

BEFORE THE HON'BLE HIGH COURT OF KERALA, ERNAKULAM

(Original Special Jurisdiction)

W.P.(c) No. of 2016

Wayanad Prakriti SAMrakshana Samithi : Petitioner

Vs.

State of Kerala and others : Respondents

SYNOPSIS

It is submitted that Wayanad District is prone to landslides, as evidenced by Ext. P1 and P2 Reports. Landslides are natural disasters.

It is submitted that the Chairman, District Disaster Management Authority, Wayanad in exercise of the power conferred under Sections 30 (2) (iii) and 30 (2) (v) of the Disaster Management Act, 2007 by Ext. P4 proceedings dated 30.06.2015 directed the Secretaries of all Grama Panchayaths and Municipalities in Wayanad District, the District Town Planner, Wayanad, the Environmental Engineer, Pollution Control Board, Wayanad to ensure inter alia that:

- i) Not to issue permit for construction of any building, if the height of such building exceeds the measurements specified in Table A therein;
- ii) To get construction of any building; of which the permit for construction is already issued, which is being proposed to be constructed in contravention of the two conditions given therein be restricted to the levels mentioned therein; if it has already crossed the specified limits; be stopped at the present levels wherein the construction has already crossed the specified limits;

It is submitted that the legality of the Ext. P4 proceedings dated 30.06.2015 was challenged before this Hon'ble Court in W. P (c) Nos. 24873 and 29516 of 2015. A learned Single Judge of this Hon'ble Court as per Ext. P5 Judgment dated 03.11.2015 has held that the said proceedings to be taken as a directive to be implemented by the local authority and that it cannot affect the rights of a person, who has already obtained permit to construct a building prior to 30.06.2015. It was also held therein that the petitioners therein are free to undertake the construction activity in accordance with the building permit already issued. This Hon'ble Court directed the District Disaster Authority to communicate the Ext. P4 Proceedings to all Local Self Government Institutions in the District and ensure that Ext. P4 is implemented as a part of the building permit issued after 30.06.2015 and that it is open for the District Authority to implement the directions now issued as forming part of the District Plan under Section 31 of the DM Act, after consultation with the Local Authority.

It is submitted that the 1st respondent, who is a party to Ext. P5 judgment, as per Ext. P6 G.O (Rt) No. 6078/2015/DMD dated 20.11.2015 stayed the implementation of Ext. P4 Proceedings dated 30.06.2015 of the District Disaster Authority. Issuance of Ext. P6 G.O is an instance of lowering the authority of this Hon'ble Court and tends to interfere / obstruct administration of justice. Ext. P6 G.O is arbitrary, unreasonable, ultravires and is liable to be quashed. Hence this writ petition.

Dated this the 20th day of August, 2016

Counsel for the petitioner

BEFORE THE HON'BLE HIGH COURT OF KERALA, ERNAKULAM

(Original Special Jurisdiction)

W.P.(c) No. of 2016

Petitioner

Wayanad Prakriti Samrakshana Samiti, represented by it's
President N.Badusha,
Sulthans Bathery P.O.,
Wayanad, Kerala 673 592.

Vs.

Respondents

1. State of Kerala represented by the
Chief Secretary to the Government,
Secretariat, Thiruvananthapuram.695 001
2. Principal Secretary to the Government,
Disaster Management Department, Secretariat,
Thiruvananthapuram.695 001
3. The Kerala State Disaster Management Authority,
Represented by it's Secretary,
Revenue Complex Public Office Building,
Thiruvananthapuram 695 001.
4. District Disaster Management Authority, Wayanad,
Represented by its Chairperson,
Wayanad 673 576.
5. The District Collector, Wayanad 673 576.

The address for service of all processes and notices on the petitioners is that their counsel M/S. Thomas Antony (T 80) and Prakash.M.P. (P165), Market Road North End, Ernakulam 682 018 and that of the respondents is as shown above.

