

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE
&
THE HONOURABLE MRS. JUSTICE SOPHY THOMAS

Tuesday, the 13th day of June 2023 / 23rd Jyaishta, 1945
WP(C) NO. 1801 OF 2010(S)

PETITIONER:

ONE EARTH ONE LIFE (REG.NO.S.246/1988), THRISSUR,
REPRESENTED BY MR.TONY THOMAS, AGED 50 YEARS,
S/O. THOMAS, KIZHAKKEKARA HOUSE, IRUMBAKACHOLA,
KANJIRAPUZHA. P.O., PALAKKAD DIST.

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY THE CHIEF SECRETARY, SECRETARIAT, THIRUVANANTHAPURAM.
2. THE PRINCIPAL SECRETARY TO GOVERNMENT, DEPARTMENT OF REVENUE, THIRUVANANTHAPURAM.
3. THE SECRETARY TO GOVERNMENT, DEPARTMENT OF FORESTS & WILD LIFE, THIRUVANANTHAPURAM.
4. THE DISTRICT COLLECTOR, IDUKKI.
5. THE DIVISIONAL FOREST OFFICER MUNNAR.

ADDL. R6 IMPEADED

6. VINOD P.K., AGED 34 YEARS, S/O. P.C.KOCHUKUNJU,
PUTHUPARAPADIKAL, PALLIVASAL P.O., SECOND-MILE,
IDUKKI DISTRICT -685 565.

IS IMPEADED AS ADDITIONAL RESPONDENT NO.6 VIDE ORDER
DATED 05/03/2010 IN I.A.1888/2010.

ADDL. R7 & R8 IMPEADED

7. M/S.KANAN DEVAN HILLS PLANTATIONS CO. PVT. LTD.,
KDHP HOUSE, MUNNAR- 685 612, REPRESENTED BY ITS
EXECUTIVE DIRECTOR MR.P.M. SRIKRISHNAN.

P.T.O.

8. M/S.TATA TEA LIMITED, SPECIAL PROJECTS OFFICE,
GENERAL HOSPITAL COMPLEX, MUNNAR-685 612,
REPRESENTED BY ITS SENIOR MANAGER- IR (LEGAL AND ADMINISTRATION)
MR.PRATAP RAMDAS.
ARE IMPEADED AS ADDITIONAL R7 & R8 VIDE ORDER
DATED 05/03/2010 IN IA. 3039/2010.
ADDL. R9 IMPEADED
9. S. RAJENDRAN, S/O.SHANMUGHA VELU, AGED 46,
IKKA BHAVAN, IKKA NAGAR, MUNNAR.
IS IMPEADED AS ADDITIONAL R9 VIDE ORDER
DATED 31.05.2010 IN I.A.3471/2010.
ADDL. R10 IMPEADED
10. MAHIN K.U., AGED 28 YEARS, S/O. UMMER,
KUTTAMKULAM, ADIMALY.
IS IMPEADED AS ADDL. R10 VIDE ORDER DATED 06/01/2017 IN
IA.19544/2016.
ADDL. R11 IMPEADED
11. MANJU JINCE, PRESIDENT, BAISON VALLEY PANCHAYAT,
AGED 40 YEARS, D/O. MATHEW, VARANAKUZHIYIL (H),
BAISON VALLEY, IDUKKI.
ADDL. R11 IS IMPEADED AS PER ORDER DATED 13/07/2018 IN
IA.12482/2018.
ADDL. R12 IMPEADED
12. ILLIAS, AGED 57, S/O.SAIDKUNJU, CHOORAVELIL HOUSE,
VELLATHOOVAL P.O., IDUKKI DISTRICT-685 563.
ADDL. R12 IS IMPEADED AS PER ORDER DATED 14/02/2020 IN
IA NO.1/2020 IN WPC.

P.T.O.

ADDL. R13 TO R21 IMPEADED

13. MUNNAR GRAMA PANCHAYATH, REPRESENTED BY ITS SECRETARY.
14. VELLATHOOVAL GRAMA PANCHAYATH, REPRESENTED BY ITS SECRETARY.
15. PALLIVASAL GRAMA PANCHAYATH, REPRESENTED BY ITS SECRETARY.
16. DEVIKULAM GRAMA PANCHAYATH, REPRESENTED BY ITS SECRETARY.
17. CHINNAKKANAL GRAMA PANCHAYATH, REPRESENTED BY ITS SECRETARY.
18. BISON VALLEY GRAMA PANCHAYATH, REPRESENTED BY ITS SECRETARY.
19. SANTHANPARA GRAMA PANCHAYATH, REPRESENTED BY ITS SECRETARY.
20. UDUMBANCHOLA GRAMA PANCHAYATH, REPRESENTED BY ITS SECRETARY.
21. MANKULAM GRAMA PANCHAYATH, REPRESENTED BY ITS SECRETARY.

**ADDL. R13 TO R21 ARE SUO MOTU IMPEADED AS PER ORDER
DATED 13/06/2023 IN WPC NO.1801/2010.**

Writ petition (civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to direct respondents 1 and 2 to declare a moratorium on all land deals in Devikulam, Udumbanchola and Peerumedu taluks in Idukki district and to stop all constructions sanctioned at Chinnakkanal, Pallivasal, Devikulam, Udumbanchola and Peerumedu taluks in Idukki district until an inquiry was held into the genuineness of the title deeds, pending disposal of the writ petition in the interest of justice.

