

Proc. 14/6/2023

**BEFORE THE HONOURABLE
NATIONAL GREEN TRIBUNAL
SOUTHERN ZONAL BENCH,
CHENNAI**

O.A. No. 26 /2023

Applicant : Muhammed O

Vs.

Respondents : Morayoor Granites Pvt.
Ltd & 5 Others :

**REPLY AFFIDAVIT SUBMITTED ON
BEHALF OF THE 3RD RESPONDENT
TO THE ORIGINAL APPLICATION**

**PHILIP J. VETTICK
SAJITHA GEORGE &
NEENU BERNATH**

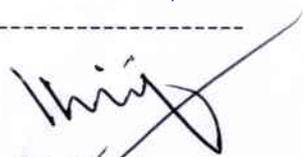
COUNSEL FOR THE 3rd RESPONDENT

6. The State Environment Impact
Assessment Authority -Kerala
Rep by its secretary
Thapanoor,
Thiruvananthapuram - 695 001
seacseiaakerala@gmail.com / 0471-2334262.

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Dated this the 12th day of June, 2023.


Philip J. Vettickkatu,
Counsel for the 3rd Respondent

**BEFORE THE HONOURABLE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONAL BENCH, CHENNAI**

O.A. No. 26 OF 2023

Applicant:

Muhammed O, aged 61 years,
S/o. Alavi,
Taj Manzil, Morayoor Amsom,
Arimbra Desom, Arimbra Post,
Kondotty Taluk, Malappuram – 676 304.

Vs...

Respondents :

1. Morayoor Granites Pvt. Ltd,
Represented by its Director, Ummer Kutty
Mucheth House, Elambra Nellikuzhy,
Ernakulam – 686691.
2. Ummer Kutty. K.
Director,
Morayoor Granites Pvt. Ltd,
Represented by its Director, Ummer Kutty
Mucheth House, Elambra Nellikuzhy,
Ernakulam – 686691.
3. Kodithody Hamza, aged 62 years,
S/o. Avaran, Kodithody House,
Morayoor Amsom, Arimbra Desom,
Arimbra Post, Kondotty Taluk,
Malappuram – 677 304.
4. The Superintendent of Police,
District Police Office, Malappuram – 676505
spmmp.pol@kerala.gov.in / 0483-2734377.
5. The Chief Engineer – Roads
Public Works Department, Government of Kerala,
Thiruvananthapuram – 695033
ceroads.pwd@kerala.gov.in / 0471-2322346



6. The State Environment Impact Assessment Authority –Kerala
Rep by its secretary
Thapanoor,
Thiruvananthapuram – 695 001
seacseiaakerala@gmail.com / 0471-2334262.

REPLY AFFIDAVIT SUBMITTED ON BEHALF OF THE 3RD RESPONDENT TO THE ORIGINAL APPLICATION

I, Hamza Kodithodika, Aged 77 years, S/o. Avaran, residing at Kodithodika House, Arimbra, Morayur, Malappuram, do hereby solemnly affirm and state as follows:

1. I am the 3rd respondent in the above Original Application. I know the facts of the case.
2. All the allegations raised in the Original Application, except those that are specifically admitted hereunder are denied by this respondent.
3. The application is not maintainable either in law or on facts. The application is filed in suppression of material facts and also in distortion of the true facts. The application is filed with ulterior motives and as a bargaining in disguise. The application is devoid of any merits and filed without any bonafides. The application is nothing, but an abuse of process. The application is hopelessly time barred as well.
4. The allegations raised in paragraph Nos. 1 to 6 are not fully correct and therefore they are denied. The allegations raised in para 1 that the applicant is a permanent resident of Kondotti Taluk and the Chairman of the Association namely "**Arimbra Mala Samrakshana Samathi**", etc. are not substantiated by any materials and therefore they are

6. Hamza 

denied. The allegation that the Arimbra Hills is one of the highest hills available in Malappuram District and independent Mountain Range having its own unique eco system etc. are incorrect, baseless and therefore stoutly denied.

5. The allegations raised in paragraph 3 that the respondents 1 and 2 were trying to start quarrying operations without obtaining Environmental Clearance and other statutory permissions, but by misusing their financial and political clout, are baseless, wrong, unsubstantiated and therefore denied. The allegation that, the 6th respondent has to drop all further proceedings in the matter of appraisal of the project of the 1st and 2nd respondents is incorrect, wrong ad unsustainable.
6. The allegation that, even after the order of this Hon'ble Tribunal, dated 24-12-2021, suspending the Environmental Clearance, the respondents 1 and 2 brazenly ignored the same and attempted to carry on quarrying activities by attempting to level the approach road is incorrect, wrong and therefore stoutly denied. The same is raised to mislead this Hon'ble Tribunal. The allegation that this respondent was set up by respondents 1 and 2 to get permission from the Public Works Department for construction of two entry roads for entry and exit to the project site and for setting up cattle trap, conveniently suppressing the fact that this respondent had already given possession to the 1st and 2nd respondents and that this respondent was acting upon their behest to create an approach road to the quarrying project site, in spite of the fact that the Environmental

G. H. M. S. [Signature]

Clearance stood suspended and that the conduct is in clear violation of the order dated 24-12-2021 and therefore respondents 1 and 2 and this respondent are liable to be punished under section 26 of the NGT Act is absolutely incorrect, wrong, baseless and therefore stoutly denied.

7. The allegation that the respondents 1 and 2 are trying to continue their illegal activities by putting this respondent in front, while they themselves were pulling the strings from behind and they were doing things which cannot be done directly in view of the order of this Hon'ble Tribunal suspending their Environmental Clearance, etc, are absolutely incorrect, wrong and therefore stoutly denied. The allegation that the respondents 1 and 2 did not stop their illegal activities fully and have time and again attempted to clear the forest and construct a pathway to the quarry and they have attempted to do so on 9-2-2023 etc. are absolutely wrong incorrect and therefore stoutly denied.
8. The allegations raised in Ground No. A to J are nothing, but repetitions of the allegations raised in the Statement of Facts. The allegations in the Grounds are absolutely unsustainable, baseless and therefore stoutly denied. The allegation that respondents 1 and 2 with the active aid and help of 3rd respondent trying to operate a quarry in the Arimbra Hills in Sy.No.153/2 and 154pt of Morayur Village, Kondotti Taluk, without prior Environmental Clearance is absolutely incorrect, wrong and therefore stoutly denied. It is submitted that, neither this



respondent nor respondents 1 and 2 never attempted to conduct any quarrying operations as alleged by the applicant.

9. The allegation that the project site is not suitable for quarrying on account of thick vegetation etc. is unsustainable, baseless and therefore stoutly denied. The allegation that the locals don't want to live in constant fear of landslides and sinking of their houses on account of the subsidence at the project site, the evidence of which is available on the files itself in the inspection report dated 8-4-2019 of the sub committee of SEAC, and if the EC is issued another Josimath is created is absolutely baseless, wrong and therefore stoutly denied.
10. The allegation that, the slope angles of the hills predominantly varies between 70 to 85 degrees at the various places in the project site is equally incorrect, and wrong and therefore denied. The allegation that, the respondents 1 and 2 had taken on lease large extent of land to an extent of 44 acres is baseless. The allegation that, respondents 1 and 2 have made several illegal attempts to gain entry into the project site to carry on leveling activities after the Environmental Clearance is suspended by the Hon'ble NGT and they are therefore violators of orders passed by this Hon'ble Tribunal and contemnors etc. are absolutely incorrect, wrong and therefore stoutly denied. The allegation that the application is filed within limitation as per Section 14 of the NGT Act, 2010 is incorrect, wrong and therefore stoutly denied. The so called compliant dated 9-2-2023 is falsely filed so as to get over limitation. No such incident as alleged in the complaint have ever taken place. The application is filed beyond limitation and

K. Hanu [Signature]

therefore, not maintainable. The applicant is not entitled to get any relief or interim order. The application is liable to be dismissed with exemplary costs.

