

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
(SOUTHERN ZONAL BENCH, CHENNAI)**

Original Application No. 248 of 2017

BETWEEN

P. Prasad

...Applicant

AND

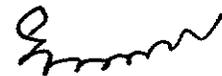
Union of India and others

....Respondent(s)

**STATUS REPORT SUBMITTED BY THE SUB-COLLECTOR, DEVIKULAM/7th
RESPONDENT**

It is submitted that, Sub-Collector, Devikulam, herein has filed a status report in the above Original Application as per the direction of this Hon'ble National Green Tribunal.

Kindly take the report on record and place the same before the Hon'ble Tribunal.



(E. K. KUMARESAN)

Counsel for Respondent
R2 to R6 & R8
Standing Counsel for
State Government of Kerala
NGT (SZ) Chennai Bench.



W4 – OA. 248/2017

നമ്പർ

കേരളാ അഡ്വക്കേറ്റ് ജനറലിന്റെ കാര്യാലയം,
എറണാകുളം, കൊച്ചി-682 031

പ്രേഷിതൻ

അഡ്വക്കേറ്റ് ജനറൽ
കേരളം

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E-mail : advocategeneralkerala@gmail.com

23.11.2020.
തീയതി

To

Adv. E.K. Kumaresan,
Standing Counsel, National Green Tribunal, Chennai
M/s. EKK Legal,
No. 6, Indian Chamber (SICCI)
Annex Building,
Esplanade, Chennai.

Sir,

Sub:- OA 248/2017 filed by Sri. Prasad before the Hon'ble National Green Tribunal, Chennai, status report forwarding of – reg.

Ref:- Lr. No. RDODVM/3465/2018/B6, dated 03/11/2020 received from Sub Collector, Devikulam.

Kind attention is invited to the reference cited. I am directed to forward herewith a copy of Status Report furnished by the Sub Collector, Devikulam duly approved by the Hon'ble Advocate General for further necessary action.

Encl: As above

Yours faithfully,
Sd/-
T.R.REMADEVI,
Under Secretary,
For Advocate General.

Handwritten signature and date: 20/11/20

Approved for Issue,

Handwritten signature

Section Officer.

No. RDODVM/3465/2018/B6

Office of the Revenue Divisional officer

Devikulam, Date: 03/11/2020

rdodevikulam@gmail.com

Phone: 04865 264222

Pin: 685 613

From,

Sub Collector
Devikulam

To

Advocate General
Earnakulam, Kerala

Sir,

Sub: National Green Tribunal- SMCASE 78/2017 & OA-248/2017 filed by Sri, P. Prasad- status report submitting reg

Ref: Email dated 07/07/2020 by Advocate General Kerala, Earnakulam (W. Section. O.A No. 248/2017)

Kind attention is invited to the above reference cited. The Division Bench of Hon'ble High court of Kerala in an Interim order dated 21/01/2010 in WP(c) 1801/2010 and WP(c) 34095/2009 directed that no construction activities shall take place in Munnar area without NOC from Revenue Department. Police, Forest and LSGD are entrusted to ensure the same. As the building construction is being governed by the KPBR, the department of Local Self Government had come forward to implement the court order. Immediately on receipt of the order, the Government secretary LSGD had given directions to the DD Panchayath Idukki at Thodupuzha, to ensure that no construction is permitted without NOC from Revenue Department. In due course directions are given to Munnar, Chinnakkanal, Pallivasal and Devikulam Grama Panchayaths in this regard. Constructions so permitted includes residential and non-residential in nature. Some of these are in violation of prevailing rules of land assignment and against ecologically fragile nature of the terrain. When the non-implementation of the said court order is noticed, the District Collector Idukki had taken stringent action in this regard. The Hon'ble High Court in its interim order dated 21/01/2010, it is referred to as 'Munnar area' when NOC is to be insisted. While implementing the directions, it was necessary to define Munnar area. Hence the District Collector had issued a circular in this regard, giving certain instructions for handling the applications for NOC and in the said circular the area of Munnar is defined under section 2(g) of the Munnar Special Tribunal Act 2010. The Munnar Special Tribunal was also constituted to deal with the Government land related cases, in the area, and the jurisdiction is 8 villages that is Pallivasal, KDH (including Munnar Village) Anaviratti, and Vellathoovall of Devikulam Taluk, Bison Valley, Chinnakkanal, Santhanpara and Anavilasam of Udumbanchola Taluk. Power to issue NOC for personal residence is vested with Thasildar concerned and for all other constructions reserved with the District Collector itself. In certain cases when considerable public interest is involved, the matter is referred to the Government. All the ongoing constructions without NOC were stopped

