

IN THE HIGH COURT OF JUDICATURE OF THE STATE OF KERALA

O.P. No... 2803 of 19 84-9



Petitioner: Ameerjan Trust

Counter-petitioner: Wynad Prakrithi Samrakshana Samithi represented by its President, C. Mathew, Advocate Cheruvilakkal Sulthan Battery Village, Wynad Ph

Sir,

I am to inform you that the O.P. has been presented by Advocate Shri. M. A. Manjunath on behalf of the petitioner.

You are hereby requested to appear before this Court at 10.30 a.m. on 3/4/84 either through your Advocate or through someone authorised by law to represent you in the matter.

Affidavit of the respondent if any should be filed within one month of receipt of notice.

High Court, Ernakulam. 29/3/84

Advocate

Yours faithfully,

For Registrar.

BEFORE THE HONOURABLE HIGH COURT OF KERALA, ERNAKULAM

C.P. No. 7736 of 1983

1. Wayanad Prakrithy Samrakshana Samithy, represented by its President, C.C. Mathew, Advocate Cheruvelickal, Sulthan Battery Village, Wayanad District.
2. K. Abdul Rehiman, Kapiyan House, P.O. Talapuzha, Wayanad District.

Petitioners

Vs.

1. Union of India, represented by Secretary to Government, Ministry of Environment, New Delhi.
2. State of Kerala represented by Chief Secretary to Government Trivandrum.
3. District Collector, Wayanad.
4. Taluk Land Board, North Wayanad represented by its Chairman, Revenue Divisional Officer Manathavady.
5. Ameerjan Trust, represented by its Managing Trustee, M.A. Jan Talapuzha, Wayanad District.
6. Ramath Trust, represented by Chairman of its Board of Trustees M.A. Jan, Wayanad District Talapuzha, Wayanad District.
7. M.A. Jan, Talapuzha, Wayanad District.

Respondents

PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

1) The address for service of all notices and process on the petitioner is that of their Advocates M/s. Sukumaran & Usha, Providence Road, Cochin -18.

....2/-

6. Sanction is also accorded for clear felling the area for making it suitable for coffee plantation after the party getting clearance from the Forest Department ~~conversion-is-effect~~ that the land in question is not forest land, before conversion is effected.

(By order of the Governor)
U. Mahabalanabha
Spl. Secretary to Government

To

The Managing Trustee, Ameerjan Trust Talapoya
The District Collector Wayanad (Cheruvu P.O.)
The Secretary Board of Revenue (L.I.V.M.)
The Chief Conservator of Forests, Trivandrum

Forwarded/By order

Sd/-
Section Officer

/True copy/

For collector

/True copy/

This is ext. P1 referred to in the original petition.

ADVOCATE

BEFORE THE HONOURABLE HIGH COURT OF KERALA , ERNAKULAM

O.P.NO. 7736 of 1983

1. Wynad Prakrithy Samrakshana Samithy, represented by its president, C.C. Mathew, Advocate Cheruvelickal, Sulthan Batter y Village, Wayanad District.
2. K.Abdul Rahiman, Kapiian House, P.O.Talapuzha, Wayanad District.

Petitioners

vs.

1. Union of India, represented by Secretary to Government, Ministry of Environment, New Delhi.
2. State of Kerala represented by Chief Secretary to Government Trivandrum.
3. District Collector, Wayanad.
4. Taluk Land Board, North Wayanad represented by its chairman, Revenue Divisional Officer Mananthavady.
5. Ameerjan Trust, represented by its Managing Trustee, M.A.Jan Talapuzha, Wayanad District.
6. Rahmath Trust, represented by Chairman of its Board of Trustees M.A.Jan, Wayanad District Talapuzha, Wayanad District.
7. M.A.Jan, Talapuzha, Wayanad District.

Respondents

PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

1) The address for service of all notices and process on the petitioner is that of their Advocates M/s. Sukumaran & Usha Providence Road, Cochin - 18.

... 2/-

II) The address for service of all notices and process on the respondents are as shown above or that of their Advocates if any, engaged in the case.

The petitioners above named state as follows:-

1. The 1st petitioner is a society formed with the avowed object of protecting the natural environment of Wayanad District. The creative and useful roll of such protection societies have been duly taken note of all over the world. The above society is constituted of Citizens of India on whom a fundamental duty has been cast under Article 51A of the Constitution which states that it shall be a duty of every citizen of India... (g) to protect and improve the natural environment including forests, lakes, rivers and wild life and to have compassion for living creatures.

2. The 2nd petitioner is Citizen of India. He owns properties in Tavinhal Village in Wananthavady Taluk. Any destruction of trees in the forest area of Wayanad District will entitle the eco-system thereby adversely affecting the atmosphere of his property and the living conditions therein. Such change in the eco-system will adversely affect his free life and the exercise of his legal rights including the right to free air, clean water and unpolluted atmosphere as also the fundamental rights guaranteed under the constitution of India, under Article 48A of the constitution a duty has been cast on the State to endeavour to protect and improve the environment and to safeguard the forest and wild life. Under Article 51A the 2nd petitioner is also duty bound to protect and improve the natural environment including forests, lakes, rivers and wild life and to have compassion for living creatures. The petitioners apprehend that due to the illegal activities on the part of the respondents

(contd....)

5 to 7 and the failure on the part of the other respondents to exercise their statutory duties as well as duties cast on them under the constitution large areas of forest in the Wayanad District are being denuded thereby causing irreparable loss and ~~injury~~ injury to the petitioners and the community at large.

