

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
(SOUTHERN ZONE BENCH, CHENNAI)**

ORIGINAL APPLICATION NO. 227 OF 2024(SZ)

In the matter of:

Tribunal on its own motion SUO MOTU based on the news item published in The Hindu, Chennai edition e paper dated 30.07.2024, titled "**Wayanad landslides Live updates : 54 killed, over 100 feared missing in Kerala hill station; relief operations delayed**".

-VS-

Ministry of Environment Forest and Climate change and
State of kerala

.....Respondent(s)

**REPORT FILED BY SECRETARY, ENVIRONMENT
DEPARTMENT/4th RESPONDENT**

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Dated at Chennai on this the 26th day of September, 2024.

for. G. K. K. Kumaresan
26/9/24

M/s. E.K.KUMARESAN

Standing Counsel for State Government of Kerala - NGT(SZ) Chennai Bench

1

Report filed by the 4th Respondent in compliance with Order dated 02.08.2024 of Hon'ble National Green Tribunal Suo Motu Order in OA No 227 of 2024

It is submitted that Hon'ble National Green Tribunal during the course of hearing on 30.07.2024 and 02.08.2024 Suo Motu filed OA No. 227 of 2024 based on the news published in The Hindu, Chennai edition regarding massive landslide struck on the hill ranges of Wayanad, directed to file report/ instructions on the root cause of the land slide whether it involves due to quarrying activities, commercial buildings, construction or natural calamities.

2. It is submitted that Wayanad district is a plateau nestled among the mountains of Western Ghats range of Kerala. On 30th July 2024, a massive landslide struck on the eastern slopes of the Vellarimala hill ranges of Wayanad, triggered by prolonged and intense rainfall. The catastrophic twin landslides - the initial slip at around 1 AM and a more devastating one with gushing muddy water and massive boulders around 4 AM wiped out the entire Mundakkai and Chooralmala settlements of Meppadi panchayat. The village spans around 55 square kilo metres and is part of the Chaliyar River watershed. The geomorphology of the area makes it vulnerable to natural hazards, particularly landslides.

Environmental Clearance

3. It is submitted that State Environment Impact Assessment Authority (SEIAA), Kerala has issued 27 prior ECs from 2017 to till date at Padichira, Irulam, Nenmeni, Purakkady, Vengapally and Ambalavayal villages in Sulthan Bathery taluk, Valad,

Parvathy

Mananthavady, Kanjirangad and Edavaka villages in Mananthavady taluk and Kaniambatta, Kalpetta, Muppainad and Vengapally villages in Vythiri Taluk of Wayanad District (**Details enclosed as Annexure-1**).

4. It is submitted that among the 27 prior ECs issued by SEIAA, the Department of Mining and Geology issued permits/ leases to 10 projects only (8 are working and 1 is under suspension/in stay and 1 is not working). The DEIAA, Wayanad issued an EC for one quarry project and is not working as the permit has expired (**List is enclosed as Annexure 2**). While plotting the locations of 27 quarry projects in Google Earth images, it is noted that the most nearest mining project, in which the prior EC was issued is about 7.52 KM away from the triggering point of landslide. However, the quarry is not functional. All other quarry project sites are located more than 10 km away from the origin of the landslide (**Map showing the distance enclosed as Annexure 3.**)

5. It is submitted that neither the District Environment Impact Assessment Authority (DEIAA), Wayanad nor the State Environment Impact Assessment Authority (SEIAA), Kerala have issued Environmental Clearance (EC) to the mining project in Vellarimala village - an ESA village, where the landslide was happened.

6. It is submitted that neither the State Environment Impact Assessment Authority (SEIAA), Kerala nor the District Environment Impact Assessment Authority (DEIAA), Wayanad have issued Environmental Clearances (ECs) for mining projects in the 13 ESA villages in Wayanad district.

7. It is submitted that State Environment Impact Assessment Authority (SEIAA), Kerala has not issued the ECs for commercial



buildings and construction projects having an area equal to more than 20,000 sq m in Wayanad district.

8. It is submitted that the State Environment Impact Assessment Authority (SEIAA), Kerala had rejected a few EC proposals for mining projects based on different aspects such as the nearness to medium and high-hazard zones for landslides, ecological impacts, terrain conditions characterized by the nature and magnitude of slope, soil erosion, historical landslides scars, rock slips, thickness of soil, drainage systems, vegetation, habitation, possible destruction of forests and biodiversity, possible security threat to the local population including tribal families, etc'. The Authority considers the Precautionary Principle while issuing/rejecting EC to quarry projects **(The list of rejected applications is enclosed as Annexure 4)**. Besides, the SEAC/SEIAA insisted vibration study reports and approval of the District Level Crisis Management Group for mining constituted vide G.O (Rt) No.542/41/ID dated 26-05-2014, if the proposed project area is in medium hazard zone as per the Landslide Susceptibility Report of the SDMA (State Disaster Management Authority), Kerala. Moreover, in the wake of the occurrence of large-scale landslides in the State in recent years, the Authority directed to use only NONEL (Non-Electrical) technology for blasting to reduce the vibration on the ground as one of the specific conditions in the EC.9. It is also insisted on using blasting mats during rock blasting to contain the blast.

9. It is submitted that in the study report dated 02.03.2023 of the Joint Committee constituted by Hon'ble National Green Tribunal (PB) on the distance criteria for stone quarries, it is reported that all the Peak Particle Velocity (PPV) values recorded beyond 150 m from the



blasting faces were below 2 mm/s and having negligible effect to the houses at a distance of 150 meters.

10. It is submitted based on the above observations, it is presumed that the quarrying activities are not an explicit reason for the landslides in the Wayanad district on 30th July 2024, as there are no working quarries around 10km radius of the landslide area. The Authority also can't infer the effect of the construction of buildings on the landslide as there is no EC issued for Building and construction projects having built up area of 20,000 sq. m. or above in the village. Therefore, whether the landslide was due to natural calamities can be examined by the experts in the relevant fields.

Location Information

District : Wayanad

Taluk : Vythiri Taluk

Village : Vellarimala

Village Area : 54.82 sq.km

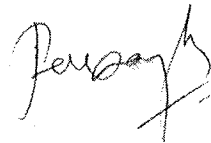
Watershed : Chaliyar

Sub Watershed Area (Fig. 1), 22 sq.km (watershed codes 24C37a, 24C37b, 24C37c and 24C37d)

Elevation : 850 to 2080m AMSL

11. Landslide Susceptibility Analysis

Landslide susceptibility analyses in the selected watershed has been assessed based on the landslide susceptibility maps prepared by the National Centre for Earth Science Studies (NCESS, 2010) and the Geological Survey of India (GSI, 2024)) were used to assess the vulnerability of the sub-watershed. (Technical Report is enclosed as Annexure- 5)



Ecologically Sensitive Area (ESA)

12. It is submitted that as per the draft Notification S.O. 3060 (E), dated 31st July, 2024 of Ministry of Environment, Forests and Climate Change, 13 villages are designated as ESA villages. Vellarimala village where the disaster occurred is also designated as an Ecologically Sensitive Area (ESA) (The details accessed from Kerala State Biodiversity Board website is enclosed as **Annexure-6.**) The crown of the present landslide falls within the ESA as per the Notification.

Rainfall recorded

13. It is submitted that as per the 24 hour Rainfall data from India Meteorological Department, Meteorological Centre Thiruvananthapuram, the area recorded very heavy rain (>115.6 mm) on 30-07-2024 (Fig 5). For two weeks prior to the event, the area has been subjected to nearly continuous rainfall, with only short breaks, leading to saturated soils in these areas. Kalladi, situated about 4.5km from the present landslide area has recorded 372.6 mm for the last 24 hour rainfall on 30-07-2024 and around 2090 mm of rainfall over the past 30 days prior to the landslide

Fig-5

Parasath

6

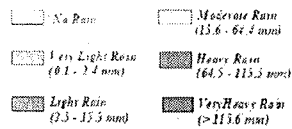
24 HOUR RAINFALL OVER KERALA & MAHE
AND LAKSHADWEEP DATED 30-7-2024

Highest Rainfall @
VADAKKANCHERRY : 335 mm

150



Meteorological Centre
Thiruvananthapuram



Remarks on the question raised by this Hon'ble Tribunal as per Order dated 2.8.2024 in OA 227/2024

13 (A). It is submitted that according to High level Working Group Report (HLWG), 123 villages of Kerala are designated as Ecologically Sensitive Areas (ESAs) and the MoEFCC accepted the report 'in principle' and issued the sixth draft notification in 31st July 2024. As per the draft notification, 9993.7 sq. kms spread over 131 villages (8 villages are newly formed by bifurcation of old ESA villages) are declared as Ecologically Sensitive Areas. Final notification of the ESA villages is yet to be issued by the Ministry of Environment Forest and Climate Change, Government of India (MoEF &CC).

13(B). It is submitted that mining is a prohibited activity in the ecologically sensitive areas as per the draft notification issued by the Ministry of Environment Forest and Climate Change, Government of India. As per the information available from the State Environmental


[Handwritten Signature]

Impact Assessment Authority (SEIAA, Kerala), the mining involving blasting shall not be permitted in the area as marked as ESA in the maps published in the Kerala State Biodiversity Board website. To ensure that, the Authority insists the project proponents to submit a certificate from the higher revenue official (not below the rank of Tahasildar) regarding the ESA status, biodiversity richness and previous hazard incidents occurred in and around the project area. Besides, the Authority also insist to adopt NONEL technology for blasting to reduce the impact of vibration across the State. In addition, usage of blasting mats, soil sags, etc are also added specific conditions to reduce the impact of vibration. Quarrying is completely banned in high hazard zones of the landslide susceptibility area demarcated by the State Disaster Management Authority. In medium hazard zones, NOC from the District Crisis Management Group for mining constituted by the State Government in 2014 is made mandatory for the issuance of Environmental Clearance. All the applications are appraising by considering the Precautionary Principle angle as per the Judgement of Hon'ble Apex Court in LA No. 1000 of 2003.

13(C). It is submitted that no permission granted for Thermal Power Plants.

13(D). It is submitted that as per the draft notification issued by the Ministry of Environment Forest and Climate Change, Government of India the constructions of high rise structures and massive concrete buildings exceeding 20000 sq. m in the ecologically sensitive areas are prohibited and the SEIAA, Kerala has not issued any Environmental Clearances for high rise structures and massive concrete buildings exceeding 20000 sq.m in the ESA of Wayanad district.

13(E). It is submitted that Green belt development around the project






area and compensatory afforestation are made mandatory for Environmental Clearance. Besides, the State has enforced and follows different Acts and Rules with specific objectives of environmental conservation and protection, especially in hill districts. For instance, Kerala Preservation of Trees Act, 1986, The Kerala Forests (Vesting and Management of Ecologically Fragile Lands) Act 2003, The Kerala Restriction on Cutting and Destruction of Valuable Trees Act, 1974, The Kerala Private Forests (Vesting and Assignments) Act 1971, The Kerala Protection of River Banks and Regulation of Removal of Sand Act, 2002, etc.

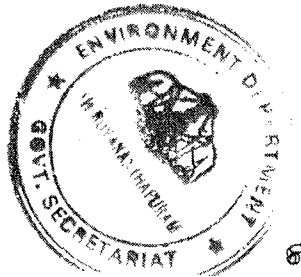
13(F). It is submitted that Mining and construction of buildings >20000 sq.m shall not be entertained in the steep, fragile and high landslide susceptible areas.

13(G). It is submitted that it is not dealt with this Department .

Thus it is requested that the above report may kindly accepted.

Dated this the 3rd September 2024


Dr. Rathan U. Kulkar IAS
Secretary
Environment Department
Govt. Secretariat
Thiruvananthapuram.



LIST OF ECs ISSUED FOR QUARRY PROJECTS IN WAYANAD DISTRICT FROM SEIAA, KERALA						
SL.NO.	PROPOSAL NO.	PROJECT DETAILS	VILLAGE	AREA (Ha)	YEAR OF ISSUE	LONGITUDE(E)
1	SIA/KL/MIN/439177/2023	Environmental Clearance for Granite Building Stone Quarry Project of Sri. Binoj K. Baby, M/s. Pulpally Stone Crushers for an area of 1.7403 Ha at Block No. 3, Re-Sy Nos. 256/2, 256/3, 257/1, 257/2, 257/3, 257/6, 257/7 in Padichira Village, Sultan Bathery Taluk, Wayanad.	Padichira	1.7403	2024	76.19293806
2	SIA/KL/MIN/278782/2022	Environmental Clearance for the Granite Building Stone Quarry project of Sri. M. P. Kuriakose for an area of 1.0855 Ha at Re-Sy Nos. 122/2 & 122/3 in Padichira Village, Sulthan Bathery Taluk, Wayanad.	Padichira	1.0855	2024	76.18783611
3	SIA/KL/MIN/159489/2020	Environmental Clearance for the Granite Building Stone Quarry of Sri. Sudheesh A. T. for an area of 2.1069 Ha at Block No. 36, Re- Sy Nos. 354/2, 354/4, 354/5, 356/2pt in Edavaka Village, Mananthavady Taluk, Wayanad.	Edavaka	2.1069	2024	75.95455556

4	SIA/KL/MIN/440610/2023	Environment Clearance for the Granite Building Stone Quarry of Sri. Binoj K Baby for an area of 0.7905 Ha at Re-Sy. Nos. 399/1, 399/15 & 399/18 in Padichira Village, Sulthan Bathery Taluk, Wayanad, Kerala.	Padichira	0.7905	2023	11.83354167	76.19363139
5	SIA/KL/MIN/133062/2019	Environment Clearance for the Granite Building Stone Quarry of Sri. Sibi Peter for an area of 2.9249 Ha in Survey Nos. 253/62, 253/356, 253/349 Valad Village, Mananthavady Taluk, Wayanad	Valad	2.9249	2023	11.78791667	75.88351944
6	SIA/KL/MIN/130005/2019	Environment Clearance for the Granite Building Stone Quarry of Sri. Shafir P. for an area of 1.5046 Ha at Block No. 1 Re-Sy Nos. 374/782, 374/509, 374/510 in Valad Village, Mananthavady Taluk, Wayanad, Kerala	Valad	1.5046	2023	11.78043333	75.88621111
7	SIA/KL/MIN/132702/2019	Environmental Clearance for the Building Stone Quarry project of Sri. Byju T. V. in Survey No: 506/2 Pt of Kanjirangad Village, Mananthavady Taluk, Wayanad, Kerala	Kanjirangad	1.5913	2023	11.760795	75.882267

8	SIA/KL/MIN/131090/2019	Environmental Clearance for the Granite Building Stone Quarry project of Sri. Sudheesh A T in Re Survey Nos: 151/1, 151/7, of Kaniyambatta Village, Vythiri Taluk, Wayanad, Kerala	Kaniyambatta	1.5875	2023	11.69285556	76.11747778
9	SIA/KL/MIN/272255/2022	Environmental Clearance for the proposed Granite Building Stone Quarry Project of Sri. Sudheesh A T in Sy Nos: 55/2, 55/3, 55/4, in Irulam Village, Sulthan Bathery Taluk, Wayanad, Kerala	Irumam	2.4973	2023	11.72293056	76.18993611
10	SIA/KL/MIN/183324/2020	Environmental Clearance for the Building Stone Quarry project of Sri. Sudheesh A T in Re-Sy No: 432/584, of Nenmeni Village, Sulthan Bathery Taluk, Wayanad, Kerala	Nenmeni	0.9612	2023	11.60551667	76.25583056
11	SIA/KL/MIN/32061/2019	Environment Clearance for the Granite Building Stone Quarry project of Sri. O. D. Thomas, for an area of 1.1341 Ha in Re Sy No. 374/752 & 374/738 Valad Village, Mananthavady Taluk, Wayanad, Kerala	Valad	1.1341	2022	11.78458611	75.89315278

12	SIA/KL/MIN/161938/2020	Environment Clearance for the Granite Building Stone Quarry of Sri. Sudheesh A.T. for an area of 1.8407 Ha in Re-Sy Nos. 129/20, 129/19, 134/6, 134/7, Padichira Village, Sulthan Bathery Taluk. Wayanad, Kerala	Padichira	1.8407	2022	11.85913333	76.17096389
13	SIA/KL/MIN/76720/2018	Environmental Clearance for the Building Stone Quarry Project of Sri. Sajith Lal M in Re-Sy Nos. 10/2, 97/4, 97/6, 97/7 of Kalpetta Village, Vythiri Taluk. Wayanad District, Kerala for an area of 0.9915 Ha	Kalpetta	0.9915	2022	11.62632778	76.05101667
14	SIA/KL/MIN/43590/2019	Environment Clearance for the Granite Building Stone Quarry of Sri. Sudheesh A.T for an area of 0.9246 Ha (2.2846Acres) in Re-Sy No. 115/13 at Padichira Village, Sulthan Bathery Taluk, Wayanad District, Kerala	Padichira	0.9246	2022	11.84372028	76.17339611
15	SIA/KL/MIN/146136/2020	Building Stone Mine Quarry Project of Sri. Sukumaran E. in Block No. 3, Re-Sy Nos. 188/1, 188/2 of Padichira Village, Sulthan Bathery Taluk, Wayanad District, Kerala	Padichira	1.3924	2023	11.84416389	76.18158056

16	824/EC4/2607/SEIAA/2015	Environmental clearance for the quarry project in Sy. No. 358/1A1A1A at Padichira Village, Sultan Bathery Taluk, Wayanad District, Kerala by Sri.Mr.Binoj.K.Baby for M/s.Pulpally Stone Crushers	Padichira	1.52	2017	11.82819444	76.19663889
17	1294/EC1/2019/SEIAA	Environmental Clearance for the proposed Building stone quarry project in Re Survey No. 47/1-1, 47/1-2 in Purakkady Village, Sulthan Bathery Taluk, Wayanad District, Kerala by Mr.Sudheesh A.T	Purakkady	0.9906	2021	11.70118056	76.177425
18	1316/EC1/2019/SEIAA	Application for Environmental Clearance for the proposed Building stone quarry project in Survey No.105/IB1 in Mananthavady Village, Mananthavady Taluk, Wayanad District, Kerala by Mr.David.P.V	Mananthavady	2.4843	2020	11.83095194	76.01966833
19	1291/EC2/2019/SEIAA	Application for Environmental Clearance for building stone quarry in Re-Survey No.234/1,234/2 & 234/5 in Muppayinad Village, Vythiri Taluk, Wayanad District	Muppayinad	1.3307	2020	11.52653333	76.16678611

20	1293/EC1/2019/SEIAA	Environmental Clearance for the proposed Granite Building stone quarry project in Re Survey No.591/1.591/2 in Vengappally Village, Vythiri Taluk, Wayanad District, Kerala by Mr.Sudheesh A.T	Vengappally	0.9506	2019	11.63801111	76.03012778
21	1247/EC1/2019/SEIAA	Environmental clearance for the proposed Granite building stone quarry project in Re-Survey No. 57/16, 57/1270, 57/1069 & 57/1273 in Valad Village. Mananthavady Taluk. Wayanad District, Kerala by Mr.Ulahannan	Valad	4.2689	2019	11.80250278	75.903
22	1227/EC1/2019/SEIAA	Environmental clearance for the proposed Building stone quarry project in, Survey No.257/2/1.257/2/3,257/2/4,2 57/3/1.257/3/2.258/4 in Vengappally Village, Vythiri Taluk, Wayanad District.	Vengappally	2.7513	2020	11.62716944	76.04398889