On dealing with NOC applications, it is pertinent to observe the conditions and stipulations made during the assignment of land. In this area most of the land are seen assigned under KLA rule 1964, KLA (regularization of occupation of forest land prior to 01/01/1977) rule 1993 and Cardamom rules 1935. The Cardamom rules are allowing the pattadar for cardamom cultivation only when the other KLA rules allow personal residence and cultivation. Commercial constructions are not admissible in any of the land assigned under the above rules. As Munnar area is a fast growing business zone, there is every chance of manipulations of records.

Some commercial constructions that were stopped for want of NOC, tried to overcome the directions of Revenue Department and want to continue with the construction activities. As it is clear violation of the Hon'ble Court order, the local police were directed to take criminal cases against the offenders. Directions were also given to the power department to disconnect any power connection given to non-residential buildings, constructed without NOC and not to give any new connections. Instructions were issued from this office to KSEB, Panchayat, Police, and Electrical Inspector

The Special Tahsildar Office which was started at Munnar with an intention to detect and evict unauthorised encroachments in Munnar Area prevented numerous encroachments at the initial stage itself. Some more cases have been prevented by the GLPP (Government Land Protection Person) and other revenue officials.

Major Actions Against Encroachment and un-authorised constructions

1. Papathichola Eviction

An organization named "Spirit in Jesus" under the chairmanship of one Mr. Tom Zachariah, Vellookunnel, suryanelli had encroached into an extent of 129.4840 hectares of Government land comprised in Sy. No. 34/1 of Chinnakkanal Village. A 20 feet tall iron cross covered with stainless steel was seen erected on a concrete platform having 5 feet height. A temporary shed also was seen erected nearby. Apart from it a worship place having an extent of 15 X 15 sq. metre was constructed. All these illegal occupations were removed in a summery eviction process under section 12 of KLC Act of 1957. Procedures are in progress for handing over the land to Kerala Forest Department for better preservation. Cases have been registered against Tom Zachariah under section 447 of IPC and U/S 7(a) of KLC (Amendment) Act- 2009. Another case has also been booked against one Mr. K.O. Porinju U/S 353 of IPC for obstructing the eviction process.

2. Encroachment and eviction in Tribal land in Chinnakkanal

An extent of around 13 acres of land comprised in sy. No. 11/1 of chinnakkanal village (which has bee originally earmarked for the allotment to poor landless tribal people.) illegally occupied by the Vellookkunnel family in chinnakkanal village was evicted and taken in to government possession on 11/07/2017 by the Tahsildar LR Udumbanchola.as per the instructions from the District Collector Idukki. It was found that

the encroachment was done by them on the strength of two forged LA pattas. Against the eviction proceedings one Joy Thomas and another moved the High Court and filed WP(c) 23675/2017. The claim of the petitioners are false and actually they are only benamies of Vellokkunnel Joseph Zakharia and Boby Zakharia. The case is under the consideration of the Hon'ble High Court of Kerala.