MEMORANDUM OF WRIT PETITION FILED UNDER ARTICLE 226
OF THE CONSTITUTION OF INDIA

STATEMENT OF FACTS

The petitioner above named respectfully submits:

1. It is submitted that the petitioner, the Wayanad Prakrithi Samrakshana Samithi, Wayanad is a registered voluntary organization working in the field of environmental conservation. The petitioner Society is registered under the Society's Registration Act, 1860 and its Registration Number is 293/2003. The petitioner Society came into being in the nineteen-seventies as a peoples' reaction to large scale elephant poaching and sandalwood smuggling in Wayanad and adjacent Karnataka and Tamil Nadu forests. Later, it succeeded in preventing clear felling of forests in the catchment area of Kabani, a tributary of Cauvery River by Chipko-model agitation. Other landmark achievements in the history of the Society are (i) prevention of planting exotic tree species in the high altitude grasslands of Brahmagiri, Banasura and Chelembra peaks, (ii) stoppage of illegal quarrying and mining of sand in many places in Wayanad, (iii) saving unique island forest of Kuruva in Kabani river from ill-advised social forestry scheme, (iv) protection of pre-historic monument of Edakkal caves from wanton destruction by tourists. Even though the State Archeology Department notified Edakkal Cave as a protected monument, it did nothing for its safety. It was the petitioner Society which erected an iron gate at the entrance of the cave and kept it under lock and key for years. When the Government appointed a Custodian, the Society handed over the keys, (v) protection of forest fires. For the

first time in Kerala, the Society started a campaign to prevent forest fire, forcing Government to take action in this regard (vi) Night traffic ban in National Highway 212 passing through Bandhipur National Park and Wayanad Wildlife Sanctuary.

2. It is submitted that this writ petition is filed in public interest to protect the rights of many, who cannot come to this Hon'ble Court for redressal.
3. It is submitted that WAYANAD (also spelled as Wynad) is one of the hill districts of Kerala. Kalpetta, the headquarters of the district is 76 Kms east of the nearest coastal city of Kozhikode. The green paradise called Wayanad is nestled among the mountains of Western Ghats. Its elevation from sea level is between 700 and 1400 meters. Brahmagiri, Banasuran and Chembra are the tallest peaks of Wayanad Western Ghats. These peaks, connected by a chain of lesser hills form the western boundary of Wayanad. The western slopes of the mountains are steep, whereas, towards the east the terrain is gently descending. However, up to the Karnataka-Tamil Nadu border, the landscape is undulating, with hillocks and valleys.
4. It is submitted that the taller peaks in western end of Wayanad houses the unique shola-grasslands ecosystem. The valleys are covered by ecologically rich tropical wet evergreen forest. The eastern border is clothed by tropical deciduous forest rich in large mammals like elephant, gaur, sambar, tiger and leopard. Two blocks of forests in eastern boundary of Wayanad constitute Wayanad Wildlife Sanctuary. It is contiguous with Nagarhole National Park and the Bandhipur Tiger Reserve in Karnataka and the Mudumalai tiger Reserve in Tamil Nadu. Together they form

the habitat harbouring the largest number of Asian Elephants (Eliphans Maximus). Also this shield of forests is protecting Wayanad from the arid conditions of Deccan Plateau. It is submitted that the land between the tropical wet evergreen forests on the western side and tropical deciduous forests on the eastern side has been converted in to a beautiful mosaic of plantation and paddy fields. Plantations of coffee, tea, pepper etc., are raised on the hills and rice is cultivated in the wet lands in the villages.

6. It is submitted that the east flowing Kabani River, one of the main tributaries of the mighty Cauveri originates from the western watersheds of the three peaks mentioned earlier. Four branches of Kabani, namely, Kalindi, Mananthavady, Noolpuzha and Panamaram flowing through Wayanad, quenches the thirst of the land during the dry months. Further below, three large reservoirs of Noogu, Tharaka and Beechinahally in Karanataka are fed by the water from Wayanad. The main source of the Mettur Reservoir in Tamil Nadu also from the Wayanad Western Ghats. Thus, any ecological damage like deforestation, landslides, etc in the mountains of Wayanad is bound to affect the life in Karnataka and Tamil Nadu seriously. Also, numerous west flowing rivers of Kerala like Valapattanam, Mayyazhi, Kuttiadi, Ancharakandi and Chaliyar also originates from the western water sheds of Wayanad hills. Thus, Wayanad is an important land mass area requiring utmost care and proper management to avoid large scale disaster.
7. It is submitted that Wayanad is the southern end of the Deccan Plateau and is dominated by ridges of western ghats and valleys. The peaks of the western ghats in Wayanad includes Chembra, Vellarimala, Banasura, Elembileri, Brahmagiri, Kunnelipadi, Thariod

