

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE N.NAGARESH

FRIDAY, THE 09TH DAY OF APRIL 2021 / 19TH CHAITHRA, 1943

WP(C).No.29279 OF 2017(H)

PETITIONERS:

- 1 SUKUMARAN KANI,
S/O. NARAYNAN KANI,
AGED 35 YEARS, MANAKKUDI,
MOTTAMOODU SETTLEMENT,
KALLAR P.O., PIN-695 551,
TRIVANDRUM DISTRICT.
- 2 M.N. JAYACHANDRAN,
S/O. K. NARAYANAN NAIR,
AGED 60 YEARS, MUNDAMATTAM HOUSE,
THODUPUZHA, IDUKKI DISTRICT-685 584.

BY ADVS.
SRI.SAJITH KUMAR V.
SRI.JOSIE MATHEW

RESPONDENTS:

- 1 STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT,
DEPARTMENT OF FOREST AND WILDLIFE,
GOVERNMENT SECRETARIAT, TRIVANDRUM-695 001.
- 2 THE PRINCIPLE CHIEF CONSERVATOR OF
FORESTS HEAD OF FOREST FORCE,
FOREST HEADQUARTERS,
VAZHUTHACADU, TRIVANDRUM-695 014.
- 3 THE DIVISIONAL FOREST OFFICER,
DIVISIONAL FOREST OFFICE, TRIVANDRUM-695 014.
- 4 THE FOREST RANGE OFFICER,
PARUTHIPALLY RANGE,
KUTTICAL P.O., TRIVANDRUM-695 574.
- 5 THE DEPUTY SUPERINTENDENT OF POLICE,
NEDUMANGAD, TRIVANDRUM-695 541.

- 6 THE TAHASILDAR
TALUK OFFICE, NADUMANGAD, TRIVANDRUM-695 541.
- 7 UNION OF INDIA,
REPRESENTED BY MINISTRY OF FOREST AND
ENVIRONMENTAL PROTECTION,
GOVERNMENT OF INDIA, NEW DELHI-110 001.
- 8 REV. FR. SEBASTIAN KANICHIKUNNATH,
OSJ VICAR, DAIVA PARIPALANA CHURCH,
VITHURA-695 551.
- ADDL. 9 HON'BLE BISHOP OF THE NEYYATINKARA
LATIN DIOCESE,
BISHOP'S HOUSE, ARALUMMOOD P.O.,
NEYYATINKARA, TRIVANDRUM-695123.
- ADDL. 10 THE VICAR GENERAL,
NEYYATINKARA LATIN DIOCESE, ARALUMMOOD P.O.,
NEYYATINKARA, TRIVANDRUM-695123.
- ADDL. 11 MSGR. REV. ROOFUS PIOUSLEEN,
NEDUMANGAD REGIONAL CO-ORDINATOR,
JEEVAN JYOTHI BHAVAN,
MARIGIRI, MELECHIRA, ARYANADU P.O.,
TRIVANDRUM - 695542.
- ADDL. 12 REV. FR. DENNIS MANNUR, RECTOR,
KARICHATTIMUTTA HILLS/KURISHUMALA,
VITHURA, TRIVANDRUM -695551.

(ARE IMPEADED AS ADDITIONAL RESPONDENTS R9-
R12 VIDE ORDER DATED 18.01.2018 IN
I.A.No.547/18.)

R1 BY SRI.SANDESH RAJA.K., SPL. GOVERNMENT
PLEADER (FOREST)

R7 BY SRI.P. VIJAYAKUMAR, ASSISTANT
SOLICITOR GENERAL

R9-12 BY ADV. SRI.E.HARIDAS

R1 BY ADV. SRI.RAJU JOSEPH SR.

