

IN THE HIGH COURT OF KERALA AT ERNAKULAM

Present :

THE HON'BLE THE CHIEF JUSTICE MR. S.R. BANNURMATH

THE HON'BLE MR. JUSTICE THOTTATHIL B. RADHAKRISHNAN

Tuesday the 12th day of January 2010/22TH POUSHA 1931

WP(C).No. 1034/2010 (S)

PETITIONER/

WAYAKAD PRAKRUTHI SAMRASHANA SAMITHI  
(REGN.NO.293/3) S.BATHERY POST, WAYAKAD,  
REPRESENTED BY ITS SECRETARY,  
SHRI THOMAS AMEALAVAYAL.

RESPONDENT/

1. THE UNION OF INDIA,  
REPRESENTED BY THE SECRETARY,  
MINISTRY OF ENVIRONMENT & FORESTS, NEW DELHI.
2. THE STATE OF KERALA,  
REPRESENTED BY THE CHIEF SECRETARY,  
SECRETARIAT, THIRUVANANTHAPURAM.
3. THE SECRETARY,  
TRIBAL WELFARE DEPARTMENT, STATE OF KERALA,  
THIRUVANANTHAPURAM.
4. THE SECRETARY  
FOREST & WILDLIFE DEPARTMENT,  
STATE OF KERALA, SECRETARIAT, THIRUVANANTHAPURAM.
5. STATE LEVEL COMMITTEE FOR IDENTIFICATION  
OF CRITICAL WILDLIFE HABITATS IN THE STATE  
OF KERALA, REPRESENTED BY THE CHAIRMAN,  
STATE CHIEF WILDLIFE WARDEN,  
THIRUVANANTHAPURAM.
6. SHRI K.BHASKARAN,  
266-SREE HAGAR, PATTATHANAM, KOLLAM-21.
7. SRI.K.K.JANARDHANAN, NEELAMBARI,  
IRUVETTI POST, AREECOLE, MALAPPURAM.

Writ Petition praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to pass an order of stay of operation of Ext.R2 and of all proceedings for assignment of land on applications resubmitted on the strength of Ext.R2, pending disposal of the above Writ Petition.

This petition coming on for orders upon perusing the petition and the affidavit filed in support of the WP(C) and upon hearing the arguments of M/S.K.JAYAKUMAR, P.B.KRISHNAN, GEETHA P.MENON & NEELAKANDAN P.M, Advocates for the petitioner, and of Sri. T.P.M.Ibrahim Khan, Assistant Solicitor General of India for R1, Special Govt. Pleader for R2 to R5, the court passed the following

p.t.o

1000-5-2008 04/22 0000-5-0001

..2..

ORDER

Learned Assistant Solicitor General, Sri. T.P.M. Ibrahim Khan, accepts notice for respondent No.1. Learned Special Govt. Pleader (Forest) accepts notice for respondent Nos.2 to 5. Urgent Notice to respondent Nos.6 and 7.

There will be an interim order that Ext.P2 will stand stayed and further that no re-submitted application on the strength of Ext.P2 will be entertained and orders passed until further orders.

Respondents 2 to 5 will ensure that no manner of encroachment is permitted to happen in the areas in question. Respondents will be at liberty to file counter affidavit and bring up the matter for consideration at any time.

12/02/2010

Sd/-

S.R. BANNUPATHI  
Chief Justice

W/-

TROTTATHIL B. RAOHARRISHNAN  
JUDGE

/true copy/

ASSISTANT REGISTRAR

Dated 23.09.2009, true copy of the Minutes of the Group of Ministers.