

വയനാട് പ്രകൃതിസംരക്ഷണ സമിതി

പി.ഒ. സുൽത്താൻ ബത്തേരി നാർകാട്ടി  
വയനാട്-കേരളം 673 592

WAYANAD PRAKRUTI SAMRAKSHANA SAMITI

Naikatty P.O. Sulthans Bathery,  
Wayanad-Keralam 673 592  
Ph : 8547590222

President/Secretary

Date March 4, 2022

To,

Subject: Request to Suspend & take action against Mrs. Lathika M.B, Secretary, Thariyodu Panchayat & conduct necessary investigations – Crime Branch and vigilance and anti-corruption bureau.

We question the actions of Mrs. Lathika M.B, Secretary, Thariyodu Grama Panchayat. And clear vested interest by ISSUING BUILDING REGULARISATION/OCCUPANCY PERMIT without taking appropriate document clearance from necessary statutory bodies which is mandatory in Wayanad. When Wayanad DDMA has strict rules in place for construction to preventing disasters. As we are all aware that the Western Ghats needs high attention in the sustainability aspect of whole India and especially South India.

Many petitions were given to the Collector of Wayanad regarding the unlawful construction under Kenza projects / Mohammed Shihab and there was an Expert committee formed due to the growing complaints followed by court interventions. The matter was then enquired through an expert committee comprising of District Town Planner, Kalpetta, Executive Engineers, PWD (Buildings Division) and Executive Engineer, LSGD (Engineering Division) constituted by Chairman of DDMA. The expert committee found that the constructions are being made in gross violation of the orders issued by DDMA and Kerala Panchayath Building Rules. The building complexes were found to be more than three storeys that too exceeding the limit of 10 meters in height along with non-compliance & NOC from concerned statutory bodies.

DDMA has strict rules in place on constructions for buildings built on more than 45 degrees of slop and the alleged building which has been given permit by Panchayat is situated in more than 45 degrees of slop. Land mining beyond the depth of 1.5 metre was undertaken without obtaining permission from Mining and Geology Department and Geology department has given 2 show cause notice to which the builder never responded to. No study/assessment of any nature was conducted with regard to the land conservation or its development. The building is constructed by cutting soil in two levels; with each level of 20 meters height which only increases the steepness. This type of unscientific construction will not be able to hold such huge building structures to stand for long before it falls and result in causing harm to many lives. The construction as a whole found to be in total violation of the provisions of Kerala Panchayath Building Rules. And Panchayat Secretary has given building occupancy permit number for a building which has such great violations and which has many cases existing in court; this proves the corruption.

No permission for layout was obtained from the District town Planner as mandated by the provisions of Kerala Panchayath Buildings Rule and that the construction of building are being carried out in different plots standing in the name of the different persons. As per the letter by Mrs. Lathika M.B, Secretary, Thariyodu Grama Panjayat, submitted to disaster management and district collector Wayanad the secretary clearly requests permission to regularize on the building violations which includes Mr Rajan's name and survey number of his property for which Mr Rajan never submitted such an application. Thereby; Wayanad, Padinjara thara Police registered FIR against Thariyode Panchayat Secretary, Mrs. Lathika M.B and Kenza Chairman Shihab Sha for Forgery, Fraudulence, cheating and criminal conspiracy.

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The conspiracy theory explained with facts & evidences as follows

1. Lathika M.B joined as Thariyode Panchayat Secretary on 22/07/2020
2. Geology 1<sup>st</sup> site visit was on 19/01/2021 and gave the 1<sup>st</sup> show cause on 11/02/2021.
3. Thariyode Panchayat Secretary sent the first Letter to DDMA asking advise on regularization confirmation for the exceeding height and floor limits (More than 3 floors) on 03/02/2021.
4. Thariyode Panchayat Secretary sent another letter on 03/02/2021 to Shihab & Rajan on the same date as of the letter to DDMA- Letter (Permit request rejection as per the letter 05/01/2020) - Panchayat Receipt # (A4-687/20). Panchayat Secretary clearly mentions its 4 floors. (1780 building violated so same plot there cannot be another construction)
5. Rajan Nambiar never receives such a letter but on behalf of Shihab / Mustaffa Thangal gives a letter to DDMA, requesting for considering the regularization for the exceeding height and floor limits on 06/02/2021. More importantly Mr. Rajan Nambiar never got any letter communication about any happenings even though Mr. Rajan was kept as one of the parties in every communication.
6. Geology forwards the second show cause with Ref # DOW/M-809/2020 on 11/08/2021
7. 1st Writ in high court by Western Ghats Protection Council was filed on 02/09/2021 and with the court intervention Expert committee was formed for investigation on 22/09/2021.
8. Thariyode Panchayat Secretary initiated a measurement to be taken on 10/09/2021 & 15/09/2021 by Assistant engineer LSDG conducted investigation where it states the height was 9.6 meters.
9. 1<sup>st</sup> Expert committee inspection on 28 October 2021. The expert committee found that the constructions are being made in gross violation of the orders issued by DDMA.
10. DDMA sent 1<sup>st</sup> show cause to Panchayat with reference to high court 1st writ on 30/10/2021 with ref # DCWYD/1140/2021-DM2
11. Thariyode Panchayat Secretary - Reply on 01/11/2021 with ref # SC3-3030/2021 to DDMA's 1st show cause dated 30/10/2021 - (Mentioned they are trying to regularize the measurements. Along with revised measurements) - It was then noticed that a New file created in Panchayat # A41956/2021 upon the previous file A4-567/2018.
12. Rajan Nambiar filed a petition to CM and Indian consulate Dubai on 04/11/2021 (CM office- E ptn 15744/2021 ) against Thariyode Panchayat Secretary, Mrs. Lathika M.B and Kenza Chairman Shihab Sha for Forgery, Fraudulence, cheating and criminal conspiracy for accruing his land unlawfully and construction of the multi-storied building.
13. DDMA sent the 2<sup>nd</sup> letter with clear instruction to Thariyode Panchayat Secretary on Measurements of the building to be given to DDMA on 01/11/21 - stating that the height of the building must be calculated from the lowest point of the building which is protrudes from the ground to the highest point of the building also mentioned while calculating the number of floors all floors including any cellular or Mezzanine floors shall be included on 12/11/2021 with ref# DCWYD/1140/2021-DM2(2).
14. Shihab Reply to Panchayat Sec letter on 13/11/2021- Request letter to regularize after filling the ground floor with soil.
15. Shihab submitted a writ petition to high court WPC/25558/2021 on 15/11/2021  
(\*\*\*In Shahab's letter submitted to High court its 9.5)
  1. Exhibit P1 - copy of building permit dated 29/06/2019
  2. Exhibit P2 - copy of DDMA circular 30/06/2015
  3. Exhibit P3 - copy of letter 03/02/2021 (Panchayat Sec to Shihab & Rajan)
  4. Exhibit P4 - copy of letter 03/02/2021 (Panchayat Sec to DDMA - 1st letter)
  5. Exhibit P5 - copy of letter 01/11/2021 (Panchayat Sec to DDMA - 2nd letter)
  6. Exhibit P6 - copy of letter 13/11/2021 (Letter by Shihab to Panchayat in response to Panchayat letter to Shihab and Rajan dated 03/02/2021) - A planned letter to Present to high court on 15/11/2021
16. Police FIR on Behalf of Rajan Nambiar ( FIR 498/2021/WYNAD /PADINJARETHARA) on 16/11/2021.

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- 17. Judgement WPC/25558/2021 with supporting Documents of Letter by Lathika on 17/11/2021.
- 18. Rajan Nambiar - Lawyer notice to Lathika on 18/11/2021 to cancel the permit.
- 19. Thariyode Panchayat Secretary personal inspection on 27/12/2021 along with Assistant engineer LSDG and the height was 9.9 meters after burring the ground floor with mud and soil.
- 20. Thariyode Panchayat Secretary replied to DDMA on 30/12/2021 ref # SC3-3030/2021 in response to the letter instruction given to Panchayat as on 12/11/21. Panchayat Secretary repeated the previous letter dated 1/11/2021 & officially confirming the exceeded floors are been filled with mud & soil and all are within limits. (\*\*\*)have still included Rajan's name even after Lathika received the legal notice)

We have noted that Panchayat Sec has not mentioned about the Judgment of High court for Shihab which he obtained with forged documents upon the writ filed WPC/25558/2021. Nor mentioned about the court directions under progress of single bench for Shihab. Whereas she has furnished with the High court order given by Western GhatsProtection Council WPC/29518/2021.

Please note that Thariyode Panchayat Secretary, Lathikais well aware of the DDMA rules and despite of the clear instructions from DDMA and expert committee reports the permit number for the building was given.Thariyode Panchayat Secretary kept the information of providing building permit hidden from the DDMA authorities and court. Thariyode Panchayat Secretary, Lathikacould no longer hide the fact on 28/02/2022 during DDMA site visit and argued in front of the entire team of DDMA and expert committee that her actions were as per the court orders obtained by Shihab, but that's a very manipulative statement since court never directed to give the number only asked to consider

*"4th respondent (Thariyode Panchayat Secretary )to take an appropriate decision on Ext.P6 (which is Panchayat Sec 2<sup>nd</sup> letter to DDMA and on purpose hid the letter correspondence & directions of DDMA on 01/11/21)representation submitted by the petitioner, in the light of Ext.P5. (copy of letter 13/11/2021 , the planned letter to manipulate court) It is made clear that necessary inspections can be made by the 4th respondent(Thariyode Panchayat Secretary ) and if it is found that the height of the building is less than 10m, then the application submitted by the petitioner can be appropriately considered by the 4th respondent without awaiting the orders of the 2<sup>nd</sup> Respondent (THE DISTRICT DISASTER MANAGEMENT AUTHORITY WAYANAD, REPRESENTED BY ITS CHAIRMAN (THE DISTRICT COLLECTOR WAYANAD). The proceedings shall be completed within a period of three weeks from the date of receipt of a copy of this judgment."*

Thariyode Panchayat Secretary conducted another measurement evaluation on 27/12/2021 only aiming to provide building permit when there is an existingDDMAExpert committee inspection report on 28 October 2021 and which was as well copied to Thariyode Panchayat Secretary. There was a 2<sup>nd</sup> DDMA Expert Committee appointed by collector on 12/1/2022 which notified even graver violations.

All the above points proves the purposeful act of Mohammed Shihab and Thariyode Panchayat SecretaryLathikaM. B in misleading DDMA &an abuse process of law and fraud committed on the Honourable Court.Thariyode Panchayat Secretary, Lathika should be immediately suspended from service under the grounds of sheer violations and misusing her powers as a responsible government servant in a responsible designation. Crime branchshould investigate the case and vigilance and anti-corruption bureau on the corruption under taken and request to take necessary actions on the unlawful multi-storeyed buildings on the said premises. (Survey # S331R254/4,14,18,19,21,22,31,43,44) & (Survey 254/19, 14, 22) in Thariode Panchayat, Karalattukunnu, Kavumannam village, Vythiri, Wayanad.

Thanking you  
Yours truly,

