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Statement filed by the 5th Respondent in compliance with order dated 02/08/2024 of the Hon'ble National Green Tribunal Suo motu order in OA 227/2024

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.

In the interim Order dated 02/08/2024 in OA 227/2024, it was directed to file a detailed report on the following aspects. Following details are submitted for the consideration of the Hon' ble Tribunal.

(A) Pending formal notification of the Eco Sensitive Zone (ESZ) in Western Ghats covering all the six States viz., Gujarat, Maharashtra, Goa, Kamataka, Kerala and Tamil Nadu, whether any area has been declared as an ESZ in Kerala. If notified, what is the extent of ESZ in each hilly district of the State of Kerala? If ESZ is not yet notified, the reason for the same.

Ans: MoEF&CC is the authority to notify the Eco Sensitive Zone(ESZ). They have been impleaded in the Case. However the following details may be furnished. According to HLWG Report, 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 31 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 MoEFCC.

(B) Whether the mining activities, involving blasting, are permissible in the Western Ghats region of Kerala? In case they are permissible, whether any special conditions are imposed for granting permission. In case quarrying has been banned in the hilly districts of the Western Ghats region, since when the ban was imposed?


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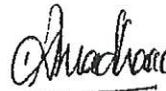
Ans: Mining is prohibited in the ecologically sensitive areas. The mining involving blasting shall not be permitted in the area as marked as ESA in the maps published in the Kerala State Biodiversity Board website. To ensure that, the Authority insists the project proponents to submit a certificate from 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 L.A No. 1000 of 2003. In the moderate Hazard Zones as given in HSAK, 2014, quarrying shall be permitted only after getting the approval of the district level crisis management committee for mining, constituted vide G.O (Rt) No. 542/14/ID dated 26-05-2014. Also Quarry blasting shall temporarily be banned if there are two consecutive days of rainfall in the respective village until a completely rain free day occurs.

(C) Whether permissions are being granted for the establishment of Thermal Power Projects or expansion of existing units after the year 2010. If yes, the number and capacity of the Thermal Power Plants established may be furnished.

Ans: No permission has been granted for the construction or expansion of Thermal Power Plants in Kerala after the year 2010.

(D) What are all the regulations in place to prevent the high-rise structures and massive concrete buildings (exceeding 20,000 Sq. Meters) in the hill districts of Kerala?

Ans: 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



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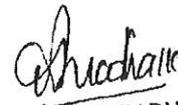
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20000 sq.m in the ESA of Wayanad district. As per section 3.21.1 of the Kerala State Disaster Management Plan, developmental activities in the high hazard zones as marked in the district wise landslide hazard susceptibility map is strictly regulated and restricted.

(F) What measures were initiated to prevent the landslides in hill districts of Kerala?

Total prevention of landslides in the hill districts of Kerala is not pragmatic. However, the specific steps taken by KSDMA to reduce landslide risks is given as below:

1. The State vide GO (Ms) No. 68/2011/DMD dated 8-2-2011 constituted the State Level Crisis Management Group for Natural Disasters.
2. In 2013, KSDMA conducted detailed investigation of the landslide that triggered in Puthussery area inside the forest in Palakkad district, the report of which may be found here (<https://sdma.kerala.gov.in/wp-content/uploads/2018/11/12.LandslidePkd>) This landslide being unique as it triggered deep inside a forest land provided significant scientific understanding of the natural landslide triggering processes.
3. The State vide GO (Rt) NO. 542/14/ID dated 26-5-2014 constituted the State Level and District Crisis Management Group for mitigation of disasters in mines.
4. Based on the detailed field investigations the professionals of KSDMA published detailed peer reviewed scientific papers in 2014 in international research journals to validate the findings. The papers were:
 - Determining the Suitability of Two Different Statistical Techniques in Shallow Landslide (Debris Flow) Initiation Susceptibility Assessment in the Western Ghats. Environmental Research, Engineering and management, 70(4).<http://www.erem.ktu.lt/index.php/erem/article/view/8510>
 - shallow landslide initiation susceptibility mapping by GIS-based weights-of-evidence analysis of multi-class spatial data-sets: a case study from the natural sloping terrain of Western Ghats, India. Georisk: Assessment and Management of Risk for Engineered Systems and Geohazards,



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- 8(1).<https://www.tandfonline.com/doi/abs/10.1080/17499518.2013>.
5. The Kerala State Disaster Management Authority conducted specific one day awareness workshop on landslide and climate change in collaboration with Geological Survey of India, Government of India and United Nation Development Programme and discussed in detail the landslide hazard zone maps of the State on 25-8-2014 as part of conducting stakeholder consultation for Disaster Management Plan Preparation (<https://sdma.kerala.gov.in/wp-content/uploads/2020/08/L-CC-workshop-Aug-2014-1.pdf>).
 6. Village wise hazard susceptibility prepared based on the landslide hazard susceptibility map prepared by Centre for Earth Science studies 2010 was published as an atlas in the name Hazard Susceptibility Assessment Kerala 2014 which is accessible from https://sdma.kerala.gov.in/wp-content/uploads/2018/11/ILDM_2014.pdf
 7. Under Section 30 (2) (xxiii) of the Disaster Management Act, 2005, it is the responsibility of the District Disaster Management Authority to "Examine the construction in any area in the district and, if it is of the opinion that the standards for the prevention of disaster or mitigation laid down for such construction is not being or has not been followed, may direct the concerned authority to take such action as may be necessary to secure compliance of such standards". Wayanad DDMA has issued such as detailed order vide Proceedings No. 2014/21178/12/H3 dated 30-6-2015 and this Hon'ble Court had upheld the said order in WP (C) No. 24873 of 2015 (H) dated 3-11-2015 whereby based on the local vulnerabilities, the DDMA regulated the construction practices in the district. This Order is provided in the State Disaster Management Plan 2016 as Annexure 8 and is highlighted as a best practice for all DDMA's to follow in Section 3.21.1 of the State Disaster Management Plan 2016. The specific statement in the State Disaster Management Plan 2016 is "An example of restrictions that could be imposed for construction in such high-hazard zones can be found in the Proceedings of the Chairman, DDMA, Wayanad No. 2014/21178/12/H3 dated 30-06-2015. Hon'ble High Court of Kerala upheld these proceedings excluding the retrospective effect' part of the

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- proceedings in order WP (C) No. 24873 of 2015 (H) dated 3rd November 2015". Thus, the DDMA's of Kerala are adequately guided by the State Disaster Management Plan 2016 with examples to follow for undertaking such mitigation steps relating to constructions in landslide prone areas.
8. The State prepared and published Orange Book of Disaster Management 1 – Standard Operating Procedures and Emergency Supports Functions Plan in 2015 (1st edition) which contains specific landslide response standard operating procedure. The Orange book is updated every year. The latest edition (2024) has been published.

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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 P.M.MANOJ
Friday, the 4th day of July 2025 / 13th Ashadha, 1947
WP(C) NO. 28509 OF 2024

PETITIONER:

1. IN RE: PREVENTION AND MANAGEMENT OF NATURAL DISASTERS IN KERALA, HIGH COURT OF KERALA, PIN - 682031
2. BAIJU PAUL MATHEWS (SOUGHT TO BE IMPEADED), PUTHUSSERIL HOUSE, SULTHAN BATHERY,WAYANAD, KERALA - 673592

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,

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- 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 BHAVAN, 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).
 20. THE KERALA STATE LEGAL SERVICES AUTHORITY, REPRESENTED BY ITS MEMBER SECRETARY, HIGH COURT COMPOUND, ERNAKULAM, 682031, IS IMPEADED AS ADDL.R20 AS PER ORDER DATED 04.10.24 IN WP(C) 28509/24
 21. THE ELECTION COMMISSION OF INDIA, REPRESENTED BY THE PRINCIPAL SECRETARY, NIRVACHAL SADAN, ASHOKA ROAD, NEW DELHI - 110001. (IMPEADED SUO MOTU AS ADDL.R21 AS PER ORDER DATED 25.10.2024 IN WP(C)28509/2024)
 22. SAYIR A, (SOUGHT TO BE IMPEADED), AGED 45 YEARS, C/O ABDUL RAHIM A ADATHODI MUNDAKAI, VELLARIMALA, WAYANAD.
 23. HAMZA T, (SOUGHT TO BE IMPEADED), AGED 55, S/O SAIDALI, THAZHETHODY, MEPADI P.O, WAYANAD, KERALA.
 24. 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 this court's order dated 13.06.2025 and upon hearing the arguments of M/S IN RE: PREVENTION AND MANAGEMENT OF NATURAL DISASTERS IN KERALA & SRI.BAIJU PAUL MATHEWS (PartyIn-Person) for the petitioner, PUBLIC PROSECUTOR, K.GOPALAKRISHNA KURUP, ADVOCATE GENERAL, SHRI.C.E.UNNIKRISHNAN SPL. G.P TO A.G, SHRI.V.MANU, SENIOR G.P. & SRI. S.KRISHNA for R1,R3,R4,R6 & R7, SMT. O.M.SHALINA, DEPUTY SOLICITOR GENERAL OF INDIA for R2 & R5, SMTS.KRISHNA Advocate for R8,R11,R18 & R19, M/S. JOHNSON MANAYANI & BENHUR JOSEPH MANAYANI, Advocate for R9, SRI. SUVIN R MENON, CENTRAL GOVERNMENT COUNSEL, for R10, SRI. ACHUTH KRISHNAN, CENTRAL GOVERNMENT COUNSEL for R12, SRI.M.P.SREEKRISHNAN, (STANDING COUNSEL) for R13, SRI.PRAKASH M.P., STANDING COUNSEL,KCZMA, for R14,SMT.O.M. SHALINA(DEPUTY SOLICITOR GENERAL OF INDIA) for R15, SRI.K.A.SALIL NARAYANAN,Advocate for R16, SRI. V.RAMKUMAR NAMBIAR, Advocate for R20, SRI. DEEPU LAL MOHAN,STANDING COUNSEL,for R21, 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, Advocate for R22 to R24, the court passed the following:



**DR. A.K.JAYASANKARAN NAMBIAR
&
P.M.MANOJ, JJ.**

WP(C) No.28509 of 2024

Dated this the 4th day of July, 2025

O R D E R

Dr. A.K.Jayasankaran Nambiar, J.

In response to the directions in our order dated 13.06.2025, an affidavit has been filed on behalf of respondent No.15 dealing with the apprehensions that were raised in Report No.1(b) of the Amicus Curiae. The operative portion of the affidavit reads as follows:

“3. It is respectfully submitted that under Section 37(c) of the Disaster Management Act 2005, National Disaster Management Authority (NDMA) is the Competent authority to approve the Disaster Management Plan (DMP in short) of Ministries or Departments of the Government of India. The Ministry of Road Transport & Highways (MoRT&H) has taken the following steps for framing comprehensive DMP for all of its implementing agencies including NHAI for mitigation of all kinds of natural disaster:-

(I) MoRT&H has prepared draft DMP in consultation with the implementing agencies, which consists of two parts.

- a. Volume-1: Overview and Disaster Management Sub-Plan for Highways.
- b. Volume-II: Disaster Management Sub-Plan for Road Accidents.

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WP(C) No.28509 of 2024

(ii) The said draft DMP is to be adopted by all implementing agencies of MoRT&H including NHAI.

(iii) The final Draft version of DMP of MoRT&H was approved by the Competent Authority in the MoRT&H and thereafter it has been sent to NDMA in March, 2025 for necessary approval. The final Draft of the DMP was also shared with all implementing agencies including NHAI in March, 2025.

(iv) A meeting was convened by NDMA on 26th May, 2025 to consider approval of the final Draft DMP of MoRT&H. The final Draft of the DMP of MoRT&H was presented before NDMA in the said meeting.

(v) In the said NDMA meeting held on 26th May, 2025 the DMP of MoRT&H was conditionally approved, subject to the incorporation of suggestions and recommendations of NDMA. A true copy of the minutes of the meeting dated 26.05.2025 is produced herewith for reference and marked as Exhibit R15(d).

(vi) MoRT&H is presently working to incorporate the suggestions and recommendations of NDMA after obtaining the relevant information including data from international sources for benchmarking and complete the DMP.

(vii) On completion of the process, the final version of DMP shall be notified for its adoption and implementation by all implementing agencies including NHAI.

(viii) The notification is expected to be issued in three months."

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WP(C) No.28509 of 2024

2. During the course of our interaction with the learned Additional Solicitor General of India Sri.AR.L.Sundaresan, we are informed that the timelines stated above would be duly complied with by the Union Government.

3. The learned Additional Solicitor General of India Sri.AR.L.Sundaresan also seeks two more weeks' time to revert to this Court regarding the issue of waiver of bank loans stating that discussions are ongoing between the Ministries concerned and it is expected that a decision would be taken within two weeks.

The learned Amicus Curiae Sri. Ranjith Thampan also suggests that a report be called from the State Government with regard to the manner of utilisation of the amount of approximately Rs.120 crores, which this Court had permitted the State Government to utilise in connection with the rehabilitation works. The learned Advocate General submits that a report in that regard can be furnished by the next date of posting.

Post on 25.07.2025.

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

Sd/-
P.M.MANOJ
JUDGE

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APPENDIX OF WP(C) 28509/2024

- Annexure I True copy of the Circular No. DMB1/82/2023/DMD dated 18.12.2023
- Annexure II True copy of the newspaper report published in Deccan Herald dated 18.07.2024
- Annexure III True copy of the newspaper report published on 14.07.2023 in Hindu Daily
- Annexure VII Copy of letter No.DMA1/447/2018/DMD dated 06.10.2018 the Disaster Management Department of the Government of Kerala
- Annexure VI The bare Act of the Public Liability Insurance Act
- Annexure V Copy of GO(Ms).No.6/2023/DMD dated 18.06.2023
- Annexure IV Copy of the office memorandum dated 28.09.2010 along with operational guidelines for Constitution and Administration of the National Disaster Response Fund (NDRF)
- Annexure VIII True copy of the report filed by the counsel for the Petitioner, Advocate Muhammed Shah in I.A No. 1/2024 in WPC No. 28509 of 2024
- Annexure 16 True copy of the Committee on Disaster Risk Reduction (CoDRR) Workshop on 'Why Disaster Risk Insurance Matters' by National Disaster Management Authority in Association with Department of Financial Services on 20.09.2024
- Annexure 17 True copy of the Expression of Interest (EO] requirement dated 19.02.2024 by the Nagaland State Disaster Management Authority, Home Department and Government of Nagaland
- Annexure 18 True copy of the Risk assessment in the disaster management plan of the NDMA
- Annexure 19 True copy of the online report of Fodor's published on its online platform dated 13.11.2024
- Annexure 20 True copy of the Office Memorandum issued by the Ministry of Environment, Forest and Climate Change (MoEFCC) dated 01.05.2018
- Annexure 21 True copy of the letter dated 09.12.2024 issued to the Secretary of the Kerala State Disaster Management Authority by the Amicus Curiae
- Annexure 22 True copy of the email communication (letter no. MTOII/1548/2024/SDMA-KSDMA) dated 11.12.2024 issued by the Secretary of Kerala State Disaster Management Authority to the Amicus Curiae
- Annexure 24 True copy of office memorandum No.33-03-2021-NDM-I dated 12.01.2022 of the Ministry of Home Affairs, Government of India
- Annexure 25 True copy of the letter dated 28.11.2024 of the Ministry of Home Affairs to the Chief Secretary
- Annexure 26 True copy of letter dated 22.10.2024 of the Ministry of Defense to the Chief Secretary
- Annexure 23 True copy of the response dated 27.11.2024 of the Government of India, Ministry of Home Affairs
- Annexure A1 EMAIL TO LEARNED AMICUS CURIAE DATED 13TH SEPTEMBER 2024

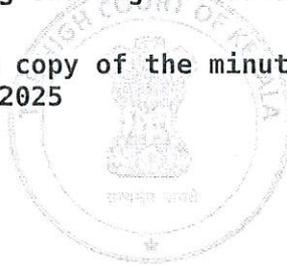
- Annexure A2 EMAIL TO LEARNED AMICUS CURIAE DATED 7TH OCTOBER 2024
- Annexure 27 True copy of the representation dated 26.02.2025 submitted by Sri. Paul Mathews to the Amicus Curiae by email dated 27.02.2025
- Annexure 28 True copy of the letter No. DMA2/213/2024-DMD of the Principal Secretary to Government Disaster Management (A) Department dated 27.08.2024 to the Member Secretary of the National Disaster Management Authority
- Annexure 29 A true copy of the Consent Certificate Form
- Annexure 30 True copy of the report published by The Indian Express on 12.05.2025
- Annexure 31 True copy of the report published by the CarToq on 12.05.2025
- Annexure 32 True copy of the news report published on ONManorama dated 12.05.2025
- Annexure 33 True copy of the report published in Mathrubhumi.com
- 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
- ANNEXURE(I) A PRELIMINARY REPORT ON THE RECENT LANDSLIDES IN IDUKKI AND KOTTAYM DISTRICTS PREPARED BY KERALA STATE DISASTER MANAGEMENT AUTHORITY.
- Annexure I True copy of letter no. 13-02/2024-NDM-1 dated 02-08-2024 from The Ministry of Home Affairs, Government of India.
- Annexure II True copy of letter no. 33-03/2020-NDM-I(Vol-II) dated 10-10-2022 from Ministry of Home Affairs, Government of India
- Annexure II Copy of the Report regarding psycho-social support programme titled 'Ottaykkalla Oppamund' received from the State Nodal Officer of District Mental Health Programme.
- Annexure I Copy of details of interventions done and planned by Women and Child Development Department for the children affected by landslides in Wayanad.
- Annexure I True copy of G.O.(Rt)No.1880/2024/LSGD dated 09-10-2024
- Annexure R2(a) A true copy of the guidelines on constitution and administration of State Disaster Response Fund and National Disaster Response Fund based on the recommendations of the Fifteenth Finance Commission 2021-22 to 2025-26 issued by the Ministry of Home Affairs, Government of India
- Annexure R2(e) A true copy of the flood situation in the State of Kerala for the current year till 12.09.2024 and the Flood Forecast Issued for FF stations in the state of Kerala (till 12th September 2024)
- Annexure R2(c) A true copy of the details of Flood Forecast Stations of CWC in the state of Kerala
- Annexure R2(d) A true copy of the details of monitoring Stations in the state of Kerala