11. It is submitted that the applicant has approached this Hon'ble Tribunal by not disclosing the material facts, which the applicant is absolutely aware of. The application is absolutely unsustainable for suppression of material facts and distortion of true facts and limitation.
12. It is submitted that this respondent is the owner in possession of 38.25 cents of land in Re.Sy.No.116/9-2 of Morayur Village, Kondotty Taluk, Malappuram District. This respondent has purchased the said property by virtue of a Sale Deed bearing No.2391/2014, dated 10-11-2014 of Monga SRO. True copy of the Possession Certificate dated 5-10-2021, with respect to the said property is produced herewith and marked as **Annexure R3(a)**.
13. The said property is lying at a higher elevation with the abutting public road. It was difficult for the vehicles to enter into the property. The allegation that, a road was created after the passing of the orders of this Hon'ble Tribunal is absolutely incorrect, wrong and therefore stoutly denied. The proposed quarry site situates more than 500 meters away from the road as well as the property. The respondent herein, only intended to smoothen the access portion i.e. the portion which abuts the public road, to the property. When this respondent attempted to carryout regular works in the property, few people including the son of the applicant obstructed the respondents.

to. Home 

14. In such circumstances, the respondent approached the Munsiff Court, Manjery by filing O.S.No.372/2021 seeking to restrain the defendants, who includes the son of the applicant herein from trespassing into the plaint schedule property or demolish its boundary and commit any waste in the said property. The Munsiff Court had granted an interim order on 8-10-2021, of which a true copy is produced herewith and marked as **Annexure R3(b)**.
15. In order to provide a smooth access to the property from the public road, the petitioner had approached the Public Works Department for permission to remove the earth so as to give access to the property from the public road. It is submitted that, an order was also obtained by the petitioner on 17-11-2021 for removing the earth so as to give access to the property. True copy of the order dated 17-11-2021 is produced herewith and marked as **Annexure R3(c)**.
16. When the respondent herein, attempted to carry out the work on the strength of Ext.R3(c), the miscreants who includes the applicant herein came into the property of the respondent and manhandled the workers brutally and pushed one of the workers in the nearby ditch and threatened them that they will kill those workers if they continue with the work. A complaint was launched at the instance of this respondent which was registered as FIR No.871/2021 for offences U/s.143, 147, 323 and 149 of IPC. True copy of the FIR bearing No.871/2021, dated 9-12-2021 of the Kondotti Police Station is produced herewith and marked as **Annexure R3(d)**. The applicant herein is arrayed as the 1st accused in the FIR.

G. Horse 

21. In such circumstances, the respondent herein again submitted a complaint to the police and since there was no response on the part of the police, was constrained to approach the Hon'ble High Court of Kerala again by filing W.P.(c) No.3053/2022. In view of the orders passed by the Hon'ble High Court, granting police protection, this respondent could complete the work of construction of drain in between the public road and the property of this respondent.
22. It is submitted that, Sri.Thajudheen, who is arrayed as 8th respondent in W.P.(c) No.3053/2022, is the son of the applicant herein and he is residing along with the applicant under one roof.
23. It is submitted that the applicant is absolutely aware of all these litigations and developments. In spite of all these, the applicant has approached the Hon'ble Tribunal by suppressing all these facts and raising misleading allegations before this Tribunal. True copy of the Judgment passed by the Hon'ble High Court of Kerala in W.P.(c) No.3053/2022 is produced herewith and marked as **Annexure R3(h)**. It is submitted that this respondent could not install the cattle trap.
24. It is submitted that, the respondent herein or the respondents 1 and 2 have not indulged in any mining/quarrying operations. As already submitted the work was confined only to the land comprised under Sy.No.116/9-2, which lies almost 500 meters away from the site proposed for quarrying. The property is not covered by the Environmental Clearance as well. The respondent herein had only attempted to smoothen the access by cutting down the earth that too after obtaining necessary permission from the PWD and carried out

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the work under orders of the Hon'ble High Court of Kerala. Photographs showing the area is produced herewith and marked as **Annexure R3(i)**. It is submitted that the applicant is fully aware of all these facts and had purposefully suppressed the same. It is submitted that the application is bad for suppression. The application is bad for limitation as well.

25. In so far as the limitation is concerned, the same is filed after limitation and hopelessly time barred. It is submitted that the work was carried out in terms of the protection order granted by the Hon'ble High Court of Kerala and in such circumstances, if at all any application to be filed, the same ought to have been filed within the period of limitation from the date of judgment.
26. The leveling was done in the year 2021 and the construction of drains was also completed by 2022. No other works were carried out. No works were conducted within the area which is covered by the Environmental Clearance and the area proposed for quarrying. The work conducted at Sy.No.116/9 of Morayur Village cannot be termed as quarrying operation or in violation of the orders of this Hon'ble Tribunal.

Under the above circumstances, it is humbly prayed that this Hon'ble Tribunal may kindly be pleased to uphold the contentions raised above and accept Reply Affidavit of 3rd respondent along with Annexures R3(a) to R3(i) on file, in the interest of justice, and dismiss the Original Application.

The facts stated above are true and correct.

Le. Anne [Signature]

VERIFICATION

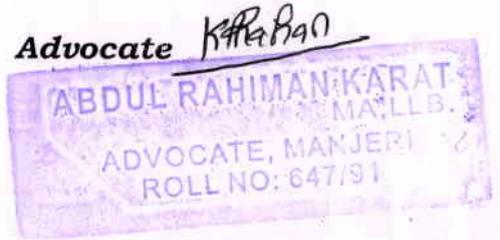
I, Hamza, Kodithodika, aged 77 years, S/o. Avaran, residing at Kodithodika House, Arimbra, Morayur, Malapuram, do hereby verify that the contents of the present Reply affidavit are true and correct and no material has been concealed therefrom.

Date: 12-06-2023

Place: Manjeri

Deponent

Solemnly affirmed and signed before me by the deponent who is personally known to me on this the 12th day of June 2023



Hamza

FORM 12 C
(See Rule 3)



GOVERNMENT OF KERALA
MORAYUR VILLAGE OFFICE
POSSESSION CERTIFICATE

No. 60173192

Date: 05/10/2021

Name of Person to whom certificate is issued	HAMZA KODITHODIKA
Name of Father	AVARAN
Address	KODITHODIKA HOUSE, 0, ARIMBRA
Post Office with PIN Code	MORAYUR, 673638
District	Malappuram

Certified that land shown in the schedule below are in possession and enjoyment of the person

Taluk / Village	Old Survey No	Re-Survey Block	ReSurvey No	Extend in Ha	Thandapper	Class of Land
Kondotty/ Morayur		56	116/9-2	0.1548	2116	Dry

Certificate Issued Date	05/10/2021
Designation of the Issuing officer	Village Officer
Purpose for which the certificate is issued for	BANK LOAN

This certificate is issued based on the details given in the application, local enquiry, facts and records produced.

Security Code : 2614U

Signature valid

Digitally signed by MOHAMMED
POOVAKKAT
Date: 2021.10.05 12:05:13 IST

NOTE:

1. This digitally signed document is legally valid as per the Information Technology (IT) Act, 2000.
2. Authenticity of this document can be verified from <http://edistrict.kerala.gov.in/> and submitting the Certificate Number and Security code. Alternatively, please call the numbers 155300(from BSNL landline), 0471155300(from BSNL mobile) the document 04712335523/04712115094/04712115098(from other networks) and quote the Certificate Number to the operator.

This is the true copy of the document
marked as EXHIBIT

ANNEXURE R3(a) referred

in the above casa

ADVOCATE



IN THE COURT OF THE MUNSIFF OF MANJERI

Present:- Smt. Rema R K, Munsiff

Friday, the 8th day of October, 2021

INTERLOCUTORY APPLICATION No. 1/2021
IN OS 372/2021

CFR 3.97
3
FW

Between:-

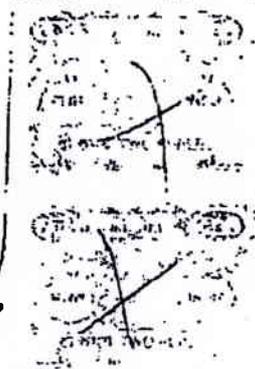
Hamza .K, 73 years, S/o Avaran, Kodithodika houe,
Arimbra Amsom, Desom, Morayur post, Kondotty Taluk

Petitioner
Plaintiff

And:-

1. Noufal, 28 years, S/o Muhammed Kutty, Cherekkodan house,
Arimbra Amsom, Desom, Morayur post, Kondotty Taluk
2. Kodithodika Asharaf, 42 years, Notienkunnath house,
Arimbra Amsom, Desom, Morayur post, Kondotty Taluk
3. Thajudheen, 28 years, S/o Muhammed, Olikkathodi house,
Arimbra Amsom, Desom, Morayur post, Kondotty Taluk
4. Haneefa, 42 years, S/o Thari Muhammed, Parappathoduvil
house, Arimbra Amsom, Desom, Morayur post,
Kondotty Taluk
5. Khalid Shameem, 43 years, Panaguth house,
Arimbra Amsom, Desom, Morayur post, Kondotty Taluk
6. Noor Muhammed Fazil, 28 years, Arimbra Amsom, Desom,
Morayur post, Kondotty Taluk
7. Shamsudheen, 53 years S/o Hassan Kutty, Kurugadan
house, Arimbra Amsom, Desom, Morayur post,
Kondotty Taluk
8. Sideeque, 35 years, S/o Kunhikommu,
Parappanthodi house, Arimbra Amsom, Desom, Morayur post,
Kondotty Taluk

Respondents
Defendants



This petition filed under order 39 Rule 1 and 2 of Civil Procedure Code.

This petition coming on this day for hearing before me in the
presence of Sri. Pramod. P. C , Advocate for the petitioner and the respondents

Handwritten signature

not entered in appearance, the court passed the following.

ORDER

Heard the petitioner

Perused the affidavit in support of injunction petition, plaint and documents. From the available records petitioners could raise a prima facie case. Balance of convenience in favour of petitioners and if an ad-interim Injunction not granted, that will cause irreparable injury to the petitioners and delay by sending the notice will defeat the purpose of suit. Hence the respondents are restrained from trespassing into plaint schedule properties, demolishing its boundaries or committing any waste there in until further orders.

Comply order 39 Rule 3 proviso(a). Issue order and notice to the respondent, for return of Notice, adjourned to 29-10-2021.

(Pronounced by me in the Open Court, this the 8th day of October, 2021.)

Sd/-
Munsiff

//True Copy//

Munsiff

Typed by :Pankajom
Compared by:
1. Pradeep
2. Pankajom

Munsiff court, Manjosa	
Year & No of Suit or other proceedings	10 S 372/202
Name of Applicant	Adv P. Pradeep P.C.
No. & Date of Application	575/21 12.10.21
Amount for court fees	13.10.21
Amount of Court Fees	16.10.21
Appearance to	16.10.21
	21.10.21

Fair/Copy of Order in IA.2/2021
in OS.372/2021 Dated: 08-10-2021

True Photostat Copy
Fair Copy Superintendent

This is the true copy of the document
marked as EXHIBIT
ANNEXURE R3(b) referred
in the above casa
ADVOCATE

Before the Hon'ble

CCTNS-R-IIF-1



FIRST INFORMATION REPORT

(പ്രഥമ വിവര റിപ്പോർട്ട്)

(Under Section 154 Cr.P.C)

(ക്രിമിനൽ നടപടി നിയമം 154-വകുപ്പ് പ്രകാരം)



1. District(ജില്ല): MALAPPURAM

PS(പൊലീസ് സ്റ്റേഷൻ) : KONDOTTY

FIR No. (പ്രഥമ വിവര നമ്പർ) : 0871

Year(വർഷം) : 2021

Date and Time of FIR(പ്രഥമ വിവര റിപ്പോർട്ട് തീയതിയും സമയവും)

: 09/12/2021 20:27

2.

Sl No.(ക്രമ നമ്പർ)	Acts(നിയമം)	Sections(വകുപ്പുകൾ)
1	IPC 1860	143, 147, 323, 324, 506, 149

3. (a) Occurrence of offence(കുറ്റകൃത്യം സംഭവിച്ചു):

1 Day(ദിവസം) : Thursday

Time Period(സമയം) : Pahar 4

Date From(തീയതി മുതൽ) : 09/12/2021

Date To(തീയതി വരെ) : 09/12/2021

Time From(സമയം മുതൽ) : 10:00 hrs

Time To(സമയം വരെ) : 10:01 hrs

(b) Information received at P.S.(പൊലീസ് സ്റ്റേഷനിൽ വിവരം ലഭിച്ചു):

Day(ദിവസം) : 09/12/2021

Time (സമയം) : 19:30 hrs

(c) General Diary References(ജനറൽ ഡയറി സ്വപനാ വിവരം):

Entry No.(നമ്പർ) : 023

Time (സമയം) : 20:27 hrs

4. Type of Information (ലഭിച്ച വിവരത്തിന്റെ സ്വഭാവം) : Written

Source of Complainant (പരാതിയുടെ ഉറവിടം) : Citizen/General Public

5. Place of Occurrence(കൃത്യസ്ഥലം):

1

i. Direction and distance form P.S.(P.S ൽ നിന്നുള്ള ദിശയും ദൂരവും) : EAST, 8 KM

Beat No(ബീറ്റ് നമ്പർ) :

ii. Location/Address(സ്ഥാനം/മേൽവിലാസം) : ARIMBIRA

iii. In case, outside the limit of this Police Station, then(പൊലീസ് സ്റ്റേഷന്റെ അധികാരപരിധിക്ക് പുറത്തായാണെങ്കിൽ)

Name of P.S.(പൊലീസ് സ്റ്റേഷന്റെ പേര്) :

District(പൊലീസ് ജില്ല) :

State(സംസ്ഥാനം) :

District(കോട്യ) : MALAPPURAM
P.S.(പൊലീസ് സ്റ്റേഷൻ) : KONDOTTY
FIR No(പ്രധാന വിവര നമ്പർ) : 0671 / 2021

6. (1) Complainant/Informant (പരാതിക്കാരൻ / വിവരം നൽകിയ ആൾ) :

- (a). Name(പേര്) : ABDU RASHEED
- (b). Father's/Mothers's/Husband's Name : MUHAMMED KUTTY
(പിതാവിന്റെ/മാതാവിന്റെ/ഭർത്താവിന്റെ പേര്)
- (c). Age & Date of Birth(വയസ്സ് & ജനന തീയതി) : 41, 1980
- (d). Nationality(പൗരത്വം) : INDIA
- (e). UID No(ആധാർ നമ്പർ) :
- (f). Passport No.(പാസ്പോർട്ട് നമ്പർ) :
Date of Issue(നൽകിയ തീയതി) :
Place of Issue(നൽകിയ സ്ഥലം) :
- (g). ID details (Ration Card, Voter ID Card, Aadhar, Driving License, PAN) (തിരിച്ചറിയൽ രേഖകളുടെ വിശദാംശങ്ങൾ റേഷൻ കാർഡ്, വോട്ടർ ഐഡി കാർഡ്, ആധാർ, ഡ്രൈവിംഗ് ലൈസൻസ്, പാൻ)

S No.(ക്രമ നമ്പർ)	Id Type(തിരിച്ചറിയൽ രേഖ)	Id Number(തിരിച്ചറിയൽ രേഖ നമ്പർ)

(h). Occupation(തൊഴിൽ) :

(i). Address(താൽവിലാസം) :

S No.(ക്രമ നമ്പർ)	Address Type (താൽവിലാസത്തിന്റെ തരം)	Address(താൽവിലാസം)
1	Permanent Address (സ്ഥിരമായ താൽവിലാസം)	KUNNATHODI HOUSE, OLAVATTUR , KERALA, MALAPPURAM, INDIA
2	Present Address (നിലവിലെ താൽവിലാസം)	KUNNATHODI HOUSE, OLAVATTUR , KERALA, MALAPPURAM, INDIA

(j). Land Phone number(ഫോൺ നമ്പർ) :

Mobile Number (മൊബൈൽ നമ്പർ) :

(2)- Victim /Missing /Deceased details :

(ഇര / കാണാതായ / മരണപ്പെട്ട ആളിന്റെ വിവരം)

Sl No.(ക്രമ നമ്പർ)	Name(പേര്)	Age(വയസ്സ്)	Sex(ലിംഗം)	Relative's Name (ബന്ധുവിന്റെ പേര്)	Address(താൽവിലാസം)

7. Details of known/suspected/unknown accused with full particulars(അറിയപ്പെട്ട/കണ്ടാലറിയാവുന്ന/അറിയപ്പെടാത്ത കുറ്റവാളികളെ സംബന്ധിച്ച വിശദ വിവരങ്ങൾ):

P.S.(പൊലീസ് സ്റ്റേഷൻ) : KONDOTTY
FIR No(പരാധിനിവേശ നമ്പർ) : 0571 / 2021

S No.(ക്രമ നമ്പർ)	Name(പേര്)	Alias(അപരനാമം)	Present Address (നിലവിലെ താമസവിലാസം)	Permanent Address (സ്ഥിരമായ താമസവിലാസം)
1	OLIKKATHODI MUHAMMED Age-50		ARIMBRA, KERALA, MALAPPURAM, INDIA	ARIMBRA, KERALA, MALAPPURAM, INDIA
2	BASHEER Age-60		ARIMBRA, KERALA, MALAPPURAM, INDIA	ARIMBRA, KERALA, MALAPPURAM, INDIA
3	KURUGADAN SHANSUDHEEN Age-55		ARIMBRA, KERALA, MALAPPURAM, INDIA	ARIMBRA, KERALA, MALAPPURAM, INDIA
4	SIRAJ HASSAN Age-26		ARIMBRA, KERALA, MALAPPURAM, INDIA	ARIMBRA, KERALA, MALAPPURAM, INDIA
5	HANEEFA THARI Age-55		ARIMBRA, KERALA, MALAPPURAM, INDIA	ARIMBRA, KERALA, MALAPPURAM, INDIA
6	ABDHUL ASEES Age-56		ARIMBRA, KERALA, MALAPPURAM, INDIA	ARIMBRA, KERALA, MALAPPURAM, INDIA

8. Reasons for delay in reporting by the complainant/Informant (പരാധിനിവേശനാ/വിവരം നൽകുന്ന ആളോ പൊലീസ് സ്റ്റേഷനിൽ അറിയിക്കുവാൻ കാലതാമസം വരുത്തിയിരിക്കുന്ന കാരണം):

9. Particulars of properties of interest (നോക്കിയിരിക്കേണ്ട / കുറ്റകൃത്യത്തിൽ ഉൾപ്പെട്ട സ്വത്തുക്കളുടെ വിവരം):

S No. (ക്രമ നമ്പർ)	Property Type (സ്വത്തു തരം)	SubType (സ്വത്തു ഉപതരം)	Description (വിവരണം)	Value (In Rs) (മൂല്യം രൂപയിൽ)

10. Total value of property stolen (In Rs) (നോക്കിയിരിക്കേണ്ട / കുറ്റകൃത്യത്തിൽ ഉൾപ്പെട്ട സ്വത്തുക്കളുടെ ആകെ മൂല്യം):

20

Annexure R3(a)

5

P. S. (കോർട്ട് റൂം) : KONDOTTY
പി. എൻ. നമ്പർ : 0871 / 2021



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District(ജില്ല) : MALAPPURAM
P.S.(പോലീസ് സ്റ്റേഷൻ) : KONDOTTY
FR No.(പ്രൊസ്യൂട്ടൻ്റെ നമ്പർ) : 0871 / 2021

പ്രഥമവിവരം

09.12.2021 തിയ്യതി 10.00 മണിയ്ക്ക് അരിമ്പ്ര എന്ന സ്ഥലത്തുള്ള തർക്കത്തിലേയ്ക്ക് JCB ഉപയോഗിച്ച് വഴി നിർമ്മിക്കുന്നതിനിടെ ആയതിലുള്ള വിരോധം വെച്ച് 1 മുതൽ 6 കൂടിയ പ്രതികൾ ഒത്തൊരിമിച്ച് നൂറയ വിരോധമായി സംഘം ചേർന്ന് പരാതിക്കാരനേയും സുഹൃത്തിനേയും കൈകൊണ്ടും മരത്തിൻ്റെ വടി കൊണ്ടും അടിച്ച പരിക്കേൽപ്പിക്കുകയും കിടങ്ങിലേക്ക് തള്ളിയിടുകയും സുഹൃത്തിനെ അരിവാൾ കാണിച്ച് കൊല്ലുമെന്ന് ഭീഷണിപ്പെടുത്തുകയും ചെയ്ത എന്ന കാര്യം മേൽ കാര്യത്തിന് ഇന്ന് 09.12.2021 തിയ്യതി 19.30 മണിയ്ക്ക് അബു റഷീദ്, S/O മുഹമ്മദ് കട്ടി, വ.41/21, കുന്നത്തൊടി ഹൗസ്, ജളവട്ടൂർ എന്നയാൾ സ്റ്റേഷനിൽ പരാജനായി പരാഞ്ഞ മൊഴി ഞാൻ (അജസൂബിൻ, എസ്.ഐ കൊണ്ടോട്ടി പോലീസ് സ്റ്റേഷൻ) രേഖപ്പെടുത്തി ആയത് കൊണ്ടോട്ടി പോലീസ് സ്റ്റേഷൻ ക്രൈം 871/21 U/S 143,147,323,324,506(1), r/w 149 IPC ആയി കേസ് രജിസ്റ്റർ ചെയ്തതും അസ്സൽ മൊഴി ഇതൊന്നിച്ചുണ്ട്

Submitted



Name(പേര്) : Ajasudeen
Rank (പദവി) : SI (Sub-Inspector)
PEN(പെൻ) : 801834
P.S.(പോലീസ് സ്റ്റേഷൻ) : KONDOTTY
District(ജില്ല) : MALAPPURAM
Date(തീയതി) : 09/12/2021



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Annexure- R3 (d)
7

09.12.2021 തിരുതി 19:30 മണിയ്ക്ക് അമ്പലമു-
രപ്പിള്ളി, 810 മുഹമ്മദ് കുട്ടി (Late), വ: 41/21, മന്നത്തോടി
കളവട്ടം (Poi), 9495860575 എന്നയാൾ ഭർത്താവിൽ
വാങ്ങിയ കിരീടം പോലീസ് സ്റ്റേഷൻ സബ് ഇൻ-
സ്പെക്ടർ അജായ്കുമാർ എന്ന ഒന്നോട് പറഞ്ഞ

അയാൾ എന്നയാൾക്ക് കേസുകൾ പോലീസിൽ
810 പോലീസിൽ, വ: 25/21, കായംകുളം (H), ചെങ്കോലൂർ
പുഴ, ചുരുക്കം, കേസുകൾ എന്നയാളോട് ഇന്ന് 09.12.21
തിരുതി രാവിലെ 10:00 മണിയ്ക്ക് അറിയിപ്പ് നൽകുന്ന
പ്രകാരം 15 കേസുകൾ കൈമാറ്റം ചെയ്ത ഉപരി
കാര്യം പറയാൻ വന്നതാണ്. അയാൾ പോലീസ്
സന്നദ്ധത അറിയിപ്പ് എന്ന സൂചന മറന്ന കേസുകളിൽ
യുണ്ടെന്ന് ഉറപ്പാക്കിയിട്ടുള്ള സൂചനകൾ നൽകിയിട്ടുണ്ട്
വഴിയെടവൽ പോലീസിലേക്ക്. ഈ സൂചനകൾ ഇതുപ-
കൾ കേസുകൾ ഉണ്ട്. വഴിയെടവൽ സമയത്ത് 10 കേസുകളിൽ
മുഹമ്മദ്, വ: 50/21 അറിയിപ്പ്, 2) ചെങ്കോലൂർ, വ: 60/21, അറിയിപ്പ്
3) കേസുകൾക്ക് കേസുകൾ വ: 55/21, അറിയിപ്പ് 4) സിറാജ്
മുഹമ്മദ്, വ: 26/21, അറിയിപ്പ്, 5) ചെങ്കോലൂർ, വ: 55/21
അറിയിപ്പ് 6) അമ്പലമുരപ്പിള്ളി, വ: 56/21, അറിയിപ്പ്
എന്നീ കേസുകൾ കേസുകൾക്ക് കേസുകൾ കേസുകൾ

തിരുവനന്തപുരം ജില്ലാ പരിഷ്കാര കമ്മിറ്റിയിൽ
 തിരുവനന്തപുരം ജില്ലാ പരിഷ്കാര കമ്മിറ്റിയിൽ
 പദ്ധതി - ഉൾനാട് അഞ്ചു അംഗീകൃത
 പദ്ധതി അതിരുകൾ നിശ്ചയിക്കുന്നതിനായി
 തിരുവനന്തപുരം ജില്ലാ പരിഷ്കാര കമ്മിറ്റി
 റിപ്പോർട്ട് ചെയ്ത തിരുവനന്തപുരം ജില്ലാ പരിഷ്കാര കമ്മിറ്റി

തിരുവനന്തപുരം ജില്ലാ പരിഷ്കാര കമ്മിറ്റി
 റിപ്പോർട്ട് ചെയ്ത തിരുവനന്തപുരം ജില്ലാ പരിഷ്കാര കമ്മിറ്റി

Recorded by me

Ajasudheen
 SI of Police
 Kondotty PS.
 09.12.2021

This is the true copy of the document
 marked as EXHIBIT
 ANNEXURE R3 (d) referred
 in the above case

ADVOCATE

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

Wednesday, the 15th day of December 2021 / 24th Agrahayana, 1943WP(C) NO. 28896 OF 2021(J)PETITIONER:

HAMZA KODITHODIKA, AGED 76 YEARS, S/O. AVARAN, RESIDING AT
KODITHODIKA HOUSE, ARIMBRA, MORAYUR, MALAPPURAM -673 638.

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY SECRETARY, DEPARTMENT OF HOME AFFAIRS, THIRUVANANTHAPURAM 695 001
2. DIRECTOR GENERAL OF POLICE, STATE POLICE HEADQUARTERS, VELLAYAMBALAM, THIRUVANANTHAPURAM 695 010
3. DISTRICT POLICE CHIEF, MALAPPURAM, UP HILL, MALAPPURAM - 676 505
4. STATION HOUSE OFFICER, KONDOTTY POLICE STATION, KONDOTTY, MALAPPURAM - 673 638
5. NOUFAL, AGED ABOUT 28 YEARS, S/O. MUHAMMEDKUTTI, CHEREKKADAN HOUSE, MORAYUR P.O, KONDOTTY, MALAPPURAM 673 638
6. KODITHODIKA ASHRAF, AGED ABOUT 42 YEARS, S/O. VEERAN, NOTTANKUNNATHU HOUSE, MORAYUR P.O, KONDOTTY, MALAPPURAM 673 638
7. THAJUDHEEN, AGED ABOUT 28 YEARS, S/O. MUHAMMED, OLIKKATHODY HOUSE, MORAYUR P.O, KONDOTTY, MALAPPURAM 673 638
8. HANEEFA, AGED ABOUT 42 YEARS, S/O. MUHAMMED, PARAPPATHODUVIL HOUSE, MORAYUR P.O, KONDOTTY, MALAPPURAM 673 638
9. KHALID SHAMEEM, AGED ABOUT 43 YEARS, S/O. MUHAMMED, PANANGUNNATHU HOUSE, MORAYUR P.O, KONDOTTY, MALAPPURAM 673 638
10. NOOR MUHAMMED FAZIL, AGED ABOUT 28 YEARS, S/O. AHAMMED BASHEER, KURANGADAN HOUSE, MORAYUR P.O, KONDOTTY, MALAPPURAM 673 638
11. SHAMSUDHEEN, AGED ABOUT 53 YEARS, S/O. HASSANKUTTI, KURANGADAN HOUSE, MORAYUR P.O, KONDOTTY, MALAPPURAM 673 638
12. SIDIQUE, AGED ABOUT 35 YEARS, S/O. KUNJIKOMMU, PARAPPANTHODI HOUSE, MORAYUR P.O, KONDOTTY, MALAPPURAM 673 638
13. OLIKKATHODI MUHAMMED, AGED 50 YEARS, ARIMBRA, MORAYUR P.O, KONDOTTY, MALAPPURAM 673 638
14. BASHEER, AGED 60 YEARS, ARIMBRA, MORAYUR P.O, KONDOTTY, MALAPPURAM 673 638
15. SIRAJ HASSAN, AGED 26 YEARS, ARIMBRA, MORAYUR P.O, KONDOTTY, MALAPPURAM 673 638
16. ABDHUL ASEES, AGED 56 YEARS, ARIMBRA, MORAYUR P.O, KONDOTTY, MALAPPURAM 673 638

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 issue a writ in the nature of mandamus or any other appropriate writ or directions, directing the respondents 2 to 4 to provide adequate

and sufficient police protection to the life and property of the petitioner while removing earth from his property comprised in 38.25 cents of land in Re. Survey No.116/9-2 of Morayur Panchayath, Morayur village, Kondotty Taluk, Malappuram District (covered by Exhibit P1), pending disposal of this writ petition.

This petition coming on for admission upon perusing the petition and the affidavit filed in support of WP(C) and upon hearing the arguments of M/S. K.ANAND, T.M.MUHAMED HAFEES & AMEER SALIM, Advocates for the petitioner, the court passed the following:-

P.T.O.



[Handwritten signature]

DEVAN RAMACHANDRAN, J.Annexure-Page
3**WP(C) No.28896/2021**Dated this the 15th day of December, 2021**ORDER**

The petitioner will take out notice before admission by speed post returnable in 7 days to respondents 5 to 16.

The learned Government Pleader will obtain instructions from respondents 1 to 4.

Post this case for further consideration on 17.01.2022; until which time the 4th respondent – Station House Officer will ensure that the life and property of the petitioner are adequately and effectively protected from any threat or intimidation from any person including the party respondents and their men/associates.

Sd/-

**DEVAN RAMACHANDRAN,
JUDGE**

RR/15.12.2021

APPENDIX OF WP(C) 28896/2021

Exhibit P1

TRUE COPY OF THE SALE DEED NO. 2391/2014 DATED
10-11-2014 OF MONGA SRO



This is the true copy of the document
 marked as EXHIBIT
 ANNEXURE R3 referred
 in the above case

ADVOCATE

Thiy

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MRS. JUSTICE ANU SIVARAMAN

MONDAY, THE 17TH DAY OF JANUARY 2022 / 27TH POU SHA, 1943

WP (C) NO. 28896 OF 2021

PETITIONER:

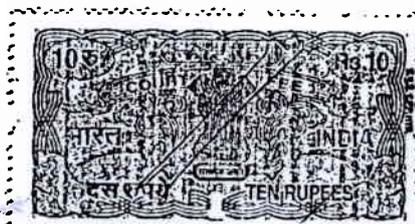
HAMZA KODITHODIKA
AGED 76 YEARS
S/O. AVARAN, RESIDING AT KODITHODIKA HOUSE, ARIMBRA,
MORAYUR, MALAPPURAM 673 638

BY ADVS.
K.ANAND
T.M.MUHAMED HAFEES
AMEER SALIM

RESPONDENTS:

- 1 STATE OF KERALA
REPRESENTED BY SECRETARY, DEPARTMENT OF HOME AFFAIRS,
THIRUVANANTHAPURAM 695 001
- 2 DIRECTOR GENERAL OF POLICE
STATE POLICE HEADQUARTERS, VELLAYAMBALAM,
THIRUVANANTHAPURAM 695 010
- 3 DISTRICT POLICE CHIEF
MALAPPURAM, UP HILL, MALAPPURAM 676 505
- 4 STATION HOUSE OFFICER
KONDOTTY POLICE STATION, KONDOTTY, MALAPPURAM 673 638
- 5 NOUFAL
AGED 28 YEARS
S/O. MUHAMMEDKUTTI, CHEREKKADAN HOUSE, MORAYUR P.O.,
KONDOTTY, MALAPPURAM 673 638
- 6 KODITHODIKA ASHRAF
AGED 42 YEARS
S/O. VEERAN, NOTTANKUNNATHU HOUSE, MORAYUR P.O., KONDOTTY,
MALAPPURAM 673 638

3



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WP(C) NO. 20896 OF 2021

2

- 7 THAJUDHEEN
AGED 28 YEARS
S/O. MUHAMMED, OLIKKATHODY HOUSE, MORAYUR P.O, KONDOTTY,
MALAPPURAM 673 638
- 8 HANEEFA
AGED 42 YEARS
S/O. MUHAMMED, PARAPPATHODUVIL HOUSE, MORAYUR P.O,
KONDOTTY, MALAPPURAM 673 638
- 9 KHALID SHAMEEM
AGED 43 YEARS
S/O. MUHAMMED, PANANGUNNATHU HOUSE, MORAYUR P.O,
KONDOTTY, MALAPPURAM 673 638
- 10 NOOR MUHAMMED FAZIL,
AGED 28 YEARS
S/O. AHAMMED BASHEER, KURANGADAN HOUSE, MORAYUR P.O,
KONDOTTY, MALAPPURAM 673 638
- 11 SHAMSUDHEEN
AGED 53 YEARS
S/O. HASSANKUTTI, KURANGADAN HOUSE, MORAYUR P.O,
KONDOTTY, MALAPPURAM 673 638
- 12 SIDIQUE
AGED 35 YEARS
S/O. KUNJIKOMMU, PARAPPANTHODI HOUSE, MORAYUR P.O,
KONDOTTY, MALAPPURAM 673 638
- 13 OLIKKATHODI MUHAMMED
AGED 50 YEARS
ARIMBRA, MORAYUR P.O, KONDOTTY, MALAPPURAM 673 638
- 14 BASHEER
AGED 60 YEARS
ARIMBRA, MORAYUR P.O, KONDOTTY, MALAPPURAM 673 638
- 15 SIRAJ HASSAN
AGED 26 YEARS
ARIMBRA, MORAYUR P.O, KONDOTTY, MALAPPURAM 673 638
- 16 ABDHUL ASEES
AGED 56 YEARS
ARIMBRA, MORAYUR P.O, KONDOTTY, MALAPPURAM 673 638

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Thij

WP(C) NO.28896 OF 2021

3

BY ADVS.
P.P.JACOB
MARIYAM JACOB

OTHER PRESENT:

C.SEENA-GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
17.01.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

3

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JUDGMENT

Dated this the 17th day of January, 2022

This writ petition is filed seeking protection from police to the life and property of the petitioner while removing earth from his property covered by Ext.P1. The learned counsel for the petitioner submits that pursuant to the orders issued by this court the activity has been completed and that the petitioner has no further grievance in the matter.

2. The learned counsel appearing for respondents 5 to 16 submits that a detailed counter affidavit has been placed on record and that the facts were not as stated in the writ petition.

In view of the fact that the threat apprehended has not come to pass and since the activity for which police protection was sought for is completed, nothing further survives for consideration in this writ petition at the instance of the petitioner.

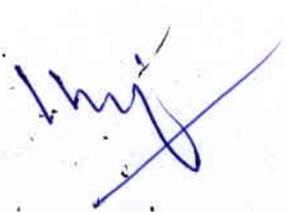
This writ petition is accordingly closed, leaving open the contentions of the parties.

Sd/-

ANU SIVARAMAN

JUDGE

ska



32

Annexure R3 (P)
5

WP(C) No. 28896 OF 2021

5

APPENDIX OF WP(C) 28896/2021

PETITIONER EXHIBITS

Exhibit P1

TRUE COPY OF THE SALE DEED NO. 2391/2014 DATED 10-11-2014 OF MONGA SRO

Exhibit P2

TRUE COPY OF THE POSSESSION CERTIFICATE NO 60173192 DATED 05-10-2021 OF MORAYUR VILLAGE OFFICE

Exhibit P3

A TRUE COPY OF THE ORDER NO. E1/ACCESS/3164/21 DATED 17-11-2021 OF THE MANJERI PWD

Exhibit P4

TRUE COPY OF THE PLAINT IN OS 372/2021 BEFORE THE HONOURABLE MUNSIF COURT, MANJERI DTD 7/10/2021

Exhibit P5

TRUE COPY OF THE ORDER DATED 08-10-2021 IN IA 1/2021 IN OS 372/2021 OF THE HONOURABLE MUNSIF COURT AT MANJERI

Exhibit P6

TRUE COPY OF THE FIR NO. 871/2021 DATED 09-12-2021 OF THE KONDOTTY POLICE STATION.

P

TRUE COPY
[Signature]
Examiner

[Handwritten Signature]

HIGH COURT OF KERALA
AT ERNAKULAM

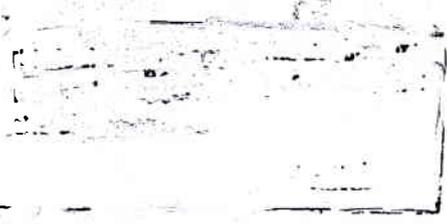


Year and Number of Sult or other Proceedings : WP(C) 28896 / 2021
 Name of Applicant/Advocate : KANAND
 Application Number : A 2076/2022
 Application Date : 18-01-2022
 Date of Calling for Stamp : 19-01-2022
 Date of Production of Stamp : 19-01-2022
 Date When copy was Ready : 19-01-2022
 Date Notified for appearance to receive the copy : 28-01-2022
 Date when copy was delivered :

[Signature] 19/01/2022
 Examiner

This is the true copy of the document marked as EXHIBIT ANNEXURE R3 preferred in the above casa

[Signature]
 ADVOCATE



മഞ്ചേരി പൊതുമരാമത്ത് വകുപ്പ് നിരത്തുകൾ വിഭാഗം, എക്സിക്യൂട്ടീവ് എഞ്ചിനീയറുടെ നടപടി ഉത്തരവ്

(ഹാജർ : ശ്രീ. മുഹമ്മദ് അഷ്റഫ് എ പി എം)

വിഷയം :- സ്വകാര്യ സ്ഥലത്തേക്ക് വഴി ഉണ്ടാക്കുന്നതിന് അനുമതി നൽകുന്നത് - സംബന്ധിച്ച്.

സൂചന :- (1) ശ്രീ. ഹംസ കൊടിയത്താടിക ഹൗസ്, അരിമ്പ്ര പി.ഒ, മലപ്പുറം എന്നവരുടെ അപേക്ഷ.

(2) മഞ്ചേരി നിരത്തുകൾ ഉപവിഭാഗം അസിസ്റ്റന്റ് എക്സിക്യൂട്ടീവ് എഞ്ചിനീയറുടെ ഓഫീസിൽ നിന്നുള്ള 10.11.2022 ലെ കത്ത് നമ്പർ ഡി3/എപി/2022.

ഉത്തരവ് നമ്പർ ഇ1/ആക്സസ്/3164/21 തീയതി 12/01/2022

ശ്രീ. ഹംസ കൊടിയത്താടിക ഹൗസ്, അരിമ്പ്ര പി.ഒ, മലപ്പുറം എന്നവരുടെ അപേക്ഷ പരിഗണിച്ച് മൊറയൂർ - അരിമ്പ്ര - ഊരകം - എൻ.എച്ച്. കോളനി റോഡിൽ കി.മീ. 4/780 ൽ (വലത് വശം) സ്ഥിതി ചെയ്യുന്ന അപേക്ഷകന്റെ ഉടമസ്ഥതയിലുള്ള സ്ഥലത്തേക്ക് അപേക്ഷകന്റെ സ്വന്തം ചെലവിൽ പൊതുമരാമത്ത് റോഡിൽ നിന്ന് 4 മീറ്റർ വീതിയിൽ അകത്തേക്കും പുറത്തേക്കും രണ്ട് പ്രവേശന മാർഗ്ഗം നിർമ്മിക്കുന്നതിനും കോൺക്രീറ്റ് ഡ്രെയിൻ നിർമ്മിച്ച് കാറ്റിൽ ട്രാപ്പ് സ്ഥാപിക്കുന്നതിനും മഞ്ചേരി നിരത്തുകൾ ഉപവിഭാഗം അസിസ്റ്റന്റ് എക്സിക്യൂട്ടീവ് എഞ്ചിനീയറുടെ ശുപാർശയുടെ അടിസ്ഥാനത്തിൽ താഴെ പറയുന്ന നിബന്ധനകൾ പ്രകാരം അനുമതി നൽകി ഉത്തരവാകുന്നു.

