

ITEM NO.1

COURT NO.10

SECTION XIA

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).15698/2003

(From the judgment and order dated 05/03/2003 in OP No. 7104/2002

of The HIGH COURT OF KERALA AT ERNAKULAM)

KOTTAYAM NATURE SOCIETY

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(With prayer for interim relief)(For final disposal)

WITH

SLP(C) NO. 216 of 2004 - With appln. for c/delay in filing SLP & O/Report

Date: 10/01/2006 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARUN KUMAR

HON'BLE MR. JUSTICE G.P. MATHUR

For Petitioner(s) Mr. V. Giri, Adv.

in SLP.15698:

Mr. Ajay K. Jain, Adv.

Mr. Dileep Pillai, adv.

Mr. Sajith P. Adv.

Mr. M.P. Vinod,Adv.

in SLP.216:

Mr. C.K. Sasi, Adv.

For Respondent(s) Mr. Dushyant Dave, Sr.Adv.

Nos.5 & 6 Ms. Madhu Sikri,Adv.

For R-1: Ms. Purnima Bhat Kak, Adv.

Mrs Anil Katiyar ,Adv.

For RR.2-4: Mr. Ramesh Babu M.R. ,Adv

UPON hearing counsel the Court made the following

O R D E R

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S.L.P.(C) No. 15698 of 2003

On the Vembanad Lake near Kottayam (Kerala), there is an Isl
and called

Pathiramanal Island. This Island earlier belonged to a private owner, but now it vests in the
State

Government. The area of the Island is about 171 acres. The State Government proposed to leas
e

48.2 acres land on the said Island for the purpose of setting up a
Tourist Resort Hotel. This

decision was taken some time in April, 2004 and for this purpose Responde
t Nos. 5 & 6 were

selected as a lessee. The said decision of the Government was challenged by the petitioner he
rein,

which is a registered Society. A writ petition was filed in the High Court of Kerala
challenging

the said decision. By the impugned judgment the Kerala High Court dismissed the said petition
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During the course of hearing of this Special Leave Petition a suggestion h
as emerged

which, in our view, is quite appropriate in the facts of the present case. The petitioner is
raising

several ecological and environmental issues to challenge the decision of the Government to set

up

a Tourist Resort Hotel on the Island in a joint venture with Respondents 5 and 6. As per the

suggestion we direct that the State Government should take a fresh decision in the matter in the

light of issues being raised by the petitioner-Society. The learned counsel appearing for the

Society submits that the Society will make a fresh representation to the State Government within

four weeks from today with a copy to Respondents 5 and 6. After receipt of the representation,

the State Government will permit a personal hearing to the representatives of the petitioner-

Society on a date and time to be fixed by the State Government. During the course of the personal

hearing representatives of Respondents 5 and 6 will also be permitted to be present and they will

be entitled to be heard in response to the hearing given to the representatives of the petitioner-

Society. The State Government will take a decision after hearing both sides on the issues raised

by the parties. While taking such a decision, the State Government need not be influenced by the

judgment of the Kerala High Court which is impugned in the present Special Leave Petition. The

decision will be taken within six weeks after conclusion of the hearing and will indicate the basis

for arriving at the decision.

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It will be open to the parties to raise all such contentions which may be open to them in

law at the time of hearing.

This Special Leave Petition is disposed of in terms of the above order.

S.L.P.(C)No. 216 of 2004

In view of the order passed in S.L.P.(C) No. 15698 of 2003,
this petition does not

survive.

(S. Thapar)

(Phoolan Wati Arora)

PS to Registrar

Court Master