

**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 18<sup>th</sup> day of October 2024 / 26th Aswina, 1946  
WP(C) NO. 28509 OF 2024**

**PETITIONER:**

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

**RESPONDENT:**

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 (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. SAYIR A, ( SOUGHT TO BE IMPEADED), AGED 45 YEARS, C/O ABDUL RAHIM A ADATHODI MUNDAKAI, VELLARIMALA, WAYANAD.
  22. HAMZA T, ( SOUGHT TO BE IMPEADED), AGED 55, S/O SAIDALI, THAZHETHODY, MEPADI P.O, WAYANAD, KERALA.
  23. 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 10.10.2024 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), SRI.V.MANU (SR.G.P) & PUBLIC PROSECUTOR 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, SRI.V.RAMKUMAR NAMBIAR, Advocate for R20, 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 R21 to R23, the court passed the following:

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

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W.P(C)No.28509 of 2024  
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Dated this the 18<sup>th</sup> day of October, 2024

**ORDER**

**Dr. A.K.Jayasankaran Nambiar, J.**

**Re: Report No.7 of the Amicus Curiae**

By an earlier order dated 04.10.2024, we had recorded the suggestion of the Amicus Curiae regarding reconstitution of a Vigilance and Monitoring Committee at the State, District and Divisional level for ensuring a surveillance and enforcement mechanism for preventing illegal quarrying and stopping unauthorized quarrying at each of the above levels. The suggestion was taken note of and the State Government was directed to get the instructions with regard to the steps taken for reconstitution of the said committees which had become defunct in the State.

2. By a statement filed on behalf of the 7th respondent on 18.10.2024, we are now informed that by a Government Order dated 9.10.2024, the State Level Monitoring Committee, District Level Monitoring Committee and Divisional Level Monitoring Committee have been reconstituted as follows:

State Level Monitoring Committee

1. Principal Secretary (Industries) - Chairman.
2. Principal Secretary (Revenue) - Member
3. Principal Secretary (LSGD) - Member
4. Principal Director, LSGD - Member/Convenor
5. Commissioner, Land Revenue - Member
6. Chairman, Kerala State Pollution Control Board - Member
7. Director of Mining & Geology - Member

The State Level Committee will examine the policy aspects with regard to quarrying operations to ensure greater transparency and accountability while enforcing the various statutes and rules for regulating quarry operations in the State. The Principal Director, LSGD will be the Convenor of the State Level Committee.

District Level Vigilance & Monitoring Committee

1. District Collector - Chairman
2. District Police Chief - Member

3. District Officer of KSPCB - Member
4. District Officer of Mining &  
Geology Dept. - Member
5. Joint Director, LSGD - Member/Convenor

The District Level Vigilance and Monitoring Committee will observe the working of Divisional Level Vigilance and Monitoring Committee and all the field officers and evaluate the progress made in stopping all illegal quarrying in the District and send monthly report to Government. The Committee will monitor the action taken to redress complaints raised by the public about illegal quarrying. The Joint Director, LSGD will be the Convenor of the District Level Committee.

Divisional Level Vigilance & Monitoring Committee

1. Revenue Divisional Officer - Chairman
2. Deputy Superintendent of Police - Member
3. Representative of KSPCB - Member
4. Representative of Mining &  
Geology Dept. - Member
5. Assistant Director/Internal Vigilance  
officer, LSGD - Member/Convenor

The Divisional Level Vigilance & Monitoring Committee will formulate an inspection Schedule for visiting all working quarries under their jurisdiction. The Committee will redress complaints raised by the public about illegal quarrying without delay and report the action taken in stopping all illegal quarrying in the Revenue Division to the District Level Vigilance and Monitoring Committee. The Assistant Director/Internal Vigilance Officer of LSGD will be the Convenor of the Committee.

We record this fact and direct the State Government to inform us of the dates with effect from which the respective Divisional Level Vigilance & Monitoring Committees will commence functioning in their jurisdictional areas.

**Re: Report No.8 of the Amicus Curiae**

A statement has been filed by the Senior Panel Counsel on behalf of respondents 2, 8, 10, 12, 17 & 18 (Authorities under the Central Government). The statement provides details with regard to the constitution and administration of the State and National Disaster Response Funds, the communications that have been issued by the Deputy Secretary to the Government of India with

regard to the usage of those funds, details of flood forecast stations of CWC in the State of Kerala, details of Monitoring stations in the State of Kerala as also details of the flood situations as assessed by the various authorities in the State of Kerala. The statement also mentions details of the inputs given by the different Ministries of the Government of India in response to the suggestions made by the Amicus Curiae through the various reports that he has submitted before this Court.

2. The learned Advocate General submits that since he has received a copy of this statement only this morning, he may require sometime to comment on the same. We therefore, direct the State Government and the Amicus Curiae to file their response to the statement filed on behalf of the Central Government by the next posting date.

Post on 25.10.2024.

Sd/-

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

Sd/-

**SYAM KUMAR V.M.**  
**JUDGE**