IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

MONDAY, THE 10TH DAY OF JUNE 2024 / 20TH JYAISHTA, 1946

WP(C) NO. 6591 OF 2016

PETITIONER/S:

1 MAMMED KUTTY
S/O.MUHAMMED, RESIDING AT 'PARASURAMAN KUNNATH HOUSE', CHATHALLOOR EAST, CHATHALLOOR PO, EDAVANNA, MALAPPURAM DISTRICT 676 541.

2 THE STATE OF KERALA
REPRESENTD BY THE CHIEF SECRETARY, SECRETARIAT, THIRUVANANTAHPURAM 695 001.

3 THE PRINCIPAL SECRETARY REVENUE
DEPARTMENT OF REVENUE, SECRETARIAT, THIRUVANANTHAPURAM 695 001

4 THE ADDITIONAL CHIEF SECRETARY FOREST AND WILDLIFE
DEPARTMENT OF FOREST AND WILDLIFE, SECRETARIAT, THIRUVANNATHAPURAM 695 001.

5 DIRECTOR OF MINING AND GEOLOGY
DEPARTMENT OF MINING AND GEOLOGY, THIRUVANANTHAPURAM 695 001.

6 CUSTODIAN OF VESTED FORESTS EASTERN CIRCLE
OLAVAKKOD, PALAKKAD 678 002.

7 THE DISTRICT COLLECTOR
CIVIL STATION, MALAPPURAM 676 505.

8 THE GEOLOGIST DISTRICT OFFICE DEPARTMENT OF MINING AND GEOLOGY
MALAPPURAM 676 505.

9 DIVISIONAL FOREST OFFICER
NILAMBUR NORTH DIVISION, MALAPPURAM DISTRICT 679

329.

10 MS.BISMI GRANITE INDUSTRIES
KIZAKKE CHATHALLOOR, EDAVANNA, MALAPPURAM DISTRICT
676 541, REPRESENTED BY ITS MANAGING PARTNER
SRI.ABDUL RAHIMAN 676 741.

BY ADVS.
SRI.P.G.SURESH
SRI.V.HARISH
SRI.RAJAN VISHNURAJ
SRI.G.SUDHEER THURAVOOR

RESPONDENT/S:

MINISTRY OF ENVIRONMENT AND FORESTS

BY ADVS.
SRI.R.K.MURALEEDHARAN
GOVERNMENT PLEADER SRI.T.P.SAJAN, SPL.GP (FOREST)
SRI.P.K.SURESH KUMAR SR.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 10.06.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.V.KUNHIKRISHNAN, J

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W.P.(C.) No. 6591 of 2016

Dated this the 10th day of June, 2024

JUDGMENT

The above writ petition is filed with following prayers :

"(i) Issue a writ of Certiorari, or any other writ, order or direction to call for the records leading to the issuance of Exhibit P9 and set aside the same.

(ii) Issue a writ of Mandamus or any other writ, order or direction directing the Respondents No.2 to 9 to take effective steps to stop all mining and stone crushing activities in land comprising in Sy No.354, 355/2, and 11/1-9 Perakamanna Village of Malappuram District.

(iii) Issue a writ of Mandamus or any other writ, order or direction directing the Respondents No. 2, 3 and 7 to take effective steps to cancel the assignments in land comprising in Sy.No.354/1 part, 354/1-1, 355/2, and 11/1-9 of Perakamanna Village of Malappuram District and take back such lands.

(iv) Issue a writ of Mandamus or any other writ, order or direction directing the 5th Respondent to take effective steps to cancel Exhibit P1 and Exhibit P2

(v) Issue a writ of Mandamus or any other writ, order or direction directing the Respondents No.1, 2, 4, 6 and 9 to

take cognizance against the 10th Respondent and official who issued

(vi) Pass such any other order, direction or reliefs as this Hon'ble Court may deem fit in the interest of justice, equity and good conscience." [sic]

2. When this writ petition came up for consideration on 29.03.2016 along with W.P.(C.) No. 6947/2016, this Court passed the following order :

"This Court in W.P.(C).No.6591 of 2016 on 22.02.2016 granted an interim order to the writ petitioner. The writ petition is essentially filed challenging Ext. P11 order issued by District collector to vacate the stay granted against mining in the land, which was assigned for agricultural purposes. There are other issues in the writ petition in the context of Kerala Private Forest (Vesting and Assignment) Act, 1971.

This Court is of the view that the interim order shall continue till disposal of these writ petitions in the light of the fact that delegation of the power to the District Collector to permit use of the agricultural land for non-agricultural purposes has been set aside and interfered by this Court in W.P(C).No.619 of 2016. Hence, the interim order is made absolute."

3. Now W.P.(C.) No.6947/2016 is already disposed of. When this writ petition came up for consideration, the

learned counsel for the petitioner submitted that this writ petition can be closed recording the order dated 29.03.2016.

3. Therefore, this writ petition is disposed of recording the order dated 29.03.2016.

sd/-

P.V.KUNHIKRISHNAN
JUDGE

SKS

APPENDIX OF WP(C) 6591/2016

PETITIONER EXHIBITS

P1- A TRUE PHOTOCOPY OF THE PROCEEDINGS DATD 17.6.2008

P2- A TRUE PHOTOCOPY OF THE REGISTRATION CERTIFICATE DATED 29.3.2014

P3- A TRUE PHOTOCOPY OF THE INSPECTION REPORT DATED 17.12.2014

P4- A TRUE PHOTOCOPY OF THE LETTER DATED 5.1.12015 ISSUED BY THE 8TH RESPONDENT

P5- A TRUE PHOTOCOPY OF THE ORDER NO.E7/56270/14 DATED 28.1.2015 ISSUED BY THE 7TH RESPONDENT

P6- A TRUE PHOTOCOPY OF JUDGMENT DATED 13.8.2015 IN WPC NO.20825/2015

P8- A TRUE PHOTOCOPY OF JUDGEMENT DATED 23.9.2015 ION WPC NO.22202/2015

P9- A TRE PHOTOCOPY OF GOVERNMENT ORDER NO.S.O.(MS) NO.593/15/REVENUE DATED 11.11.2015

P10- A TRUE PHOTOCOPY OF THE GOVERNMENT ORDER NO. GO.(RT) NO.6914/2015/RD DATED 30.12.2015

P11- A TRUE PHOTOCOPY OF THE BAN LLIFTING DECISION DATED 20.11.2015 ISSUED BY THE 7TH RESPONDENT

P12- A TRUE PHOTOCOPY OF THE ANSWER GIVEN BY THE FOREST MINISTER ON 7.12.2015 IN LEGISLATURE