

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

FRIDAY, THE 6TH DAY OF NOVEMBER 2015/15TH KARTHIKA, 1937

WP(C).No. 31810 of 2015 (S)

PETITIONER(S) :

**THE HUMAN RIGHTS & ENVIRONMENTAL PROTECTION COUNCIL,
PANAMPILLY NAGAR, LIG 565, ERNAKULAM- 36,
REPRESENTED BY ITS AUTHORIZED MEMBER NOUSHAD.**

BY ADV. SRI.SIBI THOMAS JACOB

RESPONDENT(S) :

- 1. UNION OF INDIA, REPRESENTED BY THE SECRETARY,
MINISTRY OF ENVIRONMENTAL AFFAIRS, NEW DELHI- 110 001.**
- 2. STATE OF KERALA,
REPRESENTED BY CHIEF SECRETARY TO GOVERNMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695 001.**
- 3. THE DISTRICT COLLECTOR,
COLLECTORATE, ALAPPUZHA.**
- 4. STATION HOUSE OFFICER,
ARoor POLICE STATION, CHANDIROOR, CHERTHALA, ALAPPUZHA.**
- 5. THE VILLAGE OFFICER,
EZHUPUNNA VILLAGE, ERAMALLOOR, CHERTHALA.**
- 6. THE SECRETARY,
EZHUPUNNA GRAMA PANCHAYATH, EZHUPUNNA.**
- 7. ABDUL GAFOOR, AGED 60 YEARS,
S/O.MOHAMMED BAVA, CC XVI/762A, GANZA MANZIL,
PANAYAPPILLY , KOCHI- 682 002.**
- 8. ZIRAJ, AGED 36 YEARS,
S/O.V.P.HAMEED, ZIRAJ MANZIL, CHANDIROOR,
CHERTHALA, ALAPPUZHA- 688 537.**

**R1 BY ADV. SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL
ADV. SRI.GIRISH KUMAR.V., CGC
R2 TO R5 BY SR.GOVERNMENT PLEADER SRI.P.IDAVIS**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 06-11-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS :

- P1: TRUE COPY OF THE COMPLAINT PREFERRED TO THE 5TH RESPONDENT DATED 10/08/2015 ALONG WITH ITS ENGLISH TRANSLATION.**
- P2: TRUE COPY OF THE COMPLAINT PREFERRED BEFORE THE 6TH RESPONDENT ALONG WITH ITS ENGLISH TRANSLATION.**
- P3: TRUE COPY OF THE STOP MEMO ISSUED RESPONDENT NO.5 ALONG WITH ITS ENGLISH TRANSLATION.**
- P4: TRUE COPY OF THE NOTICE DATED 19/08/2015 ISSUED BY RESPONDENT NO.6 ALONG WITH ITS ENGLISH TRANSLATION.**
- P5: TRUE COPY OF THE COMPLAINT PREFERRED TO THE 5TH RESPONDENT ALONG WITH ITS ENGLISH TRANSLATION.**
- P6: TRUE COPY OF THE COMPLAINT DATED 18/08/2015 BEFORE THE 4TH RESPONDENT ALONG WITH ENGLISH TRANSLATION.**
- P7: TRUE COPY OF THE COMPLAINT PREFERRED BY THE PETITIONER ORGANIZATION TO THE TAHSILDAR, CHERTHALA EVEN AFTER ISSUANCE OF STOP MEMO ALONG WITH ITS ENGLISH TRANSLATION.**
- P8: TRUE COPY OF THE EXTRA ORDINARY GAZETTE NOTIFICATION NUMBERED KL/TV(N)/12/2009-2011.**
- P9: PHOTOGRAPHS SHOWING THE EXTENSIVE ILLEGAL RECLAMATION AND ENCROACHMENT INTO THE PUBLIC PROPERTY BY THE RESPONDENTS NOS.7 & 8.**
- P10: TRUE COPY OF THE REPORT FROM THE GEOLOGIST 07/10/2015.**

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

ASHOK BHUSHAN, CJ

&

A.M.SHAFFIQUE, J.

W.P.C.No.31810 of 2015

Dated this the 6th day of November 2015

J U D G M E N T

Ashok Bhushan, CJ

This public interest litigation has been filed by the petitioner organization seeking a direction to the 3rd respondent to intervene and prevent all illegal acts of reclamation by respondents 7 and 8.

2. Learned counsel for the petitioner, during the course of arguments, submitted that some members of the petitioner organization have already filed a civil suit praying for an injunction restraining the respondents from filling the wet land.

3. We are of the view that, the matter having engaged the attention of the Civil court, all reliefs can be obtained from the competent Civil court.

4. Learned counsel for the petitioner further submits that a stop memo has already been issued, which is not being implemented.

5. In the event any stop memo has been issued, it is for the authorities who have issued the stop memo, to take

appropriate action regarding the enforcement of the said order. No direction need be issued in that regard in this public interest litigation.

6. We further observe that the petitioner can seek his remedy in a competent court where the members of the organization have already approached by filing a suit.

With the above observation, this writ petition is closed.

(sd/-)
(ASHOK BHUSHAN, CHIEF JUSTICE)
(sd/-)
(A.M.SHAFFIQUE, JUDGE)

True Copy

PA to Judge

jsr/06/11/2015

