



2025:KER:64757

W.A. No.109 of 2025

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

&

THE HONOURABLE MR. JUSTICE HARISANKAR V. MENON

MONDAY, THE 25TH DAY OF AUGUST 2025 / 3RD BHADRA, 1947

WA NO. 109 OF 2025

AGAINST THE JUDGMENT DATED 27.12.2024 IN WP(C)

NO.36436 OF 2024 OF HIGH COURT OF KERALA

APPELLANT/PETITIONER:

**M/S. HARRISONS MALAYALAM LIMITED, 24/1624,
BRISTOW ROAD, WILLINGDON ISLAND, ERNAKULAM,
COCHIN, REPRESENTED BY ITS HEAD - LEGAL - SRI.
SUMITH BABU, PIN - 682 003**

**BY ADVS.
SHRI.M.GOPIKRISHNAN NAMBIAR
SRI.E.K.NANDAKUMAR (SR.)
SRI.JOSON MANAVALAN
SHRI.K.JOHN MATHAI
SRI.KURRYAN THOMAS
SHRI.PAULOSE C. ABRAHAM
SHRI.RAJA KANNAN
SMT.NAYANPALLY RAMOLA**

RESPONDENTS/RESPONDENT:

**1 STATE OF KERALA, REPRESENTED BY ITS PRINCIPAL
SECRETARY, REVENUE & DISASTER MANAGEMENT
DEPARTMENT GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM., PIN - 695 001**



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- 2 KERALA STATE DISASTER MANAGEMENT AUTHORITY,
REPRESENTED BY ITS COMMISSIONER OBSERVATORY
HILLS, VIKAS BHAVAN P.O. THIRUVANANTHAPURAM, PIN
- 695 033
- 3 DISTRICT DISASTER MANAGEMENT AUTHORITY, WAYANAD
REPRESENTED BY ITS CHAIRPERSON, KALPETTA,
WAYANAD, PIN - 673 122
- 4 THE DISTRICT COLLECTOR, WAYANAD, COLLECTORATE,
KALPETTA WAYANAD., PIN - 673 122
- 5 THE TAHSILDAR, VYTHIRI TALUK, VYTHIRI TALUK
OFFICE VYTHIRI, WAYANAD., PIN - 673 576

BY ADVS.

GOVERNMENT PLEADER

SHRI.K.GOPALAKRISHNA KURUP, ADVOCATE GENERAL

SHRI.S.KANNAN, SENIOR G.P.

SHRI.M.H.HANIL KUMAR, SPL.G.P. (REVENUE)

SHRI.C.E.UNNIKRISHNAN SPL. G.P TO A.G

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON
25.08.2025, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:



J U D G M E N T

A. Muhamed Mustaque, J.

In this appeal, along with I.A. No.1 of 2025, a Government Order has been produced, and the same is marked as Annexure A. We received the additional documents on record.

In the Government Order, it is stated as follows:

"ഡിഡിഎഫ് (ജില്ലാ ഭരണ നിവാരണ അതോറിറ്റി) തയ്യാറാക്കിയ ഭരണ ബാധിത കുടുംബങ്ങളുടെ ലിസ്റ്റ് 430 അധികരിക്കാത്തതിനാലും സർക്കാർ നിർമ്മിക്കുന്ന ടൗൺഷിപ്പിനു പുറത്തു താമസിക്കുവാൻ ആഗ്രഹിക്കുന്ന ഉരുൾപൊട്ടൽ ബാധിത കുടുംബങ്ങൾക്ക് അനുവദിക്കുന്ന 15 ലക്ഷം രൂപ സ്വീകരിക്കുന്ന ഗുണഭോക്താക്കളും ലിസ്റ്റിൽ നിന്ന് ഒഴിവാക്കപ്പെടും എന്നതിനാലും പുനരധിവാസത്തിനായി ആദ്യഘട്ടത്തിൽ എൽസ്റ്റോൺ എസ്റ്റേറ്റ് ഏറ്റെടുക്കുന്നതിനും നെടുമ്പല എസ്റ്റേറ്റ്നെ ഒഴിവാക്കുന്നതിനും അനുമതി നൽകുന്നു. ഗുണഭോക്താക്കൾക്ക് വീട് നൽകുന്നതിനായി 7 സെൻ്റ് ഭൂമി വീതമുള്ള പ്ലോട്ട് സൈസ് ആയി പുനഃക്രമീകരിക്കുന്നതിനും അനുമതി നൽകുന്നു."

2. The present challenge made by the appellant is against the Government Order to take over Nedumbala Estate, invoking the provisions under the Disaster Management Act, 2005. As per the Government Order, the Government decided to exclude the above estate for the time being. That means, in the future, if



the Government requires the estate, the Government will come up with a fresh notice to the appellant to take over the estate. If such being the matter, we are of the view that as of now the appellant is not aggrieved, as their land is spared for the purpose of rehabilitation invoking the Disaster Management Act, 2005. Accordingly, the writ appeal is closed.

3. The Government Order which was under the challenge in the Writ Petition having modified by the Government itself, the very substratum of the judgment no longer survives. Therefore, we order that the judgment stands recalled as against the appellant/petitioner herein, leaving open the question of law as raised in the above writ appeal.

We also reserve the Government to proceed against the appellant's estate in the future in accordance with exigency under the Disaster Management Act, 2005.

Sd/-

**A.MUHAMED MUSTAQUE
JUDGE**

Sd/-

**HARISANKAR V. MENON
JUDGE**



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APPENDIX OF WA 109/2025

Annexure A	TRUE COPY OF G.O.(MS).3/2025/DMD,DATED 28.2.2025 ISSUED BY THE 1ST.RESPONDENT
Annexure B	ENGLISH TRANSLATION OF ANNEXURE A