



2025:KER:96569

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE A.K.JAYASANKARAN NAMBIAR

&

THE HONOURABLE MR.JUSTICE JOBIN SEBASTIAN

TUESDAY, THE 16TH DAY OF DECEMBER 2025/25TH AGRAHAYANA, 1947

W.P(PIL).NO.90 OF 2025

PETITIONER(S) :

- 1 WAYANAD PRAKRITHI SAMRAKSHANA SAMITHI
REG. NO.293/2003, REPRESENTED BY ITS SECRETARY,
THOMAS AMBALAVAYAL, S/O.LATE A.J THOMAS, AGED 65 YEARS,
ERUMATHANATH HOUSE, KARACHAL P.O., MEENANGADI, WAYANAD,
PIN - 673591
- 2 N.BADUSHA
AGED 75 YEARS
S/O.KHANSA, PRESIDENT, WAYANAD PRAKRITHI SAMRAKSHANA
SAMITHI, NAYKETTI, P.O., SULTHAN BATHERY P.O., WAYANAD,
KERALA, PIN - 673592

BY ADV.SRI.PRAKASH M.P.

RESPONDENT(S) :

- 1 UNION OF INDIA
REPRESENTED BY IT'S SECRETARY, MINISTRY OF ENVIRONMENT,
FOREST AND CLIMATE CHANGE, PARYAVARAN BHAVAN, JOR BAGH
ROAD, NEW DELHI, PIN - 110003
- 2 EXPERT APPRAISAL COMMITTEE
MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE,
PARYAVARAN BHAVAN, JOR BAGH ROAD, NEW DELHI,
PIN - 110003
- 3 STATE OF KERALA
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVERNMENT,
SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001
- 4 PRINCIPAL SECRETARY TO THE GOVERNMENT



2025:KER:96569

ENVIRONMENT DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695001

- 5 STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY
AND STATE EXPERT APPRAISAL COMMITTEE
REPRESENTED BY ITS MEMBER SECRETARY, 4TH FLOOR, KSRTC
BUILDING, THAMPANOR, THIRUVANANTHAPURAM, PIN - 695001
- 6 EXECUTIVE ENGINEER
PUBLIC WORKS DEPARTMENT (ROADS) CIVIL STATION,
KOZHIKODE, PIN - 673020
- 7 M/S.KITCO LTD
REPRESENTED BY ITS MANAGING DIRECTOR, M M GARDENS,
P.B NO.1820, CHURCH LANDING RD, PALLIMUKKU, KOCHI,
KERALA. EMAIL: MAIL@KITCO.IN, PIN - 682016
- 8 M/S.KONKAN RAILWAY CORPORATION LTD
REPRESENTED BY ITS MANAGING DIRECTOR, BELAPUR BHAVAN,
PLOT NO 6, SECTOR 11, CBD BELAPUR, NAVI MUMBAI,
PIN - 400614

BY SRI.K.GOPALAKRISHNA KURUP, ADVOCATE GENERAL
BY SRI.C.E.UNNIKRISHNAN, SPECIAL GOVERNMENT PLEADER
BY SRI.B.PRAMOD, SENIOR PANEL COUNSEL FOR R1 AND R2
BY SRI.M.P.SREEKRISHNAN, STANDING COUNSEL FOR R5
BY ADV.SRI.MILLU DANDAPANI FOR R7
BY SRI.T.C.KRISHNA, STANDING COUNSEL FOR R8

THIS WRