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**Kunhandi Pangottil, vs State of Kerala,**

**Kunhandi Pangottil, vs State of Kerala,**

**SooperKanoon Citation** : sooperkanoon.com/1294980

**Court** : Kerala

**Decided On :** Feb-01-2024

**Judge** : Honourable Mr. Justice Devan Ramachandran

**Appeal No.** : WP(C)/15947/2021

**Appellant** : Kunhandi Pangottil,

**Respondent** : State of Kerala,

**Judgement** :

CR

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN THURSDAY, THE 1ST DAY OF FEBRUARY 2024 / 12TH MAGHA, 1945 WP(C) NO. 15943 OF 2021 PETITIONERS: 1 KUTTIYALI, AGED 62 YEARS, S/O. KUNHUMAMMATHU HAJI, KOTTAKKARAN HOUSE, MATTANAPPAD, PARAPPUR, MALAPPURAM DISTRICT. 2 SANTHAMMA MATHEW, W/O. MATHEW, AGED 65 YEARS, KOTTAKATTETH HOUSE, ASHARIPOTTI, VAZHIKADAVU, MUNDA, MALAPPURAM DISTRICT.

3 MARIYAMMA MATHAYI, W/O. MATHAYI V.P., AGED 48 YEARS, VAIDYANPARAMBIL HOUSE, KAVALAPPARA, BHOODAN COLONY P.O.,

KURUMBILANGODE, MALAPPURAM DISTRICT.

4 KUNHUMON MANKUNNAN, S/O. AYYAPPAN, AGED 65 YEARS, MANKUNNAN HOUSE, KAVALAPPARA, BHOODAN COLONY P.O., KURUMBILANGODE, MALAPPURAM DISTRICT. 5 ABDUL MAJEED C.N., S/O. ABDURAHIMAN, AGED 59 YEARS, CHERUNALAKATH HOUSE, KURUMBILANGODE, ERANAD TALUK, MALAPPURAM DISTRICT. BY ADVS. C.M.MOHAMMED IQUABAL ANJALI G.KRISHNAN P.ABDUL NISHAD RAIHANATH T.H. RESPONDENTS: 1 STATE OF KERALA, REPRESENTED BY THE SECRETARY TO GOVERNMENT, AGRICULTURE DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695001. 2 THE SECRETARY TO THE GOVERNMENT, AGRICULTURE DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695001. 3 THE PRINCIPAL SECRETARY, THE KERALA STATE DISASTER MANAGEMENT AUTHORITY, VIKAS BHAVAN P.O., THIRUVANANTHAPURAM-695033.

4 THE DISTRICT COLLECTOR, MALAPPURAM, MALAPPURAM P.O., PIN-676505. 5 THE TAHSILDAR, NILAMBUR TALUK OFFICE, NILAMBUR P.O., MALAPPURAM DISTRICT-679329. 6 THE VILLAGE OFFICER, POTHUKALLU VILLAGE OFFICER, BHOODAN COLONY P.O., MALAPPURAM DISTRICT-679334. 7 THE AGRICULTURAL OFFICER, POTHUKALLU AGRICULTURE OFFICE, BHOODAN COLONY P.O., MALAPPURAM DISTRICT- 679334. *8 THE PRINCIPAL SECRETARY TO GOVERNMENT, REVENUE DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM-695001 (ADDITIONAL R8 IS SUO MOTU IMPLEADED AS PER THE

## ORDER DATED 13.07.2022)

BY ADVS. SHRI.K.P.JAYACHANDRAN, ADDL. ADVOCATE GENERAL SRI.S.RENJITH, SPL. GP THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 01.02.2024, ALONG WITH WP(C)No.15947/2021, 15952/2021 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN THURSDAY, THE 1ST DAY OF FEBRUARY 2024 / 12TH MAGHA, 1945 WP(C) NO. 15947 OF 2021 PETITIONERS: 1 KUNHANDI PANGOTTIL, AGED 73 YEARS S/O.RAMAN, PANGOTTIL HOUSE, KAVALAPPARA, BHOODAN COLONY P.O., KURUMBILANGODE, MALAPPURAM DISTRICT. 2 SAJI NEDIYAKALYIL, AGED 55 YEARS, S/O.KESHAVAN, NEDIYAKALAYIL HOUE, KAVALAPPARA, BHOODAN COLONY P.O., KURUMBILANGODE, MALAPPURAM DISTRICT. 3 SANTHAMMA NEDIYAKALAYIL, AGED 70 YEARS W/O.PAPPU, NEDIYAKALAYIL HOUSE, KAVALAPPARA, BHOODAN COLONY P.O., KURUMBILANGODE, MALAPPURAM DISTRICT. 4 SREEVIDYA.V., AGED 36 YEARS, D/O.GOPALAN, VALLIKKATHODI HOUSE, KAVALAPPARA, BHOODAN COLONY P.O., KURUMBILANGODE, MALAPPURAM DISTRICT. 5 VELAYUDHAN.O.P., AGED 65 YEARS, S/O.KARUPPAN, OTTUPARA HOUSE, KAVALAPPARA, BHOODAN COLONY P.O., KURUMBILANGODE, MALAPPURAM DISTRICT. 6 VEERANKUTTY @ BAPPUTTY, AGED 63 YEARS S/O.KUNJALAVI, THENNADAN HOUSE, KAVALAPPARA, BHOODAN COLONY P.O., KURUMBILANGODE, MALAPPURAM DISTRICT. BY ADVS. C.M.MOHAMMED IQUABAL ANJALI G.KRISHNAN RAIHANATH T.H. P.ABDUL NISHAD RESPONDENTS: 1 STATE OF KERALA, REPRESENTED BY THE SECRETARY TO GOVERNMENT, AGRICULTURE DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN-695 001. 2 THE SECRETARY TO GOVERNMENT, AGRICULTURE DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN-695 001. 3 THE PRINCIPAL SECRETARY, THE KERALA STATE DISASTER MANAGEMENT AUTHORITY, VIKAS BAHVAN P.O., THIRUVANANTHAPURAM, PIN-695 033. 4 THE DISTRICT COLLECTOR, MALAPPURAM, MALAPPURAM P.O., PIN-676 505. 5 THE TAHSILDAR, NILAMBUR TALUK OFFICE, NILAMBUR P.O., MALAPPURAM DISTRICT, PIN-679 329. 6 THE VILLAGE OFFICER, POTHUKALLU VILLAGE, BHOODAN COLONY P.O., MALAPPURAM DISTRICT, PIN-679 334. 7 THE AGRICULTURAL OFFICER, POTHUKALLU AGRICULTURE OFFICE, BHOODAN COLONY P.O., MALAPPURAM DISTRICT, PIN-679 334. *8

PRICIPAL SECRETARY TO GOVERNMENT, REVENUE DEPARTMENT,SECRETARIAT,THIRUVANATHAPURAM-695001 (IS SUO MOTU IMPLEADED AS AN ADDITIONAL RESPONDENT AS PER THE ORDER DATED 13/07/2022) BY ADVS. SHRI.K.P.JAYACHANDRAN, ADDL. ADVOCATE GENERAL SHRI.S.RANJITH - SPL GP THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 01.02.2024, ALONG WITH WP(C)NO.15943/2021 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN THURSDAY, THE 1ST DAY OF FEBRUARY 2024 / 12TH MAGHA, 1945 WP(C) NO. 15952 OF 2021 PETITIONERS: 1 MURALI BABU.K., AGED 40 YEARS, S/O.KUTTAN, KOTTAYIL HOUSE, BHOODAN COLONY P.O., KUNIPPALA, EDAKKARA, MALAPPURAM DISTRICT. 2 JISHA.C.M., AGED 35 YEARS, W/O.MURALI BABU, KOTTAYIL HOUSE, BHOODAN COLONY P.O., KUNIPPALA, EDAKKARA, MALAPPURAM DISTRICT. 3 BABU, AGED 63 YEARS, S/O.APPU, KONNAPPARANIRAVIL HOUSE, KAVALAPPARA, BHOODAN COLONY P.O., KURUMBILANGODE, MALAPPURAM DISTRICT. 4 VINESH.P., AGED 49 YEARS, S/O.KUNHANDI PANGOTTIL, KAVALAPPARA, BHOODAN COLONY P.O., KURUMBILANGODE, MALAPPURAM DISTRICT. 5 LAKSHMIKUTTY.C., AGED 70 YEARS, W/O.VASUDEVAN.K.M., KALABHAVAN, CHUNKATHARA P.O., MALAPPURAM DISTRICT. BY ADV C.M.MOHAMMED IQUABAL RESPONDENTS:

1 STATE OF KERALA, REPRESENTED BY THE SECRETARY TO GOVERNMENT, AGRICULTURE DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN-695 001. 2 THE SECRETARY TO GOVERNMENT, AGRICULTURE DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN-695 001. 3 THE PRINCIPAL SECRETARY, THE KERALA STATE DISASTER MANAGEMENT AUTHORITY, VIKAS BHAVAN P.O., THIRUVANANTHAPURAM, PIN-695 033. 4 THE DISTRICT COLLECTOR, MALAPPURAM, MALAPPURAM P.O., PIN-676 505. 5

THE TAHSILDAR, NILAMBUR TALUK OFFICE, NILAMBUR P.O., MALAPPURAM DISTRICT, PIN-679 329. 6 THE VILLAGE OFFICER, POTHUKALLU VILLAGE OFFICE, BHOODAN COLONY P.O., MALAPPURAM DISTRICT, PIN-679 334. 7 THE AGRICULTURAL OFFICER, POTHUKALLU AGRICULTURE OFFICE, BHOODAN COLONY P.O., MALAPPURAM DISTRICT, PIN-679 334. *8 THE PRINCIPAL SECRETARY TO GOVERNMENT, REVENUE DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM - 695 001. [ADDL.R8 IS SUO MOTU IMPLEADED AS PER ORDER DATED BY ADVS. SHRI.K.P.JAYACHANDRAN, ADDL. ADVOCATE GENERAL SHRI. S.RANJITH - SPL GP THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 01.02.2024, ALONG WITH WP(C)NO.15943/2021 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN THURSDAY, THE 1ST DAY OF FEBRUARY 2024 / 12TH MAGHA, 1945 WP(C) NO. 15964 OF 2021 PETITIONERS: 1 NARAYANAN.K., AGED 65 YEARS, S/O.ALAGIRI, KONDUR HOUSE, KAVALAPPARA, BHOODAN COLONY P.O., KURUMBILANGODE, NILAMBUR TALUK, MALAPPURAM DISTRICT. 2 VIJAYAN, AGED 75 YEARS, S/O.GOVINDAN NAIR, BAGABVATHIPARAMBIL HOUSE, KAVALAPPARA, BHOODAN COLONY P.O., KURUMBILANGODE, NILAMBUR TALUK, MALAPPURAM DISTRICT. 3 ANIL KUMAR K.M., AGED 45 YEARS, S/O MUTHU, KOONUMARE HOUSE, KAVALAPPARA, BHOODAN COLONY P.O., KURUMBILANGODE, NILAMBUR TALUK, MALAPPURAM DISTRICT. 4 USMAN, AGED 54 YEARS, S/O.HASSAN, VADAKKEPPURAM HOUSE, KAVALAPPARA, BHOODAN COLONY P.O., KURUMBILANGODE, NILAMBUR TALUK, MALAPPURAM DISTRICT. 5 SAFIYA N., AGED 50 YEARS, W/O.HASSAN, NEELENGADAN HOUSE, KAVALAPPARA, BHOODAN COLONY P.O., KURUMBILANGODE, NILAMBUR TALUK, MALAPPURAM DISTRICT. 6 NISHA P., AGED 38 YEARS, W/O.BINU D.P., PUTHUPARAMBIL HOUSE, KAVALAPPARA, BHOODAN COLONY P.O., KURUMBILANGODE, NILAMBUR TALUK, MALAPPURAM DISTRICT.

BY ADV C.M.MOHAMMED IQUABAL RESPONDENTS: 1 STATE OF KERALA, REP.BY THE SECRETARY TO GOVERNMENT, AGRICULTURE DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM PIN 695 001 2 THE SECRETARY TO GOVERNMENT, AGRICULTURE DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM PIN 695 001 3 THE PRINCIPAL SECRETARY, THE KERALA STATE DISASTER MANAGEMENT AUTHORITY, VIKAS BHAVAN P.O., THIRUVANANTHAPURAM PIN 695 033

4 THE DISTRICT COLLECTOR, MALAPPURAM, MALAPPURAM P.O., PIN 676 505 5 THE TAHSILDAR, NILAMBUR TALUK OFFICE, NILAMBUR P.O., MALAPPURAM DISTRICT, PIN 679 329 6 THE VILLAGE OFFICER, POTHUKALLU VILLAGE OFFICE, BHOODAN COLONY P.O., MALAPPURAM DISTRICT, PIN 679 334 7 THE AGRICULTURAL OFFICER, POTHUKALLU AGRICULTURE OFFICE, BHOODAN COLONY P.O., MALAPPURAM DISTRICT, PIN 679 334 *8 THE PRINCIPAL SECRETARY TO GOVERNMENT, REVENUE DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM - 695 001. [ADDL.R8 IS SUO MOTU IMPLEADED AS PER ORDER DATED BY ADVS. SHRI.K.P.JAYACHANDRAN, ADDL. ADVOCATE GENERAL SHRI. S.RANJITH - SPL GP THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 01.02.2024, ALONG WITH WP(C)NO.15943/2021 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN THURSDAY, THE 1ST DAY OF FEBRUARY 2024 / 12TH MAGHA, 1945 WP(C) NO. 15978 OF 2021 PETITIONERS: 1 DHANYA S., AGED 45 YEARS, D/O. SUDHAKARAN T. V., LAL NIVAS, CHUNKATHARA P. O., MALAPPURAM DISTRICT. 2 KRISHNANKUTTY, AGED 65 YEARS, S/O. KUNJU, KODUVATH HOUSE, KAVALAPPARA, BHOODAN COLONY P. O., KURUMBILANGODE, MALAPPURAM DISTRICT. 3 SUNITHA, W/O. SUBHASH, DAIVATHINVETTIL HOUSE, KAVALAPPARA, BHOODAN COLONY P. O., KURUMBILANGODE, MALAPPURAM DISTRICT. 4 SAINABA, AGED 63 YEARS, W/O. MOHAMMED,

POOZHIKUNNAN HOUSE, KAVALAPPARA, BHOODAN COLONY P. O., KURUMBILANGODE, MALAPPURAM DISTRICT. 5 INDIRA, AGED 61 YEARS, W/O. SASI, THOTTUPURATH HOUSE, KAVALAPPARA, BHOODAN COLONY P. O., KURUMBILANGODE, MALAPPURAM DISTRICT. BY ADV C.M.MOHAMMED IQUABAL RESPONDENTS:

1 STATE OF KERALA, REPRESENTED BY THE SECRETARY TO GOVERNMENT, AGRICULTURE DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695 001. 2 THE SECRETARY TO GOVERNMENT, AGRICULTURE DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695 001. 3 THE PRINCIPAL SECRETARY, THE KERALA STATE DISASTER MANAGEMENT AUTHORITY, VIKAS BHAVAN P. O., THIRUVANANTHAPURAM, PIN - 695 033. 4 THE DISTRICT COLLECTOR, MALAPPURAM, MALAPPURAM P. O., PIN - 676 505. 5 THE TAHSILDAR, NILAMBUR TALUK OFFICE, NILAMBUR P. O., MALAPPURAM DISTRICT, PIN - 679 329. 6 THE VILLAGE OFFICER, POTHUKALLU VILLAGE OFFICE, BHOODAN COLONY P. O., MALAPPURAM DISTRICT, PIN - 679 334. 7 THE AGRICULTURAL OFFICER, POTHUKALLU AGRICULTURE OFFICE, BHOODAN COLONY P. O., MALAPPURAM DISTRICT, PIN - 679 334. *8 THE PRINCIPAL SECRETARY TO GOVERNMENT, REVENUE DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM- 695 001. [ADDL.R8 IS IMPLEADED SUO MOTU AS PER ORDER DATED BY ADVS. SHRI.K.P.JAYACHANDRAN, ADDL. ADVOCATE GENERAL SHRI. S.RANJITH - SPL GP THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 01.02.2024, ALONG WITH WP(C)NO.15943/2021 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN THURSDAY, THE 1ST DAY OF FEBRUARY 2024 / 12TH MAGHA, 1945 WP(C) NO. 15995 OF 2021 PETITIONERS: 1 VARGHESE, AGED 60 YEARS, S/O GEEVARGHESE, CHERUMIUTTADATHU HOUSE, KAVALAPPARA, BHOODAN COLONY.P.O, KURUMBILANGODE, NILAMBUR TALUK, MALAPPURAM

DISTRICT.

2 FAISAL, AGED 38 YEARS, S/O.MUHAMMED, ANNARATHODIKA HOUSE, KAVALAPPARA, BHOODAN COLONY.P.O, KURUMBILANGODE, MALAPPURAM DISTRICT. 3 CHANDRIKA, AGED 68 YEARS, W/O.GOPALAN, MANGATTUTHODI HOUSE, KAVALAPPARA,BHOODAN COLONY.P.O, KURUMBILANGODE,MALAPPUAM DISTRICT. 4 VELAYUDHAN.V, AGED 59 YEARS, S/O.CHERIYARAMAN, VADAKKETHIL HOUSE, KAVALAPPARA, BHOODAN COLONY.P.O, KURUMBILANGODE, MALAPPURAM DISTRICT.

5 KARUNAKARAN, AGED 53 YEARS, S/O.GOVINDAN, MOZIKKAL HOUSE, VELLIMADU, KAVALAPPARA, BHOODAN COLONY.P.O, KURUMBILANGODE, MALAPPURAM DISTRICT. 6 USMAN.P.T, AGED 50 YEARS, S/O.ALAVI, PULIKKATHODI HOUSE, KAVALAPPARA, BHOODAN COLONY.P.O, KURUMBILANGODE, MALAPPURAM DISTRICT. 7 SUBAIDA, AGED 45 YEARS, D/O.MUHAMMED, KOORIMANNIL HOUSE, KAVALAPPARA, BHOODAN COLONY.P.O, KURUMBILANGODE, MALAPPURAM DISTRICT BY ADV C.M.MOHAMMED IQUABAL RESPONDENTS: 1 STATE OF KERALA, REPRESENTED BY THE SECRETARY TO GOVERNMENT, AGRICULTURE DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN-695001. 2 THE SECRETARY TO THE GOVERNMENT, AGRICULTURE DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN-695001. 3 THE PRINCIPAL SECRETARY, THE KERALA STATE DISASTER MANAGEMENT AUTHORITY, VIKAS BHVAN.P.O, THIRUVANANTHAPURAM, PIN-695033. 4 THE DISTRICT COLLECTOR, MALAPPURAM, MALAPPURAM.P.O, PIN-676505. 5 THE TAHSILDAR, NILAMBUR TALUK OFFICE, NILAMBUR.P.O, MALAPPURAM DISTRICT, PIN-679329. 6 THE VILLAGE OFFICER, POTHUKALLU VILLAGE OFFICE, BHOODAN COLONY.P.O, MALAPPURAM DISTRICT, PIN-679334. 7 THE AGRICULTURAL OFFICER, POTHUKALLU AGRICULTURE OFFICE, BHOODAN COLONY.P.O, MALAPPURAM DISTRICT, PIN-679334. *8 THE PRINCIPAL SECRETARY TO GOVERNMENT REVENUE DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM - 695 001

## [ADDL.R8 IS SUO MOTU IMPLEADED AS PER COMMON ORDER

DATED 13.07.2022 IN WP(C)15995/2021] BY ADVS. SHRI.K.P.JAYACHANDRAN, ADDL. ADVOCATE GENERAL SHRI. S.RANJITH - SPL GP THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 01.02.2024, ALONG WITH WP(C)NO.15943/2021 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: CR

## JUDGMENT

[WP(C) Nos.15943/2021, 15947/2021, 15952/2021, 15964/2021, The petitioners in these cases are residents of the Kavalappara area, which unfortunately suffered a landslide on 08.08.2019, taking away 59 precious lives. The aftermath of the landslide was not confined to the victims who died, or to their families, but to the survivors who lost their only source of livelihood - their lands being swallowed by the wallowing debris and sand.

2. The petitioners thus pray that the respondents be directed

either to restore their lands to the original position, so that agricultural operations can be resumed; or that they by sufficiently compensated for loss of the crops and land. They assert that they are now left without any succour, though some attempts had been made by the Government in the past and even pending these matters, to hear them and offer small benefits. They contend that this is not sufficient and that a comprehensive plan will have to be now thought by the Government, to either restore the lands or to compensate them appropriately, so that they can live lives as are guaranteed by the Constitution under Article 21 thereof.

3. Sri.S.Ranjith - learned Special Government Pleader, in

response, submitted that, as evident from the various orders issued by this Court earlier, the District Collector had heard the parties and suggested various remedial measures; but that none of them wanted restoration of land, but only compensation. He submitted that, therefore, the Government will have to consider

the matter in a comprehensive and holistic manner, so that all rival interests and issued - including the geological effect of any attempt to restore the lands - can be studied and dealt with. He prayed that this Court may not make any affirmative declarations with respect to the petitioners claims and leave it to be decided by the competent Authority of the Government.

4. I notice from the files that, when this matter was considered on 13.07.2022, a learned Judge of this Court had issued the following order: In the nature of the relief sought in these writ

petitions, the Revenue Department is a necessary party. Hence, the Principal Secretary to Government, Revenue Department, Secretariat, Thiruvananthapuram- 695001, is suo motu impleaded as an additional respondent. Learned Special Government Pleader takes notice for the additional respondent.

2. These Writ Petitions project the sad plight of the

> victims of Kavalappara landslide. The tragic incident had taken place on 08.08.2019, snuffing life out of 59 persons, who got buried under layers of mud and rock. Along with the innocent lives, livelihood of the survivors was also plucked away, as it became impossible to carry out agricultural operations in their land.

3. Although some rehabilitation measures have been

taken by the Government, nothing is done to restore the land to its original condition. Strangely, in spite of posting these Writ Petitions repeatedly for ascertaining Government's the views, specific instructions are also not forthcoming. There cannot be any further vacillation in this matter.

4. Learned Counsel for the petitioners submitted that,

> if the Government is reluctant to act, the petitioners may be permitted to remove the earth and mud from their properties using machinery, so as to facilitate minimum agricultural operations. Learned Special

> Government Pleader is therefore directed to get specific instructions on the following aspects. i. The steps so far taken by the Departments concerned for restoring the land to arable/cultivable condition. ii. The steps taken to rehabilitate the victims of Kavalappara tragedy. iii. Whether the request of the petitioners, to remove earth, mud and rock from their properties under the supervision of revenue officials, can be permitted, and if not, what alternative can be provided to ensure regular means of livelihood for the petitioners and other similarly placed persons. Post on 27.07.2022.

5. Thereafter, another order was issued on 24.08.2022 to the following effect:

> From the statement filed on behalf of the second and third respondents, it appears that even though the told land area affected by the land slide cannot be re-used for cultivation, the lower reaches can be made cultivable by removing the dumped earth and debris using machines. The officials seems to be under an apprehension that any attempt for levelling the area may trigger a law and order situation, since 11 bodies are still lying buried under ground.

2. Learned Counsel for the petitioner asserts that

there will not be any law and order situation at this point of time, since on the earlier occasion, the local people were having the impression that sufficient measures for recovery of the bodies were not being taken by the officials.

3. Having heard the learned Special Government Pleader also, I am of the opinion that an attempt should be made to resolve the disputes, if any subsisting, and make the maximum extent of land cultivable.

4. Hence, the District Collector, Malappuram is

directed to convene a meeting of the representatives of the displaced persons, including family members of the persons whose bodies could not be recovered, for working out the possibility of removing the earth and debris from the lower reaches

of Kavalappara hills, so as to resume agricultural operations.

5. The meeting, as suggested above, shall be convened at the earliest and at any rate within three weeks. Post on 20.09.2022.

6. Finally, on 12.04.2023, the learned Special Government

Pleader had informed this Court that the District Collector had convened a conference, but that no amounts had yet been offered to the petitioners. This Court, therefore, clarified that the pendency of these Writ Petitions will not stand in the way of the District Collector taking appropriate action for restoration of the lands or compensation, as the case may be.

7. However, the submissions made at the Bar today,

juxtaposed by the pleadings on record, would render it indubitable that a decision regarding the restoration of lands is not easy as it seems because the chances of a further catastrophe on account of fresh landslides, if attempts are made to restore the lands, cannot be ruled out. Pertinently, the pleadings on behalf of the respondents also indicate that, not all the dead bodies have yet been exhumed and that any irresponsible attempt to level or restore the lands would create other serious consequences.

8. It is, therefore, perspicuous that it will not be within the

province of this Court to consider the merits of any of the contentions in these Writ Petitions because, it involves very serious and deep-set issues relating to policy, as also to the actions that are required, which can be decided and done only by experts.

9. As matters now stand, as I have already said above, this

Court has only been informed by the learned Special Government Pleader that the District Collector convened a conference, in which the petitioners were heard; but it is also conceded that no further action was taken thereafter, except by distributing some small benefits, including to the unfortunate families of the deceased. I am, therefore, of the certain view that the Government must now act

comprehensively and quickly, so that the fears and apprehensions of the petitioners and their families can be allayed at the earliest.

10. The inviolable requirement for the Government and its

machinery concerned to have responded swiftly to the cri de coeur of citizens like the petitioners cannot be lost thought of any at time; and it is, therefore, imperative that every measure as is required and necessary is taken and completed to allay such within the shortest period of time.

11. I, therefore, put it to the learned Special Government

Pleader, whether the Government can constitute a High Level Committee with the appropriate Secretary as Chairperson, to which his response was that there is no impediment in doing so; but prayed that this Court leave consideration of all issues to the said Committee, so that they can assess and evaluate every relevant and germane issue in its proper perspective. He added that the competent Secretary is the Principal Secretary of the Revenue Department.

12. I am without doubt that the afore suggestions of the

learned Special Government Pleader require to be acceded to. I, therefore, dispose of these Writ Petitions in the following manner: a) I direct the Government to immediately constitute a High Level Committee, chaired by the Principal Secretary of the Revenue Department, along with experts in the field of Geology, Hydrology, Agriculture and Disaster Management. The Committee shall be constituted not later than two months from the date of receipt of a copy of this judgment. b) On the Committee being so constituted, each of the petitioners shall be heard, along with others who are similarly situated, if they are so interested; and a final and comprehensive plan to offer support to them - either by restoration of agricultural land, or by way of appropriate compensation - shall be recommended by them to the Government, within a period of two months thereafter. c) On the High Level Committee making such recommendations, the Government will take a final decision thereon as per law without any avoidable delay, but not later than three months thereafter. d) I reiteratingly clarify that

though this Court has not entered into the merits of any of the rival contentions, the assessment of the petitioners contentions shall be done dispassionately by the Committee and the Government, adverting to the fact that they are long suffering without any other support in life and hence deserving empathy of the community at large. Sd/- RR DEVAN RAMACHANDRAN JUDGE APPENDIX OF WP(C) 15947/2021 PETITIONER EXHIBITS Exhibit P1 THE TRUE COPY OF THE BASIC TAX RECEIPT DATED 16.07.2018. Exhibit P2 THE TRUE COPY OF THE PURCHASE CERTIFICATE NO.162/1988 OF MANJERI LAND TRIBUNAL DATED 06.06.1988. Exhibit P3 THE TRUE COPY OF THE BASIC TAX RECEIPT DATED 22.09.2020. Exhibit P4 THE TRUE COPY OF THE PURCHASE CERTIFICATE NO.28/1989 OF MANJERI LAND TRIBUNAL DATED 16.01.1989. Exhibit P5 THE TRUE COPY OF THE BASIC TAX RECEIPT DATED 18.02.2021. Exhibit P6 THE TRUE COPY OF THE BASIC TAX RECEIPT DATED 23.02.2021. Exhibit P7 THE TRUE COPY OF THE PURCHASE CERTIFICATE NO.245/1988 ISSUED BY MANJERI LAND TRIBUNAL DATED 27.07.1988. Exhibit P8 THE TRUE COPY OF PURCHASE CERTIFICATE NO.29/1989 ISSUED BY MAJERI LAND TRIBUNAL DATED 16.01.1989. Exhibit P9 THE TRUE COPY OF THE BASIC TAX RECEIPT ISSUED BY POTHUKALLU VILLAGE OFFICE DATED 09.03.2020. Exhibit P10 THE TRUE COPY OF THE DOCUMENT NO.3735/1993 OF SRO EDAKKARA DATED 21.08.1993. Exhibit P11 THE TRUE COPY OF THE PURCHASE CERTIFICATE NO.249/1988 OF MANJERI LAND TRIBUNAL DATED 27.07.1988. Exhibit P12 THE TRUE COPY OF THE BASIC TAX RECEIPT DATED 26.02.2021. Exhibit P13 THE TRUE COPY OF THE PHOTOGRAPHS OF KAVALAPPARA LANDSLIDE. Exhibit P14 THE TRUE COPY OF THE REPRESENTATION FILED BY MR.DILEEP, MEMBER, WARD NO.17, POTHUKALLU GRAMA PANCHAYATH DATED 11.02.2021. Exhibit P15 THE TRUE COPY OF THE REPRESENTATION FILED BY THE PETITIONERS BEFORE THE 2ND RESPONDENT DATED 12.07.2021. APPENDIX OF WP(C) 15952/2021 PETITIONER EXHIBITS Exhibit P1 THE TRUE COPY OF THE BASIC TAX RECEIPT DATED 24.06.2021. Exhibit P2 THE TRUE COPY OF THE BASIC TAX RECEIPT DATED 24.06.2021. Exhibit P3 THE TRUE COPY OF THE BASIC TAX RECEIPT DATED 01.06.2020. Exhibit P4 THE TRUE COPY OF THE BASIC TAX RECEIPT DATED 11.05.2017. Exhibit P5 THE TRUE COPY OF THE

BASIC TAX RECEIPT DATED 11.05.2017. Exhibit P6 THE TRUE COPY OF THE BASIC TAX RECEIPT DATED 19.02.2021. Exhibit P7 THE TRUE COPY OF THE PHOTOGRAPHS OF KAVALAPPARA LANDSLIDE. Exhibit P8 THE TRUE COPY OF THE REPRESENTATION FILED BY DILEEP, MEMBER, WARD NO.17, POTHUKALLU GRAMA PANCHAYATH DATED 11.02.2021. Exhibit P9 THE TRUE COPY OF THE REPRESENTATION FILED BY PETITIONERS BEFORE THE 2ND RESPONDENT DATED 12.07.2021. APPENDIX OF WP(C) 15964/2021 PETITIONER EXHIBITS Exhibit P1 THE TRUE COPY OF THE BASIC TAX RECEIPT DATED 23.11.2020 Exhibit P2 THE TRUE COPY OF THE PURCHASE CERTIFICATE NO.566/1990 OF MANJERI LAND TRIBUNAL DATED 20.7.1990 Exhibit P3 THE TRUE COPY OF THE BASIC TAX RECEIPT DATED 7.6.2021 Exhibit P4 THE TRUE COPY OF THE BASIC TAX RECEIPT DATED 28.9.2020 Exhibit P5 THE TRUE COPY OF THE BASIC TAX RECEIPT DATED 5.10.2019 Exhibit P6 THE TRUE COPY OF THE BASIC TAX RECEIPT DATED 2.2.2019 Exhibit P7 THE TRUE COPY OF THE BASIC TAX RECEIPT DATED 22.2.2019 Exhibit P8 TRUE COPY OF THE PHOTOGRAPHS OF KAVALAPPARA LANDSIDE Exhibit P9 THE TRUE COPY OF THE REPRESENTATION FILED BY DILEEP, MEMBER, WARD NO.17, POTHUKALLU GRAMA PANCHAYATH, DATED 11.2.2021 Exhibit P10 THE TRUE COPY OF THE REPRESENTATION FILED BY PETITIONERS BEFORE THE 2ND RESPONDENT DATED 12.7.2021 APPENDIX OF WP(C) 15978/2021 PETITIONER EXHIBITS Exhibit P1 THE TRUE COPY OF THE BASIC TAX RECEIPT DATED 16.06.2020. Exhibit P2 THE TRUE COPY OF THE PURCHASE CERTIFICATE NO.246/1988 OF MANJERI LAND TRIBUNAL DATED 27.07.1988. Exhibit P3 THE TRUE COPY OF THE BASIC TAX RECEIPT DATED 13.05.2020. Exhibit P4 THE TRUE COPY OF THE DOCUMENT NO.2557/2013 OF SRO EDAKKARA DATED 02.05.2013. Exhibit P5 THE TRUE COPY OF THE BASIC TAX RECEIPT DATED 28.07.2020. Exhibit P6 THE TRUE COPY OF THE BASIC TAX RECEIPT DATED 11.02.2020. Exhibit P7 THE TRUE COPY OF POSSESSION CERTIFICATE

ISSUED BY THE POTHUKALLU VILLAGE OFFICE IN THE NAME OF MOHAMMED, S/O. AHAMMEDKUTTY DATED 26.10.2015.

Exhibit P8 THE TRUE COPY OF THE BASIC TAX RECEIPT DATED 27.07.2020. Exhibit P9 THE TRUE COPY OF THE PHOTOGRAPHS OF KAVALAPPARA LANDSLIDE. Exhibit P10 THE TRUE COPY OF THE REPRESENTATION FILED BY DILEEP, MEMBER, WARD NO.17, POTHUKALLU GRAMA PANCHAYATH DATED 11.02.2021. Exhibit P11 THE TRUE COPY OF THE REPRESENTATION FILED BY THE PETITIONERS BEFORE THE 2ND RESPONDENT DATED 12.07.2021. APPENDIX OF WP(C) 15995/2021 PETITIONER EXHIBITS Exhibit P1 THE TRUE COPY OF THE BASIC TAX RECEIPT DATED 3.8.2020 Exhibit P2 THE TRUE COPY OF THE BASIT TAX RECEIPT DATED 9.10.2018 Exhibit P3 THE TRUE COPY OF THE BASIC TAX RECEIPT DATED 13.5.2020 Exhibit P4 TRUE COPY OF PURCHASE CERTIFICATE NO.1003/1990 OF MANJERI LAND TRIBUNAL DATED 18.12.1990 Exhibit P5 TRUE COPY OF BASIC TAX RECEIPT ISSUED BY THE POTHAKALLU VILLAGE OFFICE DATED 12.4.2021 Exhibit P6 THE TRUE COPY OF BASIC TAX RECEILPT ISSUED BY THE POTHUKALLU VILLAGE OFFICE DATED 8.4.2019 Exhibit P7 THE TRUE COPY OF BASIT TAX RECEPT ISSUED BY THE POTHUKALLU VILLAGE OFFICE DATED 1.1.2015 Exhibit P8 THE TRUE COPY OF THE PHOOTOGRAPHS OF KAVALAPPARA LANDSLIDE Exhibit P9 THE TRUE COPY OF THE REPRESENTATION FILED BY DILEEP, MAMBER,WARD NO.17,POTHUKALLU GRAMA PANCHAYATH DATED 11.2.2021 Exhibit P10 THE TRUE COPY OF THE REPRESENTATION FILED BY PETITIONERS BEFORE THE 2ND RESPONDENT DATED 12.7.2021 APPENDIX OF WP(C) 15943/2021 PETITIONER EXHIBITS Exhibit P1 THE TRUE COPY OF THE BASIC TAX RECEIPT DATED 05/07/2021. Exhibit P2 THE TRUE COPY OF THE BASIC TAX RECEIPT DATED 05/07/2021. Exhibit P3 THE TRUE COPY OF THE BASIC TAX RECEIPT DATED 16/04/2021. Exhibit P4 THE TRUE COPY OF THE BASIC TAX RECEIPT DATED 19/05/2020. Exhibit P5 THE TRUE COPY OF THE BASIC TAX RECEIPT DATED 04/06/2020. Exhibit P6 THE TRUE COPY OF THE CERTIFICATE ISSUED BY POTHUKALLU VILALGE OFFICE TO 4TH PETITIONER DATED 17/07/2020. Exhibit P7 THE TRUE COPY OF THE CERTIFICATE ISSUED BY POTHUKALLU VILLAGE OFFICE TO 5TH PETITIONER DATED 17/07/2020. Exhibit P8 THE TRUE COPY OF THE PHOTOGRAPHS OF KAVALAPPARA LANDSLIDE. Exhibit P9 THE TRUE COPY OF THE REPRESENTATION FILED BY DILEEP, MEMBER, WARD NO.17,

POTHUKALLU GRAMA PANCHAYATH DATED 11/02/2021. Exhibit P10 THE TRUE COPY OF THE REPRESENTATION FILED BY PETITIONERS BEFORE THE 2ND RESPONDENT DATED 12/07/2021.

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