3. The attempt on the part of respondents 5 to 7 to by pass provisions of law and destroy the tree growth in a forest area which is part of the western ghats and also part of the tropical forests is a long story of ingenious actions made possible due to the negligence on the part of Governmental authorities and at times with their connivance. 1004.24 acres of forest area in B. Survey Nos. 88/1A, 88/1B, 88/1E1, 88/1C1, 88/1C2, 88/1C3, 88/1D3, 88/1E2 and 88/2 in Thavinal Village, Dindimal desom in Wayanad District originally belonged to M/s. Fing Ford Estate. In the year 1951 they transferred their rights in favour of one M. Warakkar Raja who in turn transferred his rights in the property in favour of Saroja Industries (Pvt) Ltd., in the year 1955. M/s. Saroja industries (Pvt) Ltd executed a transfer deed regarding 300 acres of land on 9-11-1961 to one Kuttiamma and her children the balance 704.24 acres were transferred on 28-3-1966 in favour of Madura Plantations, a partnership firm wherein the 7th respondent was a partner. The above firm acquired their rights in the 300 acres also from Kuttiamma and her children by another transfer deed dated 28-6-1966. the 7th respondent acquired the entire rights in the property admeasuring 1004.24 acres from the other partners of the firm, Madura Plantations. The facts stated above would clearly show that for the purpose

of the provisions of calculating the ceiling area under Kerala Land Reforms Act as on 1-1-1970 Madhura Plantations has to be taken as the owner of the property.

4. Madhura Plantations a registered partnership firm, submitted a return dated 30-3-1970 before the state Land Board in respect of the above forest land admeasuring 1004.24 acres. In the above return Madhura Plantations claimed exemptions from surrendering property in the following manner.

114.66 acres are covered by plantations:

75.35 acres Cardamom Plantation (R.C.No.2499/67

dated 28-6-1967 issued by Sub Collector, Tellicherry)

38-75 Coffee Plantations (covered by R.C.No.F21/28435/64

dated 13-10-1964 issued by District Collector Cannanore).

56 acres Tea plantations A further claim for exemption to the extent of 5 acres was also made as building site.

The balance area was claimed to be forest land and thus exempted from the provisions of the Kerala Land Reforms Act.

5. Subsequently, after acquisition of the rights in the property by the 7th respondent he also filed a return on 14-12-1972 before the Land Board, Trivandrum under section 85(A) of the Kerala Land Reforms Act. By that time the Kerala Private Forests (Vesting and assignment) Act 26 of 1971 came into effect. In the returns filed by the 7th respondent under Kerala Land Reforms Act. He claimed exemption for 320 acres as Plantation and 5 acres as building site. The remaining area being private forest vested in Government.

(Contd...)

6. The petitioners reliably understand that the claim of the 7th respondent for exemption of 320 acres as plantation does not seem to be made with any bonafides. Even the claim made by Madhyra Plantations for exemption as coffee plantation is against their earlier stand taken in proceedings relating to imposition of plantation tax. A notice dated 30-6-1969 was issued to Madhura Plantations wherein plantation tax was demanded for Coffee Plantation extending an area of 12.1405 hectares (29.999 acres) and Cardamom Plantation 43.0382 hectares (106.347 acres). Madhura Plantations filed an objection dated 17-7-1969 and revised return was filed wherein it was stated that they are having 58 acres of yielding Cardamom area and 20 acres of non-yielding Cardamom area. According to them they were having no coffee plantation at all. Since their claim relating to coffee plantations was not accepted by the assessing authority they filed an appeal before the Sub Collector. By order dated 17-5-1971 the Sub Collector upheld their contention that they were not having any coffee plantation. The above would clearly show that the claim to be put forwarded by Madhura Plantations as well as by the 7th respondent regarding the exemption as plantations under the Kerala Land Reforms Act is not fully correct.

7. Even though as on 1-1-1970, Madhura Plantations were the owners of the property concerned and that ceiling area under the Kerala Land Reforms Act has to be decided on the basis of the returns submitted by them on 30-3-1970, the Land Board had been proceeding with the matter clubbing the two returns namely the one filed by Madhura Plantations on 30-3-1970 and the one filed by M.A. Jan on 14-12-1972. It is submitted that the above procedure adopted by the Land Board is illegal and does not seem to be bonafide. In the above proceeding before the 4th respondent

the then Special Deputy Tahsildar had filed a report dated 30-5-1973 wherein he has stated that the Madhura Plantations are entitled to hold 128.85 acres of land as on 1-1-1970 including 1 acre of building site and 113.85 acres of Plantation. A draft order dated 20-9-1976 was prepared by the 4th respondent under which it has been held with the 7th respondent has to surrender 364.58 acres of land being excess land surrendered to Government as being excess land per the provisions of the Kerala Land Reforms Act. It seems the 7th respondent filed an objection before the 4th respondent on 31-12-1976 against the draft proposal in which he further claimed that till a decision was taken in O.A.No.364/76 pending before the forest Tribunal regarding the actual area of vested forest no proceedings may be taken by the 4th respondent under Kerala Land Reforms Act. By order dated 31-12-1976 the 4th respondent decided to keep in abeyance the proceedings pending before it till the disposal of the O.A. before the forest tribunal. The petitioner understands that an appeal by the 7th respondent is pending before the supreme court of India from the decision of the Hon'ble Court in proceedings where in he had challenged the order of the forest tribunal in OA No. 364/76. In any view of the matter the proceedings before the 4th respondent is still pending. 494.62 acres of forest land has been surrendered by the 7th respondent as vested forest and an area of 509.62 acres of forest land are still held by respondents 5 to 7.

8. In the meantime, the 7th respondent constituted a trust by name Amerjan Trust, the 5th respondent herein, in the year 1974. The 7th respondent himself is the Managing Trustee, his sons and daughters being beneficiaries. He transferred an area of 101.95 acres of forest land to the 5th respondent trust out of 509.62 acres held by him. It is submitted that the above area included 364.58 acres of forest land directed to be surrendered to the Government under the draft order by the 4th respondent.

Subsequently, the 7th respondent managed to get Cardamom registration Certificates No.54/78 dated 23-6 -1978 in respect of the above 101.95 acres of property standing in the name of the 5th respondent Trust. He also obtained another Cardamom registration certificate No.53/78 dated 21-6-1978 in respect of the 290.62 acres of forest land out of the above area held by him in his personal name.

The petitioners understand that these certificates has been obtained illegally and without following the legal procedure. The Tahsildar is the officer who is authorised to issue Cardamom Registration. Before granting such registration a verification has to be conducted regarding the correctness of the claim made by the applicant. The petitioners understand that no such verification had been conducted before issuing the above certificates. The 5th respondent has not at any time, to petitioners knowledge, paid either agricultural income tax or plantation tax in respect of the 101.95 acres of forest land alleged to be cardamom plantation standing in its name. The 5th respondent has never polled Cardamom with the Cardamom Board, Even in 1983 the Cardamom Board had not been intimated about the details of the alleged Cardamom plantation under registration certificate Nos.54/78 and 53/78. The names of the 5th respondent and 7th respondent are not seen in the registra of the Cardamom Board.