3.Oak Field Resort, Bisonvally-Eviction

The resort had been functioning in an extent of 0.3035 Ha. of cardamom patta land comprised in Sy. no. 232/1 of Bisonvalley village. The land was resumed to government custody for violation of cardamom rules 1935. There were different litigation connected with the actions initiated by Revenue Department and disposed of by the Hon'ble High Court with directions. The Honourable High Court of Kerala in order dated 12/01/2009, in IA 7527/08 in WP(c) 16748/2008 has directed the government to run the Resort keeping separate accounts. Subsequently, Government of Kerala as per GO (Rt) No. 1055/2009/TSM dt.09/02/2009 of the Tourism (B) Department has accorded sanction to the MD, KTDC Ltd, Thiruvananthapuram to run the Resort. Later in order dated 20/09/2012 in IA- 20359/2011 in WP(c) 16784/2008 the Hon'ble High Court allowed application of the petitioners to run the resort by themselves on a payment of Rs. 50,000/- p.m. complying the Hon'ble High Court direction the Resort was handed over to the petitioner on 01/11/2012.

4) Encroachment of GALA Ice Cream Company in Chinnakanal

An extent of 0.8620 Hectars of Government Tharisu in sy. 179/2 of Chinnakkanal village was evicted and resumed back to government custody vide LC case No. 6/2017 under file No. G5- 8697/10 by the proceedings of Tahsildar (LR) Dated 13/09/2017. Instruction was given to SHO Santhanpara Police Station on 06/10/2017 in order to initiate criminal case proceedings u/s 7(a) of the KLC (Amendment) Act against the party Mr. Francis John Mampallil.

5) Calpso Resort and Anayirankal Camp Resort (Jimmy Zachariah)

The special Task Force constituted from the office of the Tahsildar, Udumbanchola in their preliminary inspection had identified certain encroachments by one Jimmy Zachariah in Chinnakkanal village apart from the land possessed by him under Thandaper number 3542. On further verification many irregularities were found in documents pertaining to T.P. 3542. Hence the acceptance of land tax in respect of the land was stopped pending detailed verification. Pursuant to the verifications the T.P was partially cancelled. As a result, the possession of an extent of 9.02 acres of land in Sy. No. 134/1, 20/1 and 509 has been found irregular as the pattas concerned bearing number LA 121/77, 185/77 and 203/78 were seen bogus ones. Jimmy Zachariah, has sold an extent of 1.5945 hectares of land comprised in Sy. No. 20/1 to M/S Apotheosis infrastructures (P) Ltd in the year 2009 at the time when the verification process to ascertain the veracity of the documents was in progress. The application for mutation of the land submitted by the said company was rejected by the revenue authorities and in turn WP(c) 16390/13 was filed. The Hon'ble court allowed the writ, at the same time permitted government to carry on proceedings against the petitioner. The state filed W.A No. 1630/15 and obtained stay against the judgment. Another WP(c) No. 27154/16 filed by Jimmy Zachariah was disposed of by the Hon'ble court on 28/09/2016 with direction given to the 3rd respondent

Additional Tahsildar, Udumbanchola. In fact, the direction given to the 3rd respondent was a clerical mistake and the special Government Pleader has opined that it is the petitioner to approach the court for correcting it as 2nd respondent. It is submitted that an extent of 2.0801 hectares of land comprised in Sy. No. 20/1 and 509 which forms part of a total extent of 3.6501 hectares covered under Thandaper No. 3542 of Chinnakkanal village has been resumed into government custody and a board has been erected on the land notifying it as government land. The said land comprising an extent of 1.5700 Ha, in sy. No. 34/1 and adjacent government land in sy, no 34/1 on which a resort by name 'Anayirankal Camp & Calipso Camp Resort' is situated was taken into Government custody on 11/10/2020.

6) Thachankary Estate & Resort Pvt. Ltd

A total extent of 1.8350 Ha of land comprised in sy. No. 538,357/1,3,4,5,6pt,7,8,178/3,180/1 and 471 had been identified in unauthorised possession. Final proceedings in compliance with the judgement WP(C) 20864/07 is under the consideration of District Collector Idukki,

7) JD Home Resort

An extent of 0.0788 Ha. of excess land in sy.no. 20/1-1 of Chinnakkanal possessed by them was resumed to Government custody.