mala, etc. Wayanad District receives average rainfall of 300cms of rain. The area is dominated by crystalline rocks such as charnockites, gneiss, and Dharwar schists of Precambrian age. Natural calamities like flood, landslides and piping (subsurface soil erosion) are common occurrence and have created disaster in the District. The Mundakkai debri flow in 1984 claimed 14 lives apart from the loss of prime agricultural lands. The Kappikalam debri flow near Padinharethara in 1992 claimed 11 lives. Floods are also frequent in the District as the wetlands such as paddy fields are put to other use. Even though paddy fields are acting as flood cushions, the reclamation of these wetlands results in flooding of adjacent localities during peak monsoon. In 2007, another landslide occurred in Valamthode village taking a toll of four human lives and causing extensive damage to agricultural lands.

8. It is submitted that during South-West monsoon of 2009, most of the districts in Kerala experienced wide spread land disturbances in the form of landslides, floods, subsidence due to piping. The districts of Wayanad, Malappuram and Kozhikode were worst affected. It is submitted that the Government of Kerala by G.O (Rt) No. 2374/2009/DMD dated 17.07.2009 constituted an expert Committee to assess the damage in Wayanad and Malappuram Districts and examining the reasons for the wide spread landslides. The Committee conducted filed investigation and submitted a Report to the State Government in July 2009. A true copy of the relevant portion of the above Expert Committee Report, 2009 is produced herewith and marked as Exhibit P1. The findings and observations made in Ext. P1 Report may be treated as part of this writ petition.

9. It is submitted that another study was conducted by the Department of Civil Engineering, TKM Engineering College, Kollam and Department of Civil Engineering, NIT, Calicut and a Paper was presented in the Indian Geotechnical Conference-2010 at the IGS Mumbai Chapter & IIT, Mumbai. In the said Paper, it is stated that the detailed investigations carried out suggests unfavourable geological formations like thick overburden steep slopes, tampering of natural drainage network, large scale indiscriminate deforestation and intense rainfall as the causative factors. The study suggests that a qualitative assessment was made considering different geotechnical properties and a zonation map of the district was performed by following a quantitative estimation of landslide susceptibility of Wayanad District in Kerala. A true copy of the above Paper is produced herewith and marked as Exhibit P2.
10. It is submitted hat from Ext. P1 and P2, it is abundantly clear that the Wayanad District is prone to landslides. It is submitted that to the knowledge of the petitioner different studies were conducted regarding the susceptibility of Wayanad District to landslide related disaster and that those study reports are available with the respondents.
11. It is submitted that during July, 2016 a multi story building under construction, adjacent to KSRTC garage, Kalpetta and by the side of Kozhikode - Mysore National Highway-212 collapsed due to landslide. A true copy of the news paper report appeared in the Hindu Daily dated 13.07.2016 evidencing the collapse of under-construction building is produced herewith and marked as Exhibit P3.

12. It is submitted that disaster due to landslides during monsoon season is a common phenomenon in Wayanad District. It is submitted that the Parliament enacted the Disaster Management Act, 2005 (hereinafter referred to as the DM Act for brevity) to provide for the effective management of disasters and for matters connected therewith and incidental thereto. The common phenomenon of landslides in Wayanad District is a disaster as defined in Section 2 (d) of the DM Act. Section 72 of the DM Act provides that the provisions in the Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force. The 3rd respondent herein is an Authority constituted under Section 14 of the DM Act and the 4th respondent is an Authority constituted under Section 25 (1) of the DM Act. In the Disaster Management Policy, 2010 formulated by the 1st respondent, landslides are enumerated as Category 2 a) Geologically related Disasters.
13. It is submitted that the District Disaster Management Authority (DDMA for short), the 3rd respondent herein in its meeting held on 27.05.2015 and 17.06.2015 found that the presence of high rise building poses a threat to the environment and for the safe and peaceful living of citizens in Wayanad and that the threat is serious and devastating as it will cause destruction of human life, flora and fauna along with the collapse of surrounding landscape, in case of landslide or earthquake and held that it is necessary to control and regulate the presence of the high rise buildings in the District. So the 4th respondent in exercise of the power conferred under Sections 30 (2) (iii) and 30 (2) (v) of the DM Act by proceedings

dated 30.06.2015 directed the Secretaries of all Grama Panchayaths and Municipality in Wayanad District, the District Town Planner, Wayanad, the Environmental Engineer, Pollution Control Board, Wayanad to ensure inter alia that:

- i) Not to issue permit for construction of any building, if the height of such building exceeds the measurements specified in Table A therein;
- ii) To get construction of any building; of which the permit for construction is already issued, which is being proposed to be constructed in contravention of the two conditions given therein be restricted to the levels mentioned therein; if it has already crossed the specified limits; be stopped at the present levels wherein the construction has already crossed the specified limits.