9. The 7th respondent has created another Trust by name Rehmath Trust, the 7th respondent herein in the year 1980 .There also the 7th respondent is the Chairman of the Board of Trustees for life. His wife, children and son-in law are the other trustees. He transferred 130 acres of forest land out of 509.62 acres held by him as referred above to the 6th respondent Trust. To the petitioners knowledge, there is no Cardamom registration in the name of the 6th respondent in respect of the 130 acres of

property. It is submitted that neither the Trust Deed relating to the 5th respondent nor the one relating to the 6th respondent described trust property as Cardamom Plantation.

10. While matters stood so, the respondent No.5 made application before the Revenue Divisional Officer, Mamantady seeking sanction for conversion of 100 acres of Cardamom Plantation comprised in RS Nos. 88/1A, 88/1E1, 88/1E2 and 88/2 of Dindimal Desom Thavinhal ansom into Coffee or Tea plantation. Such an application was made on behalf of the 6th respondent also to convert the alleged cardamom plantation in its ownership into coffee plantatio. It is respectfully submitted that this ingeneous method is adopted by many persons who are in possession of forest land so as to cut and remove trees from the land. The forest land will be described as Cardamom Plantation, Cardamom registration certificates will be obtained by hook or crook and applications will be submitted before the authorities for conversion of Cardamom plantation into coffee plantations. With the help of ^{the} Government officials they get a favourable report at the lower level and the matter is processed without any difficulty at the higher level also by using extraneous influence. As in the present case, on many occasions the area which is subject matter of the application would not be even suited for Coffee Plantations. The petitioners understand that the Village of Peria, Thavinhal, Vellamunda and Thondernad are not suited for Coffee Plantation. Several attempts made even during the time of British Rules had ended in failure. It is in such a place that respondents 5 and 6 now propose to convert an alleged Cardamom Plantation into Coffee Plantations. On the basis of the report of the subordinate officers the 2nd respondent have now passed orders granting permission to respondents 5 and 6 to convert their alleged Cardamom plantations into Coffee Plantations.

(Contd...)

A true copy of the Government order No.G.O.Rt. 102/83/RD dated 21-1-1983 giving such sanction to the 5th and 6th respondents is produced herewith marked as Exhibit P for identification.

The petitioners understands that similar order had been issued in favour of the 6th respondent as order No.G.O.Rt.103/83/RD dated 21-1-1983 allowing ~~conversion~~ conversion of 130 acres of alleged Cardamom plantation into coffee plantation. The petitioner could not get a copy of the above order and therefore the petitioners are not in a position to produce the same before this Hon'ble Court.

11. The attempt of respondents 5 to 7 is as a matter of fact to clearfell 230 acres of forest land which is included in the area to be surrendered to the Government by the draft order of the 4th respondent. The fact that respondents 5 & 6 had never paid any agricultural income-tax or plantation tax in respect of the alleged Cardamom Plantation, and the fact that they had never pooled cardamom with cardamom Board are circumstances to show the fraudulent nature of the claim of respondents 5 and 6. There is no cardamom registration to petitioners knowledge in favour of the 6th respondent in respect of 130 acres of land covered by Government order dated 21-1-1983. The Ext. P1 would show that the 3rd respondent had recommended the application of Ameerjan Trust for conversion of the alleged Cardamom Plantation on the basis of the report submitted by the Revenue Divisional Officer, Mananthavady. The Very same R.D.O. is the Chairman of the 4th respondent Land Board before which ceiling proceedings relating to the property are pending. The Revenue Divisional Officer is very well aware of the fact that the 7th respondent had been directed to surrender 364.58 acres of forest land out of the 509.62 acres held by him. It is rather strange that he had not referred to the

fact in his report of the 3rd respondent. The petitioners apprehend that the above laps on the part of the Revenue Divisional Officer,, Maanthavady cannot be an accidental mistake. It is further submitted that the 1st respondent had not made any enquiry before Ext. P1 and the similar order in respect of the 5th respondent were issued. No enquiry with the Cardamom Board was also made. If such an enquiry with the Cardamom Board was made, it would have been clear that the names of both Trusts were not shown in the register of the Cardamom Board. The petitioners submit that the registration certificates Nos. 54/78 and 53/78 were issued in respect of the respondents 5 and 7 fraudulently.

12. On the basis of the orders obtained from the 1st respondent respondents 5 to 7 started indiscriminate felling of trees from the forest land which was described as Cardamom Plantation by them in their application. As submitted earlier, the above area as in respect of which sanction was granted for converting into Coffee plantation was included in the 364.58 acres of forest land which is to be surrendered to Government as excess land as per the draft order of the 4th respondent. In this connection it is relevant to submit that the 494.62 acres of land surrendered as vested forest was also completely denuded by the time it was surrendered to the Government by the 7th respondent. The Deputy Tahsildar Maanthavady reported to the 4th respondent that indiscriminate tree felling is being done by the 7th respondent which was to be surrendered as excess land to the Government as per the draft order of the Land Board and requested for issuing an order of injunction restraining respondents 5 to 7 from cutting down the trees. On 4-5-1983 the 4th respondent issued an order of

contd...

injunction against the 7th respondent from cutting down trees from the area to be surrendered as excess land. This was widely reported in newspapers also. The 7th respondent then filed an objection before the Land Board and contended that he has already felled trees from an area of about 50 acres and that this area is included in the area which he is entitled to keep with improvements under the draft order of the Land Board. As a matter of fact, there was no basis for this objection as the 54.84 acres of land in respect of which exemption had been granted stood in the name of the 7th respondent and were not transferred by him to either of the Trusts. The applicants before the 2nd respondent were only 5th and 6th respondent and therefore their application for conversion into Coffee plantation can never be in respect of the area which stood in the name of the 7th respondent. But the 4th respondent without any further enquiry modified its earlier order dated 4-5-1983 by allowing the respondents 5 to 7 to cut trees if they are standing in the exempted area and if the cutting is in accordance with law. The applications were when made for issue of permit under the Timber Transit rules. Even though the Deputy Tahsildar, Banast avady wasted the area from which trees were cut (as a matter of fact, even though the 7th respondent had submitted before the 4th respondent that he had already cut the trees, the cutting was really going on) to be identified as a land which is included in the exempted area on 2-6-1983, that 7th respondent was able to get directions from the Superior authorities to issue permits on obtaining affidavits from the applicants. In view of some labour dispute which arose during the relevant time among the workers of the 7th respondents, he could not completely transfer the trees cut from the above forest.

