

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE
&
THE HONOURABLE MR. JUSTICE S.MANU

Wednesday, the 3rd day of July 2024 / 12th Ashadha, 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 IMPLEADED

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

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

ADDL. R7 & R8 IMPLEADED

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

P.T.O.

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.

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.

P.T.O.

This petition again coming on for orders upon perusing the petition and the affidavit filed in support of WP(C), this Court's orders dated 12/06/2024 and 02/07/2024 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.KUZHALANADAN, Advocate for Addl. R10 and of M/S.MATHEW A.KUZHALANADAN, 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 R15 & R19, 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.DEEPULAL 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, SRI.BIDAN CHANDRAN B.G, STANDING COUNSEL for Addl.R43, SRI.SREELAL WARRIAR, STANDING COUNSEL for Addl.R44, DEPUTY SOLICITOR GENERAL OF INDIA for Addl.R45, Adv.A.A.SHIBI and of SENIOR ADVOCATE SRI.RENJITH THAMPAN and ADVOCATE SRI.HARISH VASUDEVAN, AMICI CURIAE, the court passed the following:

P. T. 0

A.MUHAMED MUSTAQUE & S.MANU, JJ.

W.P.(C)No.1801 of 2010

Dated this the 03rd day of July, 2024

ORDER

A.MUHAMED MUSTAQUE, J.

See our order dated 12.6.2024. 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.

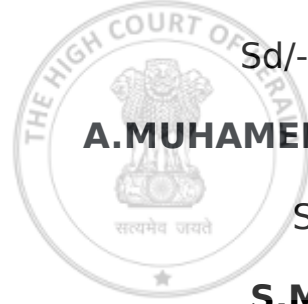
*(By order of the Governor)
BISHWANATH SINHA
ADDITIONAL CHIEF SECRETARY"*

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 hand-picked to assist the special team.

4. As per the order dated 13.01.2024, Sri.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 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.



Sd/-

A.MUHAMED MUSTAQUE, JUDGE

Sd/-

S.MANU, JUDGE

skj