8). Cloud 9 Resort

An extent of 1.0068 Ha. of land comprised in sy no. 130/1,1320/2 and 87/1 was resumed to Government custody on 31/05/2007. A resort which had been functioning in the land was demolished on 02/06/2007 WP(c) 31268/07 filed by the resort owner was disposed of by the Hon'ble High Court in favour of the petitioner. R.P. 714/14 filed by government also was dismissed. The state was approached the Hon'ble supreme court and the matter is under consideration of the Hon'ble apex court.

9) Encroachment of Sri. K.N Mohanan in Chinnakkanal

Proceeding under KLC was initiated against Sri. KN Mohanan has encroached and extent of 9.717 acres of land in Sy. No. 197 of Chinnakkanal Village. Since the party has filed various cases before the MTOP Munnar and Hon'ble High Court of Kerala, eviction could not be carried out OP(c) 1076/13 is under consideration of the Hon'ble High Court. A crime Branch case CR142/EOW II / 2010/KTM is pending.

10) Encroachment of Sri. V.X Albin in Chinnakkanal

Encroached an extent of 1 Acres of land in Sy no. 510/1 of Chinnakkanal village. TP No. 1718 was cancelled by the Tahsildar Udumbanchola on 31/12/2010.

11) Encroachment of V.X Albin & V.S Baburaj in Chinnakkanal

The parties encroached government land in Sy. No. 509/1 in the meanwhile, the said Jimmy Zachariah has encroached into the adjacent government land in Sy. no. 34/1

having 20.5 m length and 11.5 m width erecting some constructions using cement and rock in, 5.5 m. height. The construction was removed and the party was served with a stop memo, 511/1, and 20/1 on the basis of two pattas LA 234/68 and LA 166/72. Since the pattas were found bogus it was cancelled. Aggrieved by the order the parties filed WPC 41193/17 and WPC 1590/18 before the Hon'ble High Court of Kerala and both the cases are under the consideration of the Hon'ble court.

12) Giorela farms (GIE Plantations) In Santhanpara Village

Encroached an extent of 157.4980 hectares of land in Sy. No. 34, 197, 200, 67, 194, 157, 196, 192, 36, 32, 204, 205, 206 and 214. The land was taken under the possession of the government on 21/11/2008. The party filed WP(c) 35044/2008 and it was dismissed on 31/12/2016. The land in the custody of Village officer Santhampara.

13) 70 Acre Chinnakanal Village

An extent of 70.64 acres of land comprised in Sy. Nos 495, 532, 540 and 541 of Chinnakkanal Thavalam in Chinnakkanal Village is known as 70 acres. Number of encroachments were noticed there and KLC actions were invoked. Bogus Pattas were used to grab this land. Jimmy Zachariah Vellokkunnel has encroached and sold around 10 acres of land in Sy. no. 495 by the strength of Bogus Patta LA 203/78 and some other Pattas originally issued in another survey number property to a Mumbai based company named Apotheosis Infrastructure Pvt. Ltd. The request for mutation in this connection was rejected. WA 1630/15 is filed by the government is under consideration of the Hon'ble High Court. Besides, one Muniyandi and 7 other had claimed around 32 acres of land in 70-acres. They had filed original suits in Devikulam Munsiff Court and later they were transferred to Munnar Special Tribunal and renumbered as MTOP 1/2011, 2/2011, 13/2011, 4/2011, 19/2011, 20/2011, 21/2011 and 22/2011. These cases were dismissed by the Munnar Special Tribunal. Aggrieved by the orders, the petitioners have filed MFA 115/17, 116/17, 117/17, 119/17, 121/17, 122/17 and 123/17 before the Hon'ble High court. All the MFA's are under consideration of the Hon'ble High Court.