R9-12 BY ADV. SRI.FIROZ K.ROBIN

R8 BY ADV. SRI.J.JULIAN XAVIER

GOVERNMENT PLEADER SRI JAFFERKHAN Y. FOR
ADDL A.G. SRI RANJITH THAMPAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY
HEARD ON 09-04-2021, ALONG WITH WP(C).9997/2018(Y), THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE N. NAGARESH

FRIDAY, THE 09TH DAY OF APRIL 2021 / 19TH CHAITHRA, 1943

WP (C) .No. 9997 OF 2018

PETITIONER:

MSGR. G. CHRISTHUDAS,
AGED 68 YEARS,
S/O. GABRIEL (LATE),
VICAR GENERAL,
NEYYATTINKARA LATIN DIOCESE AND RECTOR,
BONACAUD PILGRIM CENTRE,
VITHURA, TRIVANDRUM - 695 551.

BY ADVS.
SRI. J. JULIAN XAVIER
SRI. E. HARIDAS

RESPONDENTS:

- 1 STATE OF KERALAM
REP. BY ITS SECRETARY TO THE GOVERNMENT,
DEPARTMENT OF FOREST AND WILDLIFE,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.
- 2 THE DIVISIONAL FOREST OFFICER,
DIVISIONAL FOREST OFFICE,
THIRUVANANTHAPURAM - 695 014.
- 3 THE FORET RANGE OFFICER
PARUTHIPALLY RANGE,
KUTTICAL P.O,
THIRUVANANTHAPURAM - 695 574.

- 4 THE SUPERINTENDENT OF POLICE,
THIRUVANANTHAPURAM RURAL, NEDUMANGAD,
THIRUVANANTHAPURAM - 695 541.
- 5 SI OF POLICE,
VITHURA POLICE STATION, VITHURA,
THIRUVANANTHAPURAM - 695 001.
- 6 MR. SUKUMARAN KANI,
S/O. NARAYANAN KANI, MANAKKUDI,
MOTTAMOODU SETTLEMENT, KALLAR P.O,
THIRUVANANTHAPURAM - 695 551.
- 7 M.N JAYACHANDRAN,
S/O. K NARAYANAN NAIR,
MUNDAMATTAM HOUSE,
THODUPUZHA, IDUKKI - 685 584.

GOVERNMENT PLEADER SRI JAFFERKHAN Y. FOR
ADDL A.G. SRI RANJITH THAMPAN
R1 BY ADV. SRI.SANDESH RAJA.K. SPL. G.P.
FOREST

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY
HEARD ON 09-04-2021, ALONG WITH WP(C).29279/2017(H), THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J U D G M E N T

~ ~ ~ ~ ~

Dated this the 9th day of April, 2021

[WP(C) No.29279/2017 & 9997/2018]

The 1st petitioner in WP(C) No.29279/2017 belongs to a Tribal community and the 2nd petitioner is an Environmentalist. They have filed the writ petition seeking to notify Paruthippally Reserve Forest/Peppara Wildlife Sanctuary and adjoining areas for the purpose of Section 3 of the Forest Rights Act, 2006 and to command the respondents to implement Ext.P2 forthwith.

2 The petitioner in WP(C) No.9997/2018 is the Rector of Bonacaud Pilgrim Centre at Vithura where Bonacaud Kurishumala is situated. The petitioner seeks to direct respondents 1 to 5 to see that no obstruction is caused by respondents 6 and 7 or any other persons while re-installing the Holy Cross and while offering prayers in

Amalolbhava Matha Latin Catholic Church in Bonacaud Tea Estate. A declaration is also sought to declare that the Bonacaud Pilgrim Centre has customary right to conduct religious rites at Bonacaud Kurishumala and right to install Holy Cross.

3. The petitioners in WP(C) No.29279/2017 state that the Bonacaud Forest Area is declared as “Peppara wildlife Sanctuary” by a notification dated 21.12.1983 under section 18 of the Wildlife Protection Act, 1972. The area falls as a Reserve Forest and was declared so during the period of Diwan of Travancore. From the year 2013–14 onwards, the 8th respondent who is a Vicar and few miscreants were trying to encroach into the Bonacaud Forest by constructing crosses at various locations in the forest land. They named 'Karichatti Motta' forest area as 'Kurishumala' for the last few years.