A true copy of the above Proceedings dated 30.06.2015 of the 4th respondent is produced herewith and marked as Exhibit P4.

14. It is submitted that the legality of the Ext. P4 proceedings dated 30.06.2015 were challenged before this Hon'ble Court in W. P (c) Nos. 24873 and 29516 of 2015. A learned Single Judge as per Judgment dated 03.11.2015 has held that the said proceedings to be taken as a directive to be implemented by the local authority, that it cannot affect the rights of a person, who has already obtained permit to construct a building prior to 30.06.2015. It was also held therein that the petitioners therein are free to undertake the construction activity in accordance with the building permit already issued. This Hon'ble Court directed the District Disaster Authority to communicate the said Proceedings to all Local Self Government Institutions in the District and ensure that Ext. P4 is

implemented as a part of the building permit issued after 30.06.2015 and that it is open for the District Authority to implement the directions now issued as forming part of the District Plan under Section 31 of the DM Act, after consultation with the Local Authority. A true copy of the above judgment dated 03.11.2015 is produced herewith and marked as Exhibit P5. To the knowledge of the petitioner no appeal has been preferred against Ext. P5 judgment and has become final.

15. It is submitted that the 1st respondent, who is a party to Ext. P5 judgment, by G.O (Rt) No. 6078/2015/DMD dated 20.11.2015 stayed the implementation of Ext. P4 Proceedings dated 30.06.2015 of the District Disaster Authority. A true copy of the above G.O dated 20.11.2015 is produced herewith and marked as Exhibit P6. Issuance of Ext. P6 G.O is an instance of lowering the authority of this Hon'ble Court and tends to interfere / obstruct administration of justice.
16. It is submitted that the 1st respondent while issuing Ext. P6 did not consider relevant aspects. The 1st respondent is aware of the fact that Wayanad District is prone to landslide disasters. Various Reports of study conducted on susceptibility of Wayanad District to landslides are available with the 1st respondent. Therefore, the reason stated in Ext. P6 that every district cannot be allowed to have its own policy on building restrictions and it is desirable to have a state level policy consistent with the Kerala Municipal Building Rules and National Building Code is unreasonable, actuates with legal malice. That apart, provisions of the DM Act has overriding effect on all other enactments and therefore, the site specific steps taken by the Authorities under the said Act

cannot be set at naught by the State Government. No power is conferred under the DM Act to the State Government to nullify or keep in abeyance of the Proceedings initiated by the Authorities under the DM Act. Therefore, Ext. P6 is illegal, ultravires and is liable to be quashed. Ext. P6 refers to the pendency of W.P (c) No. 24873/2015, but Ext. P5 judgment was not at all considered while issuing Ext. P6 G.O. Hence, Ext. P6 is arbitrary and unreasonable. It is submitted that the DDMA's are entitled to exercise the powers conferred by the provisions of the DM Act. Ext. P6 G.O commanding the DDMA's to send their proposals with policy implications to the Government, prior to issuing orders on the matter to avoid any inconsistency with the State Disaster Management Policy is one intended to curtail the powers of the DDMA's under Section 30 of the DM Act and hence, is illegal, without authority of law. Hence, Ext. P6 is liable to be quashed invoking the extraordinary jurisdiction of this Hon'ble Court under Article 226 of the Constitution of India.

17. It is submitted that the 4th respondent is bound to prepare District Plan under Section 31 of the DM Act. To the knowledge of the petitioner, no District Plan under Section 31 (2) of the DM Act has been prepared by the 4th respondent. In the circumstances, it is pre-eminently a fit case to issue a direction to the 4th respondent to prepare a District Plan as mandated by Section 31(2) of the DM Act, incorporating Ext. P4, with in a time frame that may be exercised by this Hon'ble Court.
18. The petitioner has no other efficacious and alternate remedy than to approach this Hon'ble Court to get their grievances redressed on the following among other:

