

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

Wednesday, the 26th day of March 2025 / 5th Chaithra, 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

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, PATOM 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., NANTHANCOD, 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.

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

03.03.2025 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:



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

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

Dated this the 26th day of March, 2025

O R D E R

Dr. A.K.Jayasankaran Nambiar, J.

Pursuant to our order dated 03.03.2025, we have now received a clarification from the Central Government through the learned ASGI – Sri.AR.L.Sundaresan, who is present before us through video conference that as assumed by us in our earlier order the mentioning of the completion period in respect of projects undertaken in connection with the rehabilitation of the landslide affected victims is merely an indication that the fund sanctioned by the Central Government equivalent to 50% of the original allocation of Rs.1059 Crores has to be credited to the account of the respective implementing agencies in the State on or before the cut-off date.

2. We are also informed that the cut-off date of 31.03.2025, as earlier mentioned, has since been extended to 31.12.2025, and therefore, it will suffice if on receipt of the funds allotted by the Central Government, the Finance Department of the State, that would originally receive the amount, credits the amounts to the accounts of the respective implementing agencies with a rider that the funds so credited to their accounts would be used only for the project specified therein. We are

also given to understand that on the Finance Department of the State Government issuing a certificate to the Central Government that the amounts allocated have been so credited to the accounts of the respective implementing agencies, the Central Government would treat it as a utilisation of the fund for the purposes of the scheme aforementioned. Thus, it is the crediting of the funds by the State Government to the account of the respective implementing agency that has to be completed on or before 31.12.2025.

As regards the issue of waiver of loan amounts, the learned ASGI – Sri.AR.L.Sundaresan has informed us that in the last meeting of the Central Government, the proposals given by the State Level Bankers Committee have been approved subject to the RBI guidelines, but all that is proposed is a moratorium and restructuring of the loans availed by the landslide victims. He has agreed to file an affidavit on behalf of the Central Government clarifying the nature and ambit of the relief measures accepted by the Central Government in this regard on or before 07.04.2025 so that the same is available before us by the next date of posting, namely, 09.04.2025.

Sd/-

DR. A.K.JAYASANKARAN NAMBIAR
JUDGE

Sd/-

EASWARAN S.
JUDGE