4. The petitioners would contend that Forest Range Officers colluded with the 8th respondent permitting construction of an 'Althaara' inside forest land. The

petitioners would further state that the present Forest Range Officer issued Ext.P8 notice requiring the 8th respondent to remove encroachment. There was stiff resistance from 8th respondent and other miscreants and the Forest Officials sought assistance of 6th respondent-Tahsildar. The Vigilance Wing of Forest Department in Ext.P4 found that five concrete crosses and 'Althaara' were constructed upto 95% and Forest Officials failed to prevent the illegal construction. The Vigilance Wing recommended disciplinary proceedings against such officials.

5. The 4th respondent-Forest Range Officer issued a letter to the Deputy Superintendent of Police seeking protection and assistance for removal of encroachments to be conducted on 12.08.2017. On that day, with the police assistance, majority of the constructions were removed. However, there are repeated attempts to resurrect the illegal constructions. The petitioners alerted the Forest Authorities about this. Petitioners would submit that the tribal people have a right to collect minor forest produces from the

locality. The construction of 'Althaara' and concrete crosses and converting the area as a pilgrimage centre, would deprive the tribals of their livelihood. The respondents are therefore compellable to stop construction of new crosses in the areas falling in Reserve Forest/Peppara Wildlife Sanctuary.

6. The petitioner in WP(C) No.9997/2018 stated that Bonacaud Kurishumala is a well-known Pilgrim Centre which was started in the year 1957, when a Holy Cross was installed by Christian believers. Ever since, large number of people from Kerala and outside make their pilgrimage to the place where the cross was erected. The pilgrimage is on the 1st Friday of every month, 14th September the feast of Holy Cross and during lent season. There are records to show that festivals were being conducted at Bonacaud Kurishumala. The Church history edited by Sri. P. Devadas and published in the year 2009 would throw light into the history of Bonacaud Kurishumala. There is a religious place of Hindus in this area where idol of Lord Shiva is erected.

7. The petitioner states that except for conducting prayers, no other activities are carried on in the place where the Holy Cross stands. There are three places of worship in Marayoor division in Kanthalloor Range, which belong to Hindus. By Ext.P7, the 3rd respondent-Forest Range Officer required the petitioner to remove the Crosses. On 11.08.2017, certain miscreants destroyed three Holy Crosses which were erected at Kurishumala long ago. Though a police complaint was made, there was no positive action.

8. The petitioner would submit that a consensus was reached later regarding installation of Holy Cross at Kurishumala. Thereafter the believers re-installed the main Cross on the top of the Kurishumala on 30.08.2017. A wooden Cross installed in the Kurishumala was again destroyed by some miscreants on 25.11.2017. Though the parishioners were agitating for their right to worship, the police did not agree on the ground that this Court in WP(C) No.29279/2017 has ordered status quo.

9. The petitioner reiterates that the Holy Cross situated in the Kurishumala is not encroachment. When places of worship of other religions are permitted in the area, denial of right to the believers of Christian community to worship in Kurishumala, would offend the right guaranteed under Article 25 of the Constitution of India. Therefore this Court should pass orders to ensure that no obstruction is caused to the petitioner and other believers in conducting religious ceremonies in the Pilgrimage Centre.

10. The 3rd respondent-Divisional Forest Officer filed a statement in WP(C) No.29279/2017. The 3rd respondent stated that there is a Latin Catholic Church namely Amalolbhava Mata located within the Mahavir plantation at Bonacaud. The members of the Church constructed 14 small concrete crosses from the premises of the Church to the hilltop of Karichattimotta during the year 2013. Out of the 14 Crosses, five were constructed in the Reserve Forest Area. They have constructed an 'Althaara' also and efforts were made to name the hilltop as Kurishumala.

Kurishumala is in fact a hilltop in a private land far away from Karichattimotta.

11. On 18.03.2017, Forest Officials of Paruthipally Range found newly constricted Crosses of height of 5 m. in the place of damaged small crosses constructed earlier. Mahazar was prepared in respect of the illegal construction. A case was registered as O.R. No.02/2017 in Paruthipally Range under section 27(1)(e)(i) and (iv) of the Kerala Forest Act. Investigations revealed that one Rev. Fr. Sebastian Kanichikunnathu, Rajan and Sathya Das were involved in the illegal action. They were summoned and their confession statements were recorded. They confessed to that act. Investigation in the case is under process. When the 8th respondent refused to remove the Crosses in spite of request, Section Staff removed the three crosses of smaller size and part of 'Althaara' on 16.06.2017. Though the Department attempted to remove the remaining two crosses of larger size, they failed due to stiff resistance from Church Authorities and members of the Church.

12. On 19.08.2017, it was found that the two large crosses constructed in March, 2017 and which were mentioned in mahazar dated 18.03.2017 were uprooted by unknown persons. On 20.08.2017, there was an attempt to trespass into the Reserve Forest and reconstruct the crosses. The Forest Officials aborted the attempt with the help of the Police. For this incident, another O.R.No. 13/2017 was registered. Subsequently on 27.08.2017, around 300 people under the leadership of Rev. Fr. Sebastian Kanichikunnathu again trespassed into the forest and installed a wooden cross. They also tried to renovate the 'Althaara'. Hence O.R. No.14/2017 was registered. The investigation in respect of this offence is going on.

13. On 01.09.2017 yet another attempt was made at the instance of Rev. Fr. Sebastian Kanichikunnathu to erect the wooden cross. About 30 persons trespassed in the Reserve Forest for this purpose. However, ignoring the warning given by the Forest Officials, they have installed a wooden cross of height 2.98 m. from the ground level at

Karichattimotta near the last cross which was removed. Yet another O.R.No.15/2017 was registered under the Kerala Forest Act in respect of this incident. Subsequently, the 8th respondent was required to remove the cross. In response, Mon: Rev. Roofus Payasleen gave a letter dated 01.01.2018 intimating that they will be trespassing the forest land on 05.01.2018 for installing a cross in place. On 05.01.2018, around 2000 people gathered and attempted to trespass into the Reserve Forest along with a large wooden cross. However they were restrained by the Forest Officials with the assistance of the Police force.

14. Heard the learned counsel for the petitioners in the writ petitions and the learned Special Government Pleader (Forests).

15. The issue arising is whether the petitioner in WP(C) No.9997/2018 or any other members of this community has a right to install crosses, construct 'Althaara' or hold pilgrimage to the hilltop of Karichattimotta, which is described by the petitioner as Kurishumala. According to

the respondents, the disputed area is called Karichattimotta and it is deliberately described as 'Kurishumala'.

16. There is in fact a place Kurishumala which is far away from the disputed area. There is no dispute about the fact that the church or church believers have erected 14 crosses between Amalolbhava Matha Church located in Mahavir Plantation, Bonacaud and Karichattimotta hilltop. The fact that five of these crosses were erected and an 'Althaara' was constructed within forest land, is also not in dispute. The case of the petitioner in WP(C) No.9997/2018 is that a pilgrimage was started in the year 1957 to the Hilltop and Cross was constructed then. Miscreants have been repeatedly uprooting or damaging the crosses. The petitioner in WP(C)No. 9997/2017 is relying on Ext.P2 letter and Ext.P1 Statement of Accounts to urge that the place was visited by many believers as part of pilgrimage. The petitioner contends that believers have a right to pilgrimage to the Hilltop.

17. The claim is seriously disputed by the Department of Forests. When the right of the petitioner is disputed by the authorities, the petitioner has to resort to appropriate legal proceedings to establish his right. The issue being a disputed question of fact, this Court cannot adjudicate that dispute in exercise of powers under Article 226 of the Constitution, in writ proceedings.

