

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE MR. JUSTICE ANIL K.NARENDRAN
&
THE HONOURABLE MR.JUSTICE MURALEE KRISHNA S.

Tuesday, the 11th day of March 2025 / 20th Phalgun, 1946
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.

ADDL. R22 TO R26 IMPEADED

22. MARAYOOR GRAMA PANCHAYATH, REPRESENTED BY ITS SECRETARY.
23. IDAMALAKUDI GRAMA PANCHAYATH, REPRESENTED BY ITS SECRETARY.
24. KANTHALLOOR GRAMA PANCHAYATH, REPRESENTED BY ITS SECRETARY.
25. VATTAVADA, GRAMA PANCHAYATH, REPRESENTED BY ITS SECRETARY.
26. NATIONAL ENVIRONMENTAL ENGINEERING RESEARCH
INSTITUTE (CSIR-NEERI), NEHRU MARG, NAGPUR-440020.

ADDL. R22-R26 ARE IMPEADED AS PER ORDER DATED 20/06/2023
IN WPC 1801/2010.

ADDL. R27 IMPEADED

27. THE STATE DISASTER MANAGEMENT AUTHORITY,
REPRESENTED BY ITS MEMBER SECRETARY,
THIRUVANANTHAPURAM, KERALA- 695 033.

ADDL. R27 IS SUO MOTU IMPEADED AS PER ORDER DATED
27/06/2023 IN WPC NO. 1801/2010

ADDL. R28 IMPEADED

28. V.MOHANKUMAR, SECRETARY PUBLIC INTEREST PROTECTION ASSOCIATION, MUNNAR, PIN - 685 612.

ADDL.R28 IS IMPEADED AS PER ORDER DATED 01/08/2023 IN IA NO. 9375/2018 IN WP(C) NO. 1801/2010.

ADDL. R29 IMPEADED

29. KERALA KARSHAKA SANGHAM, IDUKKI DISTRICT COMMITTEE, IDUKKI, REPRESENTED BY ITS SECRETARY, ROMEO SEBASTIAN, AGED 49 YEARS, S/O. SEBASTIAN, RESIDING AT KOLLAKOMBIL HOUSE, KALVARI MOUNT P.O., IDUKKI - 685 515.

ADDL.R29 IS IMPEADED AS PER ORDER DATED 01/08/2023 IN IA NO. 3/2023 IN WP(C) NO. 1801/2010.

ADDL. R30 IMPEADED

30. THE DISTRICT POLICE CHIEF, IDUKKI.

ADDL. R30 IS SUO MOTU IMPEADED AS PER ORDER DATED 01/08/2023 IN WP(C) NO. 1801/2010.

ADDL. R31 IMPEADED

31. REJI JAICOB, AGED 54 YEARS, SON OF JAICOB, PRESIDENT, KERALA KARSHAKA UNION (M), STATE COMMITTEE OFFICE, NEAR FIRE STATION, PALACE ROAD, KOTTAYAM - 686 001.

ADDL.R31 IS IMPEADED AS PER ORDER DATED 08/08/2023 IN IA NO. 5/2023 IN WP(C) NO. 1801/2010.

ADDL. R32 IMPEADED

- 32.ATHIJEEVANA PORATTA VEDHI, IDUKKI

(REG NO:IDK/TC/195/2018), REPRESENTED BY CHAIRMAN, C.S RAZAK, AGED 55 YEARS, S/O LATE SAITH KUNJ, CHOORAVELIL HOUSE, VELLATHOOVAL WEST, VELLATHOOVAL P.O., IDUKKI DISTRICT, PIN – 685563

ADDL.R32 IS IMPEADED AS PER ORDER DATED 22/08/2023 IN IA NO. 1/2023 IN WP(C) NO. 1801/2010

ADDL. R33 IMPEADED

33.DEAN KURIAKOSE, AGED 42 YEARS,S/O.A.M.KURIAKOSE,
ANANICKAL HOUSE, PAINGOTTOOR P.O., KULAPPURAM,
MUVATTUPUZHA, ERNAKULAM DISTRICT, PIN 686 671

ADDL.R33 IS IMPEADED AS PER ORDER DATED
22/08/2023 IN IA NO. 4/2023 IN WP(C) NO. 1801/2010.

ADDL. R34 IMPEADED

34.SAJEEV SEBASTIAN, AGED 51 YEARS, S/O SEBASTIAN,
KONDATTUPARAMBIL HOUSE, SHANTHANPARA, PUTHADY P.O,
RAJAPPARA, IDUKKI DISTRICT-685619

ADDL.R34 IS IMPEADED AS PER ORDER DATED
22/08/2023 IN IA NO. 6/2023 IN WP(C) NO. 1801/2010.