14) 250 Acre- Chinnakanal Village

Survey Number 278, 151/1, 151/1-2, 150, 149/1, 148/1, 146/1, 142/1, 141/1, 141/2, 140/1, 140/2 - Venad Thavalam (Block 6 Survey number 1/1-105 Hectare). The whole land (105 Hectares) was taken in to govt custody on 29-05-2007 and in the meanwhile, the said Jimmy Zachariah has encroached into the adjacent government land in Sy. no. 34/1 having 20.5 m length and 11.5 m width erecting some constructions using cement and rock in, 5.5 m. height. The construction was removed and the party was served with a stop memo. at present it is in the possession of the government.

a. Jessy Mary and Kochmaman

LA pattas 2559/2002, 2560/02 Issued by Special Tahsildar L A Rajakumari- as per 1993 special rules. However neither these person nor their predecessors were in possession of the land as per the original land register before the period 1-1-1997. Hence these pattas are irregular. Hence both pattas were cancelled by the Sub Collector Devikulam vide file

No .A2 458/2010 dated 8-12-2011. Revision petition is pending before the District Collector and an MTOP 1/2013 filed by Jessy Mary is pending .

b. Legeesh Lembodaran

Bogus patta LA202/72 Sy.No.151/1-1 - 1.6707Hectares. MTOP 29/11 is pending. OP(c)727/15 filed by Legeesh Lembodaran disposed on 17.11.2016 directing the tribunal to decide the MTOP at the earliest as far as possible. Crime Branch case no. 139/07/CR2007/KTM is pending

c) Premanand S/o Mariyappan

LA special Tahsildar, Rajakumary issued LA 1307/2000, Resy No.1/11 Block 6, extent 0.0570 Hectares. Patta cancelled on 29.07.2011 against which party filed WP(C) 4303/12. Case disposed on 01.12.2017 directing the sub collector to reconsider the matter. Sub collector Devikulam, on 28.03.2018 again cancelled the patta LA 1307/2000. Crime Branch case no. CR/139/2007/KTM is pending.

d) Vijaya Hospitalities

LA 2522/2012/2000 Block No 6, Resy. No. 1/14, for an Extent of 1.2500 Ha issued in favour of Sri.CK Vijayan and LA 22/12/2000 for an extent of 1.1814 H comprised in Re 1/13 have been cancelled and the property has been taken into the custody of Government. A Crime Branch case No 139/2007/KTM is pending .

e) Leneesh Lembodaran

TP 3921 Patta No. LA 24/68. The patta No LA 24/68 is seen assigned to one Kurian Mathew as per the records in the No.II register. But the patta proceedings were not completed and handed over patta to the assignee. The said Leneesh Lembodaran misused the patta and encroached an extent of 0.9140 Hectares land included in the 250 Acres of land situated near gap road of Munnar-Kumily road. The Sy. No. in the patta is seen 20/1, but the possession of the land by Leneesh Lembodaran is located differently. On further enquiry it was found that the same patta was misused by another person named Jimmy Zachariah and simultaneously another TP account was opened in the name of KuruvilaGeorge, Vellokunel. This property is situated near Suryanelli.

f). Thomas Joseph S/o Joseph Kayyoonnuparayil

File No .G5/1450/16-Patta No.21/2000/C- Resy.Block 6, Sy. No. 1/5, 1.3660 Hectares. Patta issued as per 1993 Rules by Spl Tahsildar, Rajakumary. Land taken possession on 29.05.2007 by Tahsildar Udumbanchola as per file No. G2/5383/2007.

15). Encroachment of Basil M Paul Moosappilly, in chinnakanal

Encroached 5 Acres of Government land and KSEB catchment area are comprised in Sy.No.197 of Chinnakkanal Thavalam. After the completion of KLC proceedings, C form notice served on the encroacher and eviction made on 19.07.2011. Encroached land taken by and given to HNL and KSEB. WPC 19645/2011 filed is pending.