GROUNDS

- (A) Ext. P6 is arbitrary, unreasonable, illegal, ultravires of the DM Act and violative of Article 14 of the Constitution of India.
- (B) The State Government has no power to issue orders like Ext. P6 G.O and hence, Ext. P6 G.O 20.11.2015 is ultravires of the provisions of the DM Act, and is liable to be quashed. State Government has no authority to keep in abeyance of Ext. P4, which is directed to be implemented by this Hon'ble Court. The State Government nullified the effect of Ext. P5 judgment of this Hon'ble Court, in keeping in abeyance of the order directed to be implemented by this Hon'ble Court. In the circumstances, Ext. P6 is liable to be quashed.
- (C) Section 72 of the DM Act stipulates that the provisions therein have overriding effect, therefore, a Scheme issued by the Authorities under the provisions of the DM Act, which is a piece of delegated legislation has to be implemented, notwithstanding anything inconsistent therewith contained in any other law for the time being in force. Therefore, the reasoning in Ext. P6 is illegal, arbitrary, unreasonable and is liable to be quashed.
- (D) Before the State Government, Reports like Ext. P1 and P2 are available. However, those reports are not taken in to consideration while issuing Ext. P6 G.O. The Government while issuing Ext. P6 G.O, treating all the places in the State alike and without considering site-specific details have acted arbitrarily, unreasonably and hence, Ext. P6 is unreasonable, arbitrary and hence liable to be quashed.
- (E) It is evident from Ext. P3 news paper report that even after Ext. P6 G.O buildings had collapsed due to landslides. There was no *fragility of region*

causality will not make the incident reported in Ext. P3 less serious. In case, incidents like Ext. P3 happen, environment and life of public would be put to jeopardy. Therefore, Ext. P6 is against the interest of the public at large. The 1st respondent exercised its powers fraudulently, as it intended for improper purpose, to achieve an object other than that which the 1st respondent may claim. Since, Ext. P6 is issued against avowed purpose of public interest, it is one issued with legal malice, hence, Ext. P6 is liable to be quashed.

- (F) In Ext. P5 judgment, this Hon'ble Court had directed the respondents therein to implement Ext. P4 (produced as Ext. P4 in W.P (c) No. 29516/2015 and Ext. P15 in W.P (c) No. 24873/2015). The State Government is a party to Ext. P5 judgment. Though Ext. P6 G.O states that the writ petitions are pending as on the date of the said G.O., in fact, Ext. P5 judgment was rendered on 03.11.2015 before the date of Ext. P6 G.O., i.e., 20.11.2015. By Ext. P6 G.O the State Government had kept in abeyance of Ext. P4, which was directed to be implemented in Ext. P5 Judgment. Therefore, Ext. P6 lowers the authority of this Hon'ble Court and issuance of Ext. P6 G.O is an instance of interfering with the administration of justice. Appropriate action may kindly be taken against the State Government and its officers for obstructing and interfering in the administration of justice. Since, Ext. P6 issued against Ext. P5 judgment of this Hon'ble Court, it is illegal and hence liable to be quashed.
- (G) It is submitted that the 4th respondent is duty bound to prepare a District Disaster Plan under Section 31 of the DM Act. In Ext. P5 judgment, this Hon'ble Court has observed that it is open for the

4th respondent herein to implement the directions in Ext. P4, as forming part of the District Plan under Section 31 of the DM Act, after consultation with the local authority. In the larger public interest, it is only just and necessary that this Hon'ble Court may be pleased to direct the 4th respondent to prepare the District Plan, incorporating the directions in Ext. P4, within a time limit that may be fixed by this Hon'ble Court.

- (H) Unless the operation and implementation of Ext. P6 G.O is stayed during the pendency of the above writ petition, public interest will be adversely affected. Therefore, it is only just and proper that this Hon'ble Court may be pleased to stay the operation and implementation of Ext. P6 G.O. dated 20.11.2015 during the pendency of the above writ petition.

For these and other reasons to be submitted at the time of hearing it is humbly prayed that this Hon'ble Court may be pleased to grant the following;

Reliefs

- (i) To call for the records leading to Ext. P6 and quash the same by issuance of a writ of certiorari or any other appropriate writ, direction or order;
- (ii) Issue a writ in the nature of a mandamus commanding the respondents to direct to cancel all the building permits granted against the stipulations of Ext. P4 and issued after Ext. P5 judgment;

- (iii) Issue a writ in the nature of a mandamus commanding the 4th respondent to prepare the District Plan as mandated under Section 31 of the Disaster Management Act, 2005, incorporating the directions in Ext. P4, within a time limit that may be fixed by this Hon'ble Court;
- (iv) To issue such other writ, direction or order which this Hon'ble Court may deem just and proper in the facts and circumstances of the case and
- (v) To award compensatory cost to the petitioner.