ADDL. R35 IMPEADED

35.THE DISTRICT COMMITTEE OF COMMUNIST PARTY OF INDIA
(MARXIST),COM. M JINADEVAN MEMORIAL BUILDING,
CHERUTHONI,IDUKKI COLONY P.O.,IDUKKI DISTRICT,
PIN-685602,REPRESENTED BY ITS SECRETARY, C.V.VARGHESE

ADDL.R35 IS IMPEADED AS PER ORDER DATED
22/08/2023 IN IA NO. 8/2023 IN WP(C) NO. 1801/2010.

ADDL. R36 IMPEADED

36.GIGGY DANI,WIFE OF DANI THOMAS, 10-C,
LORDS SKYLINE IMPERIAL GARDENS , PALARIVATTAM,
KALOOR. P.O., DIST. ERNAKULAM,682017

ADDL.R36 IS IMPEADED AS PER ORDER DATED
22/08/2023 IN IA NO. 9/2023 IN WP(C) NO. 1801/2010.

P.T.O.

ADDL. R37 IMPEADED

37. THE UNION OF INDIA, REPRESENTED BY ITS SECRETARY,
MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE,
INDIRA PARYAVARAN BHAWAN, CGO COMPLEX LODHI ROAD,
NEW DELHI-110 003.

ADDL. R37 IS IMPEADED AS PER ORDER DATED 05/09/2023
IN WP(C) 1801/2010(S).

ADDL. R38 IMPEADED

38. THE ELECTION COMMISSION OF INDIA,
REPRESENTED BY THE PRINCIPAL SECRETARY,
NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI – 110 001.

ADDL. R38 IS SUO MOTU IMPEADED AS PER ORDER DATED
10/10/2023 IN WP(C) 1801/2010(S)

ADDL. R39 & R40 IMPEADED

39. JOSEPH VARKEY S/O. VARKEY, AGED 79 YEARS,
CHITHRAPURAM. P.O., ANCHAL, DEVIKULAM TALUK,
IDUKKI DISTRICT, PIN-685565

40. LILLY GEORGE W/O. JOSEPH VARKEY, AGED 72 YEARS,
CHITHRAPURAM. P.O., ANCHAL, DEVIKULAM TALUK,
IDUKKI DISTRICT, PIN-685565

ADDL. R39 AND R40 ARE IMPEADED AS PER ORDER
DATED 31.10.23 IN IA 13/23 IN WP(C) 1801/10

ADDL. R41 IMPEADED

41. HIGH RANGE TOTTAM TOZHILALI UNION
REG. NO. 06-7 OF 1996, SANTHANPARA, IDUKKI,
REPRESENTED BY ITS PRESIDENT, V.N MOHANAN,
AGED 60 YEARS, S/O NARAYANAN, VILAYALIL(H),
VATTAPPARA P.O, IDUKKI DISTRICT-685619

ADDL. R41 IS IMPEADED AS PER ORDER DATED
31.10.23 IN IA 16/23 IN WP(C) 1801/10

ADDL. R42 IMPEADED

42. THE DIRECTOR, DIRECTORATE OF SURVEY,
THIRUVANANTHAPURAM - 695 014.

ADDL. R42 IS SUO MOTU IMPEADED AS PER ORDER
DATED 14/11/2023 IN WP(C) 1801/10.

ADDL. R43 IMPEADED

43. THE PROJECT DIRECTOR, NATIONAL HIGHWAY AUTHORITY OF INDIA,
COCHIN – 11, EDAPPILLY, ERNAKULAM.

ADDL. R43 IS SUO MOTU IMPEADED AS PER ORDER DATED
27/03/2024 IN WP(C) 1801/10.

ADDL. R44 & R45 IMPEADED

44. CENTRAL BUREAU OF INVESTIGATION, ACB,
KATHRIKADAVU, COCHIN – 682 017.

45. UNION GOVERNMENT OF INDIA,
REPRESENTED BY SECRETARY TO GOVERNMENT OF INDIA,
MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS,
DEPARTMENT OF PERSONNEL AND TRAINING, NORTH BLOCK,
NEW DELHI – 110 001.

ADDL. R44 & R45 ARE SUO MOTU IMPEADED AS PER ORDER
DATED 04/06/2024 IN WP(C) 1801/10.