Annexure R2(f)	A true copy of the said Notification S.O. No. 227 (E) dated 24th March 1992, issued by the Ministry of Environment, Forest and Climate Change
Annexure R2(g)	True copy of the Environment Relief Fund Scheme, 2008
Annexure R2(b)	A true copy of the letter dated 14.08.2024 issued by the Deputy Secretary to the Government of India forwarding the guidelines on constitution and administration of recovery and reconstruction funding window under National Disaster Response Fund (NDRF) and State Disaster Response Fund (SDRF)
Exhibit R-20(b)	True copy of the list of persons compiled on 16.10.2024 by the District Legal Services Authority, Waynad.
Exhibit R-20(c)	True copy of the representation submitted by the District Legal Services Authority, Waynad dated 16.10.2024.
Exhibit R-20(a)	True copy of the detailed list of persons whose grievances have not been redressed till date, along with the copy of the covering letter dated 14.10.2024 of the District Legal Services Authority, Waynad.
Exhibit R20(d)	A true copy of the list of persons who were affected by the landslides and who had not received the rent of Rs. 6000/ fully or partly is herewith produced
Annexure II	True copy of list of Hill Tourism Destinations and Tourist Foot Fall
Annexure III	True copy of the details of entry of vehicles in districts
Annexure IV	True copy of list of Hill Tourism Destinations and Available Accommodation Facilities
Annexure VI	True copy of details of waste collection and management Infrastructure in Hill Stations
Annexure VII	True copy of waste collection and management Infrastructure in Hill Stations
Annexure VIII	True copy of details of number of tourists visiting Ecotourism Centers in Kerala
Annexure IX	Guidelines for assessing the carrying capacity of hillstations including cities and ecosensitive zones
Annexure I	True copies of relevant Government Orders regarding tourist locations
Annexure V	True copy of G.O.(MS) No. 217/04/GAD dated 12-08-2004 regarding classification of restaurants
Annexure-R21(a)	The true copy of letter No.100/KL-HP/1/2024/SS-II dated 26-10-2024 issued by the Election Commission of India to the Chief Electoral Officer, Kerala (without enclosure)
Annexure-R21(b)	The true copy of G.O(Rt) No.619/2024/ELEC dated 28-10-2024
Annexure I	True copy of GO (Rt) No. 490/2023/P and EA dated 27-12-2023
Annexure II	True copy of GO (Rt) No. 186/2024/P and EA dated 24-5-2024
Annexure A	True copy of GO (Rt) No. 842/2024/DMD dated 13-11-2024
exhibit R20(e)	A true copy of the communication issued by the District Legal Services Authority Waynad dated 5.11.2024

Annexure I	True copy of the letter No.13-05/2024-NDM-I dated 10-11-2024 of the Minister of State for Home Affairs, Government of India
Annexure II	True copy of the Chapter IX of the Report of the 10th Finance Commission - Calamity Relief
Annexure III	True copy of G.O. (Rt) No. 625/2024/DMD dated 23-8-2024
Annexure IV	True copy of letter No. 33-7/2021-NDM-I dated 14-8-2024 from the Ministry of Home Affairs, Government of India to the Chief Secretaries of all States
Annexure V	True copy of Government letter No. DMA2/249/2024-DMD dated 13-11-2024
Annexure VI	True copy of the Executive Summary of the Post-Disaster Needs Assessment (PDNA) Report
Annexure I	True copy of DO No. DMA2/256/2024-DMD dated 24-11-2024
Annexure II	True copy of Government vide Ltr. No. DMA2/249/2024-DMD dated 13-11-2024
Annexure III	True copy of the executive summary of Post Disaster Needs Assessment (PDNA).
Exhibit R13(a)	A true copy of the OM (F.No.22-65/2017-IA.III dated 1-5-2018 issued by MoEF and CC
Exhibit R13(b)	A true copy of the OM (F.No.22-65/2017-IA.III dated 19.06.2018 issued by MoEF and CC
Exhibit R13(c)	A true copy of the OM, dated 30.09.2020 bearing No. F.No.22-65/2017-IA.III dated 30-9-2020 issued by MoEF and CC
Exhibit R13(d)	A true copy of the OM, dated 25.02.2021 issued by MoEF and CC
Exhibit R13(f)	A true copy of the Guidelines issued by SEIAA in its 135th meeting as recommended by SEAC
Exhibit R13(g)	A list of Activities/projects in which Corporate Environment Responsibility approved by SEIAA
Exhibit R13(e)	A true copy of the OM dated 20.10.2020 issued by MoEF and CC
Annexure I	GO (Rt) No. 554/2024/DMD dated 31-7-2024, GO (Rt) No. 569/2024/DMD dated 2-8-2024, GO (Rt) No. 624/2024/DMD dated 22-8-2024, GO (Rt) No. 720/2024/DMD dated 28-9-2024 and GO (Rt) No. 856/2024/DMD dated 25-11-2024
Annexure II	Budget Allocation and Monitoring System report
Annexure III	Examples of Government Orders and commitments from SDRF
Annexure IV	GO (Rt) No. 866/2024/DMD dated 26-11-2024
Annexure V	GO (Rt) No. 5/2024/WCDD dated 5-10-2024
Annexure VI	Letter No. 13-02/2024-NDM-I dated 2-8-2024 from the Government of India
Annexure II	Letter No. DM A2/256/2024-DMD dated 17.12.2024
Annexure III	letter No. 33-07/2024-NDM-I dated 28.11.2024
Annexure I	Copy of letter No. 1(8)/2024/D (Air-II) dated 22.10.2024
Annexure I	True copy of letter No. 13-06/2024-NDM-I dated 30-12-2024 from the Ministry of Home Affairs
Annexure II	True copy of GO (Rt) No. 10/2025/DMD dated 04-01-2025

Annexure I	True copy of the Order GO (Ms) No. 2/2025/DMD dated 15-01-2025
Annexure IV	True copy of GO (Rt) No. 172/2018/DMD dated 27-03-2018
Annexure V	True copy of circular No. PAN/25702/2018-B1(DP) dated 10-11-2019
Annexure II	True copy of the first project report
Annexure III	True copy of order GO (Rt) No. 25/2025/DMD dated 13-01-2025
Annexure I	True copy of Communication No. 44(1)/PF-S/2024-25(CAPEX)-Kerala dated 11.02.2025 of the Ministry of Finance, Department of Expenditure, Public Finance-States Division
Exhibit R1(a)	A true copy of the letter No. PLG-A-2/11/2024-FIN - Part (2) dated 04.02.2025
Exhibit R1(b)	A true copy of the guidelines dated 26.02.2024
Exhibit R1(c)	A true copy of the corrigendum dated 15.05.2024 issued by the Director (PF-S), Government of India, Ministry of Finance, Department of Expenditure, New Delhi
Exhibit R1(d)	A true copy of the corrigendum dated 19.08.2024 issued by the Director (PF-S), Government of India, Ministry of Finance, Department of Expenditure, New Delhi
Exhibit R1(e)	A true copy of the communication dated 09.08.2024 issued by the Director (PF-S), Government of India, Ministry of Finance, Department of Expenditure, New Delhi
Exhibit R1(f)	A true copy of the communication dated 22.10.2024 issued by the Assistant Director (PF-S), Government of India, Ministry of Finance, Department of Expenditure, New Delhi
Exhibit R1(g)	A true copy of communication dated 20.12.2024 issued by the Director (PF-S), Government of India, Ministry of Finance, Department of Expenditure, New Delhi
Exhibit R1(h)	A true copy of the communication dated 11.02.2025 issued by the Director (PF-S), Government of India, Ministry of Finance, Department of Expenditure, New Delhi
Exhibit R1(i)	A true copy of the communication dated 11.02.2025 issued by the Director (PF-S), Government of India, Ministry of Finance, Department of Expenditure, New Delhi
Exhibit R1(j)	A true copy of the communication dated 20.02.2025 issued for and on behalf of Additional Chief Secretary to Government, Finance (Planning-A) Department
Annexure III	True copy of Government Order (Ms) No. 3/2025/DMD dated 28-2-2025
Annexure IV	True copy of GO (Rt) No. 71/2025/DMD dated 16-2-2025
Annexure VI	True copy of the minutes of the meeting of the Special Officer
Annexure II	True copy of the final Phase 1 list of disaster affected families eligible for houses.
Annexure V	True copy of GO (Rt) No. 72/2025/DMD dated 17-2-2025