Interim relief

For the reasons stated in the writ petition it is humbly prayed that this Hon'ble Court may be pleased to issue an interim order staying the operation and implementation of Ext. P6 G.O in order to implement the directions contained in Ext. P5 judgment, during the pendency of the above writ petition.

Dated this the 22nd day of August 2016.

Petitioner

Counsel for the petitioner

BEFORE THE HON'BLE HIGH COURT OF KERALA, ERNAKULAM

W.P.(c) No. of 2016

Wayanad Prakriti Samrakshana Samithi : Petitioner

Vs.

State of Kerala and others : Respondents

Affidavit

I, N.Badusha, S/o. late Khansa aged 66 years presently residing at Chithralakkara House, Naikatty, P.O., Sulthans Bathery, Wayanad 673 592 having come down to Ernakulam do hereby solemnly affirm and state as follows:-

- (1) I am the President of the Wayanad Prakriti Samrakshana Samithi, the petitioner in the above writ petition. I am authorised to swear to this affidavit and the writ petition. I am conversant with the facts of the case. The above writ petition is filed in public interest.
- (2) I say and submit that the facts narrated in the Writ Petition are as instructed by me and the Exhibits produced are true copies of the originals and the averments of law are made on be advice of my Counsel. Unless the main prayer and the interim relief are allowed larger public interest will be put to jeopardy.
- (3) The petitioner has not filed any other Writ Petition or Petition seeking the very same relief sought for hereinabove before this Hon'ble Court.

All the facts stated above are true and correct to the best of my knowledge belief and information.

Dated this the 22nd day of August, 2016

Deponent

Solemnly affirmed and signed before me by the deponent who is personally known to me, on this the 22nd day of August, 2016, in my office, at Ernakulam.

Prakash.M.P; Advocate

Joseph, Dopye & Meehan

996128477

വയനാട് പ്രകൃതി സംരക്ഷണ സമിതി

സുൽത്താൻ ബത്തേരി പി ഒ, വയനാട്, പിൻ: 673592

റജി. നമ്പർ. w239/2003

From

തോമസ് അമ്പലവയൽ

സെക്രട്ടറി, വയനാട് പ്രകൃതി സംരക്ഷണ സമിതി

മീനങ്ങാടി പി ഒ, വയനാട് 673591

മൊബൈൽ: 9447640631

E-mail : thomasambalavayal1@gmail.com

To

ഡയറക്ടർ

വിജിലൻസ് & ആന്റികറപ്ഷൻ ബ്യൂറോ

കേരള-തിരുവനന്തപുരം

വിഷയം -ജില്ലാദൂരന്ത നിവാരണ അതോറിറ്റി ചെയർമാൻ ഖനനം നിരോധിച്ച മേഖലകളിൽ ആ ഉത്തരവ് ലംഘിച്ച് ഖനനത്തിനും, വിഭവകടത്തിനും വൻ തുകവാങ്ങി കൂട്ടുന്ന സുൽത്താൻബത്തേരി താലൂക്ക്തഹസിൽദാർ, അഡീഷണൽ തഹസിൽദാർ, ഡെപ്യൂട്ടിതഹസിൽദാർ, ജില്ലജിയോളജിസ്റ്റ്, കൊള്ളമുതൽ കടത്തികൊണ്ടുപോയ മേഖലകളിലെ അമ്പലവയൽ-മീനങ്ങാടി-ബത്തേരി പോലീസ് സബ്ഇൻസ്പെക്ടർമാർ,മീനങ്ങാടി-ബത്തേരിപോലീസ്സർക്കിൾ ഇൻസ്പെക്ടർമാർ, മുത്തങ്ങ-കാട്ടിക്കുളം ചെക്ക്പോസ്റ്റുചുമതലക്കാർ, സെയിൽസ് ടാക്സ് ഓഫീസർമാർ, മീനങ്ങാടി-അമ്പലവയൽ ഗ്രാമപഞ്ചായത്ത്സെക്രട്ടറിമാർ എന്നിവരുടെ നിയമവിരുദ്ധ പ്രവർത്തനങ്ങളും, സർക്കാർഖജനാവിന് ഉണ്ടാക്കിയ നഷ്ടങ്ങളും ഇവരുടെ അനധികൃതസ്വയംസമ്പാദനവും അന്വേഷിക്കുന്നതിനെ സംബന്ധിച്ച്.