18. The petitioner in WP(C) No.9997/2018 has a further case that members of Hindu Community are permitted to make prayers at a Temple in the nearby Forest area. The question of right of the general public to worship at the said Sree Agastyar Temple at Agastyakoodam peak came up for consideration before a Division Bench of this Court. The Division Bench of this Court held in the judgment in W.A. No.374/2018 dated 09.02.2018 as follows:

“10. We are sure that the Government shall take into account the above observations of the Chief Wild Life Warden and issue necessary orders restricting the entry of the 3rd respondent and the members of the society to the Agastyarkoodam. We have perused Ext.P3 order. We do not find any

permission therein for entry of the 3rd respondent and his followers to the Agastyarkoodam, year after year. We are of the firm view that, the activities like that of the 3rd respondent of commercializing the idol that is there by conducting poojas and other rituals at the place, when there has never been any such practice in the past should not be permitted. We find from the letter dated 06.02.2018 of the Chief Wild Life Warden forwarding the printed notices of the previous year that elaborate poojas including a 'Radhayathra' were part of the functions organized by the 3rd respondent. Any permission to conduct such activities in the restricted area would ruin the ecology and the biodiversity that are required to be preserved at any cost. It would also give a handle to the 3rd respondent to commercially exploit the idol that is there. The Principal Secretary, Forest and Wild Life Department, Government of Kerala shall look into the above aspects and ensure that the Agastyarkoodam is protected and preserved for the benefit of the posterity."

19. No religious community has an unbridled right to conduct pilgrimage to any place inside a Reserve Forest land. If any group of people forcibly enter any Reserve Forest Area and construct any structures unauthorisedly, such structures are liable to be removed by the Forest Authorities in accordance with law. Therefore, there will be a direction in WP(C) No.29279/2017 to respondents 1 to 5 to enforce the decision of the Forest Range Officer, contained in Ext.P6.

20. The petitioner in WP(C) No.9997/2018 would submit that after Ext.P11 petition was submitted by the petitioner to the Chief Minister of the State, there was a consensus reached for installation of Holy Cross at Kurishumala as is discernible from Ext.P12 news paper reports. The petitioner may be permitted to pursue the matter with Government Authorities. The petitioner will be at liberty to pursue the matter with Governmental authorities or through any other appropriate legal proceedings in accordance with law, if he is so advised.

The Writ petitions are disposed of as above.

Sd/-
N. NAGARESH, JUDGE

aks/07.04.2021

APPENDIX OF WP(C) 29279/2017

PETITIONER'S EXHIBITS:

- EXHIBIT P1 A TRUE COPY OF THE NOTIFICATION NO.
G.O.P NO. 379/83/AD DATED 21/12/1983
ISSUED BY THE AGRICULTURE (FOREST
MISCELLANEOUS) DEPARTMENT UNDER THE
1ST RESPONDENT .
- EXHIBIT P1A A TRANSCRIBED COPY OF THE
NOTIFICATION PALODE RESERVED FOREST
NO.33 DATED 10/03/1898.
- EXHIBIT P2 A TRUE COPY OF THE LETTER NO. P
294/2017 DATED 29/04/2017 ISSUED BY
THE CONCERNED FOREST RANGE OFFICER
- EXHIBIT P3 A TRUE COPY OF THE LETTER NO. G4-
2724/17 DATED 30/06/2017 ISSUED BY
THE 3RD RESPONDENT TO THE 6TH
RESPONDENT.
- EXHIBIT P4 A TRUE COPY OF THE LETTER NO.
1469/2017 DATED 14/07/2017 ISSUED BY
THE FOREST CONSERVATOR (I&E),
KOTTAYAM.
- EXHIBIT P5 A TRUE COPY OF THE LETTER NO.
294/2017 DATED 7/8/2017 ISSUED BY THE
RANGE OFFICER TO THE DEPUTY
SUPERINTENDENT OF POLICE, NEDUMANGAD.
- EXHIBIT P6 A TRUE COPY OF THE LETTER NO.
294/2017 DATED 7/8/2017 ISSUED BY THE
RANGE OFFICER TO THE TAHSILDAR,
NEDUMANGAD.
- EXHIBIT P7 A TRUE COPY OF THE NEWSPAPER REPORT
DATED 21/03/2016 OF THE INTERNET
VERSION OF 'THE HINDU' DAILY.

EXHIBIT P8 A TRUE COPY OF 'THE HINDU' DAILY
REPORT DATED 30/08/2017.