ADDL. R46 IMPEADED

46. SIBI JOSEPH, S/O JOSEPH, KAIPLAMPLAKKAL, KARIMKULAM,
MANNAMKANDAM.P.O., DEVIKULAM, IDUKKI DISTRICT,
PIN - 685 561

ADDL. R46 IS IMPEADED AS PER ORDER DATED 01/10/2024 IN
IA 12/2024 IN WP(C) 1801/10.

P.T.O.

ADDL. R47 & R48 IMPEADED

47. PEERUMEDU GRAMA PANCHAYATH, PEERMADE, AZHUTHA,

KERALA-685531, REPRESENTED BY ITS SECRETARY.

48. VANDIPERIYAR GRAMA PANCHAYAT, KOTTAYAM-KUMILY ROAD,

VANDIPERIYAR KERALA – 685533, REPRESENTED BY ITS SECRETARY.

ADDL. R47 & R48 ARE SUO MOTU IMPEADED AS PER ORDER

DATED 11/03/2025 IN WP(C) 1801/10.

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), this Court's order dated 14/02/2025 and upon hearing the arguments of SMT.DAISY A.PHILIPOSE, Advocate for the petitioner, SRI. K.P. JAYACHANDRAN, ADDL. ADVOCATE GENERAL, SRI.M.H. HANIL KUMAR & SRI.S. RENJITH, SPECIAL GOVERNMENT PLEADERS, SRI.JAFFER KHAN. Y., SENIOR GOVERNMENT PLEADER for R1 to R5, Addl.R30 & Addl.R42, 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.KUZZHALANADAN, Advocate for Addl. R10 and of M/S.MATHEW A.KUZZHALANADAN, V. SHYAMOHAN & ANITHA MATHAI MUTHIRENTHY, Advocates for Addl. R11, SRI.G. SREEKUMAR (CHELUR), Advocate for R12, STANDING COUNSELS for R13, R14, R16 & R20, SRI.JOICE GEORGE, STANDING COUNSEL for R14, R15, R19, R21 & Addl.R47, SRI.ARUN THOMAS, Advocate for R17 & R25, M/S. N.K.SHYJU, GIREESH PANKAJAKSHAN, ANANYA M. & VISHNU MOHAN, Advocates for R18, M/S. A.S.DILEEP, P.BINOD, K.Y.SUDHEENDRAN, SUSEELA DILEEP, SUDEEP ARAVIND PANICKER and HARITHA HARINATH, Advocates for R22, DEPUTY SOLICITOR GENERAL OF INDIA & CENTRAL GOVERNMENT COUNSEL for R26 & R37, SRI.BINOY VASUDEVAN, Advocate for Addl.R28, SRI.D.KISHORE, Advocate for Addl.29, M/S. AUGUSTINE JOSEPH, TONY AUGUSTINE & AISWARYA E J VETTIKOMPIL, Advocates for Addl.R31, M/S.PEEYUS A.KOTTAM & R.G.RAGESH CHAND, Advocates for ADDL.R32, M/S.ARUN THOMAS and SHINTO MATHEW ABRAHAM, Advocates for ADDL.R33, M/S.ASWATHY KRISHNAN and A.L.NAVANEETH KRISHNAN, Advocates for Addl.R34, SRI.S.SREEKUMAR, SENIOR ADVOCATE a/w SRI.LIJI J.VADAKKEDOM, Advocates for Addl.R35, M/S. K.REGHU KOTTAPPURAM, MAHESH R (KOTTAPPURAM) & MURUKESH REGHU, Advocates for Addl.R36, SRI.DEEPU LAL MOHAN, STANDING COUNSEL for Addl.R38, M/S. M.S.RADHAKRISHNAN NAIR and ELIZEBATH GEORGE, Advocates for Addl.R39 & Addl.R40, M/S.K.N.ABHILASH and SUNIL NAIR PALAKKAT, Advocates for Addl.R41, (P.T.O)

SRI.BIDAN CHANDRAN B.G, STANDING COUNSEL for Addl.R43,SRI. K.P SATHEESAN (Senior) along with SRI.SREELAL WARRIAR, STANDING COUNSEL for Addl.R44, DEPUTY SOLICITOR GENERAL OF INDIA for Addl.R45, M/S.PHILIP T.VARGHESE, THOMAS T.VARGHESE, ACHU SUBHA ABRAHAM, V.T.LITHA, K.R.MONISHA and JIJO PAUL, Advocates for Addl.R46, SRI.JOMY K. JOSE, STANDING COUNSEL for Addl.R48, and of Adv.A.A.SHIBI, SENIOR ADVOCATE SRI.RENJITH THAMPAN and ADVOCATE SRI.HARISH VASUDEVAN, AMICI CURIAE, the court passed the following:

P.T.O.



