

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

TUESDAY, THE 31ST DAY OF MARCH 2015/10TH CHAITHRA, 1937

WP(C).No. 33514 of 2014 (S)

PETITIONER:

**NATURE LOVERS FORUM,
THIRUVANKULAM,
(REG.NO.EKM/TC/979/2014),
REPRESENTED BY ITS SECRETARY,
SHIJU.V.PAULOSE, S/O.PAULOSE,
AGED 40 YEARS, VEEPPANATH HOUSE,
KARIMANKULAM,
THIRUVANKULAM.P.O., PIN-682 305,
ERNAKULAM DISTRICT.**

BY ADV. SMT.DAISY A.PHILIPOSE

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY ITS CHIEF SECRETARY,
THIRUVANANTHAPURAM - 695 001.**
- 2. THE SECRETARY TO GOVERNMENT,
DEPARTMENT OF FORESTS & WILD LIFE,
THIRUVANANTHAPURAM - 695 001.**
- 3. THE SECRETARY TO GOVERNMENT,
DEPARTMENT OF REVENUE,
THIRUVANANTHAPURAM - 695 001.**
- 4. THE SECRETARY TO GOVERNMENT,
DEPARTMENT OF HOME,
THIRUVANANTHAPURAM - 695 001.**
- 5. THE DISTRICT COLLECTOR, IDUKKI - 685 602.**

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6. THE SUB COLLECTOR, DEVIKULAM - 685 602.

*ADDL.R7 IMPEADED

7. VATTAVADA GRAMA PANCHAYATH,
VATTAVADA, KOVILLOOR PO.,
IDUKKI DISTRICT - 685 615,
REPRESENTED BY ITS VICE-PRESIDENT
G.MOHANDAS, S/O.THE LATE GANDHIDAS,
AGED 53 YEARS, ASARIVEETIL HOUSE,
VATTAVADA, KOVILLOOR PO.,
IDUKKI DISTRICT - 685 615.

ADDL.R7 IMPEADED AS PER ORDER
DATED 02.02.2015 IN IA 826/15.

R1 TO R4 BY SPL.GOV.T.PLEADER SMT.SUSHEELA BHAT
ADDL.R7 BY SRI.O.V.RADHAKRISHNAN (SENIOR ADVOCATE)
ADVS. SMT.K.RADHAMANI AMMA
SRI.ANTONY MUKKATH
SRI.P.B.KRISHNAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 31-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

mbr/

WP(C).No. 33514 of 2014 (S)

APPENDIX

PETITIONER(S)' EXHIBITS:

**EXHIBIT P1 : A TRUE COPY OF THE REPORT DATED 23/10/2014 SUBMITTED BY THE
ADDITIONAL CHIEF SECRETARY(HOME & VIGILANCE) BEFORE THE
1ST RESPONDENT.**

RESPONDENT(S)' EXHIBITS:

**EXT. R1(A) : A TRUE COPY OF THE GOVERNMENT ORDER G.O.(MS)NO.69/2015/RD
DATED 16.2.2015.**

/TRUE COPY/

P.S. TO JUDGE

mbr/

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

W.P.C.No.33514 of 2014

Dated this the 31st day of March 2015

J U D G M E N T

Shaffique,J

This writ petition is filed seeking the following reliefs:

“i) issue a writ of mandamus directing the 1st respondent to constitute a task force consisting of officers of proven integrity to conduct an enquiry into the fabrication of pattas and other revenue records in Vattavada and Kottakamboor villages in Idukki District, by surveying and demarcating each land holding and to cancel all the bogus pattas and fabricated revenue records and evict all encroachers, in accordance with law.

ii) issue a writ of mandamus directing the 1st respondent to take effective action on the basis of Exhibit-P1 report, expeditiously.

iii) issue a writ of mandamus directing the 2nd and 6th respondents to survey and demarcate the boundary of the Kurinjimala Sanctuary notified on 6th October, 2006 vide GO (MS)

No.36/06/F&WLD, immediately and finalize the proceedings by settling the rights of the occupants.

iv) Issue a writ of mandamus directing the 1st respondent to take immediate and effective action to terminate the service of the erring officers who are responsible for the fabrication of revenue records in Vattavada and Kottakamboor villages in Idukki District and to recover the loss caused to the State from the erring officers.”

2. This writ petition is filed as a public interest litigation by a voluntary organisation. Their complaint is regarding the unauthorised encroachment and possession of Government lands in Kurinjimala Sanctuary comprised in Kottakamboor and Vattavada villages in Idukki District. It is also contended that the 1st respondent was not taking any action in the matter and therefore the petitioner had approached this Court seeking the reliefs aforesaid. Petitioner also points out that unless appropriate steps are taken by the Government in the manner as provided under the Land Conservancy Act and the Rules framed thereunder,

the Government land will be encroached by private persons thereby permitting the natural resources to be enjoyed and looted by other persons.

3. During the pendency of the writ petition, an affidavit has been filed by respondents 1 and 3 indicating that the Government has constituted an enquiry team to look into the allegations raised in the matter and has issued Ext.R1(a) order dated 16/02/2014. A perusal of Ext.R1(a) would indicate that the Government had constituted a Special Enquiry Team headed by the Additional Chief Secretary (Home & Vigilance) to examine the land issues relating to Government lands at Kottakamboor and Vattavada villages in Idukki District. After examining the reports, Government had approved the recommendations contained in the special report of the Enquiry Team which is extracted in paragraph 2 of the said Government order.

4. Learned counsel appearing for the 7th respondent however submits that Ext.R1(a) order is under challenge

before this Court in W.P.C.No.9245/2015.

6. Having regard to the aforesaid submission and having regard to the fact that the Government had already taken note of the allegations raised by the petitioner in the writ petition and has taken appropriate steps in the matter, we do not think it necessary to pass any further orders in this writ petition. It is made clear that it is for the Government to take appropriate steps in the matter in the light of Ext.R1(a), of course, subject to the result in W.P.C.No.9245/2015.

(sd/-)

(ASHOK BHUSHAN, CHIEF JUSTICE)

(sd/-)

(A.M.SHAFFIQUE, JUDGE)

jsr