വൻ ദുരന്തങ്ങൾക്കിടയാക്കും വിധത്തിൽ വൻതോതിലുള്ള കരിങ്കൽ, മണൽ
 ഉപയോഗിച്ച്
 വനനം നടക്കുന്ന വയനാട്ടിലെ ജീനങ്ങൾ വില്ലേജിൽപ്പെട്ട ആറാട്ടുപാറ മലയിലും
 അതിന്റെ 1 കിലോമീറ്റർ ചുറ്റളവിലും, കൊളഗപ്പാറ മലയിലും അതിന്റെ 200 മീറ്റർ
 ചുറ്റളവിലും, പ്രധാന വിനോദ സഞ്ചാര കേന്ദ്രം കൂടിയായ അമ്പലവയൽ വില്ലേജിലെ
 കുറ്റൻ മനുഷ്യ രൂപത്തിലുള്ള ഫാന്റം റോക്കിലും അതിന്റെ 200 മീറ്റർ ചുറ്റളവിലും
 എല്ലാവിധ വനനങ്ങളും നിരോധിച്ച് ജില്ലാ ദുരന്തനിവാരണ അതോറിറ്റി ചെയർമാൻ
 കൂടിയായ ജില്ലാ കലക്ടർ 2-08-2016 ൽ ഉത്തരവിറക്കിയിട്ടുള്ളതും ഈ ഉത്തരവ്
 നടപ്പാക്കാൻ സുൽത്താൻബത്തേരി തഹസിൽദാറെ
 ചുമതലപ്പെടുത്തിയിട്ടുള്ളതുമാകുന്നു.

എന്നാൽ കാലാകാലങ്ങളായി സാമ്പത്തിക ലാഭത്തിന് വേണ്ടി വനന
 മാഫിയകൾക്ക് എല്ലാ ഒത്താശകളും ചെയ്തുവരുന്ന ഈ ഉദ്യോഗസ്ഥൻമാർ
 നിയമ വാഴ്ചയെ തകിടം മറിച്ച് ഈ ഉത്തരവിൻമേൽ യാതൊരു നടപടിയും
 സ്വീകരിച്ചില്ല. എന്നാൽ പരിസ്ഥിതി പ്രവർത്തകർ ഇതിനെ ചോദ്യം ചെയ്യുകയും
 വിവരാവകാശ പ്രകാരം ഈ ഉത്തരവുമായി ബന്ധപ്പെട്ട് സ്വീകരിച്ച നടപടികളുടെ
 വിശദാംശങ്ങളും രേഖകളും ആവശ്യപ്പെട്ടതിനെ തുടർന്ന് നിയമനടപടികളിൽ ഭയന്ന
 തഹസിൽദാർ ഉത്തരവിറങ്ങി 1 മാസവും 18 ദിവസവും കഴിഞ്ഞ് 19-09-2016 ന് ചില
 ക്വാറികൾക്കും ക്രഷറുകൾക്കും സ്റ്റോപ്പ് മെമ്മോ നൽകുകയായിരുന്നു. ഇതിൽ
 കൃഷ്ണഗിരി വില്ലേജ് ഓഫീസർ നൽകിയ സ്റ്റോപ്പ് മെമ്മോകളിൽ തീയതിപോലും
 രേഖപ്പെടുത്തിയിട്ടില്ല.

നിരോധിത മേഖലകളിലെ വൻ പ്രകൃതി വിഭവ കൊള്ളയെ കുറിച്ച് അന്വേഷിച്ച
 മനോരമ ന്യൂസ് ഞെട്ടിക്കുന്ന നേർകാഴ്ചകളും നിയമലംഘനങ്ങളും പുറത്തുവിട്ടു.
 ആറാട്ടുപാറയിലെ 3 സ്ഥലങ്ങളിൽ പ്രവർത്തിക്കുന്ന കടലോരം സാന്റസ്, പുഴയോരം
 സാന്റസ്, എ വി റ്റി സാന്റസ് എന്നീ സ്ഥാപനങ്ങൾ നടത്തുന്ന ഭീതിതമായ മണലുറ്റം
 റവന്യൂ ജിയോളജി പോലീസ് ഗ്രാമപഞ്ചായത്ത് അധികാരികൾ എന്നിവരുടെ
 ഒത്താശയോടെയുള്ള മണൽകൊള്ളയും, കള്ളക്കടത്തും മനോരമ ചാനലിലൂടെ
 ലോകം കണ്ടതാണ്.