This petition again coming on for orders upon perusing the petition and the affidavit filed in support of WP(C) and this court's order dated 05/06/2023 and upon hearing the arguments of SRI.DAISY A.PHILIPOSE, Advocate for the petitioner, GOVERNMENT PLEADER, for R1 to R5, SRI.K.RAMAKUMAR (Senior Advocate) along with SMT.SMITHA GEORGE, Advocates for Addl.R6, SRI.JOSEPH KODIANTHARA, (Senior Advocate) along with M/S. MATHEWS K.UTHUPPACHAN, BINU MATHEW, TERRY V.JAMES & B.J. JOHN PRAKASH, Advocates for Addl.R7 and Addl.R8, SRI.S.SREEKUMAR (SENIOR ADVOCATE) for Addl. R9, SRI.MATHEW A.KUZHALLANADAN, Advocate for Addl. R10 and of M/S.MATHEW A.KUZHALLANADAN, V. SHYAMOHAN & ANITHA MATHAI MUTHIRENTHY, Advocates for Addl. R11, SRI.G. SREEKUMAR (CHELUR), Advocate for R12, STANDING COUNSELS for R13 to R21 and of SENIOR ADVOCATE SRI.RENJITH THAMPAN and ADVOCATE SRI.HARISH VASUDEVAN, AMICI CURIAE, the court passed the following:-

P.T.O.

A.MUHAMED MUSTAQUE & SOPHY THOMAS, JJ.

**W.P (C) Nos.34095 of 2007, 1801 of 2010
and
19219 of 2021**

Dated this the 13th day of June, 2023

O R D E R

A. Muhamed Mustaque, J.

These Public Interest Litigations have been pending before this Court for more than a decade. By virtue of an interim order passed by this Court, as early as on 21.01.2010, utilization of land in ecologically sensitive areas in Munnar, Idukki District have been regulated and constructions have been permitted only in areas where the Revenue Authority has issued No Objection Certificates (NOC) to the owners, permitting such constructions. The larger reliefs sought in these writ petitions reflect the lethargy on part of the administration in dealing with the encroachments and regulating constructions in the Munnar area. There is no master plan to make constructions eco friendly. The Union Government also issued draft notification declaring certain areas as environmentally sensitive zones. Constructions without an Environment Management Plan will betray the hopes of the next generation. The Environment Management Plan can minimize and mitigate environmental effects in these areas. Without adverting to the nature of land, constructions have come up in the Munnar area, causing threat to ecology as well as to humans. Wayanad is another district in the State which is considered as an

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ecologically sensitive area where the District Collector stepped into action and regulated the construction of high rise buildings by invoking the provisions of the Disaster Management Act. However, in the ecologically sensitive areas in Munnar, so far, no actions have been taken by the District Administration or the State Administration to regulate such constructions. After obtaining No Objection Certificate from the Revenue Authority, constructions have been allowed, unmindful of the consequences thereon. No studies, so far, appear to have been conducted by the State to decide upon the nature and extent of the constructions, etc. which can be permitted in these areas.

2. The following local authorities in Idukki District are necessary parties to these proceedings.

“Munnar Grama Panchayath
Vellathooval Grama Panchayath
Pallivasal Grama Panchayath
Devikulam Grama Panchayath
Chinnakkanal Grama Panchayath
Bison valley Grama Panchayath
Santhanpara Grama Panchayath
Udumbanchola Grama Panchayath
Mankulam Grama Panchayath”

It is submitted from the Bar that some of the above local authorities are already parties to the pending proceedings. Accordingly, from among the local bodies enlisted above, we suo motu implead the local authorities which are not yet parties to these proceedings, represented by its Secretaries.

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3. We also appoint Senior Advocate Renjith Thampan and Advocate Harish Vasudevan as amici curiae to assist this Court.

4. Registry shall serve a copy of this order to the above local authorities, except the local authorities for which there are Standing Counsel in this Court. Each Local Authority shall state before this Court the details of the applications pending consideration, for construction of buildings, with the details of floors etc.

5. In the meanwhile, we direct the above local authorities to defer the consideration of any pending applications for building permits beyond three floors, for a period of two weeks. The details of the building permit applications pending shall be furnished by the local authorities before this Court by the next posting.

6. The learned Government Pleader as well as the amici curiae shall state before this Court the agencies which could undertake studies in regard to the sensitive nature of the areas and to regulate construction, keeping in mind both ecological and disaster management aspects by the next posting.

7. The learned counsel appearing for the petitioner in one of the connected matters placed before this Court an order

W.P (C) Nos.34095/2007, 1801/2010 & 19219/2021

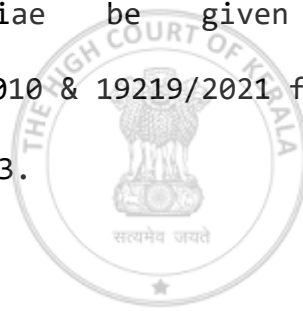
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passed by the Government on 20.04.2023, whereby, the Government constituted an expert committee for the formation of the Munnar Hill Area Development Authority.

8. The learned Government Pleader shall state before this Court whether any study has been undertaken by the Geological Survey of India after the flood in the year 2018 in these areas. If such a study has been undertaken, a report shall be made available before this Court by the next posting.

9. Amici Curiae be given copies of W.P(C) Nos.34095/2007, 1801/2010 & 19219/2021 free of cost.

Post on 20.06.2023.



Sd/-

A.MUHAMED MUSTAQUE, JUDGE

Sd/-

SOPHY THOMAS, JUDGE

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