23	1132/EC/SEIAA/2017	Environmental clearance for the proposed masonry stone quarry project in Survey Nos. 371/1, 371/2/1, 372/1, 4, 372/2, 372/2, 373/1, at Vengappally Village, Vythiri Taluk, Wayanad District. Kerala by Mr.M.M Thomas, Managing Partner, M/s Wayanad Granites	Vengappally	5.1625	2017	11.61441944	76.03918333
24	901/SEIAA/EC4/3462/2015	Environmental clearance for Quarry Project in Sy.Nos. 298 at Mupainad Village, Mupainad Panchayath, Vythiri Taluk, Wayanad District, -673 579 by Sri.M.P.Kuriakose, for Masonry Stone Mine (Quarry) Project	Mupainad	1.7726	2018	11.53889722	76.20119167
25	903/SEIAA/EC4/3464/2015	Environmental clearance for the quarry project in Sy. No. 2981/A, A1A of Ambalavayal Village, Sulthan Bathery Taluk, Wayanad District, for Quarry of Sri. Clippy. K.G.	Ambalavayal	1.8717	2017	11.63983056	76.19389722

26	888/SEIAA/EC4/ 3319/2015	Environmental clearance for the quarry project in Sy. No. 236/1, 544/1, 544/2, 545/1, 545/2, 545/3 at Vengappalli Village, Vengappalli Panchayath, Vythiri Taluk, Wayanad District, Kerala by Mr. V. Abdul Majeed, Managing Partner, M/s MMT Construction Company	Vengappalli	2.6813	2017	11.62960278	76.03393056
27	824/EC4/2607/SEIAA/2015	Environmental clearance for the quarry project in Sy. No. 358/1A1A1A at Padichira Village, Sultan Bathery Taluk, Wayanad District, Kerala by Sri. Mr. Binoj. K. Baby for M/s. Pulpally Stone Crushers	Padichira	1.52	2017	11.82055556	76.19663889
LIST OF ECs ISSUED FOR QUARRY PROJECTS IN WAYANAD DISTRICT FROM DEIAA, WAYANAD, KERALA							
I	01/DEIA/KL/MIN/8241/2017	Environmental clearance for the quarry project at Sy. No. 360/2/1 for an area of 0.8096 Ha at Vengapally Village, Vythiri Taluk, Wayanad District, Kerala by Sri. Sudheesh A.T	Vengapally	0.8096	2018	11.61782500 to 11.61898889	76.04223056 to 76.04068056

**DEPARTMENT OF MINING AND GEOLOGY
DISTRICT OFFICE WAYANAD**

List of Valid Concessions As On 12 August 2024

ANNEXURE-2

Concession Type: Quarrying Lease, District: Wayanad

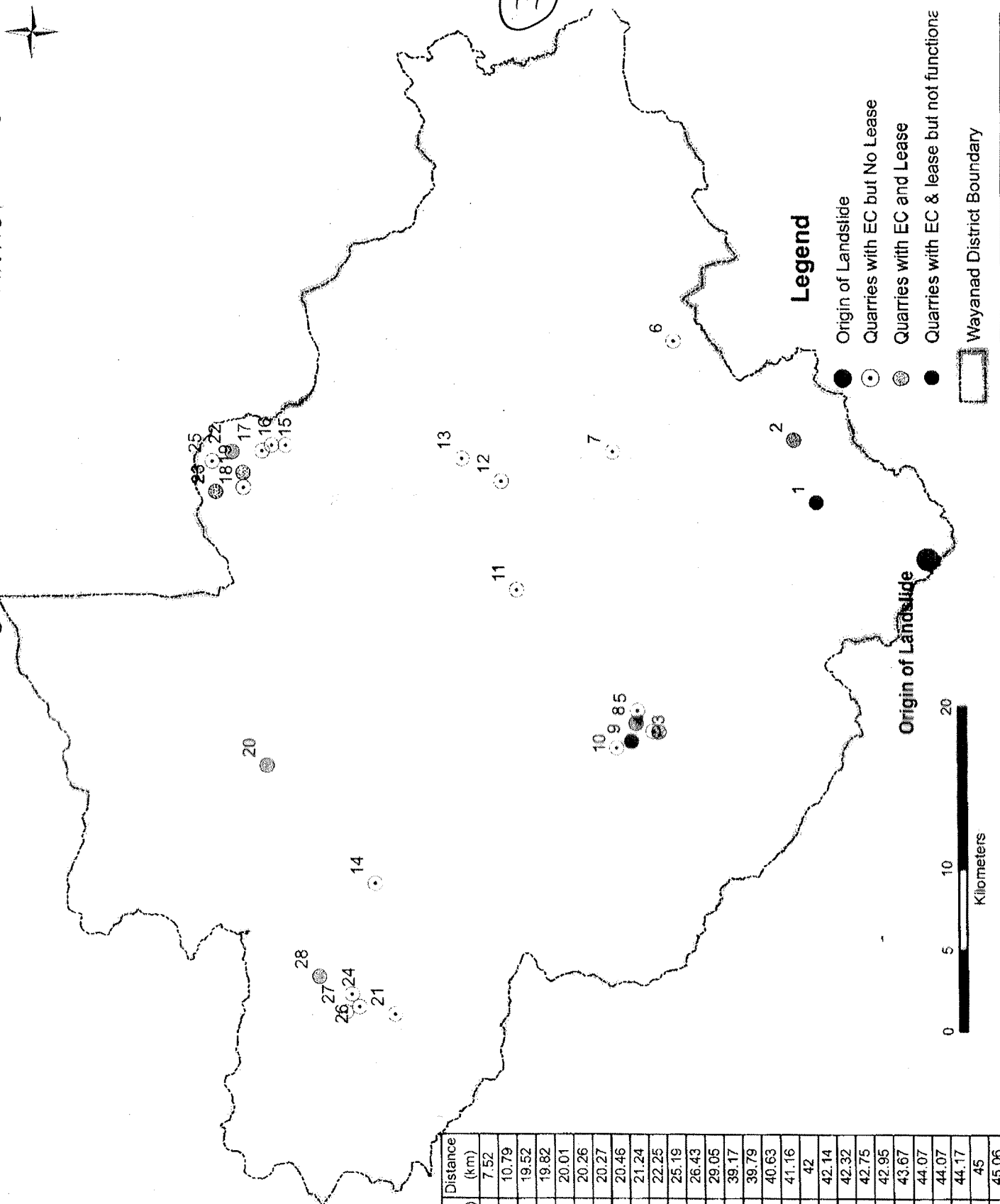
S. No	Concession Type Concession No. Issued On	Mineral Name & Type	Survey No of Block(if any) Land Type Area(ha)	District Name Taluk Name Village Name LSGI Name	Con. Holder's Status Name Address	Valid From Valid Till Exec. Date Regn. Date	Mining Entity Code & Status	Location (Lat and Long in Decimal Degrees)
1	Quarrying Lease WAY/QL/2018/1 09/03/2018	Granite (Building Stone) - minor	371/2/1 of 10 Pvt.(Others) 5.1625 ha.	Wayanad Vaithiri Vengappally Vengappally Grama Panchayath	Partnership firm Wayanad Granites, Kodancherrykkunnu, Vengappally, Pinangode Post, Wayanad Dist., Kerala - 673121	20/03/2018 19/03/2029 20/03/2018 26/03/2018	WAY/Q/201 8/71 Working with concession	11.61529, 76.04188
2	Quarrying Lease WAY/QL/2023/2 24/09/2023	Granite (Building Stone) - minor	188/2 of 003 Pvt.(Others) 1.3934 ha.	Wayanad SulthanBathery Padichira Mullamkolly Grama Panchayath	Private individual Sukumaran E, Erookunnummal House, Mukkam PO, Kozhikode Dist., Kerala - 673602	06/10/2023 05/10/2028 06/10/2023 13/10/2023	WAY/Q/202 3/88 Working with concession	11.84507, 76.18171
3	Quarrying Lease WAY/QL/2023/3 20/09/2023	Granite (Building Stone) - minor	129/20 of 002 Pvt.(Others) 1.8407 ha.	Wayanad SulthanBathery Padichira Mullamkolly Grama Panchayath	Private individual Sudheesh A T, Adakkathottathil House, Kumbalery post, Ambalavayal, Wayanad Dist., Kerala - 673591	07/10/2023 06/10/2033 07/10/2023 16/10/2023	WAY/Q/202 3/89 Working with concession	11.86053, 76.17107
4	Quarrying Lease WAY/QL/2020/1 04/06/2020	Granite (Building Stone) - minor	298/2pt of 31 Pvt.(Others) 1.7726 ha.	Wayanad Vaithiri Muppainadu Muppainadu Grama Panchayath	Private individual M P Kuriakose, S/o Paily, Muttath House, Chettappalam P O Pulpally, Wayanad Dist., Kerala - 673579	11/06/2020 10/06/2028 11/06/2020 24/06/2020	WAY/Q/202 0/78 Working with concession	11.53890, 76.20260
5	Quarrying Lease WAY/QL/2022/2 18/05/2022	Granite (Building Stone) - minor	234/1 of 31 Pvt.(Others) 1.3307 ha.	Wayanad Vaithiri Muppainadu Muppainadu Grama Panchayath	Private individual O D Thomas, Olickal House, Vikas Nagar, Kalpetta, Wayanad Dist., Kerala - 673121	11/07/2022 10/07/2032 11/07/2022 18/07/2022	WAY/Q/202 2/82 Under concession but suspended/s tayed	11.52644, 76.16682
6	Quarrying Lease WAY/QL/2021/1 10/02/2022	Granite (Building Stone) - minor	257/2/4 of 10 Pvt.(Others) 2.1131 ha.	Wayanad Vaithiri Vengappally Vengappally Grama Panchayath	Private individual Sudheesh A T, Adakkathottathil House, Kumbeleri Post,	15/02/2022 14/02/2032 15/02/2022 19/02/2022	WAY/Q/202 2/81 Working	11.63028, 76.04448

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S. No	Concession Type Concession No. Issued On	Mineral Name & Type	Survey No of Block(if any) Land Type Area(ha)	District Name Taluk Name Village Name LSGI Name	Con. Holder's Status Name Address	Valid From Valid Till Exec.Date Regn.Date	Mining Entity Code & Status	Location (Lat and Long in Decimal Degrees)
				Panchayath	Meenangady, Wayanad Dist., Kerala - 673591		with concession	
7	Quarrying Lease WAY/QL/2023/1 02/02/2023	Granite (Building Stone) - minor	105/1B1 Pvt.(Others) 2.4843 ha.	Wayanad Mananthavady Mananthavadi Municipality	Private individual David P V, Palliyon House, Peruvaka, Arattuthara post, Wayanad Dist., Kerala - 670645	25/02/2023 24/02/2033 25/02/2023 08/03/2023	WAY/Q/202 3/84 Working with concession	11.83353, 76.01891
8	Quarrying Lease WAY/QL/2017/1 13/07/2017	Granite (Building Stone) - minor	358/1A1A1A Pvt.(Own) and Pvt.(Others) 1.519 ha.	Wayanad SulthanBathery Padichira Mullamkolly Grama Panchayath	Partnership firm Pulpally Stone Crushers, Managing Partner, Pulpally Stone Crushers, Sasimala P.O Pulpally, Wayanad Dist., Kerala - 673579	31/07/2017 30/07/2029 31/07/2017 10/08/2017	WAY/Q/201 7/65 Working with concession	11.82139, 76.19486
9	Quarrying Lease WAY/QL/2018/2 23/03/2018	Granite (Building Stone) - minor	545/3 of 10 Pvt.(Own) and Pvt.(Others) 2.6813 ha.	Wayanad Vaithiri Vengappally Vengappally Grama Panchayath	Partnership firm MMT CONSTRUCTION COMPANY, V Abdul Majeed, Managing Partner, Moorickap pinangode Post, Wayanad Dist., Kerala - 673122	28/03/2018 27/03/2029 28/03/2018 05/04/2018	WAY/Q/201 8/72 Working with concession	11.63113, 76.03620
10	Quarrying Lease WAY/QL/2022/3 18/09/2022	Granite (Building Stone) - minor	57/1069 of 001 Pvt.(Own) and Pvt.(Others) 4.2689 ha.	Wayanad Mananthavady Valad Thavinhal Grama Panchayath	Private individual Ulahannan, Edaputhussery House, Valad Post, Wayanad Dist., Kerala - 670644	30/09/2022 29/09/2034 30/09/2022 11/10/2022	WAY/Q/202 2/83 Working with concession	11.80292, 75.90474

18

Distance of Quarries from the origin of Landslide



Sl. No	Project No	Project Area (ha)	Distance (km)
1	1291/EC2/2019/SEIAA	1.33	7.52
2	901/SEIAA/EC4/3462/2015	1.77	10.79
3	1132/EC/SEIAA/2017	5.16	19.52
4	01/DEIA/KL/MIN/8241/2017	0.81	19.82
5	SIA/KL/MIN/76720/2018	0.99	20.01
6	SIA/KL/MIN/183324/2020	0.96	20.26
7	903/SEIAA/EC4/3464/2015	1.87	20.27
8	1227/EC1/2019/SEIAA	2.75	20.46
9	888/SEIAA/EC4/ 3319/2015	2.68	21.24
10	1293/EC1/2019/SEIAA	0.95	22.25
11	SIA/KL/MIN/131090/2019	1.59	25.19
12	1294/EC1/2019/SEIAA	0.99	26.43
13	SIA/KL/MIN/272255/2022	2.5	29.05
14	SIA/KL/MIN/159489/2020	2.11	39.17
15	824/EC4/2607/SEIAA/2015	1.52	39.79
16	824/EC4/2607/SEIAA/2015	1.52	40.63
17	SIA/KL/MIN/440610/2023	0.79	41.16
18	SIA/KL/MIN/43590/2019	0.92	42
19	SIA/KL/MIN/146136/2020	1.39	42.14
20	1316/EC1/2019/SEIAA	2.48	42.32
21	SIA/KL/MIN/132702/2019	1.59	42.75
22	SIA/KL/MIN/439177/2023	1.74	42.95
23	SIA/KL/MIN/161938/2020	1.84	43.67
24	SIA/KL/MIN/32061/2019	1.13	44.07
25	SIA/KL/MIN/278782/2022	1.09	44.07
26	SIA/KL/MIN/130005/2019	1.5	44.17
27	SIA/KL/MIN/133062/2019	2.92	45
28	1247/EC1/2019/SEIAA	4.27	45.06

REJECTED PROPOSALS IN WAYANAD DISTRICT						
Sl.No	Details of Project Proponet	Extent	Survey No.	Village	Taluk	Geocoordinates
1	Sri. Robin P.R Padijarekudiyil (H), Karachal (P.O.), Meenangadi, Wayanad Dist., Kerala-673591	1.948	144/4 & 144/5	Kalpetta	Vythiri	11 35'53.470" to 11 35'59.523" 76 05'40.306" 76 05'46.097"
2	Binoj K Baby, Managing Partner, Pulpally Stone Crushers, Sasimala P.O, Wayanad- 673579.	2.4066	Block No.17, Re-Sy Nos. 24/3, 24/4, 24/5, 24/8, 24/10, 24/11/1, 24/11/2, 24/14, 24/15, 24/16, 24/17, 24/18, 24/19 & 26/9	Muttill South	Vythiri	11 37'48.850" to 11°37'43.420" 76 06'11.660" 76 06'07.390"
3	Mr. Kassim Puthanpurayil, Managing Partner, M/s Friends Granites & Crushers, Kambalakkad (PO), Kalpetta, Wayanad 673122	4.6308	109/1, 109/2, 109/4, 109/7, 109/8, 109/3/2, 110/1, 110/6/1, 110/6/2, 110/7, 110/8/1, 110/9, 110/10, 110/11, 110/15, 110/16, 110/17	Vythiri	Thrikkaipetta	11° 37'10.04" N to 11° 37'20.47" N 76° 07'30.15" E to 76° 07'39.44" E
4	Mr. T.V Alias, Managing Partner, Krishnagiri Stone Crusher, Krishnagiri. P. O, Meenangadi, Wayanad, Kerala- 673 591	3.897	344/4, 399/2, 402/1, 402/4 & 402/5	Muttill South	Vythiri	N11037'21.547" to N11037'30.920" E76007'31.572" to E76007'39.826"
5	Sri. Binoj. K. Baby, Managing Partner, M/s. Pulpally Stone Crushers, Sasimala (P.O.), Wayanad, Kerala	0.7905	399/1, 399/15 & 399/18	Padichira	Man Batherly T	N 11 50'00.750" to N 110 50'05.333" E 76 11'37.073" to E 76 11'40.017"

6	Shri. Shamsudheen. M. A., Director, M/s. Kalpetta Rocks Private Limited Chathuppil Peedikayil House, Chittar (PO), Ranny, Pathanamthitta District, Kerala - 689 663	4.6923	Block No. 29, Re-Sy Nos. 50/2, 50/3, 50/4, 50/5, 678/67, 678/69, 678/70, 678/74, 678/163,	Thrikkaipetta	Vythiri	N-11 36'11.670" to N-11 03'21.751" E-76 07'36.671" to E-76 07'47.188"
7	Sri. Joby John, Mundokuzhiyil House, Seethamont P.O., Padichira, Wayanad 673579	0.73	382/1 & 382/5	Padichira	ulthan Batheri	N-11 50'14.440" to N-11 50'17.740" E-76 12'02.095" to 76 12'05.706"
8	Sri. K V Joy, Kizhekkkara House, Karakkuni, Kariambady P O, Wayanad, Kerala	1.4062	Block No. 19, Re- survey. Nos. 8/33, 8/34	Kalpetta	Vythiri	N-11 37'46.781" to N-11 37'51.679" E-76 05'33.501" to E-76 05'40.252"

ANNEXURE 5

Technical Report on O.A. No. 227 of 2024 based on the Landslide that occurred on 30th July 2024 at Vellarimala Village, Wayanad District, Kerala.

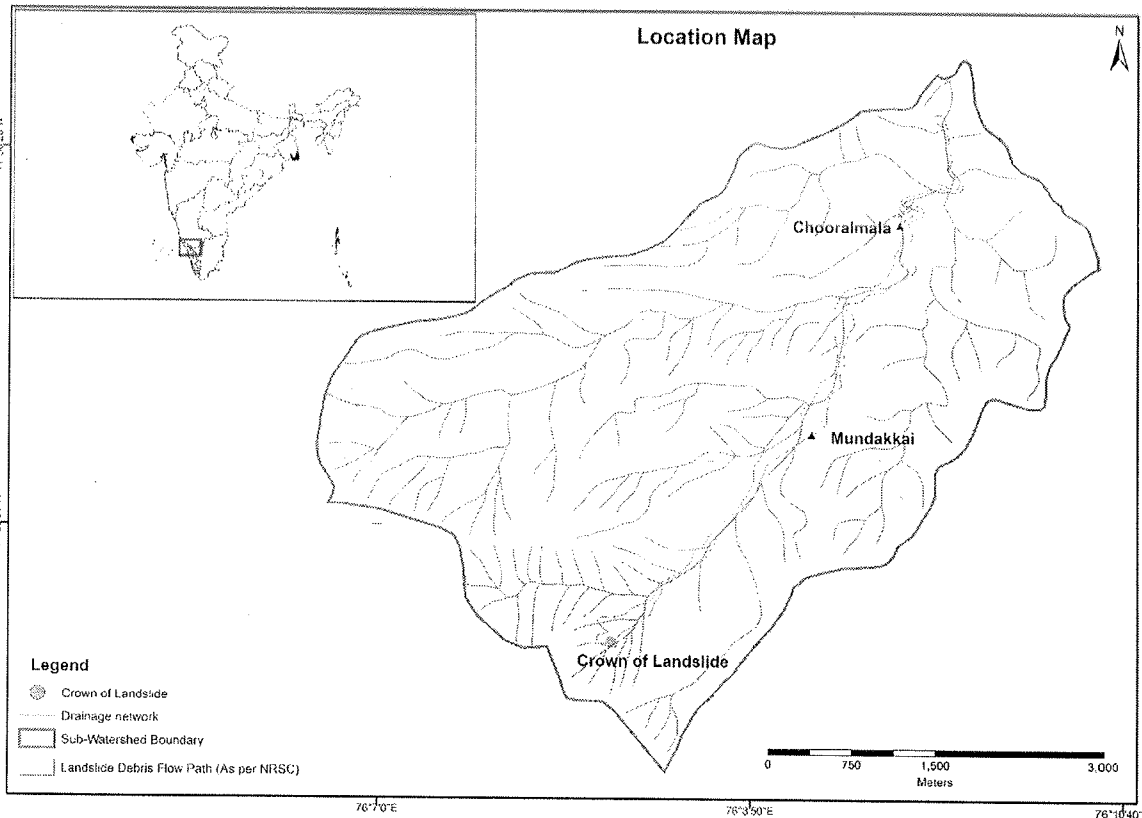
Introduction

On July 30, 2024, a devastating landslide occurred in Vellarimala Village, located in the Vythiri Taluk of Wayanad District, Kerala. The village spans around 55 square kilometres and is part of the Chaliyar River watershed. The geomorphology of the area makes it vulnerable to natural hazards, particularly landslides.

