

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 7TH DAY OF JANUARY 2015/17TH POUSHA, 1936

WP(C).No. 32583 of 2014 (W)

PETITIONER(S) :

**P.MANIKANDAN, AGED 53 YEARS,
PROPRIETOR, H.K.CONSTRUCTIONS, HK COMPLEX,
SATHRAMPADI, KANJIKODE, PALAKKAD.**

**BY ADVS.SRI.BECHU KURIAN THOMAS
SRI.S.SREEDEV**

RESPONDENT(S) :

- 1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY,
DEPARTMENT OF PUBLIC WORKS, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695 001.**
- 2. DIVISIONAL FOREST OFFICER,
DIVISIONAL FOREST OFFICE, KALLEKULANGARA,
PALAKKAD-678 009.**
- 3. FOREST RANGE OFFICER,
WALAYAR RANGE, PALAKKAD-678 624.**
- 4. NATIONAL HIGHWAYS AUTHORITY OF INDIA,
G 5&6, SECTOR-10, DWARKA,
NEW DELHI-110 075.**
- 5. PROJECT DIRECTOR,
NATIONAL HIGHWAYS AUTHORITY OF INDIA, NO.8/1187,
ARUMUGHAM COLONY, CHANDRANAGAR, PALAKKAD-678 007.**

**R1 TO R3 BY SPL.GOVERNMENT PLEADER SRI.M.P.MADHAVANKUTTY,
R4 & R5 BY ADV. SRI.THOMAS ANTONY**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 07-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1: TRUE COPY OF THE LETTER DATED 30.07.2011 ISSUED BY THE 5TH RESPONDENT.
- EXT.P2: TRUE COPY OF THE AGREEMENT DATED 02.11.2011 EXECUTED BETWEEN THE PETITIONER AND THE 5TH RESPONDENT.
- EXT.P3: TRUE COPY OF THE LETTER DATED 02.11.2011 ISSUED BY THE 5TH RESPONDENT TO THE PETITIONER.
- EXT.P4: TRUE COPY OF THE ORDER DATED 08.02.2010 ISSUED BY THE DEPUTY CONSERVATOR OF FORESTS,SOCIAL FORESTRY DIVISION, PALAKKAD.
- EXT.P5: TRUE COPY OF THE LETTER DATED 27.08.2012 ISSUED BY THE 2ND RESPONDENT TO THE 5TH RESPONDENT.
- EXT.P6: TRUE COPY OF THE LETTER DATED 29.05.2013 ISSUED BY THE 5TH RESPONDENT TO THE 2ND RESPONDENT, OBTAINED BY THE PETITIONER UNDER THE RTI ACT.
- EXT.P7: TRUE COPY OF THE REPLY DATED 01.06.2013 ISSUED BY THE 3RD RESPONDENT TO THE 2ND RESPONDENT, OBTAINED BY THE PETITIONER UNDER THE RTI ACT.
- EXT.P8: TRUE COPY OF THE REPORT DATED 20.09.2014 SUBMITTED BY THE 3RD RESPONDENT TO THE 2ND RESPONDENT.

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

P.R. RAMACHANDRA MENON, J.
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W.P.(C). No. 32583 of 2014
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Dated this the 7th day of January, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers:

- i) Issue a writ of mandamus or other appropriate writ, order or direction directing Respondents 2 and 3 not to obstruct the cutting and removal of trees by Petitioner for widening of the National Highway ordered as per Ext.P2 agreement especially on the stretch between Walayar Deer Park to Vattappara.
- ii) Issue a writ of mandamus or other appropriate writ, order or direction directing the respondents 1, 4 and 5 to provide all facilities for easy cutting and removal of trees by the petitioner from the area between Walayar Deer Park to Vattappara in a time bound manner.
- iii) Issue such other appropriate writ order or direction that may be deemed to be just and equitable in the facts and circumstances of the case.

2. Heard the learned counsel for the petitioner, the learned Government Pleader appearing for respondents 1 to 3 and the learned Standing Counsel appearing for the National Highway as well.

3. The learned counsel for the petitioner submits that the National Highway Authority as per Ext.P6 letter

has requested the 2nd respondent to take appropriate action to give clearance to cut and remove the trees standing on the side of the road for the purpose of widening and development. It is also stated that only some of the trees could be cut and removed and that the petitioner has to complete the work in a time frame and hence the petition.

4. The learned Standing Counsel appearing for the National Highways submits that the idea and understanding of the petitioner is not at all correct and that the entire trees which were required to be cut and removed between the area 'Walayar and Vattapara' have already been cut and removed and the construction of the road is also over. The learned Standing Counsel also points out that the particular trees which were to be cut and removed had already been identified and the petitioner could cut and remove only those trees. List of the said trees has not been produced by the petitioner,

but for producing the first page of Ext.P4.

5. In any view of the matter, this Court does not find it necessary to go into that aspect in so far as the cutting and removal of trees was only for the purpose of widening of the National Highway and when the Standing Counsel for the National Highways submits that all the identified 1648 trees have already been cut and removed and that the road has already been widened/developed, nothing further remains to be considered in the Writ Petition.

Writ Petition is dismissed accordingly.

Sd/-
P.R. RAMACHANDRA MENON
JUDGE