EXHIBIT P9 A TRUE COPY OF THE REPRESENTATION
DATED 26/8/2014 SUBMITTED BY THE
PRAKRITHI SAMRAKSHNA VEDI DISTRICT
COMMITTEE TO THE D.F.O

EXHIBIT P10 A TRUE COPY OF THE PETITION DATED
01/01/2018 SUBMITTED BY MNGR. REV.
ROOFUS PIOUSLEEN BEFORE THE
DIVISIONAL FOREST OFFICER,
VAZHUTHACAUD.

EXHIBIT P11 TRUE COPY OF THE NEW PAPER REPORT
DATED 22/02/2018 IN THE KERALA
KAUMUDY DAILY IS PRODUCED HERewith
AND MARKED AS.

RESPONDENTS' EXHIBITS:

- ANNEXURE R3 (A) TRUE COPY OF MAHAZAR IN OR-02/2017.
- ANNEXURE R3 (B) TRUE COPY OF FORM 1 IN OR-02/2017.
- ANNEXURE R3 (C) TRUE COPY OF CONFESSION STATEMENT OF
REV. FR. SEBASTIAN, KANICHIKUNNATHU.
- ANNEXURE R3 (D) TRUE COPY OF CONFESSION STATEMENT OF
SRI. RAJAN.
- ANNEXURE R3 (E) TRUE COPY OF CONFESSION STATEMENT OF
SRI. SATHYA DAS.
- ANNEXURE R3 (F) TRUE COPY OF MAHAZAR DATED 09/06/2017
IN OR-02/2017.
- ANNEXURE R3 (G) TRUE COPY OF MAHAZAR IN OR 13/2017.
- ANNEXURE R3 (H) TRUE COPY OF FORM 1 IN OR 13/2017.
- ANNEXURE R3 (I) TRUE COPY OF MAHAZAR IN OR 14/2017.
- ANNEXURE R3 (J) TRUE COPY OF FORM 1 IN OR 14/2017.

- ANNEXURE R3 (K) TRUE COPY OF THE REPORT OF THE SECTION STAFF OF VITHURA SECTION.
- ANNEXURE R3 (L) TRUE COPY OF THE REPORT OF THE SECTION STAFF OF VITHURA SECTION.
- ANNEXURE R3 (M) TRUE COPY OF MAHAZAR IN OR 15/2017.
- ANNEXURE R3 (N) TRUE COPY OF FORM 1 IN OR 15/2017.
- ANNEXURE R3 (O) TRUE COPY OF NOTICE DATED 02/09/2017 ISSUED BY THE RANGE FOREST OFFICER, PARUTHIPALLY TO THE 8TH RESPONDENT.
- ANNEXURE R3 (P) TRUE COPY OF THE REPORT OF THE STAFF DATED 01/09/2017.
- ANNEXURE R3 (Q) TRUE COPY OF LETTER DATED 01/01/2018 OF THE 8TH RESPONDENT.
- EXHIBIT R10 (A) COPY OF THE RELEVANT PAGES DEALING WITH BONACAUD KURISHUMALA IN THE CHURCH HISTORY EDITED BY SRI. P. DEVADAS.
- EXHIBIT R10 (B) PHOTOS SHOWING THE RELIGIOUS WORSHIP PLACE OF HINDUS.
- EXHIBIT R10 (C) TRUE COPY OF THE INFORMATION RECEIVED BY ONE MR. HARIDAS E., FROM DIVISIONAL FOREST OFFICER, MARAYOOR DATED 06/12/2017.
- EXHIBIT R10 (D) TRUE COPY OF THE INFORMATION RECEIVED FROM FOREST RANGE OFFICER, THODUPUZHA DATED 11/12/2017.
- EXHIBIT R10 (E) TRUE COPY OF THE INFORMATION RECEIVED FROM RANGE OFFICER, MAANGULAM RANGE DATED 13/12/2017.
- EXHIBIT R10 (F) TRUE COPY OF THE PAPER NEWS THAT APPEARED IN DESHABHIMANI DAILY DATED 14/08/2017.