Location Information

- **District** : Wayanad
- **Taluk** : Vythiri Taluk
- **Village** : Vellarimala
- **Village Area** : 54.82 sq.km
- **Watershed** : Chaliyar
Sub Watershed Area (Fig. 1), 22 sq.km (watershed codes 24C37a, 24C37b, 24C37c and 24C37d)
- **Elevation** : 850 to 2080m AMSL

Fig.1: Map of the Landslide Area



Landslide Susceptibility Analysis

Landslide susceptibility analyses in the selected watershed has been assessed based on the landslide susceptibility maps prepared by the National Centre for Earth Science Studies (NCESS, 2010) and the Geological Survey of India (GSI, 2024)) were used to assess the vulnerability of the sub-watershed. Areas falling under the High and Medium susceptibility classes are given in the table below. Each category reflects the degree of risk that specific areas within the watershed are prone to landslides.

The landslide susceptibility maps are given in Figure 2 & 3. The analysis reveals that the watershed is vulnerable to landslides, with varying degrees of susceptibility across its landscape. The most critical area of concern is the High Susceptibility zone, covering 4.38 sq. km according to NCESS and 3.60 sq. km according to GSI. The crown of the current landslide falls within the high landslide susceptibility class in both NCESS and GSI maps.

Sl. No	Landslide Susceptibility Class	NCESS *	GSI **
		Area in sq.km	
1	High	4.38	3.60
2	Medium	7.85	7.40
	Total	12.23	11.00

* Landslide Susceptibility Map of Kerala (NCESS, 2010) accessed from <https://sdma.kerala.gov.in/hazard-maps>
 ** National Landslide Susceptibility Map (NLSM) accessed on 17th August, 2024 from <https://bhukosh.gsi.gov.in/Bhukosh/MapView.aspx>

Fig.2: Landslide Susceptibility Map (NCESS, 2010)

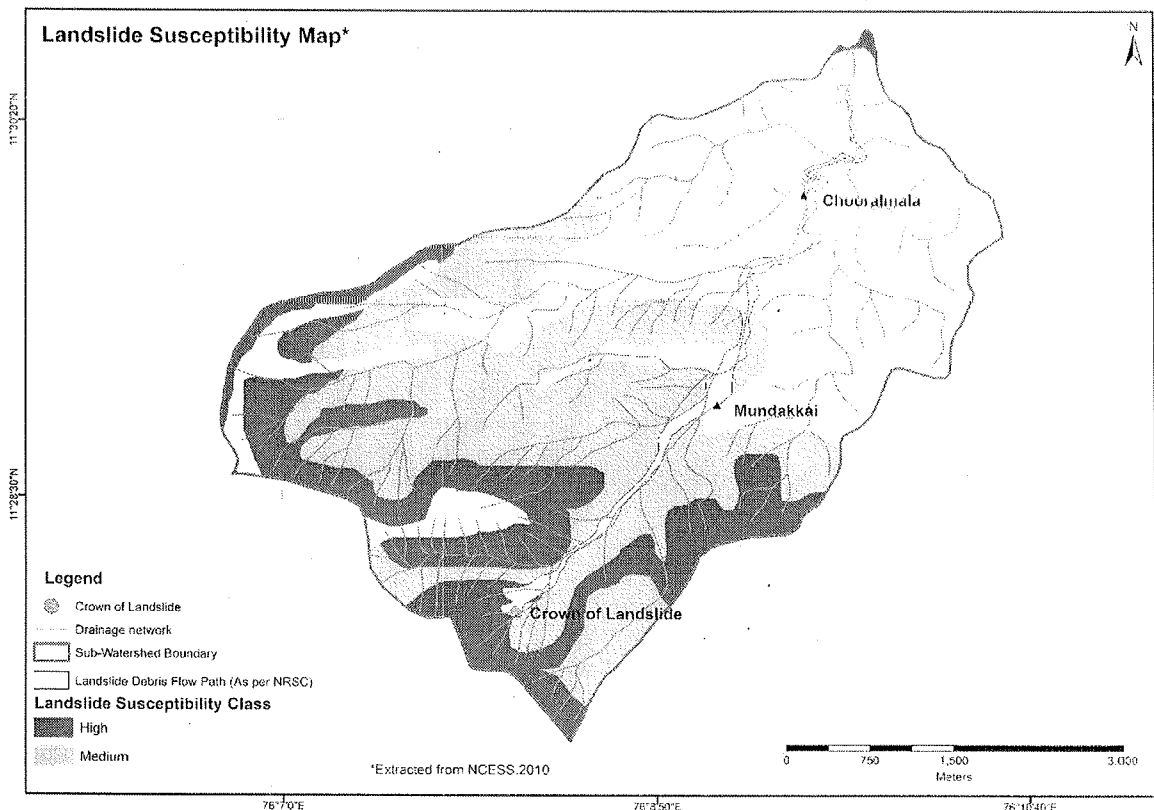
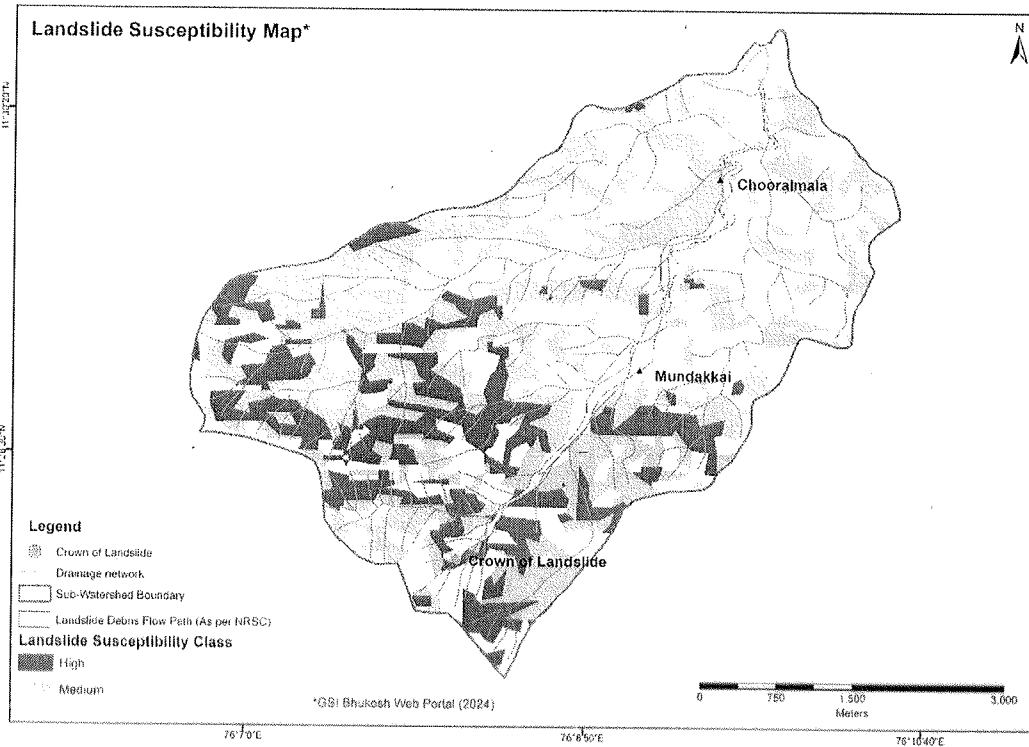


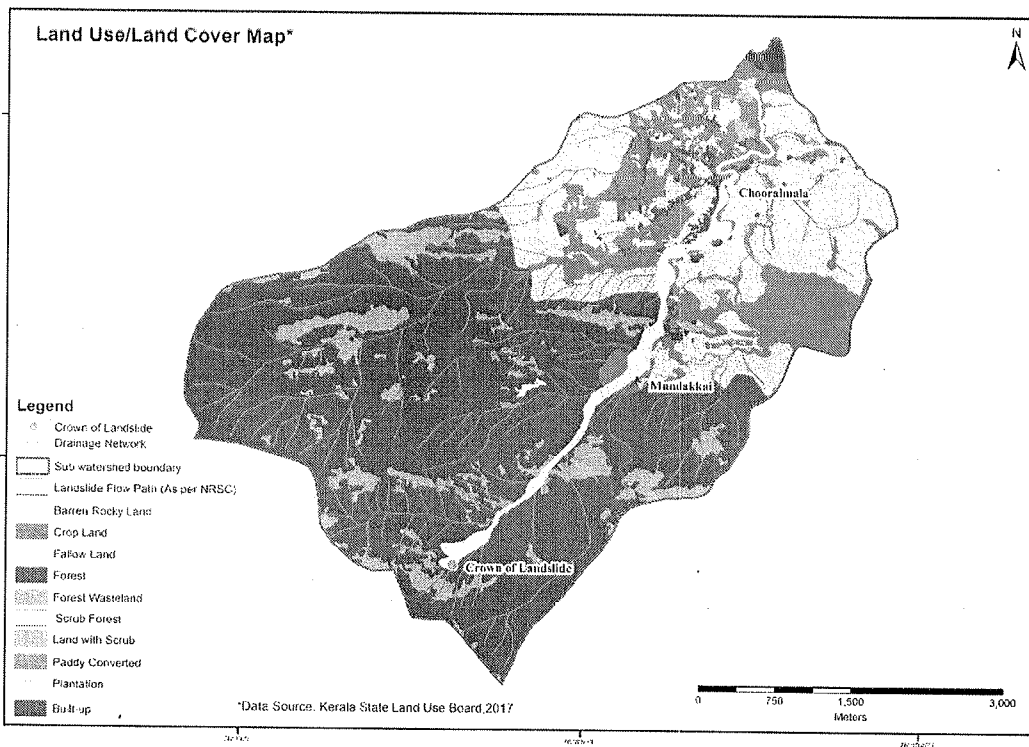
Fig.3: Landslide Susceptibility Map (GSI)



Land use/Land cover of the Area

The land use/land cover map of the area is given in Figure 4. The crown of the present landslide falls within the forest area. Significant built-up and other land uses are about 2 km away from the landslide crown.

Fig.4: Land Use Land Cover Map



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List of ESA Lands in Village Vellarimala, Meppadi Grama Panchayat
Vythiri Taluk, Wayanad District

	Name of Panchayat	Name of Village	Block No	Survey No & Subdivision No	Remarks
1	Meppadi	Vellarimala	26	37	
2	Meppadi	Vellarimala	26	39	
3	Meppadi	Vellarimala	26	40	
4	Meppadi	Vellarimala	32	1	
5	Meppadi	Vellarimala	32	2	
6	Meppadi	Vellarimala	32	3	
7	Meppadi	Vellarimala	32	4	
8	Meppadi	Vellarimala	32	5	
9	Meppadi	Vellarimala	32	6	
10	Meppadi	Vellarimala	32	7	
11	Meppadi	Vellarimala	32	8	
12	Meppadi	Vellarimala	32	11	
13	Meppadi	Vellarimala	32	15/pt	
14	Meppadi	Vellarimala	32	16	
15	Meppadi	Vellarimala	32	17	
16	Meppadi	Vellarimala	32	18	
17	Meppadi	Vellarimala	32	19	
18	Meppadi	Vellarimala	32	20	
19	Meppadi	Vellarimala	32	21	
20	Meppadi	Vellarimala	32	22	
21	Meppadi	Vellarimala	32	23	
22	Meppadi	Vellarimala	32	24	

*F.M. Naby
Agri. Officer*

*Arachan...
Arachan...
R.P. Meppadi*

[Signature]

23	Meppadi	Vellarimala	32	25
24	Meppadi	Vellarimala	32	26
25	Meppadi	Vellarimala	32	27
26	Meppadi	Vellarimala	32	28
27	Meppadi	Vellarimala	32	29
28	Meppadi	Vellarimala	32	30
29	Meppadi	Vellarimala	32	31
30	Meppadi	Vellarimala	32	32
31	Meppadi	Vellarimala	32	34/pt
32	Meppadi	Vellarimala	32	35
33	Meppadi	Vellarimala	32	40/pt
34	Meppadi	Vellarimala	32	42/pt
35	Meppadi	Vellarimala	32	49
36	Meppadi	Vellarimala	32	53/pt
37	Meppadi	Vellarimala	32	55
38	Meppadi	Vellarimala	32	56
39	Meppadi	Vellarimala	32	58
40	Meppadi	Vellarimala	32	59
41	Meppadi	Vellarimala	32	60
42	Meppadi	Vellarimala	32	61
43	Meppadi	Vellarimala	32	62
44	Meppadi	Vellarimala	32	63
45	Meppadi	Vellarimala	32	64
46	Meppadi	Vellarimala	32	65
47	Meppadi	Vellarimala	32	67

Handwritten signature
B.M. Babu
Bgr. Officer

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Aneesh CP
Bgr. Meppady

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48	Meppadi	Vellarimala	32	104/pt
49	Meppadi	Vellarimala	32	105
50	Meppadi	Vellarimala	32	106
51	Meppadi	Vellarimala	32	108
52	Meppadi	Vellarimala	32	124/pt
53	Meppadi	Vellarimala	32	125
54	Meppadi	Vellarimala	32	126
55	Meppadi	Vellarimala	32	244/pt
56	Meppadi	Vellarimala	32	245
57	Meppadi	Vellarimala	32	252/pt
58	Meppadi	Vellarimala	32	255/pt
59	Meppadi	Vellarimala	33	259/pt
60	Meppadi	Vellarimala	34	260
61	Meppadi	Vellarimala	35	261/pt
62	Meppadi	Vellarimala	36	265/pt
63	Meppadi	Vellarimala	37	272
64	Meppadi	Vellarimala	38	273
65	Meppadi	Vellarimala	39	274
66	Meppadi	Vellarimala	40	275
67	Meppadi	Vellarimala	41	276
68	Meppadi	Vellarimala	42	308
69	Meppadi	Vellarimala	43	317
70	Meppadi	Vellarimala	44	321
71	Meppadi	Vellarimala	45	323
72	Meppadi	Vellarimala	46	328

2023
B. R. Babu
Agri. Officer

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Anandh. CP
RFO, Meppadi

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73	Meppadi	Vellarimala	47	329/pt
74	Meppadi	Vellarimala	48	330
75	Meppadi	Vellarimala	49	331
76	Meppadi	Vellarimala	50	332/pt
77	Meppadi	Vellarimala	51	334
78	Meppadi	Vellarimala	52	336/pt
79	Meppadi	Vellarimala	53	337
80	Meppadi	Vellarimala	54	339/pt
81	Meppadi	Vellarimala	55	341/pt
82	Meppadi	Vellarimala	56	342

- 1 President, Meppadi Grama Panchayat *Romala Krishnaappa*
- 2 Secretary, Meppadi Grama Panchayat *Jayaram Gose Enpan*
- 3 Range Forest Officer, Meppadi Range *Amarendra CP RF*
- 4 Krishi Officer, Krishi Bhavan, Meppadi *K.M. Babu*
- 5 Village Officer, Vellarimala *S.M. R.S.I.R.K.*
- 6 Surveyor *C.A. Johny FGS*

Cadastral Level ESA Map of Vellarimala Village



Annexure-6

Annexure-1

List of ESA Lands in Village Vellarimala, Meppadi Grama Panchayat Vythiri Taluk, Wayanad District

	Name of Panchayat	Name of Village	Block No	Survey No & Subdivision No	Remarks
1	Meppadi	Vellarimala	26	37	
2	Meppadi	Vellarimala	26	39	
3	Meppadi	Vellarimala	26	40	
4	Meppadi	Vellarimala	32	1	
5	Meppadi	Vellarimala	32	2	
6	Meppadi	Vellarimala	32	3	
7	Meppadi	Vellarimala	32	4	
8	Meppadi	Vellarimala	32	5	
9	Meppadi	Vellarimala	32	6	
10	Meppadi	Vellarimala	32	7	
11	Meppadi	Vellarimala	32	8	
12	Meppadi	Vellarimala	32	11	
13	Meppadi	Vellarimala	32	15/pt	
14	Meppadi	Vellarimala	32	16	
15	Meppadi	Vellarimala	32	17	
16	Meppadi	Vellarimala	32	18	
17	Meppadi	Vellarimala	32	19	
18	Meppadi	Vellarimala	32	20	
19	Meppadi	Vellarimala	32	21	
20	Meppadi	Vellarimala	32	22	
21	Meppadi	Vellarimala	32	23	
22	Meppadi	Vellarimala	32	24	

S. M. Baby
April 2015

Ankur...
Ankur...
R.P. Meppadi

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23	Meppadi	Vellarimala	32	25
24	Meppadi	Vellarimala	32	26
25	Meppadi	Vellarimala	32	27
26	Meppadi	Vellarimala	32	28
27	Meppadi	Vellarimala	32	29
28	Meppadi	Vellarimala	32	30
29	Meppadi	Vellarimala	32	31
30	Meppadi	Vellarimala	32	32
31	Meppadi	Vellarimala	32	34/pt
32	Meppadi	Vellarimala	32	35
33	Meppadi	Vellarimala	32	40/pt
34	Meppadi	Vellarimala	32	42/pt
35	Meppadi	Vellarimala	32	49
36	Meppadi	Vellarimala	32	53/pt
37	Meppadi	Vellarimala	32	55
38	Meppadi	Vellarimala	32	56
39	Meppadi	Vellarimala	32	58
40	Meppadi	Vellarimala	32	59
41	Meppadi	Vellarimala	32	60
42	Meppadi	Vellarimala	32	61
43	Meppadi	Vellarimala	32	62
44	Meppadi	Vellarimala	32	63
45	Meppadi	Vellarimala	32	64
46	Meppadi	Vellarimala	32	65
47	Meppadi	Vellarimala	32	67

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B.M. Saha
Bgr. Officer

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Anee M. CP
P.O. Meppady

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48	Meppadi	Vellarimala	32	104/pt
49	Meppadi	Vellarimala	32	105
50	Meppadi	Vellarimala	32	106
51	Meppadi	Vellarimala	32	108
52	Meppadi	Vellarimala	32	124/pt
53	Meppadi	Vellarimala	32	125
54	Meppadi	Vellarimala	32	126
55	Meppadi	Vellarimala	32	244/pt
56	Meppadi	Vellarimala	32	245
57	Meppadi	Vellarimala	32	252/pt
58	Meppadi	Vellarimala	32	255/pt
59	Meppadi	Vellarimala	33	259/pt
60	Meppadi	Vellarimala	34	260
61	Meppadi	Vellarimala	35	261/pt
62	Meppadi	Vellarimala	36	265/pt
63	Meppadi	Vellarimala	37	272
64	Meppadi	Vellarimala	38	273
65	Meppadi	Vellarimala	39	274
66	Meppadi	Vellarimala	40	275
67	Meppadi	Vellarimala	41	276
68	Meppadi	Vellarimala	42	308
69	Meppadi	Vellarimala	43	317
70	Meppadi	Vellarimala	44	321
71	Meppadi	Vellarimala	45	323
72	Meppadi	Vellarimala	46	328

3503
B. N. Bobb
Sgt. Officer

[Signature]
Anandh - CP
RFO, Meppadi

[Signature]

(33)

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE DR. JUSTICE A.K.JAYASANKARAN NAMBIAR
&
THE HONOURABLE MR. JUSTICE SYAM KUMAR V.M.

