

(2024) 12 KL CK 0136
In the High Court Of Kerala
Case No : Writ Petition (C) No. 46370 Of 2024

Abdulla

APPELLANT

Vs

State Of Kerala

RESPONDENT

Date of Decision : 24-12-2024

Acts Referred:

Citation : (2024) 12 KL CK 0136

Hon'ble Judges : Easwaran S., J

Bench : Single Bench

Advocate : S.Nidheesh, C E Unnikrishnan, Manoj Ramaswamy

Final Decision : Disposed Of

Judgement

Easwaran S., J

1. The petitioner is a resident of Wayanad District. The present writ petition is filed seeking the following reliefs :

i. Issue a writ of Mandamus, order or direction, directing the 3rd respondent to consider and pass orders on Exhibit P5 complaint at the earliest or within a time frame that may be fixed by this Hon'ble Court.

ii. Direct the 3rd respondent to consider and pass orders on Exhibit P5 complaint in view of Exhibit P4 Interim Order of this Hon'ble court.

iii. Direct the 3rd respondent to ensure the compliance of the orders and guidelines prescribed in Exhibits P1 and P2 and its consequential orders and proceedings, by invoking the provisions of Disaster Management Act.

iv. Direct the respondents 1 to 6 to ensure the compliance of the orders and guidelines prescribed in Exhibits P1 and P2 and its consequential orders and proceedings, by invoking the provisions of Disaster Management Act by implementing the statutory duties devolved upon them.

v. Direct the respondents 1 to 6 to take effective steps to prevent the conduct of

the proposed New Year celebrations with mass gatherings by the Lodging houses including the resorts/ home stays/ hotels, private lands and the other organizations of Wayanad District including respondents 7 and 8.

vi. Direct the respondents 1 to 6 to ensure that, the Lodging houses including the resorts/ home stays/ hotels, private lands and the other organizations of Wayanad District including respondents 7 and 8, are conducting the New Year celebrations in Wayanad District only after obtaining all the necessary statutory approvals and licenses prescribed under the provisions of law, particularly from the 3rd respondent and Local Self Government Institutions concerned.

2. Ext.P5 is a complaint given to the District Collector, who is the authority under the provisions of the Disaster Management Act, seeking his intervention on the various initiatives taken by respondents 7 and 8 for conducting new year bash on the night of 31.12.2024. It is contended that respondents 7 and 8 who are conducting homestays and lodging are planning to go ahead with a large scale new year celebrations in the landslide prone areas. Reliance is also placed on Ext.P4 interim order passed by this Court in a similar circumstance.

3. Heard Sri. Nidheesh S., the learned counsel appearing for the petitioner, Sri. C.E Unnikrishnan, the learned Senior Government Pleader appearing for respondents 1 to 3 and 6 and Sri. Manoj Ramaswamy, the learned Standing Counsel appearing for respondents 4 and 5.

4. The learned Senior Government Pleader submitted that Ext.P5 representation is received and pending consideration of the District Collector who has sought for remarks from the different departments including the Grama Panchayath.

5. The learned Standing Counsel appearing for the Meppadi Grama Panchayath submitted that, as of today, no permission has been granted to any of the homestays or lodgings for conducting any new year celebrations.

6. Be that as it may, when the District Collector is seized of the matter by Ext.P5 under the provisions of the Disaster management Act, it is only appropriate that this Court issue directions to the District Collector to take up Ext.P5, consider the same and pass appropriate orders on or before 28.12.2024.

Ordered accordingly.