ANIL K. NARENDRAN & MURALEE KRISHNA S., JJ.

W.P.(C)No.1801 of 2010 and W.P.(C)No.34095 of 2007

Dated this the 11th day of March, 2025

ORDER

Anil K. Narendran, J.

The issue involved in the above writ petitions relates to large-scale encroachment of revenue and forest lands, issuance of forged pattayams, etc., adversely affecting even the upkeep of the terrains of Munnar.

2. In W.P.(C)No.34095 of 2007 and W.P.(C)No.1801 of 2010, a Division Bench of this Court passed an order dated 21.01.2010, after recording the submission made by the Learned Additional Advocate General, on behalf of the State of Kerala, that no construction could be carried out in Munnar without No Objection Certificate from the Revenue Department and without permission of the Grama Panchayat. Paragraphs 15 to 21 and also the last paragraph of the order dated 21.01.2010 read thus;

"15. Environmental Laws, Laws relating to Mining and Geology and various other aspects are required and are in place to ensure that Nature is preserved and she is subjected only to such necessary intrusion, for sustaining development. Mining of even ordinary earth, as also laterite, rocks etc. could have been had only with proper permissions through competent officers in accordance with the relevant Rules and Regulations. If large scale excavation of soil, as reported by the Principal Secretary and by the Additional Director General of Intelligence, have happened,

obviously, that is in violation of the laws. The concept of the Government collecting royalty and even imposing fine or both, would in no manner substitute the harm, for, it is seldom possible to restore earth to her original situation, even with abundant human effort made with the aid of funds.

16. In the aforesaid circumstances, the Government will place on record, without fail, reports on the entire action taken on the basis of the reports which are Exts.P2 to P4 in W.P.(C)No.34095 of 2007, more particularly, regarding the action taken against the identified officers who were duty bound to discharge duties and responsibilities as noted above and have not done so. It shall be stated as to whether action has been taken against any particular officer. The total number of criminal cases registered and preventive action, if any, taken shall be reported.

17. For the time being, we record the submission of the learned Additional Advocate General on behalf of the State that no construction activity could be carried out in Munnar without No Objection Certificate from the Revenue Department and without permission of the Panchayat.

18. It is hence hereby ordered that the Revenue Officials, Local Self Government Authorities, the Police and Forest Authorities shall ensure that no construction activity takes place in Munnar without No Objection Certificate being issued by the Revenue Department and without permission being given by the Panchayat authorities, except in cases which are governed by Court orders.

19. It is further ordered that the revenue authorities and police officials of Munnar shall forthwith see that there is no mining of any type of sand, earth, rocks, granite, laterite etc. from any part of Munnar for a period of two months until otherwise ordered by this Court.

20. It shall also be ensured that encroachment, if any, in river puramboke are immediately identified and action taken in terms of the appropriate laws for getting back possession of such parcels. It is further ordered that no construction activity would

be permitted on the shores of rivers and riverbeds.

21. Having regard to the different provisions of the Panchayat Raj Act, the different laws and also the requirement that the entire Munnar area requires to be immediately looked into by the Revenue Department, the Revenue Department and the Forest Department will place reports as are necessary for further management of the situation by the next date of posting."

3. 'Munnar area' as defined in clause (g) of Section 2 of Munnar Special Tribunal Act, 2010 mean all lands comprised in the villages of Chinnakkanal, Kannan Devan Hills, Santhanpara, Vellathooval, Aanavilasam, Pallivasal, Aanaviratty and Bison Valley in Devikulam and Udumbanchola Taluks in Idukki District. [Kannan Devan Hills Village later bifurcated to Edamalakkudy Village and Mankulam Village]

4. The order dated 21.01.2010 in W.P.(C)No.34095 of 2007 and W.P.(C)No.1801 of 2010 was followed by a series of orders in those writ petitions and also the tagged matters.

5. On 05.06.2023, when W.P.(C)No.34095 of 2007, W.P.(C)No.1801 of 2010 and W.P.(C)No.19219 of 2021 along with the tagged matters came up for consideration, the learned Special Government Pleader invited the attention of the Division Bench to the affidavit and report filed by the District Collector, Idukki on 18.03.2020 and submitted that the directions have been strictly complied with. However, the aberrations noted by the District Administration are being looked into. After perusing the records, the Division Bench noticed that the present Public Interest Litigations were taken up not only to remedy the situation in Idukki District but also to prevent further damage and

deterioration to the environment. After considering the submissions made at the Bar, the Division Bench directed Registry to post the cases before another Division Bench, on 13.06.2023, after taking orders on the administrative side. Paragraph 5 and also the last paragraph of the order dated 05.06.2023 read thus;

"5. Prima facie, we are of the view that the stand of the petitioners warrants, at least from now on, regular monitoring by the Court. Hence, we direct the Registry to take orders on the administrative side for posting the matters before another Division Bench and request to hear the Public Interest Litigations atleast once in a fortnight and expeditiously dispose of one of the oldest of old cases. The illegalities, if any, come to the notice of petitioners as well, they are given the liberty to place the photo/evidence and location merely by way of a memo within one week from today. The District Collector, who is personally present provided today, requested two weeks' time for filing the latest status report along with an affidavit in this behalf. We are of the view that the time sought is on the higher side for the administration is closely monitoring and implementing the directives issued by this Court, and then the report or affidavit can be filed at the earliest. Therefore, we grant one week time from today and direct the Registry to post the cases before a Division Bench on 13.06.2023 after taking orders on the administrative side.

The counsel appearing for parties are given the liberty to provide the writ petition numbers of all the connected cases, and the connected cases are tagged and heard by a Division Bench along with the present batch of cases."

6. On 13.06.2023, when W.P.(C)No.34095 of 2007, W.P.(C)No.1801 of 2010 and W.P.(C)No.19219 of 2021 came up for consideration, the Division Bench found that the following local

authorities in Idukki District are necessary parties to these proceedings;

Munnar Grama Panchayat, Vellathooval Grama Panchayat, Pallivasal Grama Panchayat, Devikulam Grama Panchayat, Chinnakanal Grama Panchayat, Bison Valley Grama Panchayat, Santhanpara Grama Panchayat, Udumbanchola Grama Panchayat and Mankulam Grama Panchayat.

Before the Division Bench, it was submitted that some of the above local authorities are already parties to the pending proceedings. Accordingly, by the order dated 13.06.2023, the Division Bench ordered that from among the local authorities enlisted above, the local authorities represented by its Secretaries, which are not yet parties to these proceedings, are suo motu impleaded as additional respondents. The Division Bench appointed Senior Advocate Sri.Renjith Thampan and Adv.Harish Vasudevan as Amicus Curiae to assist the Court.

7. By the order dated 13.06.2023 in W.P.(C)No.34095 of 2007, W.P.(C)No.1801 of 2010 and W.P.(C)No.19219 of 2021, the Division Bench directed the local authorities enlisted hereinbefore to defer consideration of any pending applications for building permits beyond three floors, for a period of two weeks. They were directed to furnish the details of the building permit applications pending consideration.

8. By the order dated 20.06.2023 in W.P.(C)No.34095 of 2007, W.P.(C)No.1801 of 2010 and W.P.(C)No.19219 of 2021, Marayoor, Idamalakudi, Kanthalloor and Vattavada Grama Panchayaths in Idukki District, represented by its Secretaries were suo motu impleaded as respondents in the party array. The Division Bench directed Registry to

serve notice to all the local authorities mentioned in the orders dated 13.06.2023 and 20.06.2023, by registered post, except the local authorities for which there are Standing Counsel. In respect of the local authorities for which there are Standing Counsel, notice was directed to be served through the learned Standing Counsel.

9. By the order dated 20.06.2023, it was made clear that the order dated 13.06.2023, deferring considerations of the applications for building permits beyond three floors will continue and that was also made applicable to the local authorities which are impleaded by the order dated 20.06.2023.

10. By the order dated 14.11.2023 in W.P.(C)No.1801 of 2010, the Director of Survey was suo motu impleaded as an additional respondent and the Division Bench passed an order to conduct Digital survey within Idukki District and the survey team was directed to verify the survey records and Thandapper Register in that process. In the said order, it was made clear that high priority shall be accorded to Chinnakanal, Pallivasal and Vagamon, at the initial phase.

11. By the order dated 02.04.2024, the Division Bench directed Registry to place the matter before the Hon'ble the Chief Justice to consider the issuance of necessary directions to Registry for placing the matters relating to the proceedings to quash criminal investigation with regard to Patta in Idukki District, along with the main mater, i.e., W.P.(C)No.1801 of 2010. By that order, Registry was directed to place

Crl.M.C.No.1007 of 2023 along W.P.(C)No.1801 of 2010.

12. By the order dated 12.06.2024, the Division Bench found that a Special Team, which consists of high rank officials to the team of others, including the Revenue officials need to be formed to enquire and investigate the nature of involvement of public officials in forging pattas, including any gratification in any form they received.