Friday, the 9th day of August 2024 / 18th Sravana, 1946

WP(C) NO. 28509 OF 2024

PETITIONER:

SUO MOTU, HIGH COURT OF KERALA, ERNAKULAM, PIN - 682031

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY THE CHIEF SECRETARY, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001
2. UNION OF INDIA, REPRESENTED BY THE SECRETARY, MINISTRY OF ENVIRONMENT FOREST AND CLIMATE CHANGE, INDIRA PARYAVARAN BHAWAN, JORBAGH ROAD, NEW DELHI, PIN - 110003
3. THE SECRETARY, DEPARTMENT OF MINING AND GEOLOGY GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001
4. THE DIRECTOR DIRECTORATE OF MINING AND GEOLOGY, KESAVADASAPURAM, PATTOM PALACE P.O., THIRUVANANTHAPURAM, PIN - 695004
5. THE SECRETARY, MINISTRY OF MINES SHASTRI BHAWAN, DR. RAJENDRA PRASAD ROAD, NEW DELHI, PIN - 110001
6. THE STATE POLICE CHIEF, KERALA STATE POLICE HEAD QUARTERS VAZHUTHACAUD, THIRUVANANTHAPURAM, PIN - 695010
7. THE COMMISSIONER OFFICE OF KERALA STATE DISASTER MANAGEMENT AUTHORITY OBSERVATORY HILLS, VIKAS BHAVAN P.O, THIRUVANANTHAPURAM, PIN - 695033
8. THE SECRETARY NATIONAL DISASTER MANAGEMENT AUTHORITY, NDMA BHAWAN, A-1, SAFDARJUNG ENCLAVE, NEW DELHI, PIN - 110029
9. JAMES VADAKKAN, MANAGING TRUSTEE, CENTRE FOR CONSUMER EDUCATION KP 6/699 VADAKKAN BUILDINGS, MUNDANGAL P.O, PALA, KOTTAYAM, PIN - 686575

Writ petition (civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to place the petition before the Honourable Mr. Justice A.K. Jayasankaran Nambiar and post in that bench urgently. Hence, the Honourable Mr. Justice A.K. Jayasankaran Nambiar directed the registry a Suo Motu Writ Petition (Civil) referring to news reports in media published in the past 10 days and the petition from Sri. James Vadakkan and the Suo Motu petition may be named " In Re: Prevention and Management of National Disasters in Kerala". It was also directed to array State of Kerala, Represented by its Chief Secretary; State Police Chief; Union of India represented by the Secretary, Ministry of Environment & Forests, New Delhi and Secretary, Ministry of Mines, New Delhi in addition to the parties in the note and post before the Honourable Bench at 10.15 am on 09.08.2024 (Ext P3).

This petition coming on for orders upon perusing the petition and the affidavit filed in support of WP(C) and upon hearing the arguments of

SJO MOTU for the petitioner, the court passed the following:

RECEIVED
COURT OF APPEALS
MUMBAI

**DR. A.K.JAYASANKARAN NAMBIAR
&
SYAM KUMAR V.M., JJ.**

WP(C) No.28509 of 2024

Dated this the 9th day of August, 2024

O R D E R

Dr. A.K.Jayasankaran Nambiar, J.

The Registry shall change the name of the 7th respondent to read as follows:

"The Kerala State Disaster Management Authority, Vikas Bhavan, P.O, Observatory Hills, opposite Kanakakkunnu Palace, Nanthancodu, Thiruvananthapuram, Kerala 695033, represented by its Member Secretary."

Apart from those already impleaded as respondents herein, the following are impleaded as additional respondents:

1. Geological Survey of India, Represented by its Deputy Director General, Having its Local Office at 4th floor, C Block, Kendriya Bhavan, Seaport-Airport Road, Kakkanad, Kochi, Kerala 682 037.
2. National Centre for Earth Science Study, Represented by the Director, Aakkulam, Thiruvananthapuram, Post Box No.7250, Kerala 695011.
3. The Survey of India, Represented by the Surveyor General of India, Office of the Surveyor General of India, Hathibarkala Estate, Dehradun-248001.
4. The State Environmental Impact Assessment Authority (SEIAA) KERALA. K.S.R.T.C Bus Terminal Complex, 4th Floor, Thampanoor, Thiruvananthapuram - 695 001.
5. The Coastal Zone Management Authority, Thampanoor, KSRTC Building 4th Floor, Overbridge, Thampanoor, Thiruvananthapuram, Kerala 695001.

WP(C).No.28509 of 2024

:2:

Sri.C.E.Unnikrishnan, the learned Government Pleader takes notice on behalf of all the State entities. Sri.T.C.Krishna, the learned Central Government Counsel takes notice for all the Central Government entities. Sri.Sreekrishna, the learned counsel takes notice for the State Environmental Impact Assessment Authority. Issue notice by speed post to the 9th respondent

In view of the importance of the issue being considered, we had requested the learned Senior counsel Sri.Ranjith Thampan to assist the Court in this matter and he has very graciously obliged. Sri.Ranjith Thampan is therefore appointed as the Amicus Curiae in this matter. The Registry shall ensure that copies of all the affidavits and other documents that are filed in this case are made available to the Amicus Curiae immediately on they are filed.

Post on 16.08.2024 along with WA.No.1915 of 2023 and connected cases.

Sd/-
DR. A.K.JAYASANKARAN NAMBIAR
JUDGE

Sd/-
SYAM KUMAR V.M.
JUDGE

mns



APPENDIX OF WP(C) 28509/2024

Exhibit P1

PETITION FROM SRI.JAMES VADAKKAN, MANAGING TRUSTEE,
CENTRE FOR CONSUMER EDUCATION

Exhibit P2

RULE 77 OF KERALA MINOR MINERAL CONCESSION RULES, 2015

Exhibit P3

OFFICE NOTES AND ORDERS DATED 08.08.2024

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE DR. JUSTICE A.K.JAYASANKARAN NAMBIAR
&
THE HONOURABLE MR. JUSTICE SYAM KUMAR V.M.

Friday, the 23rd day of August 2024 / 1st Bhadra, 1946
WP(C) NO. 28509 OF 2024

PETITIONER:

IN RE: PREVENTION AND MANAGEMENT OF NATURAL DISASTERS IN KERALA, HIGH COURT OF KERALA, PIN-682031

RESPONDENTS:

1. STATE OF KERALA REPRESENTED BY THE CHIEF SECRETARY, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN-695001
2. UNION OF INDIA, REPRESENTED BY THE SECRETARY, MINISTRY OF ENVIRONMENT FOREST AND CLIMATE CHANGE, INDIRA PARYAVARAN BHAWAN, JORBAGH ROAD, NEW DELHI, PIN-110003
3. THE SECRETARY, DEPARTMENT OF MINING AND GEOLOGY GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001
4. THE DIRECTOR DIRECTORATE OF MINING AND GEOLOGY, KESAVADASAPURAM, PATTOM PALACE P.O., THIRUVANANTHAPURAM, PIN - 695004
5. THE SECRETARY MINISTRY OF MINES SHASTRI BHAWAN, DR. RAJENDRA PRASAD ROAD, NEW DELHI, PIN - 110001
6. THE STATE POLICE CHIEF KERALA STATE POLICE HEAD QUARTERS VAZHUTHACAUD, THIRUVANANTHAPURAM, PIN - 695010
7. THE COMMISSIONER (*CORRECTED) OFFICE OF THE KERALA STATE DISASTER MANAGEMENT AUTHORITY, OBSERVATORY HILLS, VIKHAS BHAVAN P.O, THIRUVANANTHAPURAM(*R7 CORRECTED AS THE KERALA STATE DISASTER MANAGEMENT AUTHORITY, VIKAS BHAVAN P.O,, NANTHANCODE, THIRUVANANTHAPURAM, KERALA, 695033, REPRESENTED BY ITS MEMBER SECRETARY AS PER ORDER DATED 09/08/2024 IN WP(C)), PIN - 695033.
8. THE SECRETARY NATIONAL DISASTER MANAGEMENT AUTHORITY, NDMA BHAWAN, A-1, SAFDARJUNG ENCLAVE, NEW DELHI, PIN-110029
9. JAMES VADAKKAN MANAGING TRUSTEE, CENTRE FOR CONSUMER EDUCATION KP 6/699 VADAKKAN BUILDINGS, MUNDANGAL.P.O, PALA, KOTTAYAM, PIN - 686575
10. GEOLOGICAL SURVEY OF INDIA, REPRESENTED BY ITS DEPUTY DIRECTOR GENERAL, HAVING ITS LOCAL OFFICE AT 4TH FLOOR, C BLOCK, KENDRIYA BHAVAN, SEAPORT-AIRPORT ROAD, KAKKANAD, KOCHI, KERALA-682037.
11. NATIONAL CENTRE FOR EARTH SCIENCE STUDY, REPRESENTED BY THE DIRECTOR, AAKKULAM, THIRUVANANTHAPURAM, POST BOX NO.7250, KERALA-695011.
12. THE SURVEY OF INDIA, REPRESENTED BY THE SURVEYOR GENERAL OF INDIA, OFFICE OF THE SURVEYOR GENERAL OF INDIA, HATHIBARKALA ESTATE, DEHRADUN-248001
13. THE STATE ENVIRONMENTAL IMPACT ASSESSMENT AUTHORITY (SEIAA) KERALA, K.S.R.T.C BUS TERMINAL COMPLEX, 4TH FLOOR, THAMPANOR, THIRUVANANTHAPURAM-695 001
14. THE COASTAL ZONE MANAGEMENT AUTHORITY THAMPANOR, KSRTC BUILDING 4TH

- FLOOR, OVERBRIDGE, THAMPANOR, THIRUVANANTHAPURAM, ADDL. R10-R14 ARE IMPEADED AS PER ORDER DATED 09.08.2024 IN WP(C)KERALA 695001.
15. UNION OF INDIA, REPRESENTED BY THE SECRETARY, MINISTRY OF ROAD TRANSPORT AND HIGHWAYS, TRANSPORT BHAWAN, 1, PARLIAMENT STREET, NEW DELHI-110001.
 16. NATIONAL HIGHWAY AUTHORITY OF INDIA, G 5 & 6, SECTOR 10, DWARAKA, NEW DELHI - 110075, REPRESENTED BY ITS CHAIRMAN
 17. CENTRAL WATER COMMISSION 3RD FLOOR, (SOUTH, SEWA BHAVAN, RK PURAM, SECTOR-1, NEW DELHI-110066, REPRESENTED BY ITS SECRETARY.
 18. INDIAN NATIONAL CENTRE FOR OCEAN INFORMATION SERVICES (INCOIS), "OCEAN VALLEY", PARAGATHI NAGAR (B0), NIZAMPET, (S0), HYDERABAD - 500090, TELANGANA, INDIA, REPRESENTED BY ITS DIRECTOR,
 19. NATIONAL REMOTE SENSING CENTRE, DEPARTMENT OF SPACE, GOVERNMENT OF INDIA, HYDERABAD - 500037, TELANGANA. ADDL. R15 -R19 ARE IMPEADED AS PER ORDER DATED 16.08.2024 IN WP(C)
 20. SAYIR A, (SOUGHT TO BE IMPEADED) AGED 45 YEARS, C/O ABDUL RAHIM A ADATHODI MUNDAKAI, VELLARIMALA, WAYANAD.
 21. HAMZA T, (SOUGHT TO BE IMPEADED) AGED 55, S/O SAIDALI, THAZHETHODY MEPADI PO WAYANAD, KERALA
 22. BIBIN K AUGASTIAN (SOUGHT TO BE IMPEADED) AGED 29, S/O AUGUSTY KODIYANKUNNIL, THONICHAL, NALLOORNAD P.O, WAYANAD

Writ petition (civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to 1) To call for the records leading to Ext-P8. 2) To direct the 8th respondent to call for the records leading to the order Ext-P8, call for the records of the parties and then to conduct a site inspection and verify the village records, and after obtaining all the said records, to measure the properties and then to submit a report, with the plan and the resurvey details, to denote as to the extent of property that the 7th respondent has, 3) to see it that no further constructions are perpetrated by the 7th respondent, in the disputed property unless the controversy stands resolved, pending consideration of the above Writ Petition in the interest of justice.

This petition again coming on for orders upon perusing the petition and the affidavit filed in support of WP(C) and 16.08.2024 and upon hearing the arguments of SUO MOTU for the petitioner, SRI.PRAKASH M P, (STANDING COUNSEL) for R14, M/S. P.A.MOHAMMED SHAH, RENOY VINCENT, SHAHIR SHOWKATH ALI, CHELSON CHEMBARATHY, MUHAMED JUNAID V., ADITH KRISHNAN.U., SHERIN SHERIYAR, NANDA SURENDRAN & SAHAL SHAJAHAN, Advocates for R20 to R22, the court passed the following:

**DR. A.K.JAYASANKARAN NAMBIAR, J.
&
SYAM KUMAR V.M., J.**

W.P.(C).NO.28509 OF 2024

Dated this the 23rd day of August, 2024

ORDER

Dr. A.K. Jayasankaran Nambiar, J.

The tragic incident that took place in Waynad in the early hours of 30th July, 2024 when a massive landslide caused widespread destruction to the lives and properties of residents there, prompted us to register this *suo motu* writ petition, *inter alia*, to persuade the State Government to introspect on its currently held notions for sustainable development in the State of Kerala and revisit its policy regarding the same.

2. The shift from an anthropocentric to an eco-centric perspective of environmental justice began to take shape in our country only in the 1990's when we developed the principles of sustainable development, precautionary principle, polluter pays and inter-generational equity. However, even then, our focus was on regulating human actions so as to prevent environmental degradation. The focus on preserving ecosystems through affirmative steps came in much later. In fact the first truly eco-centric legislation that we enacted in our country was the Biological Diversity Act, 2002. We have since embraced a new perspective of environmental justice that today looks at equitable

distribution of the risks and harmful effects of environmental degradation. Sustainable development has since been re-imagined in ways that promotes this idea of environmental justice.

3. In **Hanuman Laxman Aroskar v. Union of India - [(2019) 15 SCC 401]**, the Supreme Court referred to the United Nations Environment Programme's [UNEP] First Global Report on Environmental Rule of Law and articulated the following seven components of the framework of Environmental Rule of Law namely, (i) Fair, clear and implementable environmental laws (ii) access to information, public participation and access to justice through courts, tribunals, commissions and other bodies (iii) accountability and integrity of decision-makers and institutions (iv) clear and coordinated mandates and roles, across and within institutions (v) accessible, fair, impartial, timely and responsive dispute resolution mechanisms and (vi) recognition of the mutually re-informing relationship between rights and environmental rule of law and (vii) specific criteria for the interpretation of environmental law. The court emphasized that environmental rule of law called for a regime that had effective, accountable and transparent institutions and that, while responsive, inclusive, participatory and representative decision making were the key ingredients to the rule of law, public access to information was fundamental to the preservation of the rule of law.

4. In **Himachal Pradesh Bus-Stand Management & Development Authority v. Central Empowered Committee & Others - [(2021) 4 SCC 309]**, the Court re-iterated that the environmental rule of law calls on judges to marshal the knowledge emerging from the record, limited though it may sometimes be, to respond in a stern and decisive fashion to violations of environmental law. In the words of the court *"we cannot be stupefied into inaction by not having access to complete details about the manner in which an environmental law violation has occurred or its full implications. Instead, the framework, acknowledging the imperfect world that we inhabit, provides a roadmap to deal with environmental law violations, an absence of clear evidence of consequences notwithstanding"*.

5. The right to life guaranteed to all persons under Article 21 of our Constitution encompasses within its fold the right to a healthy environment. The latter encapsulates the principle that every individual has the entitlement to live in an environment that is clean, safe and conducive to their well-being. Together with Article 48A that requires the State to endeavour to protect and improve the environment and to safeguard the forests and wildlife of the country and Article 51A(g) that obliges every citizen to protect and improve the natural environment clouding forests, lakes, rivers and wild life, and to have compassion for living creatures, our Constitution provides for a code of environmental and ecological ethics that every citizen in our country must adhere to in

order to ensure peaceful co-existence in the years ahead. For far too long have we, as a people, focused on our rights - fundamental and otherwise - that we seem to have forgotten the fundamental duties that we owe to fellow citizens, wild life, other living creatures and the ecosystem around us. The tragedy in Waynad was just another instance of nature reacting to our apathy and greed.

6. The warning signs had appeared a long time ago but we chose to ignore them in pursuit of a development agenda that would supposedly put our State on the high road to economic prosperity. However, the last five years have shown us the error of our ways. If it was the inundating floods in 2018, it was a terrifying landslide in 2019, a pandemic that persisted for almost two years thereafter, and now another devastating landslide. If we do not mend our ways and take affirmative remedial action now, perhaps it will be too late.

7. This Court functions as the guardian of the fundamental rights of our citizens - the sentinel on the *qui vive* - and it registered this *suo motu* writ petition to embark upon an exercise of taking stock of the State's existing policies in relation to (i) exploitation of natural resources, (ii) preservation of environment, forests and wildlife, (iii) prevention, management and mitigation of natural disasters and (iv) sustainable development goals. It was felt that an intervention by this court was required to gather information, and requisition assistance from

institutions and agencies that can assist in the identification of ecologically sensitive areas in the State, and help the State in re-formulating its policies in the areas mentioned above. The exercise that we propose to embark upon will not be akin to adjudicating an adversarial litigation but more in the nature of participatory decision making.

8. Having set out the goals sought to be achieved through this suo moto registered writ petition, we might outline the stages by which we plan to achieve them. While doing so, we have also perused the Report dated 14.08.2024 filed by the *Amicus Curiae* Sri. Ranjith Thampan. We propose to proceed in three stages. In **Stage I**, we propose to gather scientific data regarding the manner in which ecologically sensitive areas in the State can be identified, and thereafter proceed to identify and notify them district wise. We will also monitor the rescue, rehabilitation and reconstruction efforts in Wynad district on a weekly basis. In **Stage II**, we propose to gather data that will point to the desirable composition of regulatory agencies and advisory boards that would enable such agencies and boards to function effectively towards achieving the objects for which they have been constituted. The data gathered will be placed before the State government for its consideration so that suitable amendments can be effected to existing Statutes/Rules/Regulations. In **Stage III**, we propose to collect data from the people residing in ecologically sensitive areas in the State, through the Local Self Government department of the State, so that the State can re-formulate

(AS)

its policies with regard to infrastructural development, tourism, exploitation of natural resources, and preservation of environment, forests and wildlife, after conducting the necessary environmental impact assessment studies and holding adequate public hearings to ascertain the views of persons/residents of the locality concerned.

