

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE MR.JUSTICE ZIYAD RAHMAN A.A.
Friday, the 20th day of December 2024 / 29th Agrahayana, 1946

WP(C) NO. 45043 OF 2024

PETITIONERS:

1. M.C.MANI, AGED 56 YEARS, S/O CHAMI, PULIKATHARA H, KADOOR, MEPPADI P.O., KOTTAPPADI, MEPPADI, WAYANAD DISTRICT , PIN - 673577.
2. SAJEEVAN, AGED 71 YEARS, S/O GIRIYAPPAN, PULARINIVAS, THRIKKAIPATTA, WAYANAD, WAYANAD DISTRICT, PIN - 673577.

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY ITS SECRETARY, REVENUE AND DISASTER MANAGEMENT DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001.
2. KERALA STATE DISASTER MANAGEMENT AUTHORITY REPRESENTED BY ITS MEMBER SECRETARY, OBSERVATORY HILLS, VIKAS BHAVAN P.O., THIRUVANANTHAPURAM, PIN - 695033.
3. DISTRICT DISASTER MANAGEMENT AUTHORITY WAYANAD REPRESENTED BY ITS CHAIRPERSON, DISTRICT COLLECTOR, CIVIL STATION P.O., WAYANAD , PIN - 673122.
4. MEPPADI GRAMA PANCHAYATH MEPPADI P.O., WAYANAD, REPRESENTED BY ITS SECRETARY, PIN - 673577
5. SECRETARY MEPPADI GRAMA PANCHAYATH, MEPPADI P.O., WAYANAD, PIN - 673577.
6. BOCHE BHUMI PUTRA PRIVATE LIMITED HAVING ITS REGISTERED OFFICE AT 13/361 BOCHE 1000 ACRE, MEPPADI, WAYANAD, SULTHAN BATHERY, KERALA, INDIA, REPRESENTED BY ITS MANAGING DIRECTOR, PIN - 673577.
7. SUPERINTENDENT OF POLICE WAYANAD DISTRICT, CIVIL STATION, MADATHUMPADI, KALPETTA, WAYANAD DISTRICT, PIN - 673122.
8. JANEESH P.S., S/O. SHAMSUDHEEN, PROPRIETOR, OSCAR EVENT MANAGEMENT, NEAR NIRMALA COLLEGE, POOTHOLE P.O., THRISSUR DISTRICT, KERALA (SOUGHT TO BE IMPLEADED).

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 the respondent no. 3 to issue an order prohibiting all the commercial activities carried out by the 6th respondent including conduct of new year celebrations and occupying the unauthorized constructions for the same without obtaining all necessary statutory approvals and licenses as prescribed under law in the area mentioned in exhibit p3, in the interest of justice, equity and good conscience.

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 16/12/2024 and upon hearing the arguments of M/S.V.HARISH, RAJAN

VISHNURAJ, JISSMON A KURIAKOSE & SIDHARTHAN M.T., Advocates for the petitioners, SRI.MANOJ RAMASWAMY,STANDING COUNSEL for R4 & R5, SRI.M.R.DHANIL,Advocate for R6 and of SMT.SENITTA P. JOJO, Advocate for R8, the court passed the following:



ZIYAD RAHMAN A.A., J.

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Dated this the 20th day of December, 2024

ORDER

This writ petition is submitted by the petitioners, directing the respondents 1 to 5 and 7 to take immediate steps to prevent an event proposed to be organized by the 6th respondent, in the area mentioned in Ext.P3, as part of the new year celebrations, without obtaining necessary statutory approvals and licenses prescribed under law. The main reason for submitting this writ petition is that, the area, where the event is proposed to be conducted is situated in a landslide prone area identified by the 3rd respondent, the District Disaster Management Authority. Today when the matter came up for consideration, the learned Special Government Pleader brought the attention of this Court to Annexure 1 order issued by the 3rd respondent, directing the 6th respondent not to conduct any construction activities in the said area and preventing them from organizing any function as proposed. The learned Standing Counsel for the 4th respondent Panchayat also submitted that, even though

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the 6th respondent approached them seeking permission for conducting such an event, they have not granted the said permission.

2. Considering the fact that, the program is proposed to be conducted in a landslide prone area, and also taking note of the magnitude of the program, I am of the view that, Annexure 1 order issued by the 3rd respondent has to be implemented and the 6th respondent cannot be permitted to organize any program in violation of the law.



Therefore, there shall be an interim order directing the respondents 2 to 5 and 7 to ensure that the 6th respondent is not conducting any program as proposed in 'Boche 1000 Acres' at Chulika Estate in Wayanad, without obtaining necessary permissions from the respondents 3 and 4. The said respondents shall ensure that, if at all the permission is granted, the conditions imposed by the authorities concerned are strictly complied with by the 6th respondent.

Handover

Sd/-
ZIYAD RAHMAN A.A., JUDGE

SCS

APPENDIX OF WP(C) 45043/2024

Exhibit P1	A TRUE PHOTOCOPY OF HIGH POWER COMMITTEE REPORT DATED 27.09.2023 FILED BY THE DISTRICT TOWN PLANNER, WAYANAD BEFORE THE 3RD RESPONDENT
Exhibit P2	A TRUE PHOTOCOPY OF THE PROCEEDINGS OF THE 3RD RESPONDENT ON FILE NO. DCWYD/9464/2019-DEOC 1
Exhibit P3	A TRUE PHOTOCOPY OF THE COMMUNICATION NO. DCWYD/8188/2023-S2 DATED 29.12.2023 ISSUED BY THE DEPUTY DISTRICT COLLECTOR, WAYANAD TO THE 5TH RESPONDENT
Exhibit P4	A TRUE PHOTOCOPY OF THE NOTICE NO. 401018/RPTL21/GPO/2023/9945/(1) DATED 30.12.2023 ISSUED BY THE 5TH RESPONDENT TO THE 6TH RESPONDENT
Exhibit P5	A TRUE COPY OF THE ORDER DATED 27.02.2024 UNDER SECTION 235(W), CONFIRMING THE ORDER DATED 30.12.2023 INSTRUCTING THE 6TH RESPONDENT TO DEMOLISH THE UNAUTHORIZED CONSTRUCTIONS
Exhibit P6	TRUE COLOUR COPY OF THE PHOTOGRAPHS OF THE CONSTRUCTIONS EFFECTED BY THE 6TH RESPONDENT IN 'BOCHE 1000 ACRES'
Exhibit P7	A TRUE PHOTOCOPY OF THE BROCHURE CIRCULATED BY THE 6TH RESPONDENT WITH RESPECT TO THE SUNBURN FESTIVAL TO BE CONDUCTED IN 'BOCHE 1000 ACRES' ON 31.12.2024
Exhibit P8	A TRUE PHOTOCOPY OF THE REPRESENTATION DATED 05.12.2024 PREFERRED BY THE PETITIONERS BEFORE THE 3RD RESPONDENT
ANNEXURE I	TRUE COPY OF THE STOP MEMO (FILE No. DCWYND/7516/2023-DM2 DATED 18.12.2024)