13. On 06.12.2024 when these writ petitions along with the connected case, i.e., W.P.(C)No.19219 of 2021, came up for consideration, the learned Special Government Pleader submitted that after the aforesaid order dated 12.06.2024, a Special Investigation Team was constituted, which was noticed in the order of the Division Bench dated 03.07.2024 in W.P.(C)No.1801 of 2010. The said order reads thus;

"See our order dated 12.06.2024. In compliance with the order, Government passed the following order:-

"ORDER

As per the interim order read above, the Hon'ble High Court of Kerala viewed that a special team consists of high rank officials with the team of others including revenue officials need to be formed to enquire and investigate the nature of involvement of public officials in forging the Patta, including any gratification in any form they received.

In compliance with the direction of the Hon'ble High Court, a Special Investigation Team is constituted with the following members as detailed below to enquire and investigate the nature of involvement of public officials in forging the patta to grab Government lands, including any gratification in any form they received.

1. Shri K. Sethu Raman IPS, IGP North Zone –

Chairman

2. Shri. H. Dineshan IAS, Director, Social Justice Department (Former District Collector, Idukki)- Member

3. Shri. Pious George, DySP, Narcotic Cell, Idukki – Member

Shri. K. Sethu Raman IPS, IGP North Zone and Shri H.Dineshan IAS, Director, Social Justice Department are authorised to expand the Special Investigation Team by including the officials from the Police and Revenue Departments respectively.

(By order of the Governor)

BISHWANATH SINHA

ADDITIONAL CHIEF SECRETARY”

3. In the light of the above order, we also feel that revenue officials should assist the team. Since Shri.H.Dineshan IAS, Director of the Social Justice Department (former District Collector, Idukki) is included as a member, we direct that suitable revenue officials be handpicked to assist the special team.

4. As per the order dated 13.01.2024, Sri.Latheesh Kumar K., Tahsildar, Special Revenue Office, Munnar has been appointed as a Special Officer. The Special Officer has not been vested with the power to act as a Collector under the Land Conservancy Act.

5. We direct the Principal Secretary (Revenue) to consider vesting the power of the Collector to Sri.Latheesh Kumar K., Tahsildar, Special Revenue Office, Munnar, under the Land Conservancy Act. We permit Adv.Sri.A.A.Shibi to place certain files along with a memo.

Registry shall accept the memo and place the matter before this Court on 05.07.2024.”

14. On 11.06.2024, the Division Bench passed an order in W.P.(C)No.18996 of 2024 in respect of the land comprised in Survey No.724 of Vagamon Village. The said order reads thus;

"This writ petition is related to the land comprised in Survey No.724 of Vagamon Village. The petitioners herein claimed that they have got the property by change of hands. There are several cases coming up before this Court in respect of the above land. Apparently, the first respondent also claims the land in the above survey number.

2. Today, when the case was taken up for consideration, the learned Government Pleader has made available before us register No.1, showing the receipt and disposal of applications under the Land Assignment Act. In respect of Survey No.813 of Vagamon Village, it appears that the petitioners as well as others are tracing out their title to a patta issued to the persons shown in serial Nos.96 to 107 in register No.1, which is read as follows;

96. P.A.Haris

97. P.K.Kunju Muhammed

98. P.K.Abu

99. P.M.Rasili

100 A.A.Jaleel

101. Jaleena

102.A.A.Jameela

103. M.A.Khaderkutty

104. T.M.Muhammed Ansari

105. T.M.Muhammed Bijili

106. Muhammed Basheer

107. P.M.Basheer

3. It appears that after obtaining patta, they transferred the property to the first respondent's family member. It all seems that those applications have been disposed of within 45 days. It is also submitted by the learned Government Pleader that, Register No.2 is not available now. It is not known on what basis the first respondent and others transferred their right of title of property to others. It is also not known that if there is any decision under the Land Assignment Committee. A thorough enquiry is necessary to find out the veracity of the title claimed by the petitioners.



It is appropriate that the District Police Chief, Idukki District, conduct an enquiry as to the existence of those claimants in serial nos. 94 to 107 in register No.1 and their age and other details. The District Collector, Idukki shall also conduct an enquiry as to the manner in which the pattas were issued to the aforesaid persons. The District Police Chief shall also state whether any crimes have been registered against the aforesaid persons. The District Collector as well as the District Police Chief shall file a preliminary report in this regard, within two weeks."