- (1) മലപ്പുറം റോഡുകൾ വിഭാഗം അസിസ്റ്റന്റ് എഞ്ചിനീയറുടെ മേൽനോട്ടത്തിൽ പണികൾ നടത്തേണ്ടതാണ്.
- (2) ട്രാഫിക്കിനും കാൽനടയാത്രക്കാർക്കും തടസ്സം ഉണ്ടാകാത്ത രീതിയിൽ പണികൾ ചെയ്യിക്കേണ്ടതാണ്.
- (3) റോഡ് വികസനത്തിന് പ്രസ്തുത പണികൾ തടസ്സമാകുന്ന പക്ഷം പൊതുമരാമത്ത് വകുപ്പ്-ആവശ്യപ്പെടുമ്പോൾ നിർമ്മിതികൾ സ്വന്തം ചെലവിലും ഉത്തരവാദിത്വത്തിലും മാറ്റേണ്ടതാണ്.
- (4) പ്രസ്തുത പണികൾ മൂലം റോഡിന് കേടുപാടുകൾ വരുന്ന പക്ഷം ആയതിന്റെ നഷ്ടം ആവശ്യപ്പെടുന്ന പക്ഷം ഡിപ്പാർട്ട്മെന്റിൽ അടവാക്കേണ്ടതാണ്.
- (5) ഓടയിൽ നിന്നുള്ള വെള്ളം ഒഴുക്കിക്കളയുന്നതിന് പ്രത്യേക മാർഗ്ഗം നിർമ്മിക്കേണ്ടതാണ്.
- (6) യാതൊരു കാരണവശാലും ടി.യാന്റെ വസ്തുവിൽ നിന്നുള്ള വെള്ളം റോഡിലേക്ക് ഒഴുകിവരാൻ പാടില്ലാത്തതാണ്..
- (7) പ്രസ്തുത നിർമ്മിതിയിൽ നിന്നും മഴവെള്ളം ടാർ പ്രതലത്തിലേക്ക് ഒഴുകി വരാത്ത വിധം പണികൾ ക്രമീകരിക്കേണ്ടതാണ്.
- (8) ഈ ഉത്തരവ് കിട്ടി ഒരു മാസത്തിനുള്ളിൽ പണി പൂർത്തീകരിക്കേണ്ടതാണ്.
- (9) റോഡ് സുരക്ഷക്കാവശ്യമായ സിഗ്നലുകൾ സ്ഥാപിക്കേണ്ടതാണ്.
- (10) വാഹനങ്ങൾ റോഡിലേക്ക് നേരിട്ട് കൂത്തനെ പ്രവേശിക്കാത്ത രീതിയിൽ ക്രമീകരിക്കേണ്ടതാണ്.
- (11) ആവശ്യമായ റോഡ് സുരക്ഷാ ക്രമീകരണങ്ങളും റിഫ്ളക്ടറുകളും അപേക്ഷകൻ സ്വന്തം ചെലവിൽ സ്ഥാപിക്കേണ്ടതാണ്.

(12) മേൽ പ്രവൃത്തി നടത്തുന്നതിന് മുമ്പ് അപേക്ഷകൻ മഞ്ചേരി നിരത്തുകൾ ഉപവിഭാഗം അസിസ്റ്റന്റ് എക്സിക്യൂട്ടീവ് എഞ്ചിനീയറുടെ മുമ്പാകെ 200 രൂപയുടെ മുദ്രപ്പത്രത്തിൽ മുകളിൽ പറഞ്ഞ നിബന്ധനകൾ ഉൾപ്പെടുത്തിയ ഒരു കരാറ് ഉടമ്പടി ഒപ്പ് വെക്കേണ്ടതാണ്.



എക്സിക്യൂട്ടീവ് എഞ്ചിനീയർ
മഞ്ചേരി

To ശ്രീ. ഹംസ കൊടിയത്താടിക ഹൗസ്, അരിമ്പ്ര പി.ഒ, മലപ്പുറം പകർപ്പ്

- 1. അസിസ്റ്റന്റ് എക്സിക്യൂട്ടീവ് എഞ്ചിനീയർ, റോഡുകൾ ഉപവിഭാഗം, മഞ്ചേരി അപേക്ഷകൻ 283040 പ ചെലാൻ നമ്പർ കെ.എൽ21464670202122 എം തീയതി 12.01.2022 പ്രകാരം അടവാക്കിയിരിക്കുന്നു.
- 2. അസിസ്റ്റന്റ് എഞ്ചിനീയർ നിരത്തുകൾ സെക്ഷൻ മലപ്പുറം

This is the true copy of the document marked as Annex R3 Referred to in the above case Advocate



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

Annexure-R3(h)

THE HONOURABLE MRS. JUSTICE ANU SIVARAMAN

WEDNESDAY, THE 23RD DAY OF FEBRUARY 2022 / 4TH PHALGUNA, 1943

WP (C) NO.3053 OF 2022

PETITIONER :-

HAMZA KODITHODIKA, AGED 76 YEARS
S/O. AVARAN, RESIDING AT KODITHODIKA HOUSE,
ARIMBRA, MORAYUR, MALAPPURAM-673 638.

BY ADVS.
K.ANAND
AMEER SALIM

RESPONDENTS :-

- 1 STATE OF KERALA REPRESENTED BY SECRETARY,
DEPARTMENT OF HOME AFFAIRS,
THIRUVANANTHAPURAM-695 001.
- 2 DIRECTOR GENERAL OF POLICE,
STATE POLICE HEADQUARTERS, VELLAYAMBALAM,
THIRUVANANTHAPURAM-695 010.
- 3 DISTRICT POLICE CHIEF,
MALAPPURAM, UP HILL, MALAPPURAM-676 505.
- 4 STATION HOUSE OFFICER,
KONDOTTY POLICE STATION, KONDOTTY,
MALAPPURAM-673 638.
- 5 NOUFAL, AGED 28 YEARS
S/O. MUHAMMEDKUTTI, CHEREKKADAN HOUSE, ARIMBRA,
ARIMBRA P.O., KONDOTTY, MALAPPURAM-673 638.
- 6 KODITHODIKA ASHARAF, AGED 42 YEARS
S/O. VEERAN, NOTTANKUNNATHU HOUSE, ARIMBRA,
ARIMBRA P.O., KONDOTTY, MALAPPURAM-673 638.
- 7 HANEEFA, AGED 42 YEARS
S/O. MUHAMMED, PARAPPATHODUVIL HOUSE, ARIMBRA,
ARIMBRA P.O., KONDOTTY, MALAPPURAM-673 638.
- 8 THAJUDHEEN, AGED 28 YEARS
S/O. MUHAMMED, OLIKKATHODY HOUSE, ARIMBRA,
ARIMBRA P.O., KONDOTTY, MALAPPURAM-673 638.



WP(C) NO.3053 OF 2022

--: 2 :-

Annexure- R3 (h)
2

- 9 PULLAN SHARAFALI
S/O. PULLAN SAITHALAVI, KURIYEDATH HOUSE,
NEAR MANANGARA JUMA MASJID, ARIMBRA P.O.,
KONDOTTY, MALAPPURAM-673 638.
- 10 PULLAN ABDU RAZAK,
S/O. PULLAN MUHAMMED KUTTY, KURIYEDATH HOUSE,
NEAR MANANGARA JUMA MASJID, ARIMBRA P.O.,
KONDOTTY, MALAPPURAM-673 638.
- 11 THE EXECUTIVE ENGINEER,
ROADS SECTION MALAPPURAM, PUBLIC WORKS DEPARTMENT
MALAPPURAM, MALAPPURAM-676 517.
- 12 THE ASSISTANT EXECUTIVE ENGINEER,
ROADS SECTION MANJERI, PUBLIC WORKS DEPARTMENT,
MANJERI, MALAPPURAM-676 517.
- 13 STATE OF KERALA,
REPRESENTED BY ITS CHIEF SECRETARY,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695 001.

BY ADVS.
MARIYA TITTY
P.P.JACOB
BY SRI.T.K.SHAJAHAN, SR.GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 23.02.2022, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

JUDGMENT

Dated this the 23rd day of February, 2022

It is submitted by the learned counsel for the petitioner that the protection had been afforded by the Station House Officer for carrying out the work permitted as per Ext.P4 as directed by this Court and that the writ petition has become infructuous.

