1. THE STATE OF KERALA
REPRESENTED BY THE SECRETARY TO GOVERNMENT
REVENUE DEPARTMENT, SECRETARIAT
THIRUVANANTHAPURAM 683 101

2. INDUSTRIES AND COMMERCE DEPARTMENT
REPRESENTED BY ITS PRINCIPAL SECRETARY
GOVERNMENT OF KERALA, THIRUVANANTHAPURAM

3. THE DISTRICT COLLECTOR
COLLECTORATE, KAKKANAD, ERNAKULAM 6823030

4. THE LAND REVENUE COMMISSIONER
THIRUVANANTHAPURAM 695001

5. KARUMALLUR GRAMA PANCHAYATH
REPRESENTED BY ITS SECRETARY, KARUMALLUR PO, ALUVA
ERNAKULAM 683511

6. KERALA INDUSTRIAL INFRASTRUCTURE DEVELOPMENT
CORPORATION (KINFRA)
REPRESENTED BY ITS MANAGING DIRECTOR
THIRUVANANTHAPURAM -1

BY SRI.M.GOPIKRISHNAN NAMBIAR
BY GOVERNMENT PLEADER:ADV.SRI.RAMAPRASAD UNNI

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
09-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) ' EXHIBITS :

EXT.P1; TRUE COPY OF THE ORDER IN WPC NO.996/2012 ON THE FILES OF THIS HONOURABLE COURT DATED 13.6.2012

EXT.P2: TRUE COPY OF THE ORDER ISSUED BY THE 1S TRESPONDENT TO THE 3RD RESPONDENT DATED 31.3.2015

EXT.P3: TREU COPY OF THE NEWS REPORT PUBLISHED IN THE INDIAN EXPRESS DAILY DATED 5.5.2015

EXT.P4: TRUE COPY OF THE COMMUNICATION OBTAINED UNDER THE RIGHT TO INFORMATION ACT DATED 12.5.2015

EXT.P4(A): TRUE COPY OF THE ENGLISH TRANSLATION OF EXT. P4

EXT.P5: TRUE COPY OF THE OBJECTION SUBMITTED BY THE PETITIONR BEFORE RESPONDENTS 3AND 4 DATED 27.4.2015

EXT.P5(A): TRUE COPY OF THE ENGLISH TRANSLATION OF EXT.P5

RESPONDENT(S) ' EXHIBITS:NIL

True Copy /

P.A. to Judge

**THOTTATHIL B. RADHAKRISHNAN &
SUNIL THOMAS, JJ.**

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W.P(C).No.16463 of 2015

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Dated this the 09th day of June, 2015

JUDGMENT

Thottathil B. Radhakrishnan, J.

We have heard the learned counsel for the petitioner, learned senior Government Pleader and the learned counsel for the 6th respondent.

2. Petitioner raises apprehensions about the activity of the 6th respondent in relation to the proposal to acquire certain lands for setting up industrial development zone at Karumalloor in Ernakulam district. As per Ext.P2 Government Order dated 31.03.2015, the Government after noticing that the State Level Monitoring Committee has granted approval for the proposal of KINFRA, accorded sanction to resort to negotiated purchase of a compact area of 300 acres of land as detailed in that Government Order. The Government had very cautiously stated that the District Collector will ensure that approval under extant Acts and Rules viz, Conservation of Paddy and Wetland Act, Coastal Regulation Zone Notifications and Environment (Protection) Act, whichever are applicable to the proposal are obtained by the Requisitioning

Authority before proceeding with negotiated purchase. That term of Ext.P2 Government Order clearly rules out any anticipated apprehension at this stage. We say this more particularly in view of the directions in Ext.P1 judgment whereby this Court had cautioned the Government against permitting any new chemical or polluting industries at any place east of Eloor-Edayar area, including by allowing closed down polluting industry to restart and function. When all these guidelines been available, it is not necessary for us to direct the consideration of the petitioner's representation since we will be pre-judging that the Government would not act in accordance with the applicable laws in the matter of guiding any proposed acquisition as contained in Ext.P2. Under such circumstances, we close this writ petition leaving it open to the Government to enforce the conditions imposed as per Ext.P2.

Sd/-

THOTTATHIL B. RADHAKRISHNAN
Judge

Sd/-
SUNIL THOMAS
Judge

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