Crime branch case 1. CR/142/EOWII/KTM/2010 is pending. 2. CR/222/EOWII/KTM/2011 - (HNL) - trial completed. The encroacher was sentenced on 27.04.2017 by the CJM Court, Thodupuzha for simple imprisonment of three months and fine of Rs. 5000/- in CC NO. 195/2014, Santhanpara Police Station Crime No. 236/2011.

16) Encroachment of Sathosh George kulangara In Bisonvally village

Sy No. 27/1 of Bysonvalley - 0.2832 Hectares, ReSy. No. 2/3, 3/5, 4/1pt, 4/2pt of Block No. 5, 0.0580 Hectares Cardamom land, 0.0652 Hectares, 0.2721 Hectares and 0.0594 Hectares Puramboke. Resumed the land in government custody, Forest Department has taken possession of the land.

17). Tissan J Thachankery- Munnar catering Collage Hostel In Chinnakanal

An extent of 7.07 Acres of land comprised in survey No.222/1 of Chinnakkanal Thavalam, in chinnakkanal village has been encroached by Tissan J Thachankery and built multistoried building. The encroacher claims title over 3 acres of land on the basis of LA patta number 153/69. But on enquiry it was found that the survey number recorded in the patta is 34/1. KLC action initiated and survey conducted with notice. There after the file transferred to Munnar Special Tribunal. MTOP 59/2015 is pending. vigilance case number 1/17 is filed before the Muvatupuzha Vigilance court.

18). Luke Stephen (Cardamom violation) (Devikulam Taluk- Anaviratti village)

An extent of 14.8588 hectares of land comprised in Sy. no. 137/8 (Block No. 12) of Anaviratti village has occupied by Sri. Luke Stephen, Pulimoottil and he constructed a building there on. It was found that the land was originally allotted to the predecessors in interest of the present owner under cardamom Rules 1935 but the said land was alienated before the assignment proceedings was completed to ascertain the violation of cardamom Rule the special survey team and Tahsildar t Devikulam has been directed to submit a detailed report in this regard on 18/12/2017 and 19/12/17 respectively. In the meanwhile the District Collector Idukki vide Proceedings No. DCIDK/718/2018-C1 dtd.13.06.2018 quashed the order No. 13237/2007/C1 dtd. 18.04.2007 of District Collector, for the construction of buildings in the said land observing that the District Collector was not a competent authority to issue such an order.

19) Love Dale Resort - Munnar (Devikulam Taluk - KDH Village)

An extent of 22 cent of govt land comprised in Sy No. 62/10 C of KDH village and buildings there in which had been given to one Thomas Michael on Kuthekappattam basis was being possessed by the party even after the expiry of lease period. Proceedings under KLC act was initiated against the party and form CC under rule 13(a) was served directing to vacate the land within 2 days. In the mean time Sri V V George the present occupier filed W P (C) 19733/17 before the Hon'ble High court of Kerala which was dismissed. In the judgment 3 months time was granted to the petitioner to vacate the premises on condition that the appellant shall not claim any right on the said property there after. Since he has not complied with the directions of Hon'ble High court even on the last day ie, 31-03-2018, the Tahsildar Devikulam took possession of the land

comprised in sy no. 62/10C and building there in duly demarcating the land and the village office Munnar was started functioning in the premises with effect from 02/04/2018 onwards.

20) RDS Project

A Privat Limited company namely M/s RDS Project encroached an extent of 1.4817 Hectares of land comprised in Sy.No 34/1 of Chinnakanal Thavalam in Chinnakanal Village. As per the directions in GO(MS) 157/2019/RD dated 31/05/2019, this office evicted this encroachment on 04/07/2019 through Tahsildar Udumbanchola.

21) K.V Jose (Virchoose Constructions) Pallivasal Village

Stop memmo issued by Pallivasal Village officer on 04/06/2016 against the construction of a multi storied building at Chithirapuram, Pallivasal village without NOC. Despite of the Stop Memmo issued by the Revenue authorities, the Panchayat authorities issued building permit and occupancy certificates to the concerned party. Having noticed this this office again issued directions to the Panchayat Authorities to cancel the building permit and stopped the constructions.