13. On 30-7-1983 the Village Officer reported about the clearfelling conducted by respondents 5 to 7 from the area which are to be surrendered to Government as excess land. In the meantime, the Kerala preservation of trees and Regulation of trees cultivation in Hilly areas ordinance, 1983 came into force which prohibited cutting of trees from any from any forest land which has not been vested in the Government by virtue of the provisions of the Kerala Private Forests Vesting and Assignment Act, 1971, and any land used principally for cultivation of Cardamom including land inter-spersed within the boundaries of the area principally cultivated with Cardamom and any land which is an enclave within a reserve forest or within any other forest area etc. Since the above prohibition is applicable in the case of cutting carried by respondents 5 to 7 and the matter was reported to the Deputy Superintendent of Police, Mananthavady and Ranger, flying squad on 2-8-1983. The respondents 3 and 4 were also intimated about this fact on 3-8-1983. It is understood that on 4-8-1983. The Deputy Tahsildar, Mananthavady went to the spot with police support and found that large scale felling was being carried on by the 7th respondent. It is further understood that the 7th respondent challenged the Deputy Tahsildar with date consequence if he continues to obstruct the activities of the 7th respondent. On 8-8-1983 the Police reported that the case is not cognisable and on 12-8-1983 CrI.M.P. No. 1084/83 was filed by the Deputy Tahsildar, Mananthavady before the Judicial 1st Class Magistrate regarding the above incident. The court directed the Police to investigate and report on 25-8-1983. On that day the Police reports before the court for directing the petitioner in the CrI.M.P. the petition before the authorised Officer under the Ordinance.

(contd....)

Since the Police refused to investigate and make report the matter was posted to 27-8-1983. On that day the matter was heard and reserved for orders to 2-9-1983. While the matters reached this stage the Deputy Tahsildar, Mananthavady who was crusading against that illicit felling of trees in the area was transferred from Wynad District to Cannanore.

14. The area on 1004.24 acres of forest land referred earlier form part of the tropical moisted forest of Western Ghats. It place a very important part in balancing the echo system. Indiscriminate felling of trees from the above forest area will completely upset the echo system and thereby the climatic conditions. The impact of forest on whet er patterns has been subject matter of serious studies of all over the world. A term of teachers studying in the dynamics of South America's tropical forest has produced scientific evidence showing that a forest can return as much as 75% of the moisture it receives to the atmosphere. A photostat copy of a news item about the above report which has taken from 'New York Times' published in 'THE HINDU' dated 18-7- 1983 is produced herewith marked Ext. P2 for identification. The importance of preservation of such forests has been taken note of by several international bodies including General Assembly of United Nations as well as General Assembly I.U.C.L. In the 15th session of I.U.C.L. General Assembly has adopted resolutions and recommendations regarding several aspects of conservation. Regarding conservation of tropical forests the following are the resolutions and recommendations.

"Tropical Moist Forests

Noting that the tropical moist forests are thought to contain held or more of all plant and animal species;

Recognising that tropical moist forests are among the most biologically diverse of all ecosystems;

Recognising the vulnerability and fragility of the tropical moist forests when subjected to most conventional forms of development, despite technological aids, and when subjected to unsustainable level of shifting cultivation;

Noting that if current rates of deforestation continue, a major reduction in biological diversity, will inevitably occur;

Aware that all nations stand to benefit from this major segment of the world's biological heritage, from direct use benefits such as forest products and medicines, from their important mediating roles in global cycles of elements and water, and from maintenance of a high potential of biological productivity;

Recalling that the World conservation strategy assigns a high priority to urgent actions to conserve tropical moist forests.

The General Assembly of I.U.C.N.

Urge those nations with tropical forests to protect a representative series of the world's tropical moist forest ecosystems and biota, and with appropriate research organisations develop and improve silvicultural systems to regenerate tropical moist forests and manage them on a sustainable basis;

Recommends that these nations re-examine their policies with respect to forest clearing and conversion to grazing, agriculture and exotic tree plantations and discourage trade in tropical moist forest products not harvested on a sustainable basis.

Recommends further that adequate systems be established for monitoring the status of tropical forests and rates of deforestation so that conservation requirements can be identified and actions taken

(contd...)

Calls upon all development assistance and international funding agencies to scrutinise carefully any projects which result in the clearing of tropical moist forests by including in their cost benefit analyses all long-term and intangible values which will be lost, and to provide financial assistance for conservation and monitoring activities".

(Quoted from "Environmental Policy and Law" 8.8(1982) Page 36)

15. A tributary of Mananthavady river on which the entire people of Dindimul Desom, Thavinal and Porur desom depend for their requirements of drinking water and irrigation water for Paddy field etc is formed by several water courses and streams starting from the Karnataka forest and the Begur Range in Kerala. The above streams and water courses come from the Karnataka forest and Begur in Kerala flow through the forest area held by respondents 5 to 7 and join to form a tributary of the river Mananthavady which is before Makkimala Estate, a tea plantation. Further down is the site decided to construct a Dam in the River. The river thus flowing from north to south turns at Porur towards East and flows as Mananthavady Kabaal River to the Mysore State. This is the only river in Kerala which flows from west to east. Due to the felling of trees carried on indiscriminately in the area, the streams have started to dry up thereby reducing the quantity of river water flowing through Mananthavady Kabaal River. If the respondents 5 to 7 are allowed to cut trees from this area the adverse effect on the public will be serious. In Wynad area the collection of underground water is much less. During the recent drought period the authorities attempted to drive in two Bore-wells only from one water could be obtained in very limited quantity, from the other no water could be obtained. Water had to be

brought in lorries for being distributed in the area for the 1st time in the history of Wynad. The above would clearly show the serious adverse effect on the ecosystem created by indiscriminate felling of trees from the above area.

16. The petitioners understand that there are about 48 ceiling cases still pending before the 4th respondent in respect of large areas of forest land as well as lands adjacent to the forest area with thick tree growth. The owners of such properties are indulging in cutting down trees as much as they can so that ultimately even if they are found liable to surrender extensive areas of land as excess land to the 2nd respondent they could have by that time taken as much profit as possible. The land not checked by the time ceiling proceedings are finalised the land which will be surrendered to the Government will be only barren lands. The denudation of the forest and the land adjacent to the forest will have a very serious repercussion on the entire climatic conditions of the area.

17. It is respectfully submitted that respondents 1 to 4 have failed to exercise their constitutional as well as statutory duty in taking necessary steps to prevent denudation of forest and felling of trees in the adjacent lands. It is therefore just and necessary that this Hon'ble Court may be pleased to direct the petitioners 1 to 4 to exercise their statutory functions and carry on their constitutional duties for the following among other:-

(contd...)

അപകടം സംഭവിച്ചതായി അറിയാം

പലപ്പോഴും ഇത്തരത്തിൽ സംഭവിക്കാൻ സാധ്യതയുള്ളതായി കരുതിയിരുന്നെങ്കിൽ പലപ്പോഴും ഇത്തരത്തിൽ സംഭവിക്കാൻ സാധ്യതയുള്ളതായി കരുതിയിരുന്നെങ്കിൽ പലപ്പോഴും ഇത്തരത്തിൽ സംഭവിക്കാൻ സാധ്യതയുള്ളതായി കരുതിയിരുന്നെങ്കിൽ...

അപകടം സംഭവിച്ചതായി അറിയാം

പലപ്പോഴും ഇത്തരത്തിൽ സംഭവിക്കാൻ സാധ്യതയുള്ളതായി കരുതിയിരുന്നെങ്കിൽ പലപ്പോഴും ഇത്തരത്തിൽ സംഭവിക്കാൻ സാധ്യതയുള്ളതായി കരുതിയിരുന്നെങ്കിൽ പലപ്പോഴും ഇത്തരത്തിൽ സംഭവിക്കാൻ സാധ്യതയുള്ളതായി കരുതിയിരുന്നെങ്കിൽ...

1984 നവംബർ 11 ന് കുടിയർപ്പെട്ടിട്ട് നടന്നില്ല; വരുമാനം 47 കോടി കുറഞ്ഞു

കുടിയർപ്പ്: ഈ വർഷം സംസ്ഥാനത്തു നടന്നിട്ടുള്ള കുടിയർപ്പിന്റെ വരുമാനം 47 കോടി കുറഞ്ഞു.

വരുമാനത്തിൽ 18 കോടിത്തുകയെങ്കിലും കുറഞ്ഞു. വരുമാനത്തിൽ 125 എക്സ്ട്രാ കോടി കുടിയർപ്പിന്റെ വരുമാനം കുറഞ്ഞു.

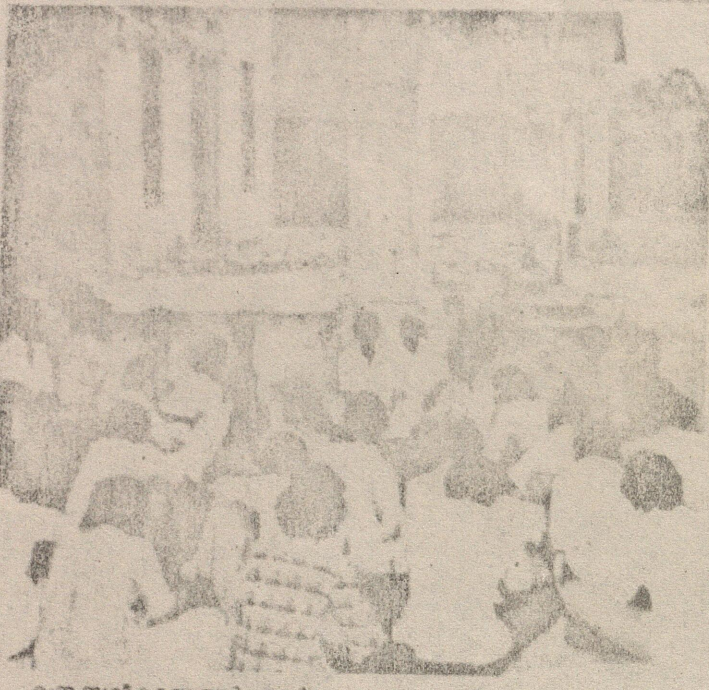
എ.എ.എസ്.കാർക്ക് അനുമതി

അനുമതി: ഈ തീരുമാനം സംസ്ഥാനത്തു നടന്നിട്ടുള്ള കുടിയർപ്പിന്റെ വരുമാനം 47 കോടി കുറഞ്ഞു. കുടിയർപ്പിന്റെ വരുമാനം 47 കോടി കുറഞ്ഞു.

സോമൻകോസ് കീഴടക്കി

സോമൻകോസ്: ഈ തീരുമാനം സംസ്ഥാനത്തു നടന്നിട്ടുള്ള കുടിയർപ്പിന്റെ വരുമാനം 47 കോടി കുറഞ്ഞു. കുടിയർപ്പിന്റെ വരുമാനം 47 കോടി കുറഞ്ഞു.

സോമൻകോസ് കീഴടക്കി



വന നശീകരണത്തിനെതിരെ മനസ്സാക്ഷി ഉണർന്നു. സർവ്വതല ഹൈസ്കൂളിൽ നടന്ന ചർച്ചായോഗം.

തൊഴിലാളിയായി കണക്കാക്കാൻ വിധി

കൊച്ചി: കേരളം തൊഴിലാളിയായി കണക്കാക്കുന്നതിന് അനുകൂലമായി വിധി പറഞ്ഞു. കേരളം തൊഴിലാളിയായി കണക്കാക്കുന്നതിന് അനുകൂലമായി വിധി പറഞ്ഞു. കേരളം തൊഴിലാളിയായി കണക്കാക്കുന്നതിന് അനുകൂലമായി വിധി പറഞ്ഞു. കേരളം തൊഴിലാളിയായി കണക്കാക്കുന്നതിന് അനുകൂലമായി വിധി പറഞ്ഞു.

കുറ്റിന്ദ്രിയിൽ മഴ

തൃശ്ശൂർ: മിമറ്റുവെ കിടപ്പിൽ കായലുള്ള കറുപ്പി, കരിമ്പ്, ചന്ദനം തുടങ്ങിയ സാധനങ്ങളിൽ തികച്ചു മഴയ്ക്കൽ അറിയിച്ചു. മഴ സാധനം നല്ല മഴ പോയതു.

വന നശീകരണം: വയനാടിന്റെ മനസ്സാക്ഷി ഉണർന്നു

കുറ്റിന്ദ്രി: വനനശീകരണ വിരുദ്ധമായി ഉണർന്നു. വയനാടിന്റെ മനസ്സാക്ഷി ഉണർന്നു. വയനാടിന്റെ മനസ്സാക്ഷി ഉണർന്നു. വയനാടിന്റെ മനസ്സാക്ഷി ഉണർന്നു. വയനാടിന്റെ മനസ്സാക്ഷി ഉണർന്നു.

വനനശീകരണത്തിന് വിരുദ്ധമായി ഉണർന്നു. വയനാടിന്റെ മനസ്സാക്ഷി ഉണർന്നു. വയനാടിന്റെ മനസ്സാക്ഷി ഉണർന്നു. വയനാടിന്റെ മനസ്സാക്ഷി ഉണർന്നു.

വയനാടിന്റെ മനസ്സാക്ഷി ഉണർന്നു. വയനാടിന്റെ മനസ്സാക്ഷി ഉണർന്നു. വയനാടിന്റെ മനസ്സാക്ഷി ഉണർന്നു. വയനാടിന്റെ മനസ്സാക്ഷി ഉണർന്നു.

ടെയിഡ് യൂനിയൻ (പ്രവർത്തനം)

നിരൂപണാധിപത്യം

നിരൂപണാധിപത്യം. നിരൂപണാധിപത്യം. നിരൂപണാധിപത്യം. നിരൂപണാധിപത്യം. നിരൂപണാധിപത്യം. നിരൂപണാധിപത്യം.

സുരഭിശൻ ഹിറ്റ്സ്: വെങ്കിട്ടരാമൻ ചാർജെഡ്ജ്

വയനാടിന്റെ മനസ്സാക്ഷി ഉണർന്നു. വയനാടിന്റെ മനസ്സാക്ഷി ഉണർന്നു. വയനാടിന്റെ മനസ്സാക്ഷി ഉണർന്നു. വയനാടിന്റെ മനസ്സാക്ഷി ഉണർന്നു.

A) Under the provisions of Sec. 2 of the Forest Conservation Act, 1980 no forest land or any portion thereof can be utilised for any non-forest purpose. Non forest purpose means breaking up or clearing of any forest land or portion thereto for any purpose other than re-afforestation. Permission granted under Ext. P1 and similar order in favour of 6th respondent to convert about 230 acres of alleged cardamom plantation into coffee plantation has in effect violated the mandatory prohibition contained in the Central Enactment. The above area is actually forest land with thick tree growth which forms part of the western ghats. Under the guise of conversion into Coffee plantation the trees are cut down and the forest is being denuded. The 2nd respondent has no power to grant such permission without the prior approval of the 1st respondent. Ext. P1 and similar order in favour of the 6th respondent are issued illegally without jurisdiction and therefore void.

B) Orders granting permission to 5th and 6th respondents for converting the alleged cardamom plantation into coffee plantation were issued by the respondent without conducting proper enquiry and without any bonafides. The action of the 2nd respondent is a fraud as its constitutional duty imposed under Article 48 A.

C) The respondents 5 to 7 are allowed to cut the tree growth from the forest land in the guise of conversion of plantation it will adversely affect the ecosystem. As submitted earlier the tributary of Manantha ady river is formed the several streams running through the above forest area. If trees are cut from the area it will adversely affect the water flow into the river on which is dependant a large number of people in the district for drinking as well as irrigation water. The respondents 2 and 3 have a legal duty to examine independently the correctness of the request made by

p.t.o.

respondents 5 & 6 for permission to convert alleged cardamom plantation into Coffee plantation. If such an enquiry was conducted by the authorities it would have found that the alleged Cardamom plantation is really forest land and is included ~~xxxxxxx~~ in the area which is to be surrendered to 2nd respondent as excess land under the provisions of the Kerala Land Reforms Act. The decision taken by 2nd respondent granting permission to 5th and 6th respondents to convert the area into coffee plantation is a decision which no reasonable authority would take in the circumstances of case. This Hon'ble Court has therefore jurisdiction to quash Ext.P1 and Govt. order No.103/83 dated 21-3-1983.

D) The 2nd respondent should have found that the request made by respondents 5 and 6 for conversion of the land into Coffee plantation is an attempt to fell trees from the forest area. The above course of action has become notorious in the State as are being resorted to by those who are indulging in illicit cutting of trees from the forest area. The 2nd respondent has failed to exercise its statutory duty.

E) The action of the 4th respondent in keeping the ceiling proceedings regarding the above mentioned property pending indefinitely is clearly arbitrary and mala fide. The 4th respondent has a statutory duty to complete the proceeding in respect of which draft statement was issued as early as on 29-9-1976 within a reasonable period. The unjustifiable delay in disposing of the matter has the effect of defeating the very purpose of Kerala Land Reforms Act. Such delay also helps respondents 5 to 7 to cut and remove all the tree growth in the above area.

(Contd...)

About 48 such ceiling cases are pending before the 4th respondent for very long time. In all such cases the tree growth in the properties are being completely removed. The respondents 2 to 4 have got a duty to see that the trees are not cut and removed in such large scale, especially from forest land and properties adjacent to forest area.

F) If respondents 5 to 7 are allowed to cut and remove trees from the alleged cardamam plantations it will be in clear violation of the provisions contained in the Kerala Preservation of Trees and Regulation of cultivation in Hill areas Ordinance 1983. The 2nd respondent has a statutory duty to take necessary action against the respondents 5 to 7 so that they will not be in a position to contravene the provisions of the ordinance which has been enacted to regulate the felling and destruction of trees and also the cultivation of land in hill areas in the State with a view to prevent soil erosion and destruction and loss of the timber wealth in the State and also to preserve the special Characteristic of the hill areas in the State as regards. landscape, vegetal cover and climate. The inaction on the part of the authorities has adversely affected the public interest. The effect of denudation of forest on the climatic conditions of our country had been subject matter of thought by responsible persons even years back. In the book with title "RAMSLES ANDRECOLLECTIONS of an INDIAN OFFICIAL" by Major-General Sri.W.M. Sleeman K.C.B. The impact of tree cultivation in India on the climate has been referred in Chapter 8, Page 95:-

p.t.o.

Page- 95 tree cultivation

Over and above the advantage of fruit, water, and shade for the public, these groves tend much to secure the districts that are well studded with them from the deadful calamities that in India always attend upon deficient falls of rain in due season. They attract the clouds, and make them deposit their stores in districts that would not otherwise be blessed with them; and hot and dry countries denuded of their trees, and by that means deprived of a great portion of that moisture to which they had been accustomed, and which they require to support vegetation, soon become dreary and arid wastes. The lighter particles, which formed the richest portion of their soil, blow off, and leave only the heavy arenaceous portion; and hence, perhaps, those sandy deserts in which are often to be found the signs of a population once very dense.

In the mauritius, the rivers were found to be diminishing under the repaid disappearance of the woods in the interior. When Government had recourse to the measure of preventing further depredations, and they soon recovered their size.

The clouds brought up from the southern ocean by the south east trade wind are attracted, as they pass over the island, by the forests in the interior and made to drop their stores in daily refreshing showers. In many other parts of the world Governments have now become aware of this mysterious provision of nature; and have adopted measures to take advantage of it for the benefit of the people; and the dreadful sufferings to which the people of those of our districts, which have been the most denuded of their trees, have been of late years exposed from the want of rain in due season may perhaps, induce our Indian Government to turn its thoughts to the subject.

(contd...)

1..... A yearly grant for arboriculture is now made to every district. Thousand of miles of roads have been lined with trees, and multitudes of groves have been established both by Government and Private individuals. The author was himself a great tree-planter. In a letter dated 15th December, 1844, he describes the avenue which he had planted along the road from Mairhar to Jabalpur in 1829 and 1830, and another, 86 miles long, from M Jhansi Ghat on the Nerbudda to Chakka. The trees planted were banyan, Pipal, Mango, Tamarind, and "Jaman" (Eugenia Jambolana). He remarks that these trees will last for centuries".

The danger of denudation of forest and the necessity for regular afforestation activities have been taken note of even in judicial decisions of a Century back (decision reported in I.L.R.9 Madras 281).

G) The authorities who are duty bound to take necessary actions in the matter are not acting in vigilant manner. Their inaction has very serious adverse consequences on the public at large.

18) The petitioners have no other alternate remedy than to approach this Hon'ble Court under Article 226 of the Constitution. It is therefore just and necessary that this Hon'ble Court may be pleased to call for the records of the case and

a) to issue a writ of certiorari or other appropriate writ order or direction to quash Ext. P1. and Govt. Order No.G.O.Rt.103/83/BD dated 21-1-1983 issued in favour of the 6th respondent.

b) to issue a writ of mandamus or other appropriate writ order or direction directing the respondents to take necessary and immediate steps to see that respondents 5 to 7 are not allowed to cut and remove trees from the

509.62 acres of land in Wynad District referred in detail in the original Petition.

- c) To issue a writ of mandamus or other appropriate writ order or direction directing the respondents 1 to 4 not to allow the respondents 5 to 7 to remove the timber of the trees already cut from the area of 509.62 acres of land.
- d) to issue a writ of mandamus or other appropriate writ order or direction directing the 4th respondent to finalise the ceiling case in respect of the 1004.24 acres of land in Thavinhal Village, Dindummal Desom in Survey Nos. 88/1A, 88/1D, 88/1C2, 88/1C3, 88/1E1, 88/1E2 and 88/2.
- e) to issue a writ of mandamus or other appropriate writ order or direction the 2nd respondent to cancel the cardamom registration No.54/78 granted to the 5th respondent, and cardamom registration No.53/78 granted to the 7th respondent.
- f) to issue a writ of mandamus or other appropriate writ order or direction directing the 2nd respondent to give instructions to the authorities to take action against respondents 5 to 7 under the Kerala Preservation of Trees and Regulation of Cultivation in Hill Areas Ordinance, 1983 and prevent respondents 5 to 7 to cut any trees in violation of the provisions of Ordinance.
- g) to issue an interim direction to respondents 2 and 3 to prevent respondents 5 to 7 from cutting any trees from any portion of 509.62 acres of land in Sy.Nos. 88/1E2 and 88/2 in Tavinhal Village Dindummal Desom, Wynad District, pending decision on this original petition.

And

b) to pass such other and further orders as are deemed
just and necessary in the circumstances of the case.

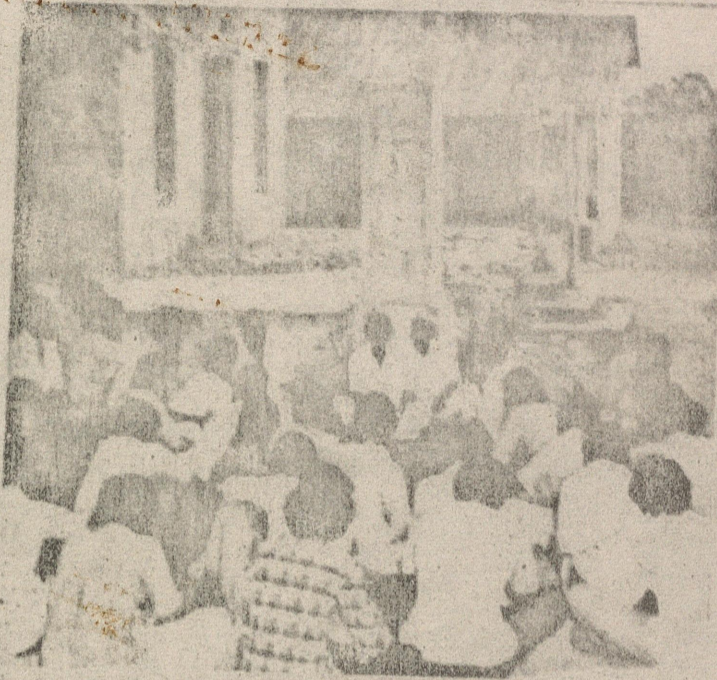
Dated this the 7th day of September, 1983.

1. Sd/-

2. Sd/-

Sd/- Advocate

Petitioners :



വന നശീകരണത്തിനെതിരെ ജനമനസ്സാക്ഷി ഉണർന്നു. സർവ്വജന ഹൈസ്കൂളിൽ നടന്ന ചർച്ചായോഗം.

തൊഴിലാളിയായി കണക്കാക്കാൻ വിധി

കൊച്ചി: കേരളം നിയമ സഭയിൽ അസിസ്റ്റന്റ് സെക്രട്ടറിയുടെ ഉപദേശം കിട്ടിയതിനെത്തുടർന്ന് തൊഴിലാളിയായി കണക്കാക്കുന്നതിന് തീരുമാനം എടുത്തു. തൊഴിലാളിയായി കണക്കാക്കുന്നതിന് തീരുമാനം എടുത്തു. തൊഴിലാളിയായി കണക്കാക്കുന്നതിന് തീരുമാനം എടുത്തു. തൊഴിലാളിയായി കണക്കാക്കുന്നതിന് തീരുമാനം എടുത്തു.

കുറ്റവാളിയായി മാറിയ മനുഷ്യൻ

മുളിപ്പാലം: ജില്ലാ ജയിൽ ഹൗസിൽ ക്രൈം സെക്ഷൻ കോർട്ടിൽ തീർപ്പാക്കിയ കേസിൽ മനുഷ്യൻ കുറ്റവാളിയായി മാറിയതായി അറിയിച്ചു.

വന നശീകരണം: വയനാടിന്റെ മനസ്സാക്ഷി ഉണർന്നു

കല്ലൂർ: വ്യാപകമായ വനനശീകരണം പരിശോധിക്കാനും കോർട്ടിൽ അന്വേഷണങ്ങൾ നടത്താനും സർവ്വജന ഹൈസ്കൂളിൽ തീർപ്പാക്കിയ കേസിൽ മനുഷ്യൻ കുറ്റവാളിയായി മാറിയതായി അറിയിച്ചു.

കേരളം: ജനമനസ്സാക്ഷി ഉണർന്നു. വനനശീകരണം പരിശോധിക്കാനും കോർട്ടിൽ അന്വേഷണങ്ങൾ നടത്താനും സർവ്വജന ഹൈസ്കൂളിൽ തീർപ്പാക്കിയ കേസിൽ മനുഷ്യൻ കുറ്റവാളിയായി മാറിയതായി അറിയിച്ചു.

വനനശീകരണം പരിശോധിക്കാനും കോർട്ടിൽ അന്വേഷണങ്ങൾ നടത്താനും സർവ്വജന ഹൈസ്കൂളിൽ തീർപ്പാക്കിയ കേസിൽ മനുഷ്യൻ കുറ്റവാളിയായി മാറിയതായി അറിയിച്ചു.

വനനശീകരണം പരിശോധിക്കാനും കോർട്ടിൽ അന്വേഷണങ്ങൾ നടത്താനും സർവ്വജന ഹൈസ്കൂളിൽ തീർപ്പാക്കിയ കേസിൽ മനുഷ്യൻ കുറ്റവാളിയായി മാറിയതായി അറിയിച്ചു.

കേരളം: ജനമനസ്സാക്ഷി ഉണർന്നു. വനനശീകരണം പരിശോധിക്കാനും കോർട്ടിൽ അന്വേഷണങ്ങൾ നടത്താനും സർവ്വജന ഹൈസ്കൂളിൽ തീർപ്പാക്കിയ കേസിൽ മനുഷ്യൻ കുറ്റവാളിയായി മാറിയതായി അറിയിച്ചു.

വനനശീകരണം പരിശോധിക്കാനും കോർട്ടിൽ അന്വേഷണങ്ങൾ നടത്താനും സർവ്വജന ഹൈസ്കൂളിൽ തീർപ്പാക്കിയ കേസിൽ മനുഷ്യൻ കുറ്റവാളിയായി മാറിയതായി അറിയിച്ചു.

സംഭവം: ജനമനസ്സാക്ഷി ഉണർന്നു. വനനശീകരണം പരിശോധിക്കാനും കോർട്ടിൽ അന്വേഷണങ്ങൾ നടത്താനും സർവ്വജന ഹൈസ്കൂളിൽ തീർപ്പാക്കിയ കേസിൽ മനുഷ്യൻ കുറ്റവാളിയായി മാറിയതായി അറിയിച്ചു.

കേരളം: ജനമനസ്സാക്ഷി ഉണർന്നു. വനനശീകരണം പരിശോധിക്കാനും കോർട്ടിൽ അന്വേഷണങ്ങൾ നടത്താനും സർവ്വജന ഹൈസ്കൂളിൽ തീർപ്പാക്കിയ കേസിൽ മനുഷ്യൻ കുറ്റവാളിയായി മാറിയതായി അറിയിച്ചു.

വനനശീകരണം പരിശോധിക്കാനും കോർട്ടിൽ അന്വേഷണങ്ങൾ നടത്താനും സർവ്വജന ഹൈസ്കൂളിൽ തീർപ്പാക്കിയ കേസിൽ മനുഷ്യൻ കുറ്റവാളിയായി മാറിയതായി അറിയിച്ചു.

സുരേഷ്കുമാർ: വെങ്കിട്ടരാമൻ മാർജ്ജിതം

കേരളം: ജനമനസ്സാക്ഷി ഉണർന്നു. വനനശീകരണം പരിശോധിക്കാനും കോർട്ടിൽ അന്വേഷണങ്ങൾ നടത്താനും സർവ്വജന ഹൈസ്കൂളിൽ തീർപ്പാക്കിയ കേസിൽ മനുഷ്യൻ കുറ്റവാളിയായി മാറിയതായി അറിയിച്ചു.