EXHIBIT R10 (G) TRUE COPY OF THE COMPLAINT DATED 21/08/2017 BEFORE THE 5TH RESPONDENT BY THE VICAR.

EXHIBIT R10 (H) TRUE COPY OF THE COMPLAINT DATED 20/08/2017 SUBMITTED BY THE PETITIONER.

EXHIBIT R10 (I) TRUE COPY OF THE PAPER NEWS THAT APPEARED IN MALAYALA MANORAMA DAILY ON 30/08/2017.

EXHIBIT R10 (J) TRUE COPY OF THE PAPER NEWS THAT APPEARED ON MALAYALA MANORAMA DAILY DATED 01/09/2017.

EXHIBIT R10 (K) PHOTO OF THE NEWLY INSTALLED CROSS ON 30/08/2017.

EXHIBIT R10 (L) TRUE COPY OF THE PETITION DATED 02/09/2017.

EXHIBIT R10 (M) PHOTOS SHOWING THE DESTROYED HOLY CROSS.

EXHIBIT R10 (N) TRUE COPY OF THE PAPER NEWS THAT APPEARED IN MATHRUBHOOMY DAILY DATED 29/11/2017.

EXHIBIT R10 (O) TRUE COPY OF THE MINUTES OBTAINED BY THIS RESPONDENT

EXHIBIT R10 (P) PHOTOS SHOWING THE BADRAKALI AMMAN TEMPLE IN BONACAUD TEA ESTATE

EXHIBIT R10 (Q) PHOTOS SHOWING THE TOMBS ERECTED IN THE BOUNDARY OF TEA ESTATE AND FOREST LAND

EXHIBIT R10 (R) TRUE COPY OF THE REPRESENTATION DATED 14.03.2020 SUBMITTED BEFORE THE 1ST RESPONDENT

EXHIBIT R10 (S) TRUE COPY OF THE REPRESENTATION DATED 03.02.2021

APPENDIX OF WP (C) 9997/2018

PETITIONER'S EXHIBITS:

EXHIBIT P1 TRUE COPY OF THE ACCOUNTS MAINTAINED
FOR THE PERIOD FROM 1979 TO 1995
SHOWING THE EXPENDITURE OF BONACAUD
KURISHUMALA.

EXHIBIT P1(A) TRUE COPY OF THE ACCOUNTS MAINTAINED
FOR THE PERIOD FROM 1997 TO 2003
SHOWING THE EXPENDITURE OF BONACAUD
KURISHUMALA.

EXHIBIT P1(B) TRUE COPY OF THE ACCOUNTS MAINTAINED
FOR THE PERIOD FROM 2004 TO 2008
SHOWING THE EXPENDITURE OF BONACAUD
KURISHUMALA.

EXHIBIT P1(C) TRUE COPY OF THE ACCOUNTS MAINTAINED
FOR THE PERIOD FROM 2008 TO 2017
SHOWING THE EXPENDITURE OF BONACAUD
KURISHUMALA.

EXHIBIT P2 COPY OF THE RELEVANT PAGES DEALING
WITH BONACAUD KURISHUMALA IN THE
CHURCH HISTORY EDITED BY SRI. P
DEVADAS.

EXHIBIT P3 PHOTOS SHOWING THE RELIGIOUS WORSHIP
PLACE OF HINDUS.

EXHIBIT P4 TRUE COPY OF THE INFORMATION RECEIVED
BY ONE MR. HARIDAS E, FROM DIVISIONAL
FOREST OFFICER, MARAYOOR DATED
6.12.2017.

EXHIBIT P5 TRUE COPY OF THE INFORMATION RECEIVED
FROM FOREST RANGE OFFICER, THODUPUZHA
DATED 11.12.2017.

EXHIBIT P6 TRUE COPY OF THE INFORMATION RECEIVED
FROM RANGE OFFICER, MAANGULAM RANGE
DATED 13.12.2017.

EXHIBIT P7 TRUE COPY OF THE NOTICE DATED
29.4.2017 ISSUED BY THE 3RD
RESPONDENT TO THE PETITIONER.

