

IN THE HIGH COURT OF KERALA AT ERNAKULAM  
PRESENT  
THE HONOURABLE THE ACTING CHIEF JUSTICE MR. A.MUHAMED MUSTAQUE  
&  
THE HONOURABLE MR. JUSTICE S.MANU

Thursday, the 8<sup>th</sup> day of August 2024 / 17th Sravana, 1946  
WP(C) NO. 27562 OF 2024(S)

**PETITIONER:**

S. UNNIKRISHNAN, AGED 57 YEARS, S/O SADASIVAN NAIR,  
THARANGAM, PERUMKADAVILA P.O., NEYYATTINKARA,  
THIRUVANANTHAPURAM, PIN - 695 124.

**RESPONDENTS:**

1. STATE OF KERALA, REPRESENTED BY THE CHIEF SECRETARY,  
SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695 001.
2. ADDITIONAL CHIEF SECRETARY, LOCAL SELF GOVERNMENT DEPARTMENT,  
4TH FLOOR, SECRETARIAT ANNEXE, THIRUVANANTHAPURAM, PIN - 695  
001.
3. PRINCIPAL SECRETARY, DIRECTORATE OF INDUSTRIES & COMMERCE, 3RD  
FLOOR, VIKAS BHAVAN, VIKAS BHAVAN P O, THIRUVANANTHAPURAM, PIN  
- 695 033.

**ADDL.R4 IMPLEADED SUO MOTU\***

4. THE DIRECTORATE OF MINING & GEOLOGY, KESAVADASAPURAM,  
PATTOM PALACE P.O., THIRUVANANTHAPURAM-695004

\*ADDL.R4 IS IMPLEADED SUO MOTU AS PER ORDER DATED 08.08.2024 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 direct the Respondents to make the slope stability report, by any of the Indian Institutes of Technology or equivalent institutions, a mandatory requirement for getting building permits in hilly terrains with steep slopes till the disposal of this Writ Petition.

This petition coming on for orders upon perusing the petition and the affidavit filed in support of WP(C) and this court's order dated 02.08.2024 and upon hearing the arguments of SRI.H.KIRAN, Advocate for the petitioner and of GOVERNMENT PLEADER, the court passed the following:

P.T.O

**A.MUHAMED MUSTAQUE, Acg.C.J. & S.MANU, J.**

**W.P.(C)No.27562 of 2024**

**Dated this the 8<sup>th</sup> day of August, 2024**

**O R D E R**

**A.Muhamed Mustaque, Acg.C.J.**

The Directorate of Mining & Geology, Kesavadasapuram, Pattom Palace P.O., Thiruvananthapuram-695004 is suo motu impleaded as additional fourth respondent.

We passed following order on the last occasion;

“Learned Government Pleader is directed to get instructions as to whether any agency, referred in the proviso to sub-rule (2)(d) of Rule 14 of the Kerala Minor Mineral Concession Rules, has been identified or not.”

2. We find that the proviso to Sub-Rule (2)(d) of Rule 14 of the Kerala Minor Mineral Concession Rules, 2015 enables construction in a hilly terrain with steep slopes provided on a condition that, a report is obtained from reputable agencies providing geotechnical investigation services. There is no clarity in this rule. We cannot, for the time being, allow construction in

hilly terrain with steep slopes considering the ecological imbalances created consequent upon removal of ordinary earth from hilly terrain with steep slopes. The western guard is a sensitive area. We also find that there is no scientific study in regard to the carrying capacity of such hilly terrain. Without there being a scientific study as to the carrying capacity of hilly terrain, excavation of ordinary earth shall not be permitted from such area. Till further decision is taken in this matter, we direct official respondent not to allow excavation from hilly terrain with steep slopes. The matter is adjourned for further instruction with this direction. Necessary order shall be passed by the fourth respondent intimating all Geologists in the State stopping excavation of earth from the hilly terrain with steep slopes.

Sd/-  
**A.MUHAMED MUSTAQUE,**  
**ACTING CHIEF JUSTICE**

Sd/-  
**S.MANU,**  
**JUDGE**

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