- Annexure I True copy of explanation on the methodology adopted for arriving at the rough cost estimate of individual house to be constructed in the township for the disaster affected families
- Annexure A The copy of RBI Master Directions on Natural Calamity (FIDD.CO.FSD. BC. No. 10/05/10.001/2018-19 dated 17.10.2018
- Annexure I True copy of the minutes of the State Level Bankers Committee meeting held on 19.8.2024 issued by its Convenor with No. SLBC/SPLSLBC/Minutes/146/AJS dated 22.8.2024
- Annexure I True copy of GO (Rt) No. 468/2025/WRD dated 14-5-2025
- Annexure II True copy of GO (Rt) No. 339/2025/DMD dated 19-5-2025
- Exhibit R15(a) A true copy of the letter dated 15.05.2025 issued by the National Disaster Management Authority
- Exhibit R15(b) A true copy of the Gazette Notification dated 29.03.2025 issued by the Ministry of Law and Justice (Legislative Department) notifying the the Disaster Management (Amendment) Act, 2025
- Exhibit R15(c) The email communication dated 19.05.2025 from INCOIS (uday@incois.gov.in) to MHA (av.gawai@nic.in) and that from MHA (av.gawai@nic.in) to Kerala State Disaster Management Authority (commissionerdmkerala@gmail.com) showing sharing the data as directed by this Hon'ble Court
- Exhibit R15(d) A true copy of the minutes of the meeting dated 26.05.2025



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

Friday, the 13th day of June 2025 / 23rd Jyaishta, 1947
WP(C) NO. 28509 OF 2024

PETITIONERS:

1. IN RE: PREVENTION AND MANAGEMENT OF NATURAL DISASTERS IN KERALA, HIGH COURT OF KERALA,, PIN - 682031
2. BAIJU PAUL MATHEWS, PUTHUSSERIL HOUSE, SULTHAN BATHERY, WAYANAD, KERALA - 673592 (SOUGHT TO BE IMPLEADED)

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,

- (19)
- THAMPANNOOR, THIRUVANANTHAPURAM - 695 001
14. THE COASTAL ZONE MANAGEMENT AUTHORITY, THAMPANNOOR, KSRTC BUILDING, 4TH FLOOR, OVERBRIDGE, THAMPANNOOR, 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).
 20. THE KERALA STATE LEGAL SERVICES AUTHORITY REPRESENTED BY ITS MEMBER SECRETARY, HIGH COURT COMPOUND, ERNAKULAM, 682031 IS IMPEADED AS ADDL.R20 AS PER ORDER DATED 04.10.24 IN WP(C) 28509/24
 21. THE ELECTION COMMISSION OF INDIA, REPRESENTED BY THE PRINCIPAL SECRETARY, NIRVACHAL SADAN, ASHOKA ROAD, NEW DELHI - 110001. (IMPEADED SUO MOTU AS ADDL.R21 AS PER ORDER DATED 25.10.2024 IN WP(C)28509/2024)
 22. SAYIR A, (SOUGHT TO BE IMPEADED), AGED 45 YEARS, C/O ABDUL RAHIM A ADATHODI MUNDAKAI, VELLARIMALA, WAYANAD.
 23. HAMZA T, (SOUGHT TO BE IMPEADED), AGED 55, S/O SAIDALI, THAZHETHODY, MEPADI P.O, WAYANAD, KERALA.
 24. 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 this court's order dated 10.04.2025 and upon hearing the arguments of M/S IN RE: PREVENTION AND MANAGEMENT OF NATURAL DISASTERS IN KERALA & SRI.BAIJU PAUL MATHEWS (PartyIn-Person) for the petitioner, PUBLIC PROSECUTOR, K.GOPALAKRISHNA

KURUP, ADVOCATE GENERAL, SHRI.C.E.UNNIKRISHNAN SPL. G.P TO A.G, SHRI.V.MANU, SENIOR G.P. & SMT S.KRISHNA for R1,R3,R4,R6 & R7, SMT. O.M.SHALINA, DEPUTY SOLICITOR GENERAL OF INDIA for R2 & R5, SMTS.KRISHNA Advocate for R8,R11,R18 & R19, M/S. JOHNSON MANAYANI & BENHUR JOSEPH MANAYANI, Advocate for R9, SRI. SUVIN R MENON, CENTRAL GOVERNMENT COUNSEL, for R10, SRI. ACHUTH KRISHNAN, CENTRAL GOVERNMENT COUNSEL for R12, SRI.M.P.SREEKRISNAN, (STANDING COUNSEL) for R13, SRI.PRAKASH M.P., STANDING COUNSEL,KCZMA, for R14, SRI.K.A.SALIL NARAYANAN,Advocate for R16, SRI. V.RAMKUMAR NAMBIAR, Advocate for R20, SRI. DEEPU LAL MOHAN,STANDING COUNSEL,for R21, 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, Advocate for R22 to R24, the court passed the following:



(21)

Dr. A.K.JAYASANKARAN NAMBIAR & P.M.MANOJ, JJ

W.P.(C) No. 28509 of 2024

Dated this the 13th day of June, 2025

ORDER

Dr. A.K.Jayasankaran Nambiar, J.

In our last order dated 10.04.2025, we had directed the Union Government/NDMA to deliberate on whether the situation projected in these proceedings calls for the invocation of the provisions of Section 13 of the Disaster Management Act so as to direct Banks to waive their loans advanced to victims of the natural disaster at Wayanad.

2. When the matter was taken up today, an affidavit dated 10.04.2025 is seen filed on behalf of the 15th respondent (NDMA), by the Under Secretary in that office, wherein it is stated that by a Gazette notification dated 29.03.2025, the amendment that was effected in 2005 to the Disaster Management Act has been notified, and that through the said amendment Sections 12 and 13 of the Principal Act have been omitted. The affidavit filed on behalf of the 15th respondent also states that this information was communicated to the Director, Disaster Management Division, Ministry of Home Affairs for appropriate action.

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3. On our perusal of the affidavit and our further interactions with the learned Additional Solicitor General of India Sri.AR.L.Sundaresan, who appears through video conference, we find that pursuant to the omission of Section 13 in the Disaster Management Act consequent to the amendment aforementioned, the NDMA has been denuded of its statutory power to direct the Banks to waive their respective loans that were advanced to the victims of the Wayanad Disaster. This, however, does not mean that the Union Executive does not retain its residual power under Art.73 of the Constitution of India to issue such directions in the wake of the natural disaster. When this was pointed out to the learned ASG, Sri.AR.L. Sundaresan, he prays for some time to revert to his clients and come back with their decision in the matter. We, therefore post this matter to 04.07.2025 for ascertaining the views of the Union Government in the matter of issuing directions to the Banks concerned for waiving their loans to the victims of the Wayanad Disaster.

Re:Report No. 1(B) of the Amicus Curiae

4. The learned Amicus Curiae Sri.Ranjith Thampan had through the report referred above sought a direction from this Court to the Union of India and the National Highway Authority of India (NHAI) to ensure that proper disaster management plan as envisaged under Sections 36 and 37 of the Act is approved and implemented at least in the State of Kerala within a specified time. Responding to this

report, the 16th respondent/NHAI has today filed an affidavit dated 30.05.2025, wherein the following is stated at paragraph 23 and 24:

".....23. Details of Committee constituted to evaluate the incident: Following the incident at Kuriyad in Malappuram, NHAI immediately constituted a four-member expert committee to evaluate the cause of failure at that location. The committee comprises of (1) Prof. G. V. Rao, former Head of the Civil Engineering Department, IIT Delhi; (2) Dr. Anil Dixit (PhD, IIT Delhi), Geotechnical Consultant; (3) Dr. Jimmy Thomas (PhD, IIT Kanpur), Geotechnical Consultant and Guest Professor at IIT Gandhinagar; and (4) Dr. Kolli Mohan Krishna (PhD, IIT Gandhinagar), Geotechnical Consultant. Two members of the committee conducted a site visit on 21.05.2025 and submitted a draft report on 27.05.2025. As per the findings, the primary reason for the failure was attributed to a design deficiency, where the soil parameters considered for the RE wall were based on an adjacent structure rather than the actual conditions of the paddy field at the site. Recognizing the gravity of the issue and the need for proactive risk mitigation, NHAI also constituted a **second committee** comprising senior experts from reputed institutions, namely

(1)	Dr. Kishor Kumar, Chief Scientist (Retd.), Central Road Research Institute
(2)	Sh. K. Aravind, Director, Geological Survey of India, Tamilnadu State Unit
(3)	Dr. Sudheesh T. K., Associate Professor & Head of Department, Civil Engineering, IIT Palakkad and
(4)	Dr. P. S. Prasad, Chief Scientist, Geotechnical Engineering Division, Central Road Research Institute

This committee has been tasked with inspecting and evaluating all geotechnically sensitive locations along NH-66 to ensure the robustness and safety of slope protection and structural designs across the corridor. These actions by NHAI underscore the professionalism, technical competence, and prompt responsiveness of the organization in addressing isolated failures and strengthening the integrity of its ongoing infrastructure development.