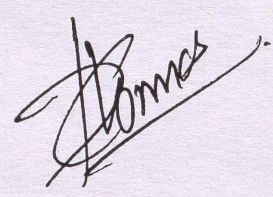
ദീർഘവീക്ഷണത്തോടെ മുൻകൂർ നടപടികൾ സ്വീകരിച്ച് നാടിനെ
 ദുരന്തങ്ങളിൽ നിന്നും രക്ഷിക്കാൻ ചുമതലപ്പെട്ട സ്ഥാനത്തുള്ളതും ജില്ലാ
 മജിസ്ട്രേറ്റുമായ ജില്ലാ കളക്ടറുടെ ഉത്തരവ് പൂർത്തിയെച്ച റവന്യൂ
 ഉദ്യോഗസ്ഥരടക്കമുള്ളവരുടെ കൃത്യവിലോപത്തെ കുറിച്ചും അതുമൂലം സർക്കാർ
 വജനാവിലുണ്ടായ നഷ്ടത്തെ കുറിച്ചും ഇവരുടെ ആർജിത സ്വത്ത് വകകളെ
 കുറിച്ചും അന്വേഷിച്ച് മാതൃകാപരമായ നടപടികൾ സ്വീകരിക്കണമെന്നും

നിയമലഘനം നടത്തിയ ഉദ്യോഗസ്ഥർക്ക് സാമ്പത്തികവും സുഖസൗകര്യങ്ങളും ഒരുക്കി പ്രകൃതിവിഭവകൊള്ളയിലൂടെ സാമ്പത്തികതട്ടിപ്പ്നടത്തിയ ഖനന മുതലാളിമാരുടെ സ്വത്തുവകകൾ കണ്ടുകെട്ടുന്നതിനുള്ള നടപടികളും ഉണ്ടാകണമെന്ന് അപേക്ഷിക്കുന്നു.

വയനാട് വിജിലൻസ് വിഭാഗത്തിന് കൊടുത്ത മേപ്പാടി വിംസ് മെഡിക്കൽ കോളേജിന്റെ നിയമലഘനങ്ങളും ക്രമക്കേടുകളും ചൂണ്ടികാണിച്ച് കൊടുത്ത പരാധി അടക്കമുള്ള നിരവധി പരാതികൾ ഇവർ ദുരുപയോഗം ചെയ്ത മുൻ അനുഭവങ്ങൾ ഉള്ളതുകൊണ്ടാണ് ഈ പരാതി സംസ്ഥാന ഡയറക്ടർക്ക് സമർപ്പിക്കുന്നത്. ആയതിനാൽ ഈ പരാതിയുടെ അന്വേഷണം വയനാട് വിജിലൻസ് വിഭാഗത്തെ ഏൽപ്പിക്കാതെ പ്രത്യേക സംഘത്തെ നിയമിക്കണമെന്ന് അപേക്ഷിക്കുന്നു. അന്വേഷണം ആരംഭിക്കുന്ന മുറയ്ക്ക് കൂടുതൽ തെളിവുകൾ ഹാജരാക്കാൻ തായ്യാറാണെന്നും വിനീതമായി അറിയിക്കുന്നു.

എന്ന്

തോമസ് അമ്പലവയൽ



മീനങ്ങാടി
04/10/2016

ഉള്ളടക്കം:

1. ജില്ലാ ദുരന്തനിവാരണ അതോറിറ്റി ചെയർമാന്റെ ഉത്തരവ് കോപ്പി
2. 19-09-2016ന് കൃഷ്ണഗിരി വില്ലേജ് ഓഫീസർ തീയതി രേഖപ്പെടുത്താതെ കൊടുത്ത സ്റ്റോപ്പ് മെമ്മോകളുടെ കോപ്പികൾ
3. ഇതുമായി ബന്ധപ്പെട്ട് മനോരമന്യൂസ് പുറത്തുവിട്ട അന്വേഷണാത്മക റിപ്പോർട്ടുകളുടെ ഡി വി ഡി പകർപ്പ്