Major Eviction cases by Special Tahsildar Special Revenue Office Munnar

1. WP(C) 39618/17- Natarajan

Sri Natarajan has encroached an extent of 40 Ares of land comprised in Sy No. 62/10 of KDH village Devikulam Taluk. He has filed the above Writ Petition before the Hon'ble High court of Kerala and the court directed that the application put in by the applicant for assignment shall be considered by the authorities within four months and the petitioner should not be evicted till then. On verification it is revealed that the petitioner is trying to possess the land on the basis interim order and the land was not in his possession for a long time and he has encroached the land recently with an intention to obtain patta. This encroachment was evicted and a police complaint was registered at SHO Munnar u/s 7 (a) of KLC Act.

2. WP(c) 4881/18 & CC 661/18 - Sri. M John

Shri. M. John, S/o Mariyamuthu has filed this writ petition before the Hon'ble High Court of Kerala saying that there is an imminent threat of eviction from his property which he own in Sy. No.155 of KDH Village in Devikulam Taluk. The Hon'ble High Court on 14/02/2018 ordered status quo with respect of the residential building occupied by the petitions for a period of one month. The Village Officer, KDH Village has served stop memo No. 321/17 dated 24/01/2018 against the illegal construction of residential building without a NOC from Revenue Department as stipulated by the interim orders of the Hon'ble High Court in WP(c) No. 1801/10 dated 21/01/2010. The Deputy Tahsildar, KDH Village has noticed that illegal construction work (without NOC form the Revenue Department) is going on in Sy. No.155 of KDH Village owned by the petitioners, and a stop memo was served to the petitioners for violating the High Court order in WP(c) 1801/10 dated 21/01/2010. Criminal

petition filed against the petitioners u/s 188 of Cr.PC before the JFMC Devikulam for violating the stopmemo issued by the Deputy Tahsildar, KDH Village. Also, a contempt of court case was filed against the petitioners for violating the statusquo orders dated 14/02/2018 in WP(c) 4881/18 (CC No. 661/18). The case is pending.

3). WP(C) 16238/18 Filed by K.M Ummer Anaviratty

A Stop memo was served on the petitioner for violating the High Court orders dated 21/01/2010 in WPC 1801/2010 which stipulates that NOC from the Revenue Officials are mandatory before any construction activity in Munnar area. Since the petitioner violated the stop memo and continued the construction activities, the police had registered Cr. No.1026/16 against the petitioner and the Court fined the petitioner for Rs. 100/- in ST No. 1513/16 of JFMC Adimali. The Petitioner again continued the construction activity and the Revenue Officials seized the construction materials. The petitioners men physically blocked the Revenue officials and obstructed their duties. The Police registered Cr. No. 276/18 in Adimali PS. Against the stop memo issued by the Revenue Authorities, the petitioner filed the WPC 16238/18 before the Hon'ble High Court of Kerala and the case is under consideration of the Hon'ble High Court.

4). WP(C) 13259/18 Filed by Sri. Wilson Imparaj & 4 others

One Sri Wilson Imparaj & 4 others have encroached land comprised in Sy No . 62 part of KDH village in Devikulam Taluk. They have filed the Writ petition before the Hon'ble High Court for getting an order not to dispossess his property. On verification of the claims it is seen that they have fabricated the documents and submitted it before the Hon'ble court to obtain positive orders from the court. Their intention is to sell the property for a huge amount to third parties after making building there. This fact has been currently presented before the Hon'ble court that they are trying to sell government property on the basis of fabricated documents . This encroachment has been evicted by the special Tahsildar.

ACTION AGAINST ILLEGAL QUARRYING

As per the order in SLP 30103/2015 dated 02/12/2016 the Hon'ble Supreme Court imposed restrictions on quarrying activities in the district. Environmental licensing was made compulsory for doing quarrying operations. In comply with the Hon'ble Court order stop memos were issued to the parties concerned.

Santhanpara Granities

It was found that one Mr. Jaimon Mathew, Managing partner of Santhanpara Granites had been engaged in an authorized quarrying activities in an extent of 4.7607 hectares of land comprised in Sy. No. 131/1-3, 131/1-9, 1-7, 132/1-8 and 131/1-1 of Santhanpara village, even after the issuance of the Hon'ble supreme courts directions. A stop memo was issued on

02/02/2017 and a team of officers inspected the land thereafter. subsequently a fine of Rs. 2,94,840/- was imposed. The quarry has been stoped its operations thereafter . Apart from that a lease amount due of .Rs. 22,750/- in respect of quarrying of 9,100 MT of rock during the period from 01/01/2012 - 30/09/2014 was also collected from the party

2. High range Gmites - Kootar

This rock crusher unit had been functioning in Sy. No. 67/1 part of Karunapuram Village and stop memo was issued on 22/02/2017. A lease amount due of Rs. 12,38,125/- in respect of quarrying of 26,600 MT of rock during the period from 01/09/2014 - 13/10/2016 was collected from the party.

3. T.S Prakasan - Thannikkal Anniyartholu

A rock mining unit had been functioning in sy. No. 67/1 of karunapuram village under the ownership of one Mr. T.S. Prakasan. It was stopped functioning consequent to the order of Hon'ble Sub Court Kattappana in OS No. 247/2011 dated 30/06/2017. A lease amount due of Rs. 16,92,400/- in respect of quarrying during the period from 08/06/2015 - 30/06/2017 has been demanded from the party . Appeal filed for time extension to remit the amount was rejected by Tahsildar Udumbanchola.

4. High range Granites -Chathurangappara

This rock crusher and mining unit had been functioning in cardamom patta land comprised in Sy. No. 39/21 and 39/35 of Chathurangappara village. Stop memo was issued on 20/11/2013. The owner Mr. Muhammed Iqbal approached the Hon'ble High Court of Kerala in WP(c) 29707 /2013 and the case is under consideration of the Hon'ble High Court.

5. Jacob P Paul, Pullyattu, Pullyanmala

A rock mining unit had been functioning in Sy. No. 67/1 of Karunapuram village under the ownership of one Mr. Jacob P Paul was stopped functioning consequent to the Hon'ble Court direction. The lease amount in respect of quarrying of a volume of 81965 Mt. of rock after April 2013 is to be collected from the party accordingly notice has been served to the party to remitting the amount.

6. Marbasil Granites- Chathurangappara

A rock mining unit has been functioning in extent of 0.8094 hectares of government puramboke land in Sy. No. 39/21 of Chathurangappara village under the ownership of one Mr. K.C. George Keeramkunnel was stopped functioning consequent to the Hon'ble Courts direction. Apart from that he has further encroached in to an extent of 0.9349 hectares of government land and carried out mining activities without permission. Hence an amount of Rs. 97,50,000/- was realized from the party for a volume of 195300 Mt. of rock mined.

7. Nadavathuchira Metal Crusher Unit, Pnamkani- Combayar

A rock mining unit has been functioning in an extent of 0.9996 hectares of government puramboke land in Sy. No. 304 part of Parathodu village under the ownership of one Mr. Binu George, Naduvathuchira under lease. Apart from the lease land he has further encroached in to an extent of 0.0346 hectares of government puramboke land and subsequently a fine of Rs. 3,75,200/- was realized from the party.

It may kindly be noted that The Revenue Authorities in collaboration with other Government departments concerned endeavouring to implement the intrime order of the Hon' High Court WP(C) 1801/2010 and the order of SM Case 78/2017 & OA-248/2017 of the Hon'ble Green Tribunal. above facts are submitted for favour of necessary action

Yours faithfully,

Sub Collector

[Handwritten Signature]
A/11/120