24. Maintenance of the stretches which are noticed with cracks/distress/failures: All the ongoing projects in Malappuram, Thrissur, Kozhikode, Kannur, and Kasaragod where failures are reported are being

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implemented under the Hybrid Annuity Mode (HAM). As per the HAM model, the responsibility for maintenance of the highway for a period of 15 years from the date of completion lies solely with the Concessionaire. Accordingly, any failures, cracks, or distress observed during this period also must be rectified and maintained by the Concessionaire at their own risk and cost, in accordance with the terms and conditions laid out in the Concession Agreement. NHAI ensures strict enforcement of these provisions through regular inspections, third-party audits, and close monitoring by Independent Engineers."

5. While the aforesaid commitment by NHAI would suffice during the ongoing monsoon period, for monitoring the precarious situation pointed out by the learned Amicus Curiae, we are of the view that the Union Government must also take expeditious steps to frame a comprehensive Disaster Management Plan for the NHAI, so that there is a disaster preparedness that would aid such operations across the country. We therefore, direct the Union Government to mention the steps taken by them in this regard also while filing their affidavit on the issues already flagged in the earlier portions of this order, by the next date of posting namely 04.07.2025.

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

Sd/-
P.M. MANOJ
JUDGE

SSS

APPENDIX OF WP(C) 28509/2024

Annexure I	True copy of the Circular No. DMB1/82/2023/DMD dated 18.12.2023
Annexure II	True copy of the newspaper report published in Deccan Herald dated 18.07.2024
Annexure III	True copy of the newspaper report published on 14.07.2023 in Hindu Daily
Annexure VII	Copy of letter No.DMA1/447/2018/DMD dated 06.10.2018 the Disaster Management Department of the Government of Kerala
Annexure VI	The bare Act of the Public Liability Insurance Act
Annexure V	Copy of GO(Ms).No.6/2023/DMD dated 18.06.2023
Annexure IV	Copy of the office memorandum dated 28.09.2010 along with operational guidelines for Constitution and Administration of the National Disaster Response Fund (NDRF)
Annexure VIII	True copy of the report filed by the counsel for the Petitioner, Advocate Muhammed Shah in I.A No. 1/2024 in WPC No. 28509 of 2024
Annexure 17	True copy of the Expression of Interest (EOI) requirement dated 19.02.2024 by the Nagaland State Disaster Management Authority, Home Department and Government of Nagaland
Annexure 16	True copy of the Committee on Disaster Risk Reduction (CoDRR) Workshop on 'Why Disaster Risk Insurance Matters' by National Disaster Management Authority in Association with Department of Financial Services on 20.09.2024
Annexure 18	True copy of the Risk assessment in the disaster management plan of the NDMA
Annexure 19	True copy of the online report of Fodor's published on its online platform dated 13.11.2024
Annexure 20	True copy of the Office Memorandum issued by the Ministry of Environment, Forest and Climate Change (MoEFCC) dated 01.05.2018
Annexure 21	True copy of the letter dated 09.12.2024 issued to the Secretary of the Kerala State Disaster Management Authority by the Amicus Curiae
Annexure 22	True copy of the email communication (letter no. MTOII/1548/2024/SDMA-KSDMA) dated 11.12.2024 issued by the Secretary of Kerala State Disaster Management Authority to the Amicus Curiae
Annexure 24	True copy of office memorandum No.33-03-2021-NDM-I dated 12.01.2022 of the Ministry of Home Affairs, Government of India
Annexure 25	True copy of the letter dated 28.11.2024 of the Ministry of Home Affairs to the Chief Secretary
Annexure 26	True copy of letter dated 22.10.2024 of the Ministry of Defense to the Chief Secretary
Annexure 23	True copy of the response dated 27.11.2024 of the Government of India, Ministry of Home Affairs
Annexure A1	EMAIL TO LEARNED AMICUS CURIAE DATED 13TH SEPTEMBER 2024

Annexure A2	EMAIL TO LEARNED AMICUS CURIAE DATED 7TH OCTOBER 2024
Annexure 27	True copy of the representation dated 26.02.2025 submitted by Sri. Paul Mathews to the Amicus Curiae by email dated 27.02.2025
Annexure 28	True copy of the letter No. DMA2/213/2024-DMD of the Principal Secretary to Government Disaster Management (A) Department dated 27.08.2024 to the Member Secretary of the National Disaster Management Authority
Annexure 29	A true copy of the Consent Certificate Form
Annexure 30	True copy of the report published by The Indian Express on 12.05.2025
Annexure 31	True copy of the report published by the CarToq on 12.05.2025
Annexure 32	True copy of the news report published on ONManorama dated 12.05.2025
Annexure 33	True copy of the report published in Mathrubhumi.com
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
ANNEXURE(I)	A PRELIMINARY REPORT ON THE RECENT LANDSLIDES IN IDUKKI AND KOTTAYM DISTRICTS PREPARED BY KERALA STATE DISASTER MANAGEMENT AUTHORITY.
Annexure I	True copy of letter no. 13-02/2024-NDM-1 dated 02-08-2024 from The Ministry of Home Affairs, Government of India.
Annexure II	True copy of letter no. 33-03/2020-NDM-I(Vol-II) dated 10-10-2022 from Ministry of Home Affairs, Government of India
Annexure II	Copy of the Report regarding psycho-social support programme titled 'Ottaykkalla Oppamund' received from the State Nodal Officer of District Mental Health Programme.
Annexure I	Copy of details of interventions done and planned by Women and Child Development Department for the children affected by landslides in Wayanad.
Annexure I	True copy of G.O.(Rt)No.1880/2024/LSGD dated 09-10-2024
Annexure R2(a)	A true copy of the guidelines on constitution and administration of State Disaster Response Fund and National Disaster Response Fund based on the recommendations of the Fifteenth Finance Commission 2021-22 to 2025-26 issued by the Ministry of Home Affairs, Government of India
Annexure R2(e)	A true copy of the flood situation in the State of Kerala for the current year till 12.09.2024 and the Flood Forecast Issued for FF stations in the state of Kerala (till 12th September 2024)
Annexure R2(c)	A true copy of the details of Flood Forecast Stations of CWC in the state of Kerala
Annexure R2(d)	A true copy of the details of monitoring Stations in the state of Kerala

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Annexure R2(f)	A true copy of the said Notification S.O. No. 227 (E) dated 24th March 1992, issued by the Ministry of Environment, Forest and Climate Change
Annexure R2(g)	True copy of the Environment Relief Fund Scheme, 2008
Annexure R2(b)	A true copy of the letter dated 14.08.2024 issued by the Deputy Secretary to the Government of India forwarding the guidelines on constitution and administration of recovery and reconstruction funding window under National Disaster Response Fund (NDRF) and State Disaster Response Fund (SDRF)
Exhibit R-20(b)	True copy of the list of persons compiled on 16.10.2024 by the District Legal Services Authority, Waynad.
Exhibit R-20(c)	True copy of the representation submitted by the District Legal Services Authority, Waynad dated 16.10.2024.
Exhibit R-20(a)	True copy of the detailed list of persons whose grievances have not been redressed till date, along with the copy of the covering letter dated 14.10.2024 of the District Legal Services Authority, Waynad.
Exhibit R20(d)	A true copy of the list of persons who were affected by the landslides and who had not received the rent of Rs. 6000/ fully or partly is herewith produced
Annexure II	True copy of list of Hill Tourism Destinations and Tourist Foot Fall
Annexure III	True copy of the details of entry of vehicles in districts
Annexure IV	True copy of list of Hill Tourism Destinations and Available Accommodation Facilities
Annexure VI	True copy of details of waste collection and management Infrastructure in Hill Stations
Annexure VII	True copy of waste collection and management Infrastructure in Hill Stations
Annexure VIII	True copy of details of number of tourists visiting Ecotourism Centers in Kerala
Annexure IX	Guidelines for assessing the carrying capacity of hillstations including cities and ecosensitive zones
Annexure I	True copies of relevant Government Orders regarding tourist locations
Annexure V	True copy of G.O.(MS) No. 217/04/GAD dated 12-08-2004 regarding classification of restaurants
Annexure-R21(a)	The true copy of letter No.100/KL-HP/1/2024/SS-II dated 26-10-2024 issued by the Election Commission of India to the Chief Electoral Officer, Kerala (without enclosure)
Annexure-R21(b)	The true copy of G.O(Rt) No.619/2024/ELEC dated 28-10-2024
Annexure I	True copy of GO (Rt) No. 490/2023/P and EA dated 27-12-2023
Annexure II	True copy of GO (Rt) No. 186/2024/P and EA dated 24-5-2024
Annexure A	True copy of GO (Rt) No. 842/2024/DMD dated 13-11-2024
exhibit R20(e)	A true copy of the communication issued by the District Legal Services Authority Waynad dated 5.11.2024

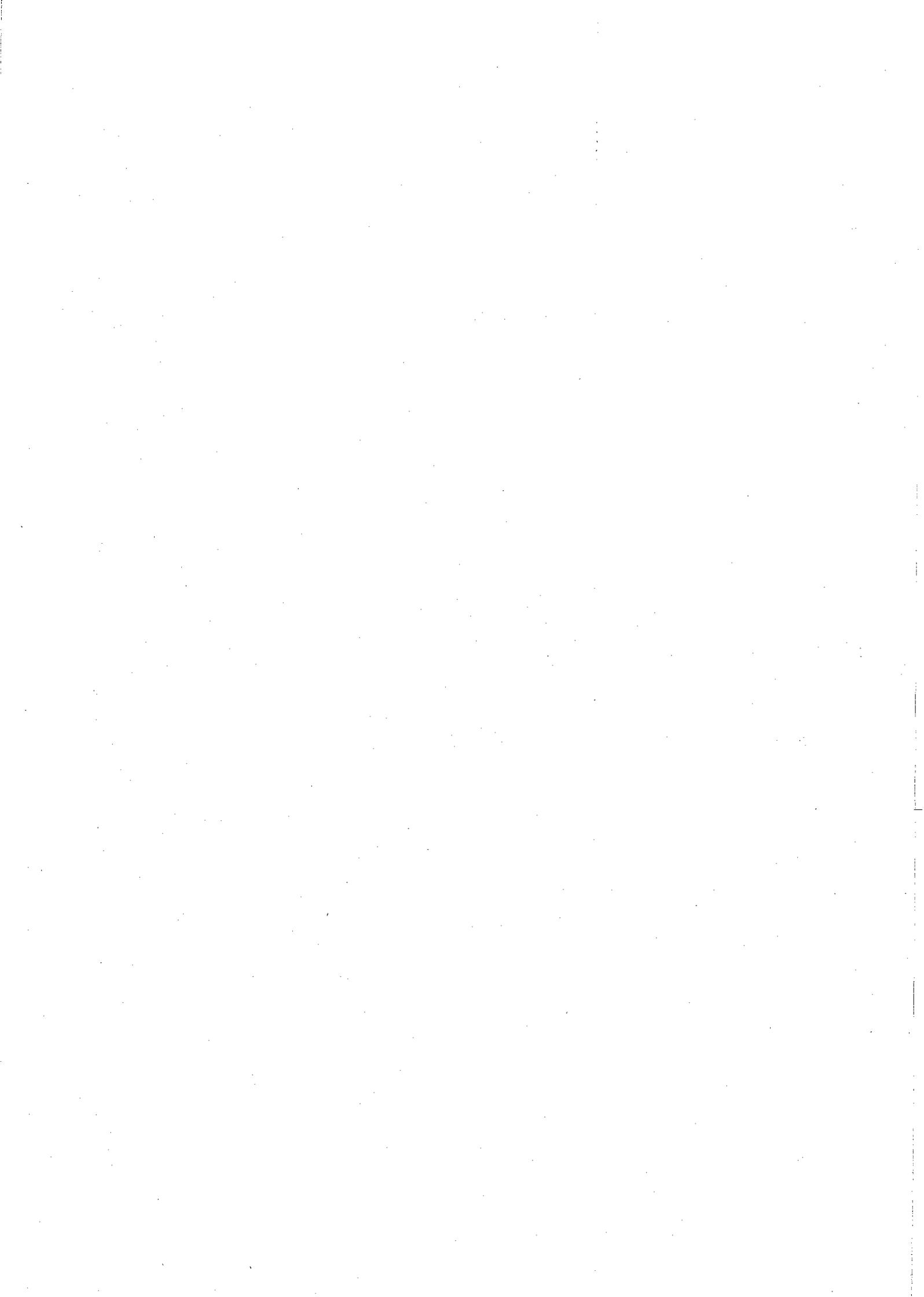
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- Annexure I True copy of the letter No.13-05/2024-NDM-I dated 10-11-2024 of the Minister of State for Home Affairs, Government of India
- Annexure II True copy of the Chapter IX of the Report of the 10th Finance Commission - Calamity Relief
- Annexure III True copy of G.O. (Rt) No. 625/2024/DMD dated 23-8-2024
- Annexure IV True copy of letter No. 33-7/2021-NDM-I dated 14-8-2024 from the Ministry of Home Affairs, Government of India to the Chief Secretaries of all States
- Annexure V True copy of Government letter No. DMA2/249/2024-DMD dated 13-11-2024
- Annexure VI True copy of the Executive Summary of the Post-Disaster Needs Assessment (PDNA) Report
- Annexure I True copy of DO No. DMA2/256/2024-DMD dated 24-11-2024
- Annexure II True copy of Government vide Ltr. No. DMA2/249/2024-DMD dated 13-11-2024
- Annexure III True copy of the executive summary of Post Disaster Needs Assessment (PDNA).
- Exhibit R13(a) A true copy of the OM (F.No.22-65/2017-IA.III dated 1-5-2018 issued by MoEF and CC
- Exhibit R13(b) A true copy of the OM (F.No.22-65/2017-IA.III dated 19.06.2018 issued by MoEF and CC
- Exhibit R13(c) A true copy of the OM, dated 30.09.2020 bearing No. F.No.22-65/2017-IA.III dated 30-9-2020 issued by MoEF and CC
- Exhibit R13(d) A true copy of the OM, dated 25.02.2021 issued by MoEF and CC
- Exhibit R13(f) A true copy of the Guidelines issued by SEIAA in its 135th meeting as recommended by SEAC
- Exhibit R13(g) A list of Activities/projects in which Corporate Environment Responsibility approved by SEIAA
- Exhibit R13(e) A true copy of the OM dated 20.10.2020 issued by MoEF and CC
- Annexure I GO (Rt) No. 554/2024/DMD dated 31-7-2024, GO (Rt) No. 569/2024/DMD dated 2-8-2024, GO (Rt) No. 624/2024/DMD dated 22-8-2024, GO (Rt) No. 720/2024/DMD dated 28-9-2024 and GO (Rt) No. 856/2024/DMD dated 25-11-2024
- Annexure II Budget Allocation and Monitoring System report
- Annexure III Examples of Government Orders and commitments from SDRF
- Annexure IV GO (Rt) No. 866/2024/DMD dated 26-11-2024
- Annexure V GO (Rt) No. 5/2024/WCDD dated 5-10-2024
- Annexure VI Lettter No. 13-02/2024-NDM-I dated 2-8-2024 from the Government of India
- Annexure II Letter No.DM A2/256/2024-DMD dated 17.12.2024
- Annexure III letter No. 33-07/2024-NDM-I dated 28.11.2024
- Annexure I Copy of letter No. 1(8)/2024/D (Air-II) dated 22.10.2024
- Annexure I True copy of letter No. 13-06/2024-NDM-I dated 30-12-2024 from the Ministry of Home Affairs
- Annexure II True copy of GO (Rt) No. 10/2025/DMD dated 04-01-2025