2. Respondents 5 to 10 have placed a counter affidavit on record stating that the petitioner is attempting to carry out more work than what is permitted in Ext.P4. They have also produced photographs and news paper reports to contend that what has been carried out by the petitioner with the protection from the police is more than what has been permitted in Ext.P4.

I am of the opinion that the said issue is beyond the ambit of the writ petition filed by the petitioner for permission to carry out the work as provided in Ext.P4. The contentions of respondents 5 to 10 with regard to the nature of the work carried out by the petitioner are left open to be decided in appropriate proceedings.

The writ petition is closed.

**Sd/-
ANU SIVARAMAN
JUDGE**



R3 (Ch)
4APPENDIX OF WP(C) 3053/2022

PETITIONER EXHIBITS

- Exhibit P1 TRUE COPY OF THE WPC NO.28896/2021 FILED BEFORE THIS HONOURABLE COURT DATED 14.12.2021
- Exhibit P2 TRUE COPY OF THE COUNTER AFFIDAVIT FILED BY RESPONDENT 5 TO 16 IN THE WPC NO.28896/2021 DATED 22.12.2021
- Exhibit P3 TRUE COPY OF THE JUDGMENT DATED 17.01.2022 IN WP C NO.28896/2021 OF THIS HONOURABLE COURT
- Exhibit P4 TRUE COPY OF THE ORDER NO.E1/ACCESS/3164/21 DATED 12.01.2022 TO THE PUBLIC WORKS DEPARTMENT
- Exhibit P4 (a) TRUE COPY OF THE AGREEMENT EXECUTED IN CONNECTION WITH EXHIBIT P4 ORDER DATED 14.01.2022
- Exhibit P5 TRUE COPY OF THE COMPLAINT ALONG WITH ACKNOWLEDGMENT RECEIPT DATED 22.01.2022

RESPONDENTS' EXHIBITS :-

EXT.R5(a) : TRUE PHOTOCOPY OF THE ORDER ISSUED BY THE GREEN TRIBUNAL DATED 13.7.2016 WITH TYPED COPY.

EXT.R5(b) : TRUE PHOTOCOPY OF THE RELEVANT PORTION OF THE JUDGMENT DATED 24.12.21 PAGES 1 TO 5 AND 62 TO 65.

EXT.R5(c) : TRUE PHOTOCOPY OF THE NEWS ITEM PUBLISHED IN CHANDRIKA DAILY DATED 14.2.2022.

EXT.R5(d) : TRUE PHOTOCOPY OF THE NEWS ITEM PUBLISHED IN MADHYAMAM DAILY DATED 13.2.2022.

EXT.R5(e) : TRUE PHOTOCOPY OF THE PHOTOGRAPH SHOWING THE NATURE AND LIE OF THE PROPERTY AND THE ILLEGAL REMOVAL OF RED EARTH VIOLATING THE ORDER.

EXT.R5(f) : TRUE PHOTOCOPY OF THE PHOTOGRAPH SHOWING THE NATURE AND LIE OF THE PROPERTY AND THE ILLEGAL REMOVAL OF RED EARTH VIOLATING THE ORDER.



WP(C) NO.3053 OF 2022

-: 5 :-

EXT.R5(g) : TRUE PHOTOCOPY OF THE PHOTOGRAPH SHOWING THE NATURE AND LIE OF THE PROPERTY AND THE ILLEGAL REMOVAL OF RED EARTH VIOLATING THE ORDER.

EXT.R5(h) : TRUE PHOTOCOPY OF THE REPRESENTATION DATED 15.2.2022 FILED BEFORE THE GEOLOGIST.

EXT.R5(i) : TRUE PHOTOCOPY OF THE REPRESENTATION DATED 15.2.2022 FILED BEFORE THE SECRETARY, MORAYUR GRAMA PANCHAYAT.

This is the true copy of the document
marked as EXHIBIT
ANNEXURE R3(h) referred
in the above casa

ADVOCATE

40

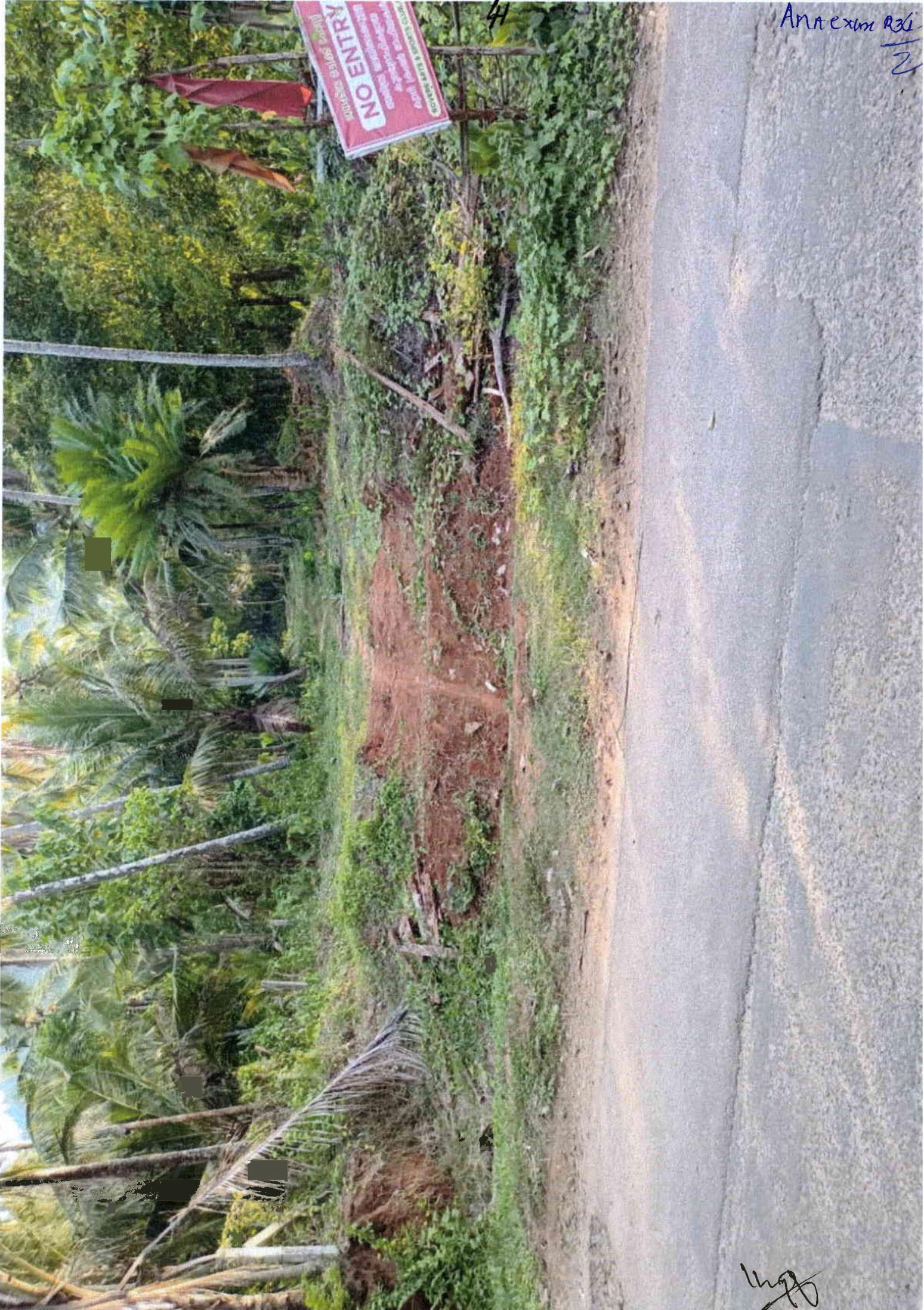
Annexure R31



[Handwritten signature]

Annexure 2

4



Admission strictly denied
NO ENTRY
No entry is permitted in this area
except through the authorized gate
at all times.

4/11/20

42

Annexure R3(G)
3



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marked as EXHIBIT R3(G) ref
ANNEXURE
in the above case
ADVOC

43

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भारतीय डाक



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Philip J Vettickattu <philipjvettickattu@gmail.com>
to spmpm pol, ceroads pwd, seacseiaakerala

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