

**RECOMMENDATION OF DIVISIONAL FOREST OFFICER, SOUTH**  
**WAYANAD DIVISION**

Dr. E.P. Mohandas, Managing Director, Western Ghats Development Ltd has applied for forest clearance for the Construction of Rope way between Kozhikkode and Wayanad Districts of Kerala State.

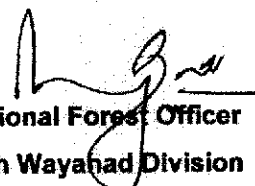
The land proposed was inspected by me on 21.02.2022. The area falls under Block 25, R.S. No.201/Pt, 0.6158 Ha in Kunnathidavaka Village of Vythiri Taluk. The proposed area is a vested forest in VFC item No.89, which is lying contiguous to the District boundary of Kozhikode Division.

The area proposed for diversion is a part of Nilgiri Biosphere Reserve and the nature of forest is of semi evergreen and deciduous type with canopy density of 25 to 50 %. The gradients are steep on the outer portion of the hillock and is prone to landslides. The area show sparse occurrence of trees with stunted growth, among which *Mallotus philippensis*, *Dysoxylum malabaricum*, *Artocarpus heterophyllus* are notable. The area consists of coffee plants and it is a disputed property in WP(C) 14943/2021 before the Hon'ble High Court. The presence of animals like Wild boar, Elephant, Tiger, Leopard, Porcupine, Sambar deer, Barking deer, Mouse deer is also seen in the area and the area is home to several endemic birds. From the list of flora submitted by the agency which has done vegetation analysis of the site and adjacent touch areas, there are collected 104 species of flowering plants and from the above, 25% comes under the category of Rare, Endemic and Threatened Plants (RET) like *Cinnamomum malabattrum*, *Actinodaphne malabarica*, *Dalbergia latifolia*, *Lagerstroemia lanceolata* etc. Among the 104 species of flowering plants, more than 75 species have known medicinal properties. Some of these are *Callicarpa tomentosa*, *Garcinia gummigutta*, *Symplocos cochinchinensis*, *Briedelia scandens* etc.

The proposed rope way project is passing through 0.85 Ha in Puthupadi Village, 0.3 Ha in Kadancheri Village and 0.62 Ha in Kunnathidavaka Village totalling 1.77 Ha of forest land and 2.72 Ha of private land in Puthupadi

Village. As the project is passing through the forest area in Kalpetta Range, trees are needed to be felled.

The total forest land proposed for diversion is 1.77 Ha, out of this 0.6158 Ha comes under the Kalpetta Range of South Wayanad Forest Division. Out of the above said 1.77 Ha of Forest Land 0.6158 Ha. of land is situated in Rs. No. 201/pt of block No. 25 of Kunnathidavaka village and is coming under VFC item No. 89 in Kalpetta Range of South Wayanad Forest Division. While processing the application it is seen that the land mentioned in the proposal for diversion is under litigation. One Shri.AbdulLatheef Kallankodan has filed WP©14943/21 before the Hon'ble High Court with a prayer to quash the proceedings for notifying the extent of 0.6158 Ha of left out Vested forests. Legal opinion was obtained from Special Government Pleader (Forests) with respect to the further course of action . In the legal opinion dt 13-6-22 it is stated that Hon'ble High Court has issued an interim order directing to maintain Status quo in relation to the property and the same has been extended and is still in force. In such circumstances without the permission of the Hon'ble court no action which changes the status of the land can be taken now. And hence no action can be taken now on the proposal and the proposal may be returned citing the interim order of Status quo dated 28-07-2021 issued by the Honb'le High Court. (Legal Opinion enclosed)



**Divisional Forest Officer**  
**South Wayanad Division**

**LEGAL OPINION**

IN

**WP(C).No.14943 of 2021**

Sub:-WP( C) 14943/2021 filed by White water Resorts, challenging Ext.P25 notification dated 10.02.2021 issued under Sub Rule 2A of the Kerala Forest Vesting and assignment)Rules 1974.

Ref:- Letter dated 14.3.2022 y the Divisional Forest officer ,South Wayanad seeking opinion regarding proposal through Parivesh Portal seeking approval of for forest clearance for the land including the notified land , filed by Western Ghats Development Ltd

In the above writ petition, the petitioner challenges Ext.P25 notification dated 10.02.2021 issued under Sub Rule 2A of the Kerala Forest (Vesting and assignment)Rules 1974 issued in respect of 0.6158 Ha of land in Survey No. RS No. 201/1Pt in block No. 25 of Vythiri Taluk. According to the petitioner the said property belongs to him as per Assignment deed no's 1277/1992 and 1278/1992 of Vaithiri SRO and hence the notification is illegal. So he prays for quashing the notification.

Rejecting the contentions of the petitioner the DFO, South Waynad who is the 6<sup>th</sup> respondent in the writ petition has filed a statement contending inter alia that the property involved in the notification was never leased out by Sankara Raja Varma of Edavalath Kovilakam as per Lease deed No. 601/1928. The said portion was kept with the Kovilakam and the said property vested with the Government as per Section 3(1) of the Kerala Forest (Vesting and assignment) Act 1971 as on 10.5.1971. The vesting is automatic and the vesting is not postponed to any subsequent day after the said appointed day.

When the writ petition come up for admission on 28.7.2021, the Hon'ble High court issued an interim order directing to maintain Status



quo in relation to the property and the same has been extended and is still in force.

It is discernable from the letter referred above that a proposal was submitted through Parivesh portal by Western Ghats development Ltd., Kalpetta for prior approval of the Central Government for diversion of an extent of 1.77 H a of forest land for the purpose of installation and operation of a passenger rope way connecting Adivaram in Kozhikode District and Lakkidi, Wayand District. It is also stated that out of the said 1.77 Ha of land, 0.6589 Ha of land included in Ext P25 Notification and coming within VFC item 89 is also required for the said purpose. As per the letter under reference, opinion is sought as to whether further action to scrutinize and submit the proposal can be taken during the pendency of the writ petition.

As per interim order dated 28.7.2021, the Hon'ble High court has issued an interim order directing to maintain Status quo in relation to the property and the same has been extended and is still in force. In such circumstance without the permission of the Hon'ble court, no action which changes the status of the land can be taken now. Hence I am of the opinion that no action can be taken now on the proposal and the proposal may be returned, citing the interim order of Status quo dated 28.7.2021 issued by the Hon'ble High Court.

Dated this the 13<sup>th</sup> day of June, 2022.



**T.P.SAJAN**  
SPECIAL GOVERNMENT PLEADER (FORESTS)