- Annexure I True copy of the Order GO (Ms) No. 2/2025/DMD dated 15-01-2025
- Annexure IV True copy of GO (Rt) No. 172/2018/DMD dated 27-03-2018
- Annexure V True copy of circular No. PAN/25702/2018-B1(DP) dated 10-11-2019
- Annexure II True copy of the first project report
- Annexure III True copy of order GO (Rt) No. 25/2025/DMD dated 13-01-2025
- Annexure I True copy of Communication No. 44(1)/PF-S/2024-25(CAPEX)-Kerala dated 11.02.2025 of the Ministry of Finance, Department of Expenditure, Public Finance-States Division
- Exhibit R1(a) A true copy of the letter No. PLG-A-2/11/2024-FIN – Part (2) dated 04.02.2025
- Exhibit R1(b) A true copy of the guidelines dated 26.02.2024
- Exhibit R1(c) A true copy of the corrigendum dated 15.05.2024 issued by the Director (PF-S), Government of India, Ministry of Finance, Department of Expenditure, New Delhi
- Exhibit R1(d) A true copy of the corrigendum dated 19.08.2024 issued by the Director (PF-S), Government of India, Ministry of Finance, Department of Expenditure, New Delhi
- Exhibit R1(e) A true copy of the communication dated 09.08.2024 issued by the Director (PF-S), Government of India, Ministry of Finance, Department of Expenditure, New Delhi
- Exhibit R1(f) A true copy of the communication dated 22.10.2024 issued by the Assistant Director (PF-S), Government of India, Ministry of Finance, Department of Expenditure, New Delhi
- Exhibit R1(g) A true copy of communication dated 20.12.2024 issued by the Director (PF-S), Government of India, Ministry of Finance, Department of Expenditure, New Delhi
- Exhibit R1(h) A true copy of the communication dated 11.02.2025 issued by the Director (PF-S), Government of India, Ministry of Finance, Department of Expenditure, New Delhi
- Exhibit R1(i) A true copy of the communication dated 11.02.2025 issued by the Director (PF-S), Government of India, Ministry of Finance, Department of Expenditure, New Delhi
- Exhibit R1(j) A true copy of the communication dated 20.02.2025 issued for and on behalf of Additional Chief Secretary to Government, Finance (Planning-A) Department
- Annexure III True copy of Government Order (Ms) No. 3/2025/DMD dated 28-2-2025
- Annexure IV True copy of GO (Rt) No. 71/2025/DMD dated 16-2-2025
- Annexure VI True copy of the minutes of the meeting of the Special Officer
- Annexure II True copy of the final Phase 1 list of disaster affected families eligible for houses.
- Annexure V True copy of GO (Rt) No. 72/2025/DMD dated 17-2-2025

- Annexure I Tue copy of explanation on the methodology adopted for arriving at the rough cost estimate of individual house to be constructed in the township for the disaster affected families
- Annexure A The copy of RBI Master Directions on Natural Calamity (FIDD.CO.FSD. BC. No. 10/05/10.001/2018-19 dated 17.10.2018
- Annexure I True copy of the minutes of the State Level Bankers Committee meeting held on 19.8.2024 issued by its Convenor with No. SLBC/SPLSLBC/Minutes/146/AJS dated 22.8.2024
- Annexure I True copy of GO (Rt) No. 468/2025/WRD dated 14-5-2025
- Annexure II True copy of GO (Rt) No. 339/2025/DMD dated 19-5-2025
- Exhibit R15(a) A true copy of the letter dated 15.05.2025 issued by the National Disaster Management Authority
- Exhibit R15(b) A true copy of the Gazette Notification dated 29.03.2025 issued by the Ministry of Law and Justice (Legislative Department) notifying the the Disaster Management (Amendment) Act, 2025
- Exhibit R15(c) The email communication dated 19.05.2025 from INCOIS (uday@incois.gov.in) to MHA (av.gawai@nic.in) and that from MHA (av.gawai@nic.in) to Kerala State Disaster Management Authority (commissionerdmkerala@gmail.com) showing sharing the data as directed by this Hon'ble Court





IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE DR. JUSTICE A.K.JAYASANKARAN NAMBIAR
&

THE HONOURABLE MR. JUSTICE EASWARAN S.

Thursday, the 10th day of April 2025 / 20th Chaithra, 1947

WP(C) NO. 28509 OF 2024

PETITIONERS:

1. IN RE: PREVENTION AND MANAGEMENT OF NATURAL DISASTERS IN KERALA, HIGH COURT OF KERALA, PIN-682031
2. BAIJU PAUL MATHEWS (SOUGHT TO BE IMPEADED) PUTHUSSERIL HOUSE, SULTHAN BATHERY, WAYANAD, KERALA-673592

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,

THAMPANNOOR, THIRUVANANTHAPURAM - 695 001

- 14. THE COASTAL ZONE MANAGEMENT AUTHORITY, THAMPANNOOR, KSRTC BUILDING, 4TH FLOOR, OVERBRIDGE, THAMPANNOOR, 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).
- 20. THE KERALA STATE LEGAL SERVICES AUTHORITY REPRESENTED BY ITS MEMBER SECRETARY, HIGH COURT COMPOUND, ERNAKULAM, 682031 IS IMPEADED AS ADDL.R20 AS PER ORDER DATED 04.10.24 IN WP(C) 28509/24
- 21. THE ELECTION COMMISSION OF INDIA, REPRESENTED BY THE PRINCIPAL SECRETARY, NIRVACHAL SADAN, ASHOKA ROAD, NEW DELHI - 110001. (IMPEADED SUO MOTU AS ADDL.R21 AS PER ORDER DATED 25.10.2024 IN WP(C)28509/2024)
- 22. SAYIR A, (SOUGHT TO BE IMPEADED), AGED 45 YEARS, C/O ABDUL RAHIM A ADATHODI MUNDAKAI, VELLARIMALA, WAYANAD.
- 23. HAMZA T, (SOUGHT TO BE IMPEADED), AGED 55, S/O SAIDALI, THAZHETHODY, MEPADI P.O, WAYANAD, KERALA.
- 24. 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.

(33)

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 26.03.2025 and upon hearing the arguments of M/S IN RE: PREVENTION AND MANAGEMENT OF NATURAL DISASTERS IN KERALA & SRI.BAIJU PAUL MATHEWS (PartyIn-Person) for the petitioner, PUBLIC PROSECUTOR, K.GOPALAKRISHNA KURUP, ADVOCATE GENERAL, SHRI.C.E.UNNIKRISHNAN SPL. G.P TO A.G, SHRI.V.MANU, SENIOR G.P., for R1,R3,R4,R6 & R7,SRI.AR.L.SUNDARESAN(SR.CGC),M/S. JOHNSON MANAYANI & BENHUR JOSEPH MANAYANI, Advocate for R9, SRI. SUVIN R MENON, CENTRAL GOVERNMENT COUNSEL, for R10, SRI. ACHUTH KRISHNAN, CENTRAL GOVERNMENT COUNSEL for R12,SRI.M.P.SREEKRISNAN, (STANDING COUNSEL) for R13,SRI.PRAKASH M.P., STANDING COUNSEL,KCZMA, for R14,SRI.K.A.SALIL NARAYANAN,Advocate for R16, SRI. V.RAMKUMAR NAMBIAR, Advocate for R20, SRI. DEEPU LAL MOHAN,STANDING COUNSEL,for R21, 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, Advocate for R22 to R24, the court passed the following:



(34)

**DR. A.K.JAYASANKARAN NAMBIAR, J.
&
EASWARAN S., J.**

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

Dated this the 10th day of April, 2025

ORDER

Dr. A.K. Jayasankaran Nambiar, J.

In our order dated 26.03.2025, we had recorded the undertaking of Sri.AR. L. Sundaresan, the learned Additional Solicitor General that an affidavit would be filed on behalf of the Union Government clarifying the nature and ambit of the relief measures that are acceptable to the Union Government especially as regards waiver of loans of the disaster affected persons. Through an affidavit filed on behalf of the Union Government, in the Department of Financial Services, Ministry of Finance, it is stated that the Government had considered the Minutes of the Special SLBC meeting held on 19.08.2024 called for discussing the relief measures to the affected people of Wayanad. It is then stated that the Union Government finds itself in agreement with the measures suggested at the SLBC meeting.

2. At the meeting of the SLBC held on 19.08.2024 at Thiruvananthapuram, the Chief Minister of the Government of Kerala had *inter alia* brought to the notice of the participants the

following points:

- (i) The place where the calamity happened had agricultural activity but after the disaster the entire area is now become not suitable for any agriculture as the top soil was damaged.
- (ii) The expert team who has been deputed to study the same has preliminarily given a report stating the area is not suitable for human life to thrive.
- (iii) The people would have availed several loans from the banks assembled here for construction of house, purchase of vehicles, and purchase of milch animal. The situation is such that the people should be provided with a new place to start their living. As always Kerala is united and several assurances has been received from different corners of the world for building new houses.
- (iv) Considering the present situation, the moratorium or charging concessional interest rate would not be a suitable solution for the affected people as the entire livelihood of the people has been washed off. Considering the same he instructed the banks to waive the entire loan amount which will be a small part of the loan portfolio of the banks of the State.
- (v) Since the loan portfolio to be written off is very minuscule all the banks can do the same at the earliest which will provide a sense of security to the affected people from at least their financial burdens.
- (vi) Kerala Bank has taken a model strategy to write off the entire loan amount of the affected persons which can be followed by the other banks.
- (vii) As concluding remarks he urged the bankers once again to write off the loan accounts completely of the affected persons and instructed the bankers, RBI officials, NABARD to discuss and decide up on the same.

3. The Additional Chief Secretary, Planning and Economic Department, Government of Kerala, while reiterating the observations of the Chief Minister as regards what was expected from the banks of the State, pointed out that the debt burden could

be very minuscule considering the advances portfolio of the banks although the same was huge for the people of disaster affected areas. She went on to recommend that the banks should act in the most humane way to waive the loans availed from them by the disaster affected people. She also requested the NABARD to explore the possibility of providing RIDF fund for rebuilding Wayanad initiative adding that a special package from the side of NABARD would be beneficial to the cause of rebuilding the lives of affected people.

4. The General Manager, Reserve Bank of India pointed out the following salient aspects with regard to the losses sustained by the landslide affected persons and the exposure that the banks in the area had reported:

- (i) As per crop wise FIR report issued by Department of Agriculture on August 12, 2024, 626.2 hectares of crop area was affected impacting the livelihood of 1289 farmers. Livestock, manufacturing units, service units, shops and establishments were also completely destroyed in the landslide.
- (ii) Banks in the area have reported that their exposure in the affected area is estimated to be to the tune of Rs.35.50 Cr.
- (iii) In order to support the people of Wayanad at this juncture, the banks should take a sympathetic view and adopt a liberal approach while dealing the individual cases with empathy. They should ensure that the claim settlement of PMJJBY and PMSBY are done in a time bound manner.

(iv) The directions issued by RBI, in the public interest, on various measures to be taken by banks in areas affected by Natural Calamities covers a spectrum of actions which may lead to early relief and restoration of livelihood activities and revival of economic activities and the institutional framework that should be put in place in support of achieving the aims. These special measure include among others, provisions for restructuring of existing loans, extension of moratorium, granting fresh loans, relaxation in KYC norms and concessions in the normal terms and conditions relating to the processing of loans. The banks may be guided by the master directions issued by Reserve Bank of India in this regard.

(v) RBI master circular is silent regarding the waiving off of the loan amount as the same comes under the purview of the individual bank boards. As per the preliminary report the Kerala Gramin Bank has the highest amount of credit exposure in the area.

(vi) He instructed the active support of the banking fraternity to the affected people of Wayanad.

5. The Principal Secretary, Revenue and Disaster Management Department, Government of Kerala, in her speech, highlighted the following aspects:

(i) We should take a compassionate approach to the survivors considering that these are the people who have lost everything.

(ii) In the memorandum provided to the Government of India by the State Government it is mentioned that debris has to be cleared in the 1 Sq. Km area. The task of clearing the debris is huge. There are people who are interested to go back to their homes but the same cannot be done as the river has changed its course and river trailing works has to be done.

(iii) A total of 626 hectares of agriculture has been lost as per the report of the Agriculture Department. Out of this 359 hectares belong to small and marginal farmers. More than 100 hectares have been made temporarily fallow. There has been loss of perennial crops which was the source of living for different people.

(iv) As per the SDRF norms, the relief amount provided from the Central Government is Rs.3.15 lakhs whereas actual loss is around Rs.12 Crs.

(v) Going through the agenda it can be seen as the total loans outstanding is Rs.35.3 Crs. Which is minuscule compared to the lending taking place in our State. Banks should take steps to waive these loans. Under Section 13 of the Disaster Management Act, which talks about relief in loan repayment, National/State Authority considering the magnitude of the disaster can recommend for relief in repayment of loans and provision of fresh loans to the persons affected by the disaster in concessional rate.

(vi) The agenda comprises of guidelines for restructuring and moratorium, considering the total advances is Rs.35.3 Crs waiver is compassion the banks of the State to consider during this testing times.

(vii) As conclusion it was mentioned that the relief aid provided from the Government to the people should not be touched upon by anybody. The same should not be adjusted to the loan accounts.

6. It is evident from a perusal of the Minutes of the SLBC meeting that the Kerala Gramin Bank has the highest amount of advances totalling to Rs.15.44 Cr. out of which agricultural advances alone account for about Rs.11 Cr., MSME for about 1 Cr. and Retails loans upto Rs.3 Cr. The Kerala Bank has advances upto Rs.4.98 Cr. and the Central Bank of India has advances upto Rs.6.69 Cr. In all, 12 banks together account for a total of 3220 accounts where the total exposure amounts to Rs.35.30 Cr. Out of this, the Kerala Bank is understood to have completely waived off the loan amounts of the affected persons. Considering the nature of the disaster and its categorisation by the Union Government as a "severe disaster", one

would expect the banks concerned to emulate the example of the Kerala Bank and write off the loans availed by the people of the affected area. In fact, one would expect the banks to further take care of the survivors of the landslide by providing them with appropriate support to build back their lives by sanctioning fresh loans as per the requirement of the borrowers without charging any penal interest for default.

7. The Circulars issued by the RBI including the Master Directions in relation to Scheduled Commercial Banks and Regional Rural Banks clearly indicate that the said directions and guidelines deal only with procedures to be followed for ensuring uniformity and expeditious concerted action through rescheduling of existing loans and sanctioning of fresh loans as per the requirement of borrowers. The said directions do not deal with waiver or write off of loans since such decisions come under the purview of the individual bank boards. Thus, it is apparent that the meeting of the SLBC can only result in resolutions passed by the participating banks committing to moratoriums, restructuring of loans and sanctioning of fresh loans so as to ease the burden of the disaster affected persons.

8. It is in view of the fact that the RBI does not have the power to insist on banks writing off loans outstanding against persons who

have been affected by the landslide that the statutory provisions under the Disaster Management Act become relevant. In our view, Section 13 of the Disaster Management Act which is of overriding nature is couched in sufficiently wide phraseology as to empower the National Disaster Management Authority [NDMA] to direct the banks to waive/write off loans outstanding against persons who have been affected by natural disasters. We might emphasise that in these proceedings, we are confronted with a situation where the natural disaster in question has been categorised as "severe" by the Union Government itself, and yet the NDMA has not chosen to even consider exercising its power under the statutory provision to direct the banks to waive/write off the loans. In our view, this is nothing but a complete abdication of the responsibility of the Union Government and the NDMA. In situations where a majority of the lending banks are seen resorting to shylockian methods for realisation of loans advanced to persons including those affected by a severe natural disaster, we would have expected the Union Government to live up to its reputation as the Chief Executive in a welfare State and come to the aid of hapless citizens who have lost their source of livelihood and are looking to the Union and State Governments for means of survival.

9. The fact that the total exposure faced by the banks is not

very high; that Kerala Bank has completely waived off loan amounts upto Rs.4.98 Cr.; that the Union Government has categorised the disaster as of "severe" nature should, in our view, be sufficient to "nudge" the Union Government and the NDMA to consider exercising their discretion under Section 13 of the Disaster Management Act in favour of the victims of the natural disaster at Wayanad. In this connection, while we have been shown the decision reported in **Small Scale Industrial Manufacturers Association (Registered) v. Union of India and Others - [(2021) 8 SCC 511]**, where in the backdrop of the COVID pandemic, the Court observed that it was not within the purview of courts to compel the State to exercise its discretion in economic matters in any particular way, we are of the view that there is considerable difference between the victims of a temporary stoppage of livelihood occasioned by a pandemic and the victims of a permanent loss of livelihood occasioned by a severe natural disaster. The situation in the instant case is one where the use of the phrase 'may' in Section 13 of the Disaster Management Act could perhaps be read as 'shall' for the purposes of the exercise of discretion under that Section.

10. We direct the Union Government/NDMA to deliberate on whether the situation projected in these proceedings calls for the invocation of the provisions of Section 13 of the Disaster

Management Act to direct banks to waive their loans advanced to victims of the natural disaster at Wayanad.

Re: Report No.19 of the Amicus Curiae

Taking note of the upcoming monsoon season in the State, we feel it necessary to direct the National Disaster Management Authority to share the Geo spatial data building foot print maps and 5 m DEM (Digital Elevation Model) derived from ALTM (Airbone Laser Terrain Mapping) data as requested in Annexure 28 letter No.DMA2/213/2024-DMD of the Principal Secretary to Government Disaster Management (A) Department dated 27.08.2024 to the Member Secretary of the National Disaster Management Authority.

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

Sd/-
EASWARAN S.
JUDGE

prp/10/4/25

**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 epaper
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 THE ADDITIONAL
SECRETARY, DISASTER
MANAGEMENT DEPARTMENT/5TH
RESPONDENT**

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