9. As we have presently commenced our deliberations in relation to Stage I, we take note of the concerns expressed by the learned Amicus Curiae in his report referred to above, and deem it appropriate to direct the 1st and 2nd respondents herein to file affidavits before us clarifying the following aspects:

- a) Whether in the wake of the natural disasters that have occurred in the State of Kerala, the said respondents propose to increase the number of subject experts as mandated under Section 14(2)(b) of the Disaster Management Act, 2005 [DMA] ?
- b) Whether the Advisory Committees as contemplated under Sections 7,17 and 28 of the DMA have been constituted at the National, State and District levels and if so, the composition of the said committees ?
- c) Details of the Disaster Management Plans prepared at the National, State and District levels in accordance with Sections 37 and 38 of the DMA, together with details of the latest updation done to the said plans.

d) Details of the funds allocated for carrying out the activities and programmes set out in the respective Disaster Management Plans.

e) Details regarding the steps taken by the 1st respondent in pursuance of the recommendations of the committee constituted vide G.O. (RT) No.664/2018/DMD dated 30.11.2018 to include a checklist of safety measures to be adopted in landslide prone areas in the Building Rules applicable in the State.

The 1st and 2nd respondents are granted three weeks time to file their affidavits furnishing the above details. We make it clear that in view of the expediency required in this matter, we expect all the respondents to strictly adhere to the time limits specified by this Court for filing affidavits and other documents.

Sd/-
DR. A.K.JAYASANKARAN NAMBIAR
JUDGE

Sd/-
SYAM KUMAR V.M.
JUDGE

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE DR. JUSTICE A.K.JAYASANKARAN NAMBIAR
&
THE HONOURABLE MR. JUSTICE SYAM KUMAR V.M.

Friday, the 23rd day of August 2024 / 1st Bhadra, 1946
WP(C) NO. 28509 OF 2024

PETITIONER:

IN RE: PREVENTION AND MANAGEMENT OF NATURAL DISASTERS IN KERALA,
HIGH COURT OF KERALA, PIN - 682031

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY THE CHIEF SECRETARY, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001
2. UNION OF INDIA, REPRESENTED BY THE SECRETARY, MINISTRY OF ENVIRONMENT FOREST AND CLIMATE CHANGE, INDIRA PARYAVARAN BHAWAN JORBAGH ROAD, NEW DELHI, PIN - 110003
3. THE SECRETARY, DEPARTMENT OF MINING AND GEOLOGY GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001
4. THE DIRECTOR DIRECTORATE OF MINING AND GEOLOGY, KESAVADASAPURAM, PATTON PALACE P.O., THIRUVANANTHAPURAM, PIN - 695004
5. THE SECRETARY, MINISTRY OF MINES SHASTRI BHAWAN, DR. RAJENDRA PRASAD ROAD, NEW DELHI, PIN - 110001
6. THE STATE POLICE CHIEF, KERALA STATE POLICE HEAD QUARTERS VAZHUTHACAUD, THIRUVANANTHAPURAM, PIN - 695010
7. THE COMMISSIONER, OFFICE OF KERALA STATE DISASTER MANAGEMENT AUTHORITY OBSERVATORY HILLS, VIKAS BHAVAN P.O, THIRUVANANTHAPURAM, PIN - 695033
8. THE SECRETARY, NATIONAL DISASTER MANAGEMENT AUTHORITY, NDMA BHAWAN, A-1, SAFDARJUNG ENCLAVE, NEW DELHI, PIN - 110029
9. JAMES VADAKKAN, MANAGING TRUSTEE, CENTRE FOR CONSUMER EDUCATION KP 6/699 VADAKKAN BUILDINGS, MUNDANGAL.P.O, PALA, KOTTAYAM, PIN - 686575
10. GEOLOGICAL SURVEY OF INDIA, REPRESENTED BY ITS DEPUTY DIRECTOR GENERAL, HAVING ITS LOCAL OFFICE AT 4TH FLOOR, C BLOCK, KENDRIYA BHAVAN, SEAPORT-AIRPORT ROAD, KAKKANAD, KOCHI, KERALA 682 03
11. NATIONAL CENTRE FOR EARTH SCIENCE STUDY, REPRESENTED BY THE DIRECTOR, AAKKULAM, THIRUVANANTHAPURAM, POST BOX NO.7250, KERALA, 695011.
12. THE SURVEY OF INDIA, REPRESENTED BY THE SURVEYOR GENERAL OF INDIA, OFFICE OF THE SURVEYOR GENERAL OF INDIA, HATHIBARKALA ESTATE, DEHRADUN-248001
13. THE STATE ENVIRONMENTAL IMPACT ASSESSMENT AUTHORITY (SEIAA) KERALA, K.S.R.T.C BUS TERMINAL COMPLEX, 4TH FLOOR, THAMPANOR, THIRUVANANTHAPURAM - 695 001
14. THE COASTAL ZONE MANAGEMENT AUTHORITY, THAMPANOR, KSRTC BUILDING 4TH FLOOR, OVERBRIDGE, THAMPANOR, THIRUVANANTHAPURAM, ADDL. R10-R14 ARE IMPEADED AS PER ORDER DATED 09.08.2024 IN WP(C)KERALA 695001.

15. UNION OF INDIA, REPRESENTED BY THE SECRETARY, MINISTRY OF ROAD TRANSPORT AND HIGHWAYS, TRANSPORT BHAWAN, 1, PARLIAMENT STREET, NEW DELHI-110001.
16. NATIONAL HIGHWAY AUTHORITY OF INDIA, G 5 & 6, SECTOR 10, DWARAKA, NEW DELHI - 110075, REPRESENTED BY ITS CHAIRMAN
17. CENTRAL WATER COMMISSION 3RD FLOOR, (SOUTH, SEWA BHAVAN, RK PURAM, SECTOR-1, NEW DELHI - 110066, REPRESENTED BY ITS SECRETARY.
18. INDIAN NATIONAL CENTRE FOR OCEAN INFORMATION SERVICES (INCOIS), "OCEAN VALLEY", PARAGATHI NAGAR (BO), NIZAMPET(SO), HYDERABAD - 500090, TELANGANA, INDIA, REPRESENTED BY ITS DIRECTOR,
19. NATIONAL REMOTE SENSING CENTRE, DEPARTMENT OF SPACE, GOVERNMENT OF INDIA, HYDERABAD - 500037, TELANGANA. ADDL.R15 -R19 ARE IMPEADED AS PER ORDER DATED 16.08.2024 IN WP(C)

Writ petition (civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to 1) To call for the records leading to Ext-P8. 2) To direct the 8th respondent to call for the records leading to the order Ext-P8, call for the records of the parties and then to conduct a site inspection and verify the village records, and after obtaining all the said records, to measure the properties and then to submit a report, with the plan and the resurvey details, to denote as to the extent of property that the 7th respondent has, 3) to see it that no further constructions are perpetrated by the 7th respondent, in the disputed property unless the controversy stands resolved, pending consideration of the above Writ Petition in the interest of justice.

This petition again coming on for orders upon perusing the petition and the affidavit filed in support of WP(C) and this court's order dated 16.08.2024 and upon hearing the arguments of IN RE: PREVENTION AND MANAGEMENT OF NATURAL DISASTERS IN KERALA(Party-In-Person) for the petitioner, the court passed the following:

**DR. A.K.JAYASANKARAN NAMBIAR
&
SYAM KUMAR V.M., JJ.**

WP(C) No.28509 of 2024

Dated this the 23rd day of August, 2024

O R D E R

Dr. A.K.Jayasankaran Nambiar, J.

Sri. Johnson Mathew Manayani, the learned counsel takes notice for respondent No.9. The learned Amicus Curiae has filed three reports today, namely, Report No.2, Report No.3 and Report No.4. Copies of these reports shall be furnished by the Registry to the 1st and 2nd respondents through the learned Senior Special Government Pleader Sri.C.E.Unnikrihnan and Sri.T.C.Krishna, the learned Senior Panel Counsel. The said respondents shall file their affidavits by 30.08.2024. Incorporating in the said affidavits, their respective response to the suggestions made by the learned Amicus Curiae.

Post on 30.08.2024 along with WA.No. 1915 of 2023 and connected cases.

Sd/-

**DR. A.K.JAYASANKARAN NAMBIAR
JUDGE**

Sd/-

**SYAM KUMAR V.M.
JUDGE**

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT

THE HONOURABLE DR. JUSTICE A.K.JAYASANKARAN NAMBIAR

&

THE HONOURABLE MR. JUSTICE SYAM KUMAR V.M.

Friday, the 30th day of August 2024 / 8th Bhadra, 1946

IA.NO.1/2024 IN WP(C) NO. 28509 OF 2024

APPLICANTS/ADDITIONAL RESPONDENT NO.20,21,22 SOUGHT TO BE IMPEADED:

- 1. SAYIR A,(SOUGHT TO BE IMPEADED)AGED 45 YEARS,C/O ABDUL RAHIM A ADATHODI MUNDAKAI, VELLARIMALA, WAYANAD.
- 2. HAMZA T,(SOUGHT TO BE IMPEADED) AGED 55, S/O SAIDALI,THAZHETHODY MEPADI PO,WAYANAD, KERALA.
- 3. BIBIN K AUGASTIAN(SOUGHT TO BE IMPEADED)AGED 29,S/O AUGUSTY KODIYANKUNNIL,THONICHAL,NALLOORNAD PO,WAYANAD

RESPONDENTS/PETITIONERS AND RESPONDENT IN WPC.:

- 1. STATE OF KERALA,REPRESENTED BY THE CHIEF SECRETARY,GOVERNMENT SECRETARIAT,THIRUVANANTHAPURAM,PIN-695001
- 2. UNION OF INDIA,REPRESENTED BY THE SECRETARY,MINISTRY OF ENVIRONMENT FOREST AND CLIMATE CHANGE INDIRA PARYAVARAN BHAWAN JORBAGH ROAD,NEW DELHI, PIN - 110003
- 3. THE SECRETARY,DEPARTMENT OF MINING AND GEOLOGY GOVERNMENT SECRETARIAT,THIRUVANANTHAPURAM,PIN-695001
- 4. THE DIRECTOR DIRECTORATE OF MINING AND GEOLOGY,KESAVADASAPURAM,PATTOM PALACE P.O.,THIRUVANANTHAPURAM,PIN-695004
- 5. THE SECRETARY,MINISTRY OF MINES SHASTRI BHAWAN,DR. RAJENDRA PRASAD ROAD,NEW DELHI,PIN-110001
- 6. THE STATE POLICE CHIEF,KERALA STATE POLICE HEAD QUARTERS VAZHUTHACAUD,THIRUVANANTHAPURAM,PIN-695010
- 7. THE COMMISSIONER(*CORRECTED) OFFICE OF THE KERALA STATE DISASTER MANAGEMENT AUTHORITY, OBSERVATORY HILLS, VIKHAS BHAVAN P.O., THIRUVANANTHAPURAM * R7 CORRECTED AS (THE KERALA STATE DISASTER MANAGEMENT AUTHORITY, VIKAS BHAVAN P.O., NANTHANCODE, THIRUVANANTHAPURAM, KERALA, 695033,REPRESENTED BY ITS MEMBER SECRETARY AS PER ORDER DATED 09/08/2024 IN WP(C)), PIN - 695033
- 8. THE SECRETARY,NATIONAL DISASTER MANAGEMENT AUTHORITY,NDMA BHAWAN,A-1,SAFDARJUNG ENCLAVE,NEW DELHI, PIN - 110029
- 9. JAMES VADAKKAN,MANAGING TRUSTEE, CENTRE FOR CONSUMER EDUCATION KP 6/699 VADAKKAN BUILDINGS, MUNDANGAL.P.O, PALA, KOTTAYAM, PIN - 686575
- 10. GEOLOGICAL SURVEY OF INDIA,REPRESENTED BY ITS DEPUTY DIRECTOR GENERAL, HAVING ITS LOCAL OFFICE AT 4TH FLOOR, C BLOCK, KENDRIYA BHAVAN,SEAPORT-AIRPORT ROAD, KAKKANAD, KOCHI, KERALA 682 03
- 11. NATIONAL CENTRE FOR EARTH SCIENCE STUDY,REPRESENTED BY THE DIRECTOR, AAKKULAM, THIRUVANANTHAPURAM, POST BOX NO.7250, KERALA 695011.
- 12. THE SURVEY OF INDIA,REPRESENTED BY THE SURVEYOR GENERAL OF INDIA,OFFICE OF THE SURVEYOR GENERAL OF INDIA, HATHIBARKALA

(51)

ESTATE, DEHRADUN-248001

13. THE STATE ENVIRONMENTAL IMPACT ASSESSMENT AUTHORITY (SEIAA) KERALA, K.S.R.T.C BUS TERMINAL COMPLEX, 4TH FLOOR, THAMPANOOR, THIRUVANANTHAPURAM - 695 001
14. THE COASTAL ZONE MANAGEMENT AUTHORITY, THAMPANOOR, KSRTC BUILDING 4TH FLOOR, OVERBRIDGE, THAMPANOOR, THIRUVANANTHAPURAM, ADDL. R10-R14 ARE IMPEADED AS PER ORDER DATED 09.08.2024 IN WP(C)KERALA 695001.
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16. NATIONAL HIGHWAY AUTHORITY OF INDIA, G 5 & 6, SECTOR 10, DWARAKA, NEW DELHI - 110075, REPRESENTED BY ITS CHAIRMAN
17. CENTRAL WATER COMMISSION 3RD FLOOR, (SOUTH, SEWA BHAVAN, RK PURAM, SECTOR-1, NEW DELHI - 110066, REPRESENTED BY ITS SECRETARY.
18. INDIAN NATIONAL CENTRE FOR OCEAN INFORMATION SERVICES (INCOIS), "OCEAN VALLEY", PARAGATHI NAGAR (BO), NIZAMPET (SO), HYDERABAD - 500090, TELANGANA, INDIA, REPRESENTED BY ITS DIRECTOR,
19. NATIONAL REMOTE SENSING CENTRE, DEPARTMENT OF SPACE, GOVERNMENT OF INDIA, HYDERABAD - 500037, TELANGANA. ADDL.R15 -R19 ARE IMPEADED AS PER ORDER DATED 16.08.2024 IN WP(C)

Application praying that in the circumstances stated in the affidavit filed therewith the High Court be pleased to implead the Applicants as the Additional Respondent No.20, 21, 22 in the Writ Petition., in the interest of justice, equity and good conscience.

This Application coming on for orders upon perusing the application and the affidavit filed in support thereof, and upon hearing the arguments of M/S. P.A.MOHAMMED SHAH, RENOY VINCENT, SHAHIR SHOWKATH ALI, CHELSON CHEMBARATHY, MUHAMED JUNAID V., ADITH KRISHNAN.U., SHERIN SHERIYAR, NANDA SURENDRAN & SAHAL SHAJAHAN, Advocates for petitioners, SRI.PRAKASH M P,(STANDING COUNSEL) for R14, the court passed the following:

(S2)

DR. A.K.JAYASANKARAN NAMBIAR, J.
&
SYAM KUMAR V.M., J.

I.A.No.1 OF 2024
IN
W.P.(C).NO.28509 OF 2024

Dated this the 30th day of August, 2024

ORDER

Dr. A.K. Jayasankaran Nambiar, J.

In our order dated 23.08.2024 in W.P.(C).No.28509 of 2024, we had indicated that the object of registering the *suo motu* writ petition was to embark upon an exercise of taking stock of the State's existing policies in relation to (i) exploitation of natural resources, (ii) preservation of environment, forests and wildlife, (iii) prevention, management and mitigation of natural disasters and (iv) sustainable development goals and that an intervention by this Court was required to gather information and requisition assistance from institutions and agencies that can assist in the identification of ecologically sensitive areas in the State, and help the State in re-formulating its policies in the areas mentioned above. We had made it clear in the said order that the exercise that we are embarking upon will not be akin to adjudicating an adversarial litigation but more in the nature of participatory decision making.

2. It is against the backdrop of the above scheme of the writ petition that we need to consider the interlocutory applications that are being filed by various persons seeking impleadment in these proceedings. Lest we lose our focus on the main objects of this writ petition, and in the light of the fact that we have appointed a senior advocate of this Court Sri.Ranjith Thampan as *Amicus Curiae* to assist the Court in these proceedings, we feel it would be more prudent to direct those seeking impleadment, for the purposes of bringing forth facts that they consider to be relevant towards attaining the objects stated above, to the *Amicus Curiae*. The learned *Amicus* Sri.Ranjith Thampan has agreed to look into the facts stated in the impleadment applications and incorporate such facts as are relevant to this writ petition in the reports that are being filed by him on a periodic basis.

3. We feel that the above procedure would obviate the need to enlarge the list of respondents in the writ petition and confine the list of respondents strictly to those who answer to the description of "necessary or proper parties" to this *suo motu* writ petition.

In the light of what is stated above, while dismissing this interlocutory application, we relegate the applicants therein to the *Amicus Curiae* Sri.Ranjith Thampan for collecting those facts from them

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LA.NO.1/2024
IN
W.P.(C),No.28509/24

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as the *Amicus* may find relevant to the issue being considered in this writ petition.

Sd/-
DR. A.K.JAYASANKARAN NAMBIAR
JUDGE

Sd/-
SYAM KUMAR V.M.
JUDGE

prp/30/8/24

(55)

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE DR. JUSTICE A.K.JAYASANKARAN NAMBIAR
&
THE HONOURABLE MR. JUSTICE SYAM KUMAR V.M.

Friday, the 6th day of September 2024 / 15th Bhadra, 1946
WP(C) NO. 28509 OF 2024

PETITIONER:

IN RE: PREVENTION AND MANAGEMENT OF NATURAL DISASTERS IN KERALA, HIGH COURT OF KERALA, PIN- 682031

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY THE CHIEF SECRETARY, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN-695001
2. UNION OF INDIA, REPRESENTED BY THE SECRETARY, MINISTRY OF ENVIRONMENT FOREST AND CLIMATE CHANGE INDIRA PARYAVARAN BHAWAN JORBAGH ROAD, NEW DELHI, PIN-110003
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9. JAMES VADAKKAN, MANAGING TRUSTEE, CENTRE FOR CONSUMER EDUCATION KP 6/699 VADAKKAN BUILDINGS, MUNDANGAL.P.O, PALA, KOTTAYAM, PIN - 686575
10. GEOLOGICAL SURVEY OF INDIA, REPRESENTED BY ITS DEPUTY DIRECTOR GENERAL, HAVING ITS LOCAL OFFICE AT 4TH FLOOR, C BLOCK, KENDRIYA BHAVAN, SEAPORT-AIRPORT ROAD, KAKKANAD, KOCHI, KERALA 682 03.
11. NATIONAL CENTRE FOR EARTH SCIENCE STUDY, REPRESENTED BY THE DIRECTOR, AAKKULAM, THIRUVANANTHAPURAM, POST BOX NO.7250, KERALA 695011.
12. THE SURVEY OF INDIA, REPRESENTED BY THE SURVEYOR GENERAL OF INDIA, OFFICE OF THE SURVEYOR GENERAL OF INDIA, HATHIBARKALA ESTATE, DEHRADUN-248001
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- 14. THE COASTAL ZONE MANAGEMENT AUTHORITY, THAMPANOR, KSRTC BUILDING, 4TH FLOOR, OVERBRIDGE, THAMPANOR, THIRUVANANTHAPURAM, ADDL. R10-R14 ARE IMPEADED AS PER ORDER DATED 09.08.2024 IN WP(C)KERALA 695001.
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- 18. INDIAN NATIONAL CENTRE FOR OCEAN INFORMATION SERVICES (INCOIS), "OCEAN VALLEY", PARAGATHI NAGAR (BO), NIZAMPET(SO), HYDERABAD - 500090, TELANGANA, INDIA, REPRESENTED BY ITS DIRECTOR.
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- 22. BIBIN K AUGASTIAN (SOUGHT TO BE IMPEADED), AGED 29, S/O AUGUSTY, KODIYANKUNNIL, THONICHAL, NALLOORNAD P.O, WAYANAD.

Writ petition (civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to 1) to call for the records leading to Ext-P8. 2) to direct the 8th respondent to call for the records leading to the order Ext-P8, call for the records of the parties and then to conduct a site inspection and verify the village records, and after obtaining all the said records, to measure the properties and then to submit a report, with the plan and the resurvey details, to denote as to the extent of property that the 7th respondent has, 3) to see it that no further constructions are perpetrated by the 7th respondent, in the disputed property unless the controversy stands resolved, pending consideration of the above writ petition in the interest of justice.

This petition coming on for orders upon perusing the petition and the affidavit filed in support of WP(C) and upon hearing the arguments of SUO MOTU for the petitioner, GOVERNMENT PLEADER, K. GOPALAKRISHNAKURUP (AG), SHRI. C. E. UNNIKRISHNAN (SPL. G.P TO AG) for R1, R3, R4, R6 & R7, SRI. JOHNSON MANAYANI, BENHUR JOSEPH MANAYANI & JEEVAN MATHEW, Advocates for R9, SRI. PRAKASH M P, (STANDING COUNSEL) for R14, M/S. P. A. MOHAMMED SHAH, RENOY VINCENT, SHAHIR SHOWKATH ALI, CHELSON CHEMBARATHY, MUHAMED JUNAID V., ADITH KRISHNAN. U., SHERIN SHERIYAR, NANDA SURENDRAN & SAHAL SHAJAHAN, Advocates for R20 to R22, the court passed the following:

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DR. A.K.JAYASANKARAN NAMBIAR
&
SYAM KUMAR V.M., JJ.

WP(C) No.28509 of 2024

Dated this the 6th day of September, 2024

O R D E R

Dr. A.K.Jayasankaran Nambiar, J.

Re: Report No.5 and Report No.6 submitted by the
Amicus Curiae

Through Report No.5, the *Amicus Curiae* has flagged the issue regarding psychological effects on children consequent to the landslide that occurred in Wayanad and the effective mitigation steps that can be taken at the instance of the State Government for addressing the issue. Taking note of the said aspect pointed out in the report of the *Amicus Curiae*, we deem it necessary to issue the following directions:

i) We direct the 1st respondent to ensure that the Child Welfare Committee under the State Kerala State Commission for Protection of Child Rights as well as the Kerala State Mental Health Authority (KSMHA), and Health and Medical Education departments take effective steps to mitigate the trauma of the persons in the affected area especially children.

ii) We direct the Mental Health Review Board Kozhikode which is having the jurisdiction in Wayanad district also to provide adequate clinical psychological support to the persons affected by the natural disaster in Wayanad and to file their report regarding the action taken by them.

iii) We direct the Kerala State Legal Services Authority and the District Legal Service Authority to file a report on the

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WP(C) No.28509 of 2024

possibility of providing clinical psychological assistance to the victims of the disaster that occurred in Wayanad District.

2. The Amicus Curiae has also filed before us Report No.6, which offers certain suggestions with regard to the guidelines and directions that ought to regulate the statutory functioning of the various authorities connected with disaster management. A copy of a note containing certain suggestions is also annexed as Annexure-VIII to the Report No.6 of the *Amicus Curiae*.

3. We direct the National Disaster Management Authority and the State Disaster Management Authority (respondent No.7) as also the Geological Survey of India (respondent No.10) to file their response to the Annexure-VIII report, which is appended to the Report No.6 of the *Amicus Curiae* on or before 18.10.2024.

Post on 13.09.2024.

Sd/-

DR. A.K.JAYASANKARAN NAMBIAR
JUDGE

Sd/-

SYAM KUMAR V.M.
JUDGE

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IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE DR. JUSTICE A.K.JAYASANKARAN NAMBIAR
&
THE HONOURABLE MR. JUSTICE SYAM KUMAR V.M.

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This petition again coming on for orders upon perusing the petition and the affidavit filed in support of WP(C) and 23.08.2024 and upon hearing the arguments of SUO MOTU for the petitioner, GOVERNMENT PLEADER, K.GOPALAKRISHNAKURUP (AG), SHRI.C.E.UNNIKRISHNAN (SPL.G.P TO AG) for R1, R3, R4, R6 & R7, SRI. JOHNSON MANAYANI, BENHUR JOSEPH MANAYANI & JEEVAN MATHEW, Advocates for R9, SRI.PRAKASH M P, (STANDING COUNSEL) for R14, M/S. P.A.MOHAMMED SHAH, RENOY VINCENT, SHAHIR SHOWKATH ALI, CHELSON CHEMBARATHY, MUHAMED JUNAID V., ADITH KRISHNAN.U., SHERIN SHERIYAR, NANDA SURENDRAN & SAHAL SHAJAHAN, Advocates for R20 to R22, the court passed the following:, the court passed the following:

(61)

DR. A.K.JAYASANKARAN NAMBIAR, J.

&

SYAM KUMAR V.M., J.

W.P.(C).NO.28509 OF 2024

Dated this the 6th day of September, 2024

ORDER

Dr. A.K. Jayasankaran Nambiar, J.

**Re: Assessment of Carrying Capacity in the Hill Stations
in the State**

Taking note of the spate of natural disasters that have afflicted the hill stations in our State in the recent past, we are of the view that there is an emergent need to regulate the unbridled inflow of tourists into such hill stations. We are also of the view that a carrying capacity assessment can be done to guide policy makers and the respective District Administrations to devise a system of management of tourist areas in the interest of ecology and preservation. The hill stations in Kerala are among the most sought after tourist destinations in India and the increasing number of tourists and the corresponding unscientific infrastructure development in response to the same, pose a grave danger to the hill stations.

2. According to United Nations World Tourism Organisation (UNWTO), tourism carrying capacity is "the maximum number of people that may visit a tourist destination at the same time, without destroying

the physical, economic, socio-cultural environment and an unacceptable decrease in the quality of visitors satisfaction". Carrying capacity needs to be estimated under various heads such as physical, economic, socio-cultural, biophysical and ecological capacity, with the purpose of limiting tourism influx to a certain number to preserve the resources and local economic and social viability.

3. Overcrowding or saturation of tourists leading to increased footfall, congestion, traffic and limited resources like water and electricity affects the quality of lives of the residents. Diversion of water and electricity to tourist facilities during the peak season, heavy traffic making commute to basic facilities difficult, littering, waste generation, haphazard parking, etc. creates local resentment. Tourists also face innumerable problems like being stuck on roads for hours, lack of to quality and hygienic food and water, toilets, long queues, less parking, access time spent in popular destinations depriving a satisfactory experience, leading to a situation that is no-win for all stakeholders. Mushrooming of buildings and entertainment facilities has led to a concrete overburden on the hills, and coupled with levelling activities they are said to be the leading causes of landslides in the various locations in the State.

4. We are therefore of the view that estimation of carrying capacity and capping the number of vehicles and visitors entering the hill stations in our State is in the best interests of all. The carrying capacity may be

estimated using the available data with the respective District administrations with respect to:

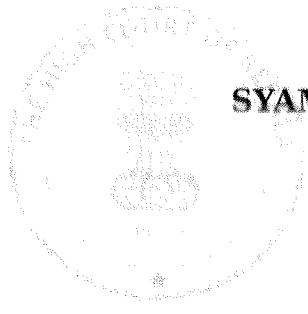
- a. Assessment of footfall of tourists per day during peak and non-peak season.
- b. Assessment of number of all types of vehicles entering the District during peak and non-peak season.
- c. Available accommodation facilities determined from only the facilities that have all legal permits, together with parking space, to assess whether it is commensurate with the accommodation facilities.
- d. Assess the water availability in the District and determine the water that is available to tourist facilities after accounting and preserving water resources for local use including agricultural and other needs.
- e. Waste collection and management infrastructure.
- f. Availability and capacity of effluent treatment facilities.
- g. Determine the protected areas and reserve forests in the various Districts and carry out separate carrying capacity studies, as areas with forests and wildlife are less tolerant to higher tourist intrusion such as pollution, littering and behavioural changes in animals.
- h. List out the popular tourist destinations and calculate individual physical carrying capacity of each location.

The State Government may issue immediate directions in this regard to the respective District administrations in the State within whose territorial and jurisdictional limits the various hill stations of tourist importance are situated, and obtain the necessary data/details/statistics from them. The District Administrations concerned must revert to the State Government with the necessary data/details/statistics within three

weeks from the receipt of orders from the State Government, and a consolidated report pertaining to all the hill stations in the State shall be furnished before this Court by the State Government through an affidavit filed on its behalf on or before 25th October, 2024.

Sd/-
DR. A.K.JAYASANKARAN NAMBIAR
JUDGE

Sd/-
SYAM KUMAR V.M.
JUDGE



prp/

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IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
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 22. BIBIN K AUGASTIAN (SOUGHT TO BE IMPEADED), AGED 29, S/O AUGUSTY, KODIYANKUNNIL, THONICHAL, NALLOORNAD P.O, WAYANAD.

Writ petition (civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to 1) to call for the records leading to Ext-P8. 2) to direct the 8th respondent to call for the records leading to the order Ext-P8, call for the records of the parties and then to conduct a site inspection and verify the village records, and after obtaining all the said records, to measure the properties and then to submit a report, with the plan and the resurvey details, to denote as to the extent of property that the 7th respondent has, 3) to see it that no further constructions are perpetrated by the 7th respondent, in the disputed property unless the controversy stands resolved, pending consideration of the above writ petition in the interest of justice.

This petition again coming on for orders upon perusing the petition and the affidavit filed in support of WP(C) and 23.08.2024 and upon hearing the arguments of SUO MOTU for the petitioner, GOVERNMENT PLEADER, K. GOPALAKRISHNAKURUP (AG), SHRI. C. E. UNNIKRISHNAN (SPL. G.P TO AG) for R1, R3, R4, R6 & R7, SRI. JOHNSON MANAYANI, BENHUR JOSEPH MANAYANI & JEEVAN MATHEW, Advocates for R9, SRI. PRAKASH M P, (STANDING COUNSEL) for R14, M/S. P. A. MOHAMMED SHAH, RENOY VINCENT, SHAHIR SHOWKATH ALI, CHELSON CHEMBARATHY, MUHAMED JUNAID V., ADITH KRISHNAN. U., SHERIN SHERIYAR, NANDA SURENDRAN & SAHAL SHAJAHAN, Advocates for R20 to R22, the court passed the following:

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DR. A.K.JAYASANKARAN NAMBIAR, J.
&
SYAM KUMAR V.M., J.

W.P.(C).NO.28509 OF 2024

Dated this the 6th day of September, 2024

ORDER

Dr. A.K. Jayasankaran Nambiar, J.

Re: Report Nos.1 and 2 of the Amicus Curiae

On behalf of the State Government, the learned Advocate General referred us to the document titled "Memorandum-Kerala" prepared on 17.08.2024 that was produced through a memo filed on 23.08.2024. The document apparently narrates the preparatory steps that were taken by the State Government in terms of the Disaster Management Act to alert the people of Meppadi Grama Panchayat of the possibility of heavy rain fall and landslides. The relevant portion of the document reads as under:

1.2. Preparedness in Wayanad district

The Local Self Governments of Wayanad district has disaster management plans prepared by them based on a consultative process supported by Kerala Institute of Local Administration and Kerala State Disaster Management Authority. The Meppadi Grama Panchayath which was affected by the landslide also meticulously prepared a disaster management plan (https://dmp.kila.ac.in/maps/Wayanad/1096-Meppadi_GP/Disaster_Management_Plan_Document_2019.pdf). Vide GO (Ms) No. 84/2022/LSGD dated 19-4-2022, the 14th Five Year Plan of Local Self Governments in the State has issued clear guidelines for preparation of annual plans. Section 7.2 of this Guidelines provides for local self governments to create projects for the implementation of priority projects identified in the disaster management plans utilizing the annual

development funds available with the Local Self Governments. Wayanad district also has a unique portal for disaster risk reduction initiatives called the DM Suite (<https://www.dmsuite.kerala.gov.in/>). The Suite facilitates the following:

- Rainfall Data Collection - the data source is rainfall measurements by plantations. The data is automatically interpolated to each LSG every day morning by 10 am. The data is collected through a Mobile App.
- Disaster Resource Management
- DM Clubs for Students - the Schools of Wayanad have DM clubs which are funded by the district panchayath.
- Trainings for Resilient Constructors.

Disaster Response Forces available in Wayanad		
Sl. No.	Force	Number
1	Fire & Rescue Services (3 stations - Kalpetta, Sultan Bathery, Mananthavady)	158
2	Civil Defence Volunteers (attached to Fire and Rescue Services Stations - Kalpatta 50, Sulthan Bathery 20, Mananthavady 40)	110
3	Aapda Mitra Volunteers (attached to Fire and Rescue Services Stations - Kalpatta 70, Sulthan Bathery 89, Mananthavady 41)	200
4	National Disaster Response Force (pre-positioned at Meenangadi town of Wayand in June 2024)	30

The DDM started its preparedness early in the month of May 2024 to face the monsoon. The activities are given below:

Sl. No.	Date	Time	Events	Decisions
1	09/05/24	11.00 am	Offline-Meeting Drought & Monsoon Preparedness	All nodal departments attended the meeting
2	26/06/24	5.00-6.00 am	Monsoon emergency meeting of nodal officers regarding Heavy Rainfall Warnings	Entire Tourist Destination - including Public & Private. Earth Cutting and Quarrying has been banned
3	28/06/24	11 am-12.30 pm	Monsoon emergency review meeting regarding Heavy Rainfall Warnings	Review Meeting with all nodal Departments regarding the Monsoon Preparedness
4	16/07/24	11.30 am - 12.30 pm	Monsoon preparedness meeting	Earth Cutting and Quarrying has been banned. Trekking at 900 Kandi & Edakkal Caves has been stopped until

				further orders
5	17/07/24	4.30 pm - 5.30 pm	Monsoon emergency meeting with Tahsildars, Geology, Soil, PRD, KSEB, JD-LSGD, DAM Authorities	Vulnerable people should be moved to camps
6	19/07/24	12.00- 1.00 pm	Charge Minister review meeting	Review Meeting with all nodal Departments regarding the Monsoon Preparedness
7	21/07/24	10.30- 11.30 am	Emergency meeting - Tahsildars, Geology Soil, PRD, KSEB, JD-LSGD, DMO	Review Status
8	21/07/24	5.30- 6.30 pm	Emergency meeting - Tahsildars, Geology, Soil, PRD, KSEB, JD-LSGD, DMO	Review Status
9	22/07/24	10.45- 11.45 am	Emergency meeting - Regarding rise in water level of Bansura Dam- Tahsildars, Geology, Soil, PRD, KSEB, JD-LSGD, DAM Authorities	Review Status

On 29th July 2024 after receiving heavy rainfall information from a local resident the District Panchayath President who is also the Co-chairperson of the District Disaster Management Authority visited multiple panchayaths, leading the local police, revenue and fire and rescue services and the representatives of the grama panchayaths and took initiative to proactively evacuate families living in vulnerable areas from the morning of 29th July 2024. He also visited Meppadi Grama Panchayath and along with the Grama Panchayath President and officials evacuated vulnerable families from Punchirimattam settlements. The team evacuated 15 individuals from Punchirimattam noticing a small landslide and alerted 50 individuals, some of whom left Mundakkai and Punchirimattam to the houses of relatives. Camp was also started in Chooralmala area. The District Panchayath President also alerted the Local Self Governments in the District Planning Committee meeting which was held on 29-7-2024 noon. Meppadi Grama Panchayath also issued a closure notice to all homestays in the area on 29-7-2024 and sent many people out of the panchayath and stopped many tourists from coming to reside there.

The India Meteorological Department issued Orange Alert on 29-7-2024, 1 pm in the District Level Rainfall Forecast for Kerala and Lakshadweep. Considering the possibility of landslides, landslide alerts were issued by State and Wayanad District Emergency Operations Centre and appropriate anticipatory evacuation was carried out by Revenue and Local Self Governments in various panchayaths.

Alerts and warnings were heeded to by many families resulting in saving lives.

2. The cause of the landslide is explained as follows:

"1.3. Meppadi Landslide 30-7-2024

Meppadi Grama Panchayath is in Vythiri Taluk of Wayanad district. Covering an area of 125.94 km² and with a population of 37,785, the panchayath has a population density of 300/km². On 30-7-2024, at around 1.15 am, a major landslide occurred in the arcute shape micro watershed of Punchiri Mattam Hill. The residents reported three consecutive sounds of rock rumbling and bursting, which is later understood to be a consequence of a massive debris slide, and consecutive landslide dams that ruptured.

The nearest official rainfall recording station is at Kalladi (5 kms to the north of the crown of the landslide) where the rainfall recorded on 29-7-2024 was 200.2 mm and 30-7-2024 was 372.6 mm. The rainfall recorded at Kalladi was twice the average rainfall of the district on 30-7-2024.

Salient features of the landslide are given below:

Landslide crown	Punchiri Mattam Evergreen Forest
Type of event	Debris slide turned debris flow that chanelised through Panapuzha (as in Topographic Sheet)
Affected area	7,8973.37 m ²
Length of the runout	8 km (from crown to deposition zone)
Affected wards	10, 11, 12
Affected settlements	Punchiri Mattam, Mundakkai, Chooralmala and Attamala
Impact on geomorphology	20 to 40 m wide Panapuzha which is a tributary of Chaliyar River that experience the landslide and the consequent debris flow became 200 to 300 m wide

The Geological Survey of India reports (First Information Report in MundakkaiChooralmala areas, Meppadi Grama panchayat, Vythiri Taluk of Wayanad District, Kerala), the following: "Physiographically, the Mundakkai area lies on Wayanad plateau having a rugged terrain with ridges and valleys and its relative relief is around 1000m. The probable source of the Mundakkai Debris flow is having an elevation of 1544 m and it is approximately 3 km and 5km from Mundakkai and Chooralmala villages respectively. Geomorphologically the source area is a part of moderately dissected slopes having a steep slope angle varies from ~25-40 with overburden thickness of <5m. The loose and unconsolidated nature of overburden material resulted in rising excess pore pressure within due to incessant rain is assessed to be the triggering factor for all these incidences. As far as landuse landcover is concerned, the upslopes and midslopes in and around the source area are covered by thick forests and the affected areas include tea plantation and mixed crops. Geologically the area belongs to Southern Granulite Terrain (SGT) comprising rocks of Wayanad, charnockite and Migmatite groups." The FIR of GSI also states the following as the geo-scientific causes of the landslide "The excessive rainfall is the major triggering factor which results in increase of pore water

pressure and reduction of strength on super saturation initiated the slide. Toe erosion by streams.”

3. Thereafter, the document goes on to provide an assessment of Response and Relief measures as per State Disaster Response Fund [SDRF] norms as follows:

“2. Assessment of Response and Relief as per SDRF norms

2.1. Human Fatalities

A total of 231 bodies have been found and 128 are reported to be missing as on 15-8-2024. The total exgratia to be paid is Rs.14,36,00,000/- (@Rs. 4,00,000/deceased).

2.2. Injuries

A total of 378 were injured and required hospitalisation of more than 1 week. The total gratuitous relief will be Rs. 60,48,000/-. It is estimated that as many as 25 individuals have disability of more than 60%. The total gratuitous relief in this account will be Rs. 62,50,000/-. Those who may be between 40 and 60% of disability is 70. The total gratuitous relief in this account will be Rs. 51,80,000/-.

Sl. No.	Head	Amount (Rs)
1	Disability of more than 60% (25 individuals) [@Rs. 2,50,000]	62,50,000
2	Disability of 40 to 60% (70 individuals) [@Rs.74,000]	51,80,000
3	More than 1 week hospitalisation (378 individuals) [@Rs.16,000]	60,48,000
	Total	1,74,78,000

2.3. Clothing & utensiles

A total of 1555 houses were totally damaged and 452 houses were partially damaged. All of them lost clothing & utensiles. The total gratuitous relief in this account will be Rs. 1,00,35,000/- (Rs. 2500 - clothing and Rs. 2500 - utensiles).

2.4. Livelihood assistance

A total of 1555 houses were totally damaged and 452 houses were partially damaged. A total of 4102 individuals were in camps as on 1-8-2024. Amongst them 1871 individuals remained in the camps and 2231 individuals moved to the house of relatives. This had 2010 adults. Rounding to the nearest, the daily wage of MNREGA in Kerala is Rs.300/day. These individuals will not be

able to return to normal livelihood in the next 90 days. Therefore, the gratuitous relief that may have to be paid will be $300 \times 2010 \times 90 = \text{Rs.}5,42,70,000/-$.

2.5. Search and Rescue Operations

The Search and Rescue involved over 5000 individuals and 150 heavy machinery. Salvaging operations are continuing and so is the search for missing individuals. The cost of this may be broken down as follows:

Sl. No.	Head	Amount (Rs)
1	Transportation of volunteers and troops by road (actuals)	4,00,00,000
2	Food and water supply for volunteers and troops (actuals)	10,00,00,000
3	Accommodation for volunteers and troops (actuals)	15,00,00,000
4	Vehicles used for evacuation (actuals)	12,00,00,000
5	Construction of Bailey Bridge (allied work) (actuals)	1,00,00,000
6	Procurement of torches, rain coats, umbrella, and gumboots (actuals)	2,98,00,000
7	Medical care for volunteers and troops (actuals)	2,02,00,000

The amount is calculated because the search will continue for 10 more days. The Grama Panchayath is far away from townships and therefore the costs are higher, particularly in times of disaster.

2.6. Search and Rescue Operations - hiring of equipment

The Search and Rescue involved 150 heavy machinery and specialised equipment. The cost of this may be broken down as follows:

Sl. No.	Head	Amount (Rs)
1	IBOD, Drone, Radars (actuals)	3,00,00,000
2	Heavy equipment (JCB, Hitachi, Cranes) (actuals)	15,00,00,000
3	DNA sampling of dead bodies (actuals)	3,00,00,000

2.7. Relief Measures - temporary accommodation

On 1-8-2024, as many as 17 relief camps were started to accommodate 4102 individuals. As many as 14 camps with 1871 individuals are still in the camps. The camps may continue for 30 days. The cost would be:

Sl. No.	Head	Amount (Rs)
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1	Food (actuals)	8,00,00,000
2	Clothing (actuals)	11,00,00,000
3	Medical Care (actuals)	8,00,00,000
4	Generator (actuals)	7,00,00,000

2.8. Relief Measures - air dropping

The air crafts of Indian Air Force were used for transporting troops, air lifting of rescued, air lifting of dead bodies, dropping of troops, VIP movement etc. The cost may be reimbursed in actuals and is estimated to be Rs.17,00,00,000/ (actuals)-.

2.9. Relief Measures - drinking water supply

The houses in the affected grama panchayath wards in which families were staying had to be supplied with drinking water. This will continue for 30 days and is estimated to Rs.3,00,00,000/- (actuals).

2.10. Clearance of affected areas - debris clearance

The debris spread over 1 km² needs to be cleared. The activity is ongoing and involves about 70 heavy equipment. The cost estimated to complete this activity including clearing of boulders and obstructions in the stream is per day Rs.60,00,000/-. The activity will continue for about 60 days and can only be done on rain free days. Thus, the cost estimated is Rs.36,00,00,000/- (actuals).

2.11. Draining of flood water

Many parts of the affected settlements had water ponding. This needed to be drained out. The cost estimated is Rs.3,00,00,000/- (actuals).

2.12. Disposal of dead bodies

The unidentified bodies and body parts had to be buried after collecting DNA samples. The cost involved and estimated is

Sl. No.	Head	Amount (Rs)
1	Burrying 359 bodies (@Rs.75,000/body) (actuals)	2,76,75,000

2.13. Agriculture - removing of debris

Crops in 626 ha was affected of which 359 ha was of small and marginal farmers (SMF). The relief assistance for desilting will be Rs.64,62,000/- (Rs. 18,000/ha).

2.14. Agriculture - Loss of land

Crops in 626 ha was affected of which 100 ha was of SMF which became temporary fallow. The relief assistance for desilting will be Rs.47,00,000/- (@Rs. 47,000/ha).

2.15. Agriculture - Perennial crops (Small and Marginal Farmers - SMF)

Crops in 626 ha was affected of which 359 ha was SMF. The area is famous for coffee and cardamom. The relief assistance therefore is Rs.80,77,500/- (@Rs.22,500/ha).

2.16. Agriculture - Perennial crops (non SMF)

Crops in 626 ha was affected of which 359 ha was SMF; 267 ha is that of 14 non-SMF. The relief assistance therefore is Rs. 6,30,000/- (@Rs.22,500/ha limited to 2 ha per farmer).

2.17. Animal Husbandry - Cow

A total of 226 cows are lost as reported by Animal Husbandry and Dairy Development Departments. These cows were of 75 farmers (@Rs.37,500/cow limited to 3 cows per farmer). The relief assistance is therefore Rs.84,37,500/-.

2.18. Animal Husbandry - Goat

A total of 165 goats are lost as reported by Animal Husbandry Department. These goats were of 27 farmers (@Rs.4000/goat limited to 6 goats). The relief assistance is therefore Rs.6,48,000/-.

2.19. Animal Husbandry - Poultry

A total of 1032 poultry (hen) are lost as reported by Animal Husbandry Department. These poultry were of 10 farmers (@Rs.10,000/farmer). The relief assistance is therefore Rs.1,00,000/-.

2.20. Animal Husbandry - Cattle camp

One cattle camp was operated in the area for accommodating 65 cows. The camp was run for 15 days and therefore the relief assistance is Rs.78,000/- (@Rs. 80/cow/day).

2.21. Animal Husbandry - Transport of fodder

The cost of transporting fodder and feed to the camp amounted to Rs. 9,80,000/- (actuals)

2.22. Handicrafts - artisans

The impacted area had 14 artisans. Their livelihood was impacted and they lost their equipment and raw materials. The relief assistance is therefore:

Sl. No.	Head	Amount (Rs)
1	Equipment (14 x Rs.5000)	70,000
2	Raw materials (14 x Rs.5000)	70,000

4. The assessment of Recovery and Reconstruction as per the SDRF norms is shown as follows:

(75)

"3. Assessment of Recovery & Reconstruction as per SDRF norms

3.1 Housing - severely damaged

A total of 1555 houses were totally or severely damaged. This is a hilly area. The area only has pucca houses. Therefore, the recovery cost as per norms is Rs.20,21,50,000/- (@Rs.1,30,000/house).

3.2 Housing - partially damaged

A total of 452 houses were partially damaged. This is a hilly area. The area only has pucca houses. Therefore, the recovery cost as per norms is Rs.29,38,000/- (@Rs.6,500/house)

3.3 Housing - huts

A total of 35 huts were damaged. Therefore, the recovery cost as per norms is Rs. 2,80,000/- (@Rs.8000/hut)

3.4 Housing - cattle shed

A total of 111 farmers lost their cattle shed. Therefore, the recovery cost as per norms is Rs.3,33,000/- (@Rs.3000/shed)

3.5 Roads & bridges

Sl. No.	Head	Amount (Rs)
1	Roads (1 km State Highway) (@Rs.1,25,000/km)	1,25,000
2	Roads (14.15 km rural road) (@Rs.75,000/km)	10,61,250
3	Bridges (3) (@Rs.75,000/bridge)	2,25,000

3.6 Drinking water supply schemes

Sl. No.	Head	Amount (Rs)
1	Damaged drinking water supply schemes (8) (@Rs. 2,00,000/km)	16,00,000
2	Cleaning of 25 wells (@Rs.10,000/well)	2,50,000

3.7 Power

Sl. No.	Head	Amount (Rs)
1	Transformer (2) (@ Rs.1,00,000/transformer)	2,00,000
2	Poles (616) (@ Rs.5000/pole)	30,80,000
3	LT Lines (124 km) (@ Rs.50,000/km)	62,00,000

3.8 School

Sl. No.	Head	Amount (Rs)
1	School (3 schools) (@ Rs.2,00,000/school)	6,00,000

3.9 Health centre

Sl. No.	Head	Amount (Rs)
1	Health Centre (4) (@ Rs.2,00,000/school)	8,00,000

3.10 Community assets

Sl. No.	Head	Amount (Rs)
1	Community hall (12) (@ Rs.2,00,000/school)	30,00,000
2	Kudumbashree (Women Self Help Group) meeting rooms, pump houses, generator rooms, Yuva kendra, libraries, Panchayath owned commercial building (121) (@Rs. 2,00,000/school)	3,02,50,000
3	Anganwadi (3) (@ Rs.2,00,000/school)	7,50,000

5. The total assessment as per SDRF norms and Actuals is then given as follows:

Sl. No.	Item	SDRF Norms (Rs)	Amount (Rs)
1a	Gratuitous reliefs - Human fatalities (359)	14,36,00,000	-
A) Response & relief			
1b	Disability of more than 60% (25 individuals)	62,50,000	6,25,00,000
1b	Disability of 40% to 60%	51,80,000	5,18,00,000
1c	Injury - more than 1 week hospitalisation	60,48,000	6,04,80,000
1d	Clothing & utensils (2007 families)	1,00,35,000	27,00,00,000
1e	Livelihood assistance (2010 individuals x Rs.300 x 90 days)	5,42,70,000	14,00,00,000
2a	Search and rescue operations	47,00,00,000	47,00,00,000
2b	Search and rescue - hiring of equipment	21,00,00,000	21,00,00,000
3a	Relief measures - temporary accommodation	34,00,00,000	34,00,00,000
3b	Relief measures - Indian Air Force	17,00,00,000	17,00,00,000
3c	Relief measures - drinking water supply	4,00,00,000	4,00,00,000
4a	Clearance of affected areas - debris clearance	36,00,00,000	36,00,00,000
4b	Draining of flood water	3,00,00,000	3,00,00,000

4c	Disposal of dead bodies (359)	6,28,25,000	6,28,25,000
5(i)(A)(b)	Agriculture - removing of debris (359 ha)	64,62,000	7,00,00,000
5(i)(A)(d)	Agriculture - loss of land (100 ha)	47,00,000	14,00,00,000
5(i)(A)(b)	Agriculture - perennial crops - SMF (359 ha)	80,77,500	14,36,00,000
5(ii)	Agriculture - perennial crops - SMF (267 ha)	6,30,000	13,35,00,000
6(i)	Animal husbandry - Cows (226)	84,37,500	4,52,00,000
6(i)	Animal husbandry - Goat (165)	6,48,000	82,50,000
6(i)	Animal husbandry - Poultry (1032)	1,00,000	2,06,400
6(ii)	Animal husbandry - cattle camp	78,000	10,00,000
6(iii)	Animal husbandry - Transport of fodder	9,80,000	9,80,000
8(i)	Assistance to Artisans - equipment (14)	70,000	14,00,000
8(ii)	Assistance to Artisans - raw materials (14)	70,000	14,00,000
Total		193,84,61,000	281,31,41,400
B) Recovery & reconstruction			
10(a)(i)	Housing - Fully damaged/severely damaged (1555)	20,21,50,000	233,25,00,000
10(b)(i)	Housing - Partially damaged (452)	29,38,000	9,04,00,000
10(c)	Housing - huts (35)	2,80,000	5,00,000
10(e)	Housing - cattle shed (111)	3,33,000	18,00,000
11(1)	Roads - State highway (1 km)	1,25,000	5,00,00,000
11 (1)	Roads - Rural road (14.15 kms)	10,61,250	1,13,20,000
11 (1)	Bridges (3)	2,25,000	13,00,00,000
11 (2)	Drinking water supply - damaged platforms (8)	16,00,000	4,50,00,000
11 (2)	Drinking water supply - cleaning of wells (25)	2,50,000	12,00,000
11 (4)	Power - transformers (2)	2,00,000	32,00,000
11 (4)	Power - Poles (616)	30,80,000	9,24,00,000
11 (4)	Power - LT lines (124 kms)	62,00,000	3,72,00,000
11 (5)	Schools (3)	6,00,000	18,00,00,000
11 (6)	Health Centre (4)	8,00,000	14,00,00,000
11 (7)	Community assets (136)	3,40,00,000	21,76,00,000

	Total	25,38,42,250	333,31,20,000
	Grand total	219,23,03,250	614,62,61,400
Non SDRF items			
	Damages to Tourism assets		50,00,00,000
	Livelihood loss to allied sectors depended on agriculture		15,00,00,000
	Livelihood loss to allied sectors depended on tourism		23,00,00,000
	Damage to Government Assets		56,00,00,000
	Vehicles lost		26,00,00,000
	Damages to MSME		53,00,00,000
	Livelihood loss to MSME sector		19,00,00,000
	Damage to religious institutions		18,00,00,000
	Cultural assets of Scheduled Tribe abodes		27,00,00,000
	Damage to side protection walls		60,00,00,000
	Damage to river training structures		30,00,00,000
	Damage to storm water drains		36,00,00,000
	Loss to cooperative societies		18,50,00,000
	Loss to tea factories		27,00,00,000
	Loss to drying units		35,00,00,000
	Damages to check dams		16,00,00,000
	Losses to banks		19,00,00,000
	Damages to sockpits		23,00,00,000
	Losses to real estate		36,00,00,000
	Total		587,50,00,000
	Grand total (actual)		1202,12,61,400

6. The details given in the document can be taken as a Statement of the Government as regards the steps taken by them in relation to relief and rehabilitation of affected persons in Wayanad District. Although the document also envisions a concept of a resilient township for the future, we are of the view that implementation of such measures must await a finalisation of the ecologically sensitive areas for future purposes and a decision as regards the nature and extent of development activities that can be permitted therein, after balancing

the competing interest of ecological conservation and economic growth.

7. We have also been referred to the G.O.(Rt.) No.625/2024/DMD dated 23.08.2024, by which, Expert teams have been constituted by the State Government for conducting a Post-Disaster Need Assessment [PDNA]. The specific objectives of the said exercise have been outlined in the Govt. Order as follows:

- Estimate the overall impact of the disaster event on the lives, livelihoods and property of the affected communities; and assess the loss and damage under the social, productive, health, infrastructure, tourism and livelihoods, forest and environment, and DRR sectors, integrating gender and tribal inclusion.
- Assess the impacts of the disaster to develop a Recovery and Reconstruction Strategy to address the early, medium- and long-term recovery and reconstruction needs with costs and a timeline in one consolidated report.
- Ensure that strategies for recovery and reconstruction integrate concepts of disaster risk reduction and "build back better" and address gender and environmental concerns;
- Developing a recovery and reconstruction strategy that is representative of the needs and priorities of the affected communities considering the ecological and geographical challenges
- Recommend and define a strategy for Disaster Risk Management
- Recommend institutional mechanisms and policy options to be undertaken in support of the recovery and reconstruction process and that promote long term disaster resilience
- Recommend an overall "build back better" cost considering the sectoral need assessment.

8. In response to the directions that we had issued in our order dated 23.08.2024, the 7th respondent, on behalf of the 1st respondent, has reported as follows:

Direction Nos.(a) & (b):

a) Whether in the wake of the natural disasters that have occurred in the State of Kerala, the said respondents propose to increase the number of subject experts as mandated under Section 14(2)(b) of the Disaster Management Act, 2005 [DMA] ?

b) Whether the Advisory Committees as contemplated under Sections 7, 17 and 28 of the DMA have been constituted at the National, State and District levels and if so, the composition of the said committees ?

Response:

It is submitted that the State Authority has constituted advisory committees for the following:

- NGO Coordination Committee - GO (Rt) No. 814/2022/DMD dated 7-11-2022
- Permanent Expert Technical Committee for hydrologic and hydraulic modelling studies in the State - G.O.(Rt)No.908/2022/WRD dated 10-10-2022
- Landslides - GO (Rt) No. 356/2020/DMD dated 17-03-2020
- Urban Storm Water Management and Flood Mitigation - G.O.(Rt) No.70/2019/WRD Dated. 02/02/2019
- House Construction in Landslide Prone Areas - GO (Rt) No. 644/2018/DMD dated 30-11-2018
- Sub-Committee of State Executive Committee for Disaster Management related to Mullaperiyar Dam [Order No. WP (C) No. 878/17 dated 11-01-2018 of Hon'ble Supreme Court of India] - G.O.(Rt)No.475/2018/DMD dated 04-09-2018

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- Minimum relief code for housing - GO (Ms) No. 7/2018/DMD dated 21-6-2018
 - School Safety - GO (Rt) No. 271/2018/DMD dated 11-05-2018
 - Optimizing response to disasters - GO (Rt) No. 86/2017/DMD dated 12-12-2017
 - Earthquake Resistant Construction - GO (Rt) No. 1299/2015/DMD dated 12-03-2015
 - Mullaperiyar - GO (Rt) No. 6084/2011/DMD dated 17-12-2011

Data regarding advisory committees in the district level is being collected and will be furnished to Hon'ble Court before the next date of posting.

Direction Nos.(c) & (d):

- c) Details of the Disaster Management Plans prepared at the National, State and District levels in accordance with Sections 37 and 38 of the DMA, together with details of the latest updation done to the said plans.
- d) Details of the funds allocated for carrying out the activities and programmes set out in the respective Disaster Management Plans.

Response:

It is submitted that the State Disaster Management Plan is a compendium of multiple documents. A detailed statement on this matter was given in W.A.No.1915 of 2024, W.A.No.603 of 2024 and W.A.No.664 of 2024. The static part of the State and District Management plans will be revisited again considering the Chooralmala Landslide at Meppadi Grama Panchayath, Wayanad district and if necessary, with available new

information the same will be updated. After every disaster in 2016, Kerala State Emergency Operations Centre has examined the requirements of amendments to the static and dynamic part of the plan. The Government has constituted an expert committee vide G.O.(Rt).No.590/2024/DMD dated 09.08.2024 to examine the landslide and suggest land use recommendations and site suitability of proposed sites for reconstruction.

The dynamic part of the plan being more relevant from an operational perspective, it was decided to update the same every year meticulously. Each time a series of landslides occur, the sites are examined and long-term depopulation of such hazardous terrains are prescribed. Schemes were enacted based on such prescriptions:

Post 2018 Floods

Post Kerala Floods 2018, the Government directed the Geological Survey of India vide G.O.(Ms).No.20/2018/DMD dated 07.09.2018 to map the landslides that occurred in 2018. Geological Survey of India in priority deployed 10 teams, each with two Geologists to immediately survey the landslide sites and proposed the sites that are uninhabitable such that the families dwelling there could be facilitated for relocation. In total 1626 landslides were investigated. The Government vide G.O.(Ms).No. 6/2019/DMD dated 27.02.2019 made the vulnerability linked relocation plan applicable to the dwelling units which were identified as vulnerable by GSI.

