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Nath Infrastructures vs Biju

Nath Infrastructures vs Biju

SooperKanoon Citation : sooperkanoon.com/1729651

Court : Kerala

Decided On : Mar-09-2020

Judge : Honourable Mr. Justice a.Muhamed Mustaque

Appeal No. : WP(C)/688/2020

Appellant : Nath Infrastructures

Respondent : BIJU

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE MONDAY, THE 09TH DAY OF MARCH 2020 / 19TH PHALGUNA, 1941 WP(C).No.688 OF 2020(I) PETITIONER/S: NATH INFRASTRUCTURES, 28/309 A, NATH, THONDAYADU, KOTTOLI ROAD, CHEVARAMBALAM P.O., NELLIKODE VILLAGE, KOZHIKKODE TALUK, KOZHIKKODE DISTRICT, REPRESENTED BY ITS MANAGING PARTNER V.RAJEENDRANATH, S/O. SADASIVAN, AGED 62 YEARS. BY ADV. SRI.P.M.ZIRAJ RESPONDENT/S: 1 BIJU, AGED 52 YEARS, S/O. VARKEY, PUTHENPURAYIL HOUSE,

KOOMBARA P.O., CHUNDATHUMPOYIL, KUMARANELLOOR VILLAGE, KOZHIKKODE TALUK, KOZHIKKODE DISTRICT-673 604. 2 MARTIN, AGED 32 YEARS, S/O. BENNY, ULLATTIL HOUSE, KOOMBARA P.O., CHUNDATHUMPOYIL, KUMARANELLOOR VILLAGE, KOZHIKKODE TALUK, KOZHIKKODE DISTRICT-673 604. 3 SHAIJU, AGED 32 YEARS, S/O. ABRAHAM, CHOORAPUZHAYIL HOUSE, PANAMBILAVU P.O., CHUNDATHUMPOYIL,. KUMARANELLOOR VILLAGE, KOZHIKKODE TALUK, KOZHIKKODE DISTRICT-673 604. 4 SANTHOSH, AGED 42 YEARS, S/O. JOSEPH, PAREKONGAD HOUSE, PANAMBILAVU P.O., CHUNDATHUMPOYIL, VETTILAPARA VILLAGE, ERANAD TALUK, MALAPPURAM DISTRICT-673 639. 5 GEORGE, AGED 60 YEARS, S/O. THOMAS, VATHOLIL HOUSE, PANAMBILAVU P.O., CHUNDATHUMPOYIL, VETTILAPARA VILLAGE, ERANAD TALUK, MALAPURAM DISTRICT-673 639. 6 THE INSPECTOR OF POLICE, MUKKAM POLICE STATION, KOZHIKKODE DISTRICT-673 604. 7 DEPUTY SUPERINTENDENT OF POLICE, THAMARASSERY, KOZHIKKODE DISTRICT, PIN-673 573.

WP(C).Nos.688 &1673/2020 2 8 STATE OF KERLA, REPRESENTED BY THE PRINCIPAL SECRETARY TO

GOVERNMENT, GOVERNMENT OF KERALA, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695 001. 9 PRINCIPAL SECRETARY TO GOVERNMENT, REVENUE DEPARTMENT, GOVERNMENT OF KERALA, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695 001. *ADDL.R10 THE DIVISIONAL FOREST OFFICER, FOREST DIVISIONAL OFFICE, CIVIL STATION, KOZHIKODE-20, KOZHIKODE DISTRICT, PIN-673 020. *ADDL.R11 THE SENIOR ENVIRONMENTAL ENGINEER, POLLUTION CONTROL BOARD, MALAPPURAM. (ADDL.R10 & R11 ARE SUO MOTU IMPLEADED AS PER ORDER DATED 04-02-2020) R1-5 BY ADV. SRI.PHILIP ANTONY CHACKO R1-5 BY ADV. KUM. K. REMIYA RAMACHANDRAN BY SENIOR GOVERNMENT PLEADER,

SRI.P.P.THAJUDEEN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 09.03.2020, ALONG WITH WP(C).1673/2020(H), THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: WP(C).Nos.688 &1673/2020 3

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE MONDAY, THE 09TH DAY OF MARCH 2020 / 19TH PHALGUNA, 1941 WP(C).No.1673 OF 2020(H) PETITIONER/S: 1 GEORGE THOMAS, AGED 63 YEARS, S/O.V.V.THOMAS, VATHOLIL HOUSE, PANAMPLAVE P.O., AREACODE, MALAPPURAM DISTRICT, PIN- 673639. 2 BIJU P.V., AGED 49 YEARS, S/O.VARKEY, PUTHENPURACKAL (H), KOOMBARA P.O., KOODARANJI, KOZHIKODE DISTRICT, PIN- 673604. BY ADVS. SRI.PHILIP ANTONY CHACKO SRI.P.M.SEBASTIAN KUM. K. REMIYA RAMACHANDRAN RESPONDENT/S:

1 STATE OF KERALA, REPRESENTED BY ITS SECRETARY TO GOVERNMENT, REVENUE DEPARTMENT, GOVT. OF KERALA, SECRETARIAT, TRIVANDRUM, PIN- 695001. 2 THE PRL.SECRETARY, REVENUE DEPARTMENT, GOVT. OF KERALA, TRIVANDRUM, PIN- 695001. 3 DISTRICT COLLECTOR, CIVIL STATION, KOZHIKODE-20, KOZHIKODE DISTRICT, PIN-673020. 4 THE SUB COLLECTOR AND CHAIRMAN, TALUK LAND BOARD, KOZHIKODE, PIN- 673020. 5 THE SECRETARY, GRAMAPANCHAYATH KARASSERY, KOZHIKODE DISTRICT, PIN-673602. 6 THE DIVISIONAL FOREST OFFICER (D.F.O), FOREST DIVISIONAL OFFICE, CIVIL STATION, KOZHIKODE-20, KOZHIKODE DISTRICT, PIN-673020.

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7 REVENUE DIVISIONAL OFFICER (R.D.O), CIVIL STATION, KOZHIKODE-20, KOZHIKODE DISTRICT, PIN- 673020. 8 THE TAHSILDAR, ERNAD TALUK, CIVIL STATION, MALAPPURAM, PIN-676122. 9 THE VILLAGE OFFICER, VILLAGE OFFICE, KUMARANALLOOR, KOZHIKODE TALUK, KOZHIKODE DISTRICT, PIN- 673602. 10 A.K.JALEEL, AGED 57 YEARS, S/O.ABDULLAKUTTY, PALATHUMVEETTIL, CHEVAYOOR, P.O.MALAPARAMBA, KOZHIKODE- 17, KOZHIKODE DISTRICT, PIN-673017. 11 NATH INFRASTRUCTURES, 28/309 A, NATH, THONDAYADU, KOTTOLI ROAD, CHEVARAMBALAM P.O., PIN-673017, NELLIKODE VILLAGE, KOZHIKODE TALUK, KOZHIKKODE DISTRICT, REPRESENTED BY ITS MANAGING PARTNER V.RAJENDRANATH, S/O.SADASIVAN, AGED 62 YEARS. ADDL.R12 THE SENIOR ENVIRONMENTAL ENGINEER, POLLUTION CONTROL BOARD, MALAPPURAM. (ADDL.R12 IS SUOMOTU IMPLEADED AS PER ORDER DATED 4.2.2020) BY SENIOR GOVERNMENT PLEADER, SRI.P.P.THAJUDEEN R10-11 BY ADV. SRI.P.M.ZIRAJ

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 09.03.2020, ALONG WITH WP(C).688/2020(I), THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: WP(C).Nos.688 &1673/2020 5

JUDGMENT

[WP(C).688/2020, WP(C).1673/2020] Dated this the 9th day of March 2020 Nath Infrastructures, the petitioner in W.P.(C) No.688/2020 is a contractor. They were awarded the work of improvement of Kaithapoyil-Kodanchery-Agasthiamuzhi road in Kozhikode District and also the work of CRF-improvement to north Karassery-Karamula-Thekukutty-Maranchetty-Koombara- Kakkadampoyil road in Kozhikode District.

2. In order to carry out the works, Nath

Infrastructures has to establish a hot mixing plant. They have chosen a plantation belonging to one Mr.A.K.Jaleel (10 th respondent in W.P.(C).No.1673/2020) to establish the plant. This plantation, admittedly, is exempted from the ceiling proceedings under the Kerala Land Reforms Act. The local people appears to have objected to the establishment of the hot tar mixing plant in the plantation. This resulted in filing W.P.(C) No.688/2020 by the petitioner.

3. Mr.George Thomas and Mr.Biju P.V. filed W.P.(C) No.1673/2020 challenging the permission granted to Nath WP(C).Nos.688 &1673/2020 6 Infrastructures to establish the hot tar mixing plant in the exempted land.

4. Nath Infrastructures is stated to have complied with all the requisite formalities and obtained necessary

permissions under the law to establish the hot tar mixing plant such as, permission from the local authority, consent issued by the Pollution Control Board etc.

5. The dispute mainly revolves around using the exempted land for the purpose of establishment of the hot tar mixing plant.

6. Nath Infrastructures moved the Government to obtain exemption to utilise the exempted plantation for the purpose of establishing the hot tar mixing plant. The Government, by

order No.N3/153/2019/RD, dated 23.12.2019, granted

> permission (a copy of which is produced as Ext.P20 in W.P. (C).No.1673/2020). It is stated therein that the permission granted to Nath Infrastructures is strictly on temporary basis, to establish the hot tar mixing plant in the proposed site. It is also stated therein, provided that the petitioner obtains all necessary approvals required for the running of the said plant.

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7. This Court stayed the operation of the above

Government Order in W.P.(C) No.1673/2020. Thereafter, both the matters were taken up together on 10.2.2020. On that day, on behalf of the Forest Department it was submitted before this Court that the hot tar mixing plant is only 10 metres away from the forest and it would affect the flora and fauna of the forest. Taking note of the submission of the Forest Department and also taking note of the challenge made by George Thomas and others (petitioners in W.P. (C).No.1673/2020), this Court directed the Principal Secretary, Revenue, to reconsider the matter after hearing both parties. The Principal Secretary to Revenue, thereafter, heard the matter and, by G.O. (MS).No.713/2020/RD, dated 18.02.2020, affirmed the earlier

order granting permission. In the said order, the Forest

Department's stand was also adverted to. The Forest Department stated before the Government that they have no objection in the matter, provided, necessary safeguards have to be made as against spreading of fire.

8. The writ petition filed by George Thomas and Biju P.V. were later amended to include the challenge against the WP(C).Nos.688 &1673/2020 8

Government Order dated 18.2.2020. The main challenge that was raised against the government order was on the ground that exemption was not based on any public interest. Further, it was argued before this Court that the difficulty that may be caused to the public has not been adverted to in the Government Order.

9. The learned counsel for George Thomas and Biju

P.V., placing reliance on Nazar v. Mathew K.Jacob [2019 (4) KLT 82(SC), Mathew K.Jacob v. District Environmental Impact Assessment Authority [2018 (4) KLT 913 (F.B.)], Robin v. Taluk Land Board [2019 (2) KLT 391], Indus Towers Ltd. v. Sub Inspector of Police [2013 (3) KLT 828] and Common Cause A. Registered Society v. Union of India and Others [(1996) 6 SCC 530] argued that permission granted is against

public purposes and it lacks transparency and fairness.

10. Another challenge raised by George Thomas and Biju

P.V. was on the ground that the consent given by the land owner to Nath Infrastructures is based on a lease deed and it cannot confer any right on later in as much as it is not a registered deed. It is further argued that Nath Infrastructures has no locus standi to approach the WP(C).Nos.688 &1673/2020 9 Government to obtain any exemption as the land belonged to A.K.Jaleel.

11. The land owner had no objection in erecting the

hot tar mixing plant. The exemption was granted for using the land in an application filed by Nath Infrastructures, the contractor. The Government has necessary power to grant exemption under Section 81(3) of the Kerala Land Reforms Act,1964 on being satisfied that it serves public interest. The power to grant exemption under Chapter-III is in

relation to ceiling proceedings. But for this purpose, the exempted land would have been included in the ceiling area to be surrendered to the Government as an excess land, on being converted. The owner is legitimately entitled to use the land for any purposes for which he is legally entitled to. The Land Reforms Act does not contain any provisions for

preservation or conservation of the plantation. The provisions contained therein are for the purpose of protection of the tenants as well as against holding excess land beyond certain ceiling limit fixed. if the land held is in excess of the ceiling area,it will have to be surrendered for the purpose of distribution as contemplated under the

 statutory provisions

proceedings can be initiated. If permission is obtained from the Government, no ceiling proceedings can be initiated. This is the only purpose of obtaining such an exemption.

12. Viewed from the said angle, the contention of

George Thomas and Biju P.V. will have to be considered. They have no proprietary right or interest or title in the land. They have no locus standi to challenge the same. The land owner is the person, who would ultimately be affected by granting exemption if the land is converted for non-

exempted purposes. As seen from the Government Order, exemption was temporary with a condition to restore the land after the purpose is over. The Government also have a reason to grant the permission as the work being undertaken is a public work. If the land is not restored after the purpose is over, it would have to be accounted in the ceiling proceedings. The land owner alone would be affected by such

proceedings. George Thomas and Biju P.V. cannot have any room for complaint against such action. However, they would have concern, if Nath Infrastructures had not obtained any WP(C).Nos.688 &1673/2020 11 permission from the Local Authority, the Pollution Control Board etc. The consent and permission are, in fact, to protect the right of local people as well. In the absence of any challenge against the order passed by the Local Authority and consent issued by the Pollution Control Board, this Court cannot assume to the contrary that it would affect the rights of the neighbouring people.

13. As already adverted, George Thomas and Biju P.V.

are not affected by any exemption granted in as much as they have no proprietory right or interest or title over the land. Therefore, this Court need not examine the validity of the Government Order to the extent as above.

14. It appears that there is serious obstruction to the functioning of the hot tar mixing plant. The local people

held out a protest. In such circumstances, this Court will

have to order police protection to Nath Infrastructures to complete the work using hot tar mixing plant as per the permission granted by the Local Authority as well as the Pollution Control Board.

15. The Police shall maintain law and order and give necessary protection for the smooth functioning of the unit WP(C).Nos.688 &1673/2020 12

belonging to Nath Infrastructures. However, it is open for the Government to take action against Nath Infrastructures if they failed to follow the conditions in the exemption granted including restoration of the land after the work is over. With the observation and ordering protection, W.P.(C) No.688/2020 is allowed. Accordingly, W.P.(C) No.1673/2020 is dismissed. Sd/- A.MUHAMED MUSTAQUE JUDGE ln

WP(C).Nos.688 &1673/2020 13 APPENDIX OF WP(C)NO.688/2020 PETITIONER'S/S EXHIBITS: EXHIBIT P1 TRUE COPY OF THE AGREEMENT DATED 13.9.2018 ISUED BY THE PROJECT DIRECTOR, PROJECT MANAGEMENT UNIT KERALA ROAD FUND BOARD, THIRUVANANTHAPURAM IN CONNECTION WITH THE WORK OF KAITHAPOYIL-KODANCHERY- AGASTHIAMUZHI ROAD K.M. 0/000 TO 21/200 IN KOZHIKKODE DISTRICT. EXHIBIT P2 TRUE COPY OF THE LETTER OF ACCEPTANCE WITH MEMO OF WORK TENDERED IN CONNECTION WITH THE IMPROVEMENT OF WORK OF CRF-IMPROVEMENT TO NORTH KALAMASSERY- KARAMULA-THEKUKUTTY-MARANCHETTY-KOOMBARA-KAKKADAMPOYIL ROAD IN KOZHIKODE DISTRICT DATED 31.5.2019.

EXHIBIT P3 TRUE COPY OF THE LICENCE AGREEMENT DATED 15.12.2018 EXECUTED BY MR. JALEEL OWNER OF THE PROPOSED LAND. EXHIBIT P4 TRUE COPY OF THE NO OBJECTION CERTIFICATE DATED 24.6.2019 ISSUED BY THE FIRE AND RSCUE SERVICES, KOZHIKKODE. EXHIBIT P5 TRUE COPY OF THE GENERAL BUILDING PERMIT DATED 14.5.2019 ISSUED BY THE KARASSERY GRAMA PANCHAYATH. EXHIBIT P6 TRUE COPY OF THE CONSENT TO ESTABLISH DATED 28.2.2019 ISSUED BY THE POLLUTION CONTROL BOARD. EXHIBIT P7 TRUE COPY OF THE TAX RECEIPT DATED 10.5.2019 ISSUED BY THE VILLAGE OFFICER, KUMARANELLUR VILLAGE IN CONNECTION WITH THE PROPOSED LAND. EXHIBIT P8 TRUE COPY OF THE POSSESSION CERTIFICATE DATED

15.11.2018 ISSUED BY THE VILLAGE OFFICER, KUMARANELLUR VILLAGE IN CONNECTION WITH THE PROPOSED LAND. EXHIBIT P9 TRUE COPY OF THE LOCATION CERTIFICATE DATED 15.11.2018 ISSUED BY THE VILLAGE OFFICER, KUMARANELLUR VILLAGE IN CONNECTION WITH THE PROPOSED LAND.

EXHIBIT P10 TRUE COPY OF THE JUDGMENT DATED 7.11.2019 IN WPC NO.23574/2019 OF THIS HONOURABLE COURT. WP(C).Nos.688 &1673/2020 14 EXHIBIT P11 TRUE COPY OF THE ORDER DATED 23.12.2019 PASSED BY THE 8TH RESPONDENT. EXHIBIT P12 TRUE COPY OF THE FIRST INFORMATION REPORT NO.473/2019 OF MUKKOM POLICE STATION. EXHIBIT P13 TRUE COPY OF THE FIRST INFORMATION REPORT NO.474/2019 OF MUKKOM POLICE STATION. EXHIBIT P14 TRUE COPY OF THE COMPLAINT DATED 8.1.2020 SUBMITTED BY THE PETITIONER BEFORE THE 6TH RESPONDENT WITH COPY TO 7TH RESPONDENT. RESPONDENT'S/S EXHIBITS: EXHIBIT R5 NIL EXHIBIT R5-1 THE TRUE COPY OF THE PARTITION DEED NO.1611 OF 2006 S.R.O.MUKKOM DATED 17.4.2006 EXECUTED BY A.K.JALEEL AND 10 OTHERS WITHOUT THE PLAN ALONG WITH IT. EXHIBIT R5-2 THE TRUE COPY OF THE AGREEMENT OF LICENSE DATED

15.12.2018 EXECUTED BETWEEN A.K.JALEEL AS LICENSOR AND V.RAJENDRANATH, MANAGING PARTNER, NATH INFRASTRUCTURES AND LICENSE.

EXHIBIT R5-3 THE TRUE COPY OF THE SAMMATHAPATHRAM ( )DATED NIL EXECUTED BY A.K.JALEEL IN FAVOUR OF V.RAJENDRANATH, MANAGING PARTNER OF NATH INFRASTRUCTURES. EXHIBIT R5-4 THE TRUE COPY OF THE PETITION DATED 01.07.2019 SENT BY THE 1ST PETITIONER TO THE SECRETARY KARASSERY GRAMA PANCHAYATH. EXHIBIT R5-5 THE TRUE COPY OF THE PETITION DATED 01.07.2019 SENT BY THE RESPONDENTS 1 TO 5 AND OTHERS TO THE SECRETARY, KARASSERY GRAMA PANCHAYATH. EXHIBIT R5-6 THE TRUE COPY OF THE LETTER DATED 01.07.2019 SENT BY

THE HEADMASTER GOVT.U.P.SCHOOL, CHUNDATHUMPOYYIL, TO THE DT.COLLECTOR, KOZHIKODE THROUGH THE P.T.A.PRESIDENT. EXHIBIT R5-7 THE TRUE COPY OF THE LETTER DATED 16.11.2018 ISSUED BY THE 9TH RESPONDENT TO THE TAHSILDAR BHOOREKHA ( ) KOZHIKODE OBTAINED TO THE 1ST PETITIONER UNDER THE R.I.ACT. EXHIBIT R5-8 THE TRUE COPY OF THE LETTER DATED 29.12.2018 SENT BY

THE TAHSILDAR BHOOREKHA ( ) KOZHIKODE , TO THE CHAIRMAN AND SUB COLLECTOR, TALUK LAND BOARD, KOZHIKODE OBTAINED TO THE 1ST PETITIONER UNDER THE R.I.ACT.

WP(C).Nos.688 &1673/2020 15 EXHIBIT R5-9 THE TRUE COPY OF THE PETITIONER DATED 09.07.2019 FILED BY THE 1ST PETITIONER BEFORE THE DT.COLLECTOR. EXHIBIT R5-10 THE TRUE COPY OF THE LETTER DATED 31.08.2019 SENT BY THE D.F.O, KOZHIKODE TO THE DT.COLLECTOR, KOZHIKODE, OBTAINED TO THE 1ST PETITIONER UNDER R.I.ACT. EXHIBIT R5-11 THE TRUE COPY OF THE DECISION NO.9(1) DATED 03.07.2019 BY THE KARASERRY GRAMA PANCHAYATH OBTAINED BY THE 1ST PETITIONER UNDER THE R.I ACT. EXHIBIT R5-12 THE TRUE COPY OF THE STOP MEMO DATED 22.08.2019 WITH FILE NO.RDOKKD/3087/2019-NI PASSED BY THE SUB COLLECTOR AND CHAIRMAN TALUK LAND BOARD, KOZHIKODE. EXHIBIT R5-13 THE TRUE COPY OF THE JUDGMENT DATED 17.12.2019 IN W.P. (C)NO.34097 OF 2019 BY THIS HON'BLE COURT. EXHIBIT R5-14 THE TRUE COPY OF THE APPLICATION DATED 01.08.2019 BY

THE PETITIONER UNDER SEC.81(3) OF THE K.L.R., ACT 1963 TO THE SECRETARY TO GOVT.REVENUE DEPARTMENT, TRIVANDRUM.

EXHIBIT R5-15 THE TRUE COPY OF THE ORDER DATED 18.01.2019 ISSUED BY THE ADDL.CHIEF SECRETARY OBTAINED TO THE RESPONDENTS 1 TO 5 UNDER THE R.I.ACT. EXHIBIT R5-16 THE TRUE COPY OF THE JUDGMENT DATED 07.11.2019 IN W.P. (C)NO.23574 OF 2019 BY THIS HON'BLE COURT. EXHIBIT R5-17 THE TRUE COPY OF THE REPORT DATED 14.11.2019 BY THE SUB COLLECTOR AND CHAIRMAN TALUK LAND BOARD, KOZHIKODE TO THE DT.COLLECTOR. EXHIBIT R5-18 THE TRUE COPY OF THE DECISION OF

THE MEETING OF THE COMMITTEE DATED 27.11.2019 RECEIVED TO THE 1ST PETITIONER UNDER THE R.I.ACT. EXHIBIT R5-19 THE TRUE COPY OF THE RELEVANT PAGE OF THE PERMIT, OBTAINED BY THE 1ST PETITIONER UNDER THE R.I.ACT. EXHIBIT R5-20 THE TRUE COPY OF THE GOVT.LETTER NO.N3/143/2019 RD DATED 23.12.2019 ISSUED BY THE PRL.SECRETARY REVENUE AFTER DISPOSING OFF THE EXT.P-14 APPLICATION. EXHIBIT R5-21 THE TRUE COPY OF THE CARBON PICTURE DATED 02.08.2019 PRODUCED ALONG WITH THE PERMIT APPLICATION OBTAINED TO THE PETITIONER UNDER THE R.I.ACT. EXHIBIT R5-22 THE TRUE COPY OF THE RELEVANT PORTION OF THE HINDU DAILY NEWSPAPER PUBLISHED ON 14.01.2020 OBTAINED TO THE 5TH RESPONDENT. EXHIBIT R5-22(A) THE PHOTOGRAPH OF THE PROPOSED AREA LEVELLED FOR ERECTION OF THE HOT TAR MIXING PLANT WITH THE DATE AND TIME OF THE TAKING OF THE PHOTOGRAPH. WP(C).Nos.688 &1673/2020 16 EXHIBIT R5-22(B) THE PHOTOGRAPH OF THE MARCH-PAST CONDUCTED AT 4.P.M. ON 19.01.2020 AGAINST THE TAR MIXING PLANT BY THE PEOPLE OF THE LOCALITY. EXHIBIT R5-22(C) THE PHOTOGRAPH OF THE MARCH-PAST CONDUCTED AT 4.P.M. ON 19.01.2020 AGAINST THE TAR MIXING PLANT BY THE PEOPLE OF THE LOCALITY. EXHIBIT R5-22(D) THE PHOTOGRAPH OF THE MARCH-PAST CONDUCTED AT 4.P.M. ON 19.01.2020 AGAINST THE TAR MIXING PLANT BY THE PEOPLE OF THE LOCALITY. EXHIBIT R5-23 THE TRUE COPY OF THE REPLY DATED 10.01.2020 SENT BY THE STATE PUBLIC INFORMATION OFFICER/D.F.O. KOZHIKODE UNDER THE R.I.ACT TO THE 5TH RESPONDENT. WP(C).Nos.688 &1673/2020 17 APPENDIX OF WP(C) 1673/2020 PETITIONER'S/S EXHIBITS: EXHIBIT P1 THE TRUE COPY OF THE PARTITION DEED NO.1611 OF 2006

S.R.O. MUKKOM DATED 17.04.2006 EXECUTED BY 10TH RESPONDENT AND 10 OTHERS WITHOUT THE PLAN ALONG WITH IT. EXHIBIT P1(A) THE ENGLISH TRANSLATION OF EXT.P1, PREPARED BY THE EXHIBIT P2 THE TRUE COPY OF THE AGREEMENT OF LICENSE DATED 15.12.2018 EXECUTED BETWEEN A.K.JALEEL AS LICENSOR AND V.RAJENDRANATH, MANAGING PARTNER, NATH INFRASTRUCTURES AS LICENSE. EXHIBIT P3

THE TRUE COPY OF THE SAMMATHAPATHRAM ( ) DATED NIL EXECUTED BY A.K.JALEEL IN FAVOUR OF V.RANJENDRANATH, MANAGING PARTNER OF NATH INFRASTRUCTURE.

EXHIBIT P3(A) THE ENGLISH TRANSLATION OF EXT.P3, PREPARED BY THE EXHIBIT P4 THE TRUE COPY OF THE PETITION DATED 01.07.2019 SENT BY THE 1ST PETITIONER TO THE SECRETARY KARASSERY GRAMA PANCHAYATH. EXHIBIT P4(A) THE ENGLISH TRANSLATION OF EXT.P4, PREPARED BY THE EXHIBIT P5 THE TRUE COPY OF THE PETITION DATED 01.07.2019 SENT BY THE PETITIONERS AND OTHERS TO THE SECRETARY, KARASSERY GRAMA PANCHAYATH. EXHIBIT P5(A) THE ENGLISH TRANSLATION OF EXT.P5, PREPARED BY THE EXHIBIT P6 THE TRUE COPY OF THE LETTER DATED 01.07.2019 SENT BY

THE HEADMASTER GOVT.U.P.SCHOOL, CHUNDATHUMPOYYIL, TO THE DT.COLLECTOR, KOZHIKODE THROUGH THE P.T.A PRESIDENT.

EXHIBIT P6(A) THE ENGLISH TRANSLATION OF EXT.P6, PREPARED BY T

BY THE 9TH RESPONDENT TO THE TAHSILDAR BHOOREKHA ( ) KOZHIKODE OBTAINED TO THE 1ST PETITIONER UNDER THE R.I.ACT. EXHIBIT P7(A) THE ENGLISH TRANSLATION OF EXT.P7, PREPARED BY THE EXHIBIT P8 THE TRUE COPY OF THE LETTER DATED 29.12.2018 SENT BY THE TAHSILDAR BHOOREKHA ( ) KOZHIKODE, TO THE CHAIRMAN AND SUB COLLECTOR, TALUK LAND BOARD, KOZHIKODE OBTAINED TO THE 1ST PETITIONER UNDER THE R.I.ACT. EXHIBIT P8(A) THE ENGLISH TRANSLATION OF EXT.P8, PREPARED BY THE EXHIBIT P9 THE TRUE COPY OF THE PETITION DATED 09.07.2019 FILED BY THE 1ST PETITIONER BEFORE THE DT.COLLECTOR. EXHIBIT P9(A) THE ENGLISH TRANSLATION OF EXT.P9, PREPARED BY THE EXHIBIT P10 THE TRUE COPY OF THE LETTER DATED 31.08.2019 SENT BY THE D.F.O, KOZHIKODE TO THE DT.COLLECTOR, KOZHIKODE, OBTAINED TO THE 1ST PETITIONER UNDER THE R.I.ACT.

EXHIBIT P10(A) THE ENGLISH TRANSLATION OF EXT.P10, PREPARED BY THE EXHIBIT P11 THE TRUE COPY OF THE DECISION NO.9(1) DATED 03.07.2019 BY THE KARASERRY GRAMA PANCHAYATH OBTAINED BY THE 1ST PETITIONER UNDER THE R.I.ACT. EXHIBIT P11(A) THE ENGLISH TRANSLATION OF EXT.P11, PREPARED BY THE EXHIBIT P12 THE TRUE COPY OF THE STOP MEMO DATED 22.08.2019 WITH FILE NO.RDOKKD/3087/2019-NI PASSED BY THE SUB COLLECTOR AND CHAIRMAN TALUK LAND BOARD, KOZHIKODE. EXHIBIT P12(A) THE ENGLISH TRANSLATION OF EXT.P12, PREPARED BY THE EXHIBIT P13 THE TRUE COPY OF THE JUDGMENT DATED 17.12.2019 IN W.P.(C)NO.34097 OF 2019 BY THIS HON'BLE COURT. EXHIBIT P14 THE TRUE COPY OF THE APPLICATION DATED 01.08.2019 BY THE 11TH RESPONDENT UNDER SEC.81(3) OF THE K.L.R., ACT 1963 TO THE SECRETARY TO GOVT.REVENUE WP(C).Nos.688 &1673/2020 19 DEPARTMENT, TRIVANDRUM. EXHIBIT P15 THE TRUE COPY OF THE ORDER DATED 18.01.2019 ISSUED BY THE ADDL.CHIEF SECRETARY OBTAINED TO THE PETITIONER UNDER THE R.I.ACT. EXHIBIT 15(A) THE ENGLISH TRANSLATION OF EXT.P15, PREPARED BY THE EXHIBIT P16 THE TRUE COPY OF THE JUDGMENT DATED 07.11.2019 IN W.P.(C)NO.23574 OF 2019 BY THIS HON'BLE COURT. EXHIBIT P17 THE TRUE COPY OF THE REPORT DATED 14.11.2019 BY THE SUB COLLECTOR AND CHAIRMAN TALUK LAND BOARD, KOZHIKODE TO THE DT.COLLECTOR. EXHIBIT P18 THE TRUE COPY OF THE DECISION OF THE MEETING OF THE COMMITTEE DATED 27.11.2019 RECEIVED TO THE 1ST PETITIONER UNDER THE R.I.ACT. EXHIBIT P18(A) THE ENGLISH TRANSLATION OF EXT.P18, PREPARED BY THE EXHIBIT P19 THE TRUE COPY OF THE RELEVANT PAGE OF THE PERMIT, OBTAINED BY THE 1ST PETITIONER UNDER THE R.I.ACT. EXHIBIT P20 THE TRUE COPY OF THE GOVT. LETTER NO.N3/153/2019 RD DATED 23.12.2019 ISSUED BY THE PRL.SECRETARY REVENUE AFTER DISPOSING OFF THE EXT.P14 APPLICATION. EXHIBIT P21 THE TRUE COPY OF THE CARBON PICTURE DATED 02.08.2019 PRODUCED ALONG WITH THE PERMIT APPLICATION OBTAINED TO THE PETITIONER UNDER THE R.I.ACT. EXHIBIT P22 THE TRUE COPY OF THAT COMPLAINT DATED 16.02.2020

SENT BY THE ATHIVASI ALSO MEMBERS OF THE AYALKKOOTTAM OF 5TH WARD OF CHUNDATHUMPOYIL (KARASSERY) EXHIBIT P23 THE PHOTOGRAPH SHOWING THE PORTION OF THE MACHINERY OF THAT TAR MIXING PLANT. EXHIBIT P 23 A THE PHOTOGRAPH OF THE LARGE VOLUME OF MATERIALS COLLECTED IN THE TAR MIXING PLANT AT ROROTH VILLAGE BY THE 11TH RESPONDENT. EXHIBIT P24 THE TRUE COPY OF THAT ORDER DATED 18.02.2020 SERVED TO THE PETITIONERS COUNSEL WITH A MEMO, BY SPL.G.P.

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