EXHIBIT P8 TRUE COPY OF THE PAPER NEWS THAT
APPEARED IN DESHABHIMANI DAILY DATED
14.8.2017.

EXHIBIT P9 TRUE COPY OF THE PAPER NEWS THAT
APPEARED IN MALAYALA MANORAMA DAILY
DATED 20.8.2017.

EXHIBIT P10 TRUE COPY OF THE COMPLAINT DATED
21.8.2017 BEFORE THE 5TH RESPONDENT
BY THE VICAR.

EXHIBIT P11 TRUE COPY OF THE COMPLAINT DATED
20.8.2017 SUBMITTED BY THE
PETITIONER.

EXHIBIT P12 TRUE COPY OF THE PAPER NEWS THAT
APPEARED IN MALAYALA MANORAMA DAILY
ON 30.8.2017.

EXHIBIT P13 TRUE COPY OF THE PAPER NEWS THAT
APPEARED ON MALAYALA MANORAMA DAILY
DATED 1.9.2017.

EXHIBIT P14 PHOTO OF THE NEWLY INSTALLED CROSS ON
30.8.2017.

EXHIBIT P15 TRUE COPY OF THE PETITION DATED
2.9.2017.

EXHIBIT P16 PHOTOS SHOWING THE DESTROYED HOLY
CROSS.

EXHIBIT P17 TRUE COPY OF THE PAPER NEWS THAT
APPEARED IN MATHRUBHOOMY DAILY DATED
29.11.2017.

EXHIBIT P18 COPY OF THE NEWS THAT APPEARED IN
DEEPIKA DAILY DATED 29.11.2017.

EXHIBIT P19 COPY OF THE NEWS THAT APPEARED IN
MALAYALA MANORAMA DAILY DATED
29.11.2017.

EXHIBIT P20 TRUE COPY OF THE STATUS QUO ORDER
DATED 31.8.2017 IN W.P(C) NO.
29279/2017.

RESPONDENTS' EXHIBITS:

ANNEXURE R2 (A) TRUE COPY OF RESERVE NOTIFICATION
DATED 10/03/1898.

ANNEXURE R2 (B) TRUE COPY OF NOTIFICATION DATED
21/12/1983.

ANNEXURE R2 (C) TRUE COPY OF MAHAZAR AND FORM I IN OR
2/2017.

ANNEXURE R2 (D) TRUE COPY OF CONNECTION MAHAZAR
PREPARED BY ASSESSING LOSS IN WHICH
HUGE ENVIRONMENTAL LOSS IN TERMS OF
DESTRUCTION OF BIO DIVERSITY AND
DAMAGES TO NATURAL FOREST RESOURCES.

ANNEXURE R2 (E) TRUE COPY OF MAHAZAR AND FOR I REPORT
SERIES IN OR 13/2017.

ANNEXURE R2 (F) TRUE COPY OF MAHAZAR AND FOR I REPORT
SERIES IN OR 14/2017.

ANNEXURE R2 (G) TRUE COPY OF REPORTS OF THE SECTION
STAFF OF VITHURA SECTION.

ANNEXURE R2 (H) TRUE PHOTOGRAPHS SHOWING THE REMNANTS
OF THE DISMANTLED CONCRETE
STRUCTURES.

ANNEXURE R2 (I) TRUE COPY OF MAHAZAR AND FORM I
REPORT IN OR 15/2017.

ANNEXURE R2 (J) TRUE COPY OF RELEVANT PAGES OF
REGISTER OF THE CHECK POST FOR THE
PERIOD FROM 28/08/2017 TO 03/09/2017.

ANNEXURE R2 (K) TRUE COPY OF THE NOTICE SENT BY REGISTERED POST.

ANNEXURE R2 (L) TRUE COPY OF REPORT OF THE STAFF DATED 01/09/2017.

ANNEXURE R2 (M) TRUE COPY OF THE ORDER DATED 20/03/2018 IN IA NO. 5395/18 IN WPC NO.29279/2017.

SR