Post 2019 Landslides

As per G.O.(Ms).No.6/2018/DMD dated 02.06.2018, a disaster vulnerability linked relocation scheme was announced for those living along the coast line. The scheme is to assist families in the coastal areas, who lost their House and Property due to coastal erosion, as per which they may avail upto a maximum of Rs.6 lakhs for purchasing 3 to 5 cents of land and Rs.4 lakhs for the construction of a house with the condition that the beneficiary family should relocate beyond 50 meters from the high tide line.

Subsequently vide G.O.(Ms) No.7/2018/DMD dated 21.06.2018 and G.O. (Ms).No.25/2019/DMD dated 23.08.2019, the scheme was extended to other hazard prone areas of the State whereby if a land parcel with house is identified by a competent technical authority such as, Geological Survey of India, Irrigation Department, Mining and Geology Department, Soil Conservation Department or such other technical departments or committee constituted by KSDMA or DDMA, as hazard prone and certified as not liveable, the legal owner of the house and land is eligible for Rs.6 lakhs to purchase a minimum of 3 cents of safe land and he/she will be eligible for Rs.4 lakhs to construct a new house. If one avails this option, the beneficiary is not anymore permitted to construct any building in his/her 'non-liveable land'.

The most recent Government Orders in this regard allocating Rs.10 lakhs to 4 families in Malappuram to relocate to safer areas can be seen as G.O. (Rt) No.591/2024/DMD dated 09.08.2024.

The dynamic part of the State Disaster Management Plan, the Orange Book directs local Governments to use this information from the field level checks to enlist vulnerable communities for priority evacuation. Thus, the State of Kerala is not only creating a plan but is also updating those parts that can be routinely updated and also is operationalizing the plan in all possible means.

It is also pertinent to note that the 'Disaster Management (Amendment) Bill, 2024 (Bill No.98 of 2024) introduced in the Parliament reads in Section 14 (5) (amendment of Section 23 of the original Act) "The State Authority shall review the State Plan once in every three years and update at least once in every five years".

To enable Departments of the State to prepare and submit departmental disaster management plans trainings have been carried out since 14.12.2018 continuously for 15 departments which has formed virtual cadre for disaster management created vide G.O.(Rt).No.902/2022/DMD dated 24.12.2022. The process of preparing departmental disaster management plan is ongoing in these departments.



Kerala State Disaster Management Authority has Rs.6 crores as plan funds allocated vide G.O.(Rt).No.481/2024/DMD dated 18.07.2024 primarily for meeting the routine expenses related to its office functioning. The State has created State Disaster Response Fund [SDRF] and State Disaster Mitigation Fund [SDMF] vide Section 48 (1) (a) and 48 (1) (c) and these funds are operated as per the extant guidelines for the operations of these funds as prescribed by Government of India from time to time. In the year 2024-25, the allocation under SDRF is Rs.388 crores in a proportion of 75% from Government of India and 25% from Government of Kerala. In the year 2024-25, the allocation under SDMF is Rs.97 crores in a proportion of 75% from Government of India and 25% from Government of Kerala.

The availability of funds of the Departments of State Government under Section 39 (c) of the Disaster Management Plan 2005 needs to be verified with the departments and a response will be submitted in the shortest possible time.

9. No response has yet been received to direction (e) in relation to possible amendments to the Building Rules in the State. We have also not received the response of the Central Government to the information sought for through our directions. While we await the same, we deem it apposite to issue the following additional direction taking note of the developments in the relief and rehabilitation efforts thus far, as also

keeping in mind the actions that have to be taken in the future based on the plan outlined in our order dated 23.08.2024 for acheiving the stated goals of this writ petition:

(i) The Central Government and the National Disaster Management Authority [NDMA] shall inform this Court whether it would be willing to issue directions to write off the personal loans, motor vehicle loans and housing loans availed by members of the affected families in Wynad, in terms of Section 13 of the DMA, 2005. They shall bear in mind that the Constitution of India exhorts every citizen, by imposing on them a fundamental duty, to show compassion to all living creatures, which term indubitably encompasses fellow citizens in distress.

The response of the Central Government and the NDMA on the above aspects shall be made available before this Court by 27.09.2024.

Sd/-
DR. A.K.JAYASANKARAN NAMBIAR
JUDGE

Sd/-
SYAM KUMAR V.M.
JUDGE

prp/6/9/24

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE A.K.JAYASANKARAN NAMBIAR

&

THE HONOURABLE MR. JUSTICE SYAM KUMAR V.M.

Friday, the 13th day of September 2024 / 22nd Bhadra, 1946

WP(C) NO. 28509 OF 2024

PETITIONER:

IN RE: PREVENTION AND MANAGEMENT OF NATURAL DISASTERS IN KERALA HIGH COURT OF KERALA, PIN - 682031

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY THE CHIEF SECRETARY, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN-695001
2. UNION OF INDIA, REPRESENTED BY THE SECRETARY, MINISTRY OF ENVIRONMENT FOREST AND CLIMATE CHANGE INDIRA PARYAVARAN BHAWAN JORBAGH ROAD, NEW DELHI, PIN - 110003
3. THE SECRETARY, DEPARTMENT OF MINING AND GEOLOGY, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN-695001
4. THE DIRECTOR, DIRECTORATE OF MINING AND GEOLOGY, KESAVADASAPURAM, PATTOM PALACE P.O., THIRUVANANTHAPURAM, PIN-695004
5. THE SECRETARY, MINISTRY OF MINES SHASTRI BHAWAN, DR. RAJENDRA PRASAD ROAD, NEW DELHI, PIN - 110001
6. THE STATE POLICE CHIEF, KERALA STATE POLICE HEAD QUARTERS, VAZHUTHACAUD, THIRUVANANTHAPURAM, PIN-695010
7. THE COMMISSIONER(*CORRECTED), OFFICE OF THE KERALA STATE DISASTER MANAGEMENT AUTHORITY, OBSERVATORY HILLS, VIKHAS BHAVAN P.O, THIRUVANANTHAPURAM * R7 CORRECTED AS (THE KERALA STATE DISASTER MANAGEMENT AUTHORITY, VIKAS BHAVAN P.O., NANTHANCODE, THIRUVANANTHAPURAM, KERALA, 695033, REPRESENTED BY ITS MEMBER SECRETARY AS PER ORDER DATED 09/08/2024 IN WP(C)), PIN-695033
8. THE SECRETARY, NATIONAL DISASTER MANAGEMENT AUTHORITY, NDMA BHAWAN, A-1, SAFDARJUNG ENCLAVE, NEW DELHI, PIN-110029
9. JAMES VADAKKAN, MANAGING TRUSTEE, CENTRE FOR CONSUMER EDUCATION KP 6/699 VADAKKAN BUILDINGS, MUNDANGAL.P.O, PALA, KOTTAYAM, PIN - 686575
10. GEOLOGICAL SURVEY OF INDIA, REPRESENTED BY ITS DEPUTY DIRECTOR GENERAL, HAVING ITS LOCAL OFFICE AT 4TH FLOOR, C BLOCK, KENDRIYA BHAVAN, SEAPORT-AIRPORT ROAD, KAKKANAD, KOCHI, KERALA 682 03.
11. NATIONAL CENTRE FOR EARTH SCIENCE STUDY, REPRESENTED BY THE DIRECTOR, AAKKULAM, THIRUVANANTHAPURAM, POST BOX NO.7250, KERALA-695011.
12. THE SURVEY OF INDIA, REPRESENTED BY THE SURVEYOR GENERAL OF INDIA, OFFICE OF THE SURVEYOR GENERAL OF INDIA, HATHIBARKALA ESTATE, DEHRADUN-248001
13. THE STATE ENVIRONMENTAL IMPACT ASSESSMENT AUTHORITY(SEIAA)KERALA, K.S.R.T.C BUS TERMINAL COMPLEX, 4TH FLOOR, THAMPANOR, THIRUVANANTHAPURAM-695 001
14. THE COASTAL ZONE MANAGEMENT AUTHORITY, THAMPANOR, KSRTC BUILDING, 4TH

- FLOOR, OVERBRIDGE, THAMPANOR, THIRUVANANTHAPURAM, ADDL. R10-R14 ARE IMPEADED AS PER ORDER DATED 09.08.2024 IN WP(C)KERALA 695001.
15. UNION OF INDIA, REPRESENTED BY THE SECRETARY, MINISTRY OF ROAD TRANSPORT AND HIGHWAYS, TRANSPORT BHAWAN, 1, PARLIAMENT STREET, NEW DELHI-110001.
 16. NATIONAL HIGHWAY AUTHORITY OF INDIA, G 5 & 6, SECTOR 10, DWARAKA, NEW DELHI-110075, REPRESENTED BY ITS CHAIRMAN
 17. CENTRAL WATER COMMISSION, 3RD FLOOR, (SOUTH, SEWA BHAVAN, RK PURAM, SECTOR-1, NEW DELHI - 110066, REPRESENTED BY ITS SECRETARY.
 18. INDIAN NATIONAL CENTRE FOR OCEAN INFORMATION SERVICES (INCOIS), "OCEAN VALLEY", PARAGATHI NAGAR (B0), NIZAMPET(S0), HYDERABAD - 500090, TELANGANA, INDIA, REPRESENTED BY ITS DIRECTOR.
 19. NATIONAL REMOTE SENSING CENTRE, DEPARTMENT OF SPACE, GOVERNMENT OF INDIA, HYDERABAD - 500037, TELANGANA, ADDL. R15 - R19 ARE IMPEADED AS PER ORDER DATED 16.08.2024 IN WP(C).
 20. SAYIR A, (SOUGHT TO BE IMPEADED), AGED 45 YEARS, C/O ABDUL RAHIM A ADATHODI MUNDAKAI, VELLARIMALA, WAYANAD.
 21. HAMZA T, (SOUGHT TO BE IMPEADED), AGED 55, S/O SAIDALI, THAZHETHODY, MEPADI P.O, WAYANAD, KERALA.
 22. BIBIN K AUGASTIAN (SOUGHT TO BE IMPEADED), AGED 29, S/O AUGUSTY, KODIYANKUNNIL, THONICHAL, NALLOORNAD P.O, WAYANAD.

Writ petition (civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to 1) to call for the records leading to ext-p8. 2) to direct the 8th respondent to call for the records leading to the order ext-p8, call for the records of the parties and then to conduct a site inspection and verify the village records, and after obtaining all the said records, to measure the properties and then to submit a report, with the plan and the resurvey details, to denote as to the extent of property that the 7th respondent has, 3) to see it that no further constructions are perpetrated by the 7th respondent, in the disputed property unless the controversy stands resolved, pending consideration of the above writ petition in the interest of justice.

This petition again coming on for orders upon perusing the petition and the affidavit filed in support of WP(C) and 06.09.2024 and upon hearing the arguments of SUO MOTU for the petitioner, GOVERNMENT PLEADER, K. GOPALAKRISHNAKURUP (AG), SHRI. C.E. UNNIKRIISHNAN (SPL.G.P TO AG) for R1, R3, R4, R6 & R7, SRI. JOHNSON MANAYANI & BENHUR JOSEPH MANAYANI, Advocates for R9, SRI. ACHUTH KRISHNAN. R (CGC), for R12, SRI. PRAKASH M P, (SC) for R14, M/S. P.A. MOHAMMED SHAH, RENOY VINCENT, SHAHIR SHOWKATH ALI, CHELSON CHEMBARATHY, MUHAMED JUNAID V., ADITH KRISHNAN. U., SHERIN SHERIYAR, NANDA SURENDRAN & SAHAL SHAJAHAN, Advocates for R20 to R22, the court passed the following:

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**DR. A.K.JAYASANKARAN NAMBIAR
&
SYAM KUMAR V.M, JJ.**

W.P(C)No.28509 of 2024

Dated this the 13th day of September, 2024

ORDER

Dr. A.K.Jayasankaran Nambiar, J.

Re: Report No.5 of the Amicus Curiae

Through Report No.5 that was submitted by the Amicus Curiae, the Amicus Curiae had suggested that the State Government be directed to ensure that effective steps were taken to mitigate the trauma of persons in the affected area, especially the children, and to provide adequate clinical psychological support to the said persons. There was a further suggestion that the Kerala State Legal Services Authority (KELSA) also be directed to file a report on the possibility of providing clinical psychological assistance to the victims of the disaster.

2. In response to the said report, a statement has been filed on behalf of the 7th respondent, detailing the steps taken

on behalf of the State Government in the Department of Health Services and the reports attached with the statement as Annexures 1 and II read as follows:

Annexure I

Interventions done and planned by Women and Child Development Department for the Children affected by landslides in Wayanad

In the immediate aftermath of the Wayanad landslides, the Department of Women and Child Development, through the District Child Protection Unit, swiftly initiated efforts to safeguard children, with a particular focus on their mental health and rehabilitation. The team provided primary intervention and professional mental health assistance in all camps, establishing separate child-friendly spaces. During this critical period, they identified and ensured rehabilitation for 6 children who had lost both parents and 7 children who had lost one parent.

Major Interventions

1. Kuttiyidam: These dedicated child-friendly spaces in rescue camps aim to channel children's negative thoughts into creative activities. With 15 Kuttiyidam spaces established, they provide a positive and engaging environment, countering the potential negative impact of constant exposure to trauma discussions. Anganwadi services have been extended to these spaces. Volunteers, identified through the Kerala Association of Professional Social Workers, received online orientation from the District Child Protection Unit and NIMHANS,

focusing on supporting children in these spaces and camps

2. Mental Health Support: A team of 51 psychological counselors, including ORC trainers and staff from the District Child Protection Units, has been deployed to the relief camps under the leadership of the District Mental Health Programme. They provide crucial mental health support to both children and parents.

3. Rapid Need Assessment: The District Child Protection Unit, in collaboration with UNICEF, conducted a comprehensive rapid needs assessment in the affected areas.

4. Art-Based Therapy: With support from UNICEF, art-based therapy sessions have been initiated in the camps to help reduce trauma. Trained staff have been deployed to facilitate these therapeutic sessions.

5. Cradle Distribution: Responding to community needs, 37 cradles for babies were collected from the community and distributed to the camps based on identified requirements.

6. To facilitate mobilising resources for the children and families from Corporates and other sources, the department has initiated developing a comprehensive Individual Care Plan with the support of UNICEF for each child who has lost both the parents, either one of the parents or the main bread winner in the family is permanently incapacitated.

7. Additionally, the Department will focus on rebuilding infrastructure crucial for child development. This involves

constructing new Anganwadi centers (childcare centers) in the affected areas, complete with furniture, equipment, and child-friendly play facilities. This initiative aims to ensure that young children in the affected communities continue to receive essential early childhood care and education services, fostering a supportive environment for their growth and development despite the challenges posed by the disaster.

8. The Child Welfare Committee has placed all the children who have lost both the parents in foster care

9. The department in collaboration with NIMHANS and District Mental Health Programme has provided an orientation to the staff who were working 24x7 in the field for handling post-traumatic amongst children

All these interventions aim to provide comprehensive support to affected women and children, addressing immediate needs while focusing on long-term rehabilitation and empowerment.

Annexure 11

'Ottaykkalla Oppamund'

Psycho Social Support in Wayanad Landslides

In the context of the unprecedented landslides that occurred in the district of Wayanad, Psycho Social Intervention Team was

constituted by Government of Kerala under District Mental Health Programme (DMHP), Department of Health Services on 30th July 2024. The team is coordinating all Psycho Social Support activities in the disaster affected areas. PSS team consists of a Core team and Multiple Intervention teams.

The core team is entrusted with the coordination of mental health activities, consolidation of data and timely submission of reports. Each intervention team headed by a Psychiatrist include Psychiatric Social Workers, Clinical Psychologists and Counsellors (Total of around 100 Mental Health Personnel from Department of Health Services, Department of Medical Education, Women & Child Department, Social Justice Department, IMHANS & Volunteers). The teams are given training on Psychological Interventions regularly. A Capacity building team has been constituted for the purpose. The whole system works on a Standard Operating Protocol, prepared for the purpose.

In the initial phase the intervention teams headed by Psychiatrist visited the relief camps on a daily basis, identifying and managing people who are in need of mental health services. Special attention are given to the problems of Children, Pregnant women and Elderly. In addition to this, those who were on treatment previously for mental illness, epilepsy etc and have lost medicines, medical records etc were identified and treatment was restarted. Similarly, those who were having withdrawal symptoms due to substance use are also identified and started on treatment.

Later, as people started moving back to temporary homes from the relief camps, the intervention teams started home visits for providing

mental health services including Psycho Social Support, Counselling, Psychotherapies and Pharmacotherapy

Stress Management Programmes were conducted for Fire force Personnel, Police and other rescue workers who were involved in rescue operations, as many of them were traumatized during the rescue work and were vulnerable for Post Traumatic Stress Disorders, Anxiety and Depression later.

Sl. No.	Psycho Social Support Activities	Numbers
1	No. of Psychological intervention given	9006
2	No. of group sessions conducted	269
3	Total participants in group session	4552
4	No. of persons given Pharmacotherapy in house visits	306
5	No. of persons given Pharmacotherapy in camps	246
6	Total No. of trainings conducted	30
7	No. of Personnel given capacity building	1344
8	Total numbers of home visits done for Psycho Social Support	964
9	Tele consultation.	165

As mental health issues may arise few weeks to months after the disaster and as the symptoms of post-traumatic stress disorder (PTSD) , anxiety, depression etc. may present later, a long term comprehensive Psycho Social Support project is being implemented

by the Government."

3. The Kerala State Legal Services Authority (KELSA) has filed a separate report through its Member Secretary on 12.09.2024, wherein the steps taken by the KELSA and DLSA, Wayanad with regard to providing psychological support to the victims of the affected areas have been detailed. It is stated that the team put together by the KELSA and DLSA have covered all the inmates of the relief camps and attended to about 1400 inmates in the first round of operation itself. It is further stated that the said team is now engaged in the counselling work of the affected victims who have since been rehabilitated in homes after their relocation from the relief camps. There is also a mobile psychiatry unit which actively services the beneficiaries in the affected areas and the Health Department as also the women and Child Development Department of the State Government are actively engaged in implementing mental health programmes, which will apparently continue for a year so as to be effective.

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W.P(C)No.28509 of 2024

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Taking note of the said report filed on behalf of the State Government as also the KELSA, we are satisfied that earnest efforts are being taken to ensure the psychological welfare of the survivors of the landslide.

Sd/-

DR. A.K.JAYASANKARAN NAMBIAR
JUDGE

Sd/-

SYAM KUMAR V.M.
JUDGE

smm

**BEFORE THE HON'BLE NATIONAL
GREEN TRIBUNAL
(SOUTHERN ZONE BENCH, CHENNAI)**

**ORIGINAL APPLICATION NO. 227 OF
2024(SZ)**

In the matter of:
Tribunal on its own motion SUO MOTU
based on the news item published in
The Hindu, Chennai edition e paper
dated 30.07.2024, titled **“Wayanad
landslides Live updates : 54 killed,
over 100 feared missing in Kerala
hill station; relief operations
delayed”**.

-VS-

Ministry of Environment Forest and
Climate change and
State of kerala

.....Respondent(s)

**REPORT FILED BY SECRETARY,
ENVIRONMENT
DEPARTMENT/4th RESPONDENT**

**E.K. KUMARESAN,
Standing Counsel for Government
of kerala**

No.6, Indian Chambers (SICCI)
Annex Building, Ground Floor,
Esplanade, Chennai - 600 108.

Cell No: 95974 35955