15. By the order dated 09.01.2024 in W.P.(C)No.1801 of 2010 the Division Bench directed the District Collector, Idukki to constitute a team under Mr.Latheesh Kumar K., who shall be provided with necessary office staff, like one Junior Superintendent, three Clerks, two Surveyors and one Office Assistant and also a vehicle. If the vehicle is not available, the Principal Revenue Secretary was directed to ensure that a vehicle is provided to him, at least on a contract basis, till the entire investigation regarding the pattas is completed. The team under Mr.Latheesh Kumar K. was directed to work along with the team constituted by the Director of Survey.

16. By the order dated 06.12.2024 of this Bench, these matters were directed to be placed before the Hon'ble the Chief Justice, on the administrative side, to consider whether the matters in terms of the orders of the Division Bench dated 13.06.2023, 20.06.2023, 02.04.2024 in W.P.(C)No.34095 of 2007, W.P.(C)No.1801 of 2010 and W.P.(C)No.19219 of 2021 and also the matters in respect of the land comprised in Survey No.724 of Vagamon Village, in terms of the order

of the Division Bench dated 11.06.2024 in W.P.(C)No.18996 of 2024, are to be considered by the Special Bench dealing with matters relating to land in Munnar region.

17. The proposal made by Registry before the Hon'ble the Chief Justice based on the order dated 06.12.2024 reads thus;

"(A) Matters in terms of the orders of the Division Bench dated 13.06.2023, 20.06.2023, 02.04.2024 in WP(C)No. 34095 of 2007, WP(C)No.1801 of 2010 and WP(C)No.19219 of 2021 and also the matters in respect of the land comprised in Survey No.724 of Vagamon Village in terms of the order of the Division Bench dated 11.06.2024 [in W.P.(C)No.18996 of 2024] are to be considered by the Special Bench dealing with matters relating to land in Munnar region.

(B) Any other matter to be placed before the Special Bench dealing with matters relating to land in Munnar Region, may be made subject to administrative orders to be passed in future in that regard by the Hon'able the Chief Justice as and when required."

18. The Hon'ble the Chief Justice has approved the proposal made by Registry in (A) and (B).

19. On 16.01.2025, when these matters came up for consideration, the learned Amicus Curie pointed out that the Special Investigation Team headed by Sri.Sethuraman, IPS, which was constituted pursuant to the order of this Court dated 12.06.2024 in W.P.(C)No.1801 of 2010 has already prepared a report regarding encroachment of Government land, forgery of patta, etc., at Parunthumpara. The learned Special Government Pleader sought time

to place on record a copy of the report of the Special Investigation Team.

20. On 22.01.2025, along with a memo filed by the learned Special Government Pleader, relevant pages of the report of the Special Investigation Team headed by Sri.Sethuraman IPS regarding encroachment of Government land, forgery of patta, etc. at Parunthumpara in Idukki District, was placed on record, without annexures. The learned Special Government Pleader has made available for the perusal of this Court the office copy of the said report along with annexures, in which most of the documents are not legible. By the order dated 22.01.2025, this Court directed the learned Special Government Pleader to make available for the perusal of this Court, the original report of the Special Team along with its annexures.

21. Pursuant to the directions contained in the order dated 22.01.2025, the learned Special Government Pleader has filed a memo dated 28.01.2025, producing therewith a true copy of the entire report of the Special Team, along with enclosures.

22. In the order dated 14.02.2025, having perused the report of the Special Investigation Team headed by Sri.Sethuraman IPS, regarding encroachment of Government land, forgery of patta, etc. at Parunthumpara in Peerumedu and Manjumala Villages of Peerumedu Taluk in Idukki District, the Bench found that Parunthumpara in Peerumedu and Manjumala Villages of Peerumedu Taluk in Idukki

District has to be included in the area under consideration of the Special Bench dealing with matters relating to land in Munnar region. Therefore, by the order dated 14.02.2025, this Bench directed Registry to place the matter before the Hon'ble the Chief Justice, on the administrative side to consider whether Parunthumpara in Peerumedu and Manjumala Villages of Peerumedu Taluk in Idukki District has to be included in the area under consideration of the Special Bench dealing with matters relating to land in Munnar Region.

23. Pursuant to the order dated 14.02.2025, Registry has placed the matter for consideration of the Hon'ble the Chief Justice, on the administrative side, on the question as to whether the Villages mentioned in the order dated 14.02.2025 may be included in the area under consideration of the Special Bench dealing with matters relating to land in Munnar Region. The Hon'ble the Chief Justice on 07.03.2025 approved the proposal made by the Registry, in view of the urgency, subject to further orders and roster changes.

24. After the order dated 07.03.2025 of the Hon'ble the Chief Justice, on the administrative side, these writ petitions, along with the connected matters, are listed before this Bench.

25. We heard the arguments of the learned counsel for the petitioner, learned Special Government Pleader and also the learned Amicus Curiae. We have also perused the report of the Special Investigation Team regarding encroachment of Government land,

forgery of patta, etc., at Parunthumpara in Peerumedu and Manjumala Villages of Peerumedu Taluk in Idukki District.

26. Having considered the aforesaid report of the Special Investigation Team and the submissions made at the Bar, we deem it appropriate to extend the restrictions imposed by the orders of this Court dated 21.01.2010 in W.P.(C)Nos.34095 of 2007 and 1801 of 2010 to Parunthumpara in Peerumedu and Manjumala Villages of Peerumedu Taluk in Idukki District, i.e., to the Revenue land having an extent of 624.84 Acres in Survey No.534 of Peerumedu Village and 9875.96 Acres in Survey No.441 of Manjumala Village of Peerumedu Taluk in Idukki District. It is ordered accordingly.

27. The learned Special Government Pleader would submit that the Revenue land in Parumthumpara comes under the jurisdiction of Peerumedu Grama Panchayath and Vandiperiyar Grama Panchayath.

28. By various orders of this Court in W.P.(C)No.1801 of 2010, additional respondents, up to additional respondent No.46, have already been impleaded. Applications for impleadment of additional respondents 47 to 103 are pending consideration, since service of notice could not be completed on some of the additional respondents sought to be impleaded. In such circumstances, pending consideration of the said interlocutory applications, Peerumedu Grama Panchayath, Peermade, Azhutha, Kerala-685531, represented by its Secretary; and Vandiperiyar Grama Panchayat, Kottayam-Kumily Road, Vandiperiyar,

Kerala – 685533, represented by its Secretary are impleaded as additional respondents 47 and 48 in W.P.(C)No.1801 of 2010.

29. Registry to carry out necessary corrections in the cause title. Show the name of Adv.Joyce George, the learned Standing Counsel for Peerumedu Grama Panchayath and Adv.Jomy K. Jose, the learned Standing Counsel for Vandiperiyar Grama Panchayat in the cause list. The learned counsel for the petitioner to serve a copy of W.P.(C)Nos.1801 of 2010 to the respective Standing Counsel by tomorrow.

30. Registry to digitize the case records in W.P.(C)Nos.1801 of 2010 and 34095 of 2007 (except those documents already digitized) immediately, so as to enable the learned counsel on both sides to access the same through their dashboard.

31. The learned Special Government Pleader to place on record, along with a memo, the list of the alleged encroachers on Revenue land in Parumthumpara, as per the report of the Special Investigation Team, in a tabular form, for impleading them as additional respondents in W.P.(C)No.1801 of 2010.

32. Pending impleadment of the encroachers mentioned in the report of the Special Investigation Team, we deem it appropriate to direct the 4th respondent District Collector, Idukki, through the concerned Revenue officials, the 30th respondent District Police Chief, Idukki, through the concerned Police officials, the Secretaries of

additional 47th respondent Peerumedu Grama Panchayat and additional 48th respondent Vandiperiyar Grama Panchayat, to ensure that no construction activity takes place in Parunthumpara in Peerumedu and Manjumala Villages of Peerumedu Taluk in Idukki District, i.e., in the Revenue land having an extent of 624.84 Acres in Survey No.534 of Peerumedu Village and 9875.96 Acres in Survey No.441 of Manjumala Village of Peerumedu Taluk in Idukki District, without a No Objection Certificate issued by the Revenue Department (except cases in which any orders have already been issued by this Court or the Apex Court) and building permit issued by the concerned Local Self Government Institution. No excavation of land or any construction activities shall be permitted on the aforesaid land. The movement of goods vehicles to Parumthumpara carrying construction materials shall be prevented by the District administration and the District Police, for the time being. Any No Objection Certificate issued by the Revenue Department in the prescribed format shall satisfy the requirements of the order of this Court in the order dated 12.06.2024 in W.P.(C)No.1801 of 2010.

33. The 4th respondent District Collector, Idukki, through the concerned Revenue officials, and the 30th respondent District Police Chief, Idukki, through the concerned Police officials, shall maintain law and order in Parumthumpara. The Police shall render necessary assistance to the Revenue officials and also the officials of Grama

Panchayaths to ensure strict compliance of the directions contained in this order.

List these matters for further consideration on 13.03.2025.

**Sd/-
ANIL K. NARENDRAN, JUDGE**

**Sd/-
MURALEE KRISHNA S., JUDGE**

bkn/-

