

**IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE THE CHIEF JUSTICE MR. A.J.DESAI
&
THE HONOURABLE MR.JUSTICE V.G.ARUN**

Tuesday, the 11th day of June 2024 / 21st Jyaishta, 1946
WP(C) NO. 24828 OF 2023(S)

PETITIONER:

1. ARYADAN SHOUKETH, AGED 57 YEARS, SON OF ARYADAN MOHAMMED, ARAYADAN HOUSE, NILAMBUR P.O, MALAPPURAM DISTRICT, PIN - 679 329.
2. SUDHA VANIAMPUZHA, AGED 40 YEARS, WIFE OF BABU, VANIAMBUZHA COLONY, MUNDERI, KURUMBILANGOD, MUNDERI, MALAPPURAM DISTRICT, PIN - 679 334.

RESPONDENTS:

1. THE UNION OF INDIA, REPRESENTED BY THE SECRETARY, MINISTRY OF TRIBAL AFFAIRS, 216-J, 2ND FLOOR, D WING, SHASTRI BHAVAN, NEW DELHI- 110 115.
2. STATE OF KERALA, REPRESENTED BY CHIEF SECRETARY, SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695 001.
3. SECRETARY, MINISTRY OF WELFARE OF SCHEDULED TRIBES, STATE SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695 001.
4. DIRECTOR, SCHEDULED TRIBES DEVELOPMENT DEPARTMENT (STDD), 4TH FLOOR, VIKAS BHAVAN, THIRUVANANTHAPURAM, PIN - 695 033.
5. KERALA STATE COMMISSION FOR SCHEDULED CASTES AND SCHEDULED TRIBES, REPRESENTED BY ITS CHAIRMAN, AYYANKALI BHAVAN, KANAKA NAGAR, KOWDIAR P.O, THIRUVANANTHAPURAM - 695 003.
6. DISTRICT PROJECT OFFICER, INTEGRATED TRIBAL DEVELOPMENT PROJECTS (ITDP), ITDP OFFICE, NILAMBOOR, MALAPPURAM DISTRICT, PIN - 679 329.
7. DIVISIONAL FOREST OFFICE (DFO), NILAMBUR NORTH, KOZHIKODE-NILMBUR-GUDALLUR ROAD, OPPOSITE POLICE STATION, MANALODY, NILAMBUR, PIN - 679 329.
8. DIVISIONAL FOREST OFFICER (DFO), NILAMBUR SOUTH, KOZHIKODE-NILMBUR-GUDALLUR ROAD, OPPOSITE POLICE STATION, MANALODY, NILAMBUR, PIN - 679 329.
9. ADDITIONAL CHIEF PRINCIPAL CONSERVATOR OF FOREST, FOREST LAND AND RESOURCES, FOREST HEADQUARTERS, VAZHUTHACAD, THIRUVANANTHAPURAM- 695 014.
10. DISTRICT COLLECTOR, MALAPPURAM, CONFERENCE HALL, COLLECTORATE ROAD, UP HILL, MALAPPURAM, KERALA- 676 505.
11. SUB COLLECTOR, PERINTHALMANNA, REVENUE DIVISIONAL OFFICE, PERINTHALMANNA, MALAPPURAM, PIN - 679 322.
12. TAHSILDAR, NILAMBOOR, NILAMBOOR TALUK OFFICE, KOZHIKODE-NILAMBUR-GUDALLUR ROAD, NILAMBUR, KERALA- 679 329.
13. POTHUGAL GRAMA PANCHAYAT, UPPADA B.O., MALAPPURAM DISTRICT, KERALA STATE, PIN-679 334, REPRESENTED BY ITS SECRETARY.

P.T.O.

14. VAZHIKADAVU GRAMA PANCHAYAT, VAZHIKKADAVU PANCHAYAT OFFICE,
VAZHIKKADAVU, MALAPPURAM DISTRICT, PIN-679 333,
REPRESENTED BY ITS SECRETARY.
15. KARULAI GRAMA PANCHAYAT, MALAPPURAM DISTRICT,
KERALA, PIN-679 331, REPRESENTED BY ITS SECRETARY.
16. KERALA LEGAL SERVICE AUTHORITY (KELSA),
REPRESENTED BY ITS MEMBER SECRETARY AND HEAD OF
TRIBAL MONITORING COMMITTEE, OFFICE OF THE KERALA STATE
LEGAL SERVICES AUTHORITY, NIYAMA SAHAYA BHAVAN,
HIGH COURT COMPOUND, ERNAKULAM, KOCHI- 682 031.

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 16th respondent acting as Tribal monitoring committee to inspect the tribal colonies in Pothugal Grama Panchayat, Vazhikadavu Grama Panchayat and Karulai Grama Panchayath in Nilambur Taluk tribal and report the pathetic living condition of tribal families in sheds covered with plastic sheets in the deep forest and imminent danger being faced by these families and lack of connectivity with the main land in the absence of Iruttukutty Concrete bridge constructed across the chaliyarpuzha and Punjakolli Iron Bridge constructed across the puhnapuzha river which were washed away during the flood in the year 2018 and 2019 and to submit the report before this Hon'ble Court during the pendency of the writ petition.

This petition again coming on for admission upon perusing the petition and the affidavit filed in support of WP(C), this Court's order dated 09/01/2024 and upon hearing the arguments of M/S. PEEYUS A.KOTTAM, HRITHWIK D. NAMBOOTHIRI & RAGESH CHAND R.G., Advocates for the petitioner, SMT.P.VANDANA, CENTRAL GOVERNMENT COUNSEL for R1, SRI.N.MANOJKUMAR, STATE ATTORNEY for R2 to R4 and R6 to R12 and of M/S. D.AJITHKUMAR, HARSHA S.NAIR & MANASY. T, Advocates for R16, the court passed the following:

P.T.O.

ORDER

As far as e-toilets are concerned, the state authority is hereby directed to see that appropriate number of such toilets are provided to around 300 families residing in the area. A report in this regard shall be filed before this Court.

Post on 17/07/2024.

Sd/- A.J.DESAI CHIEF JUSTICE

Sd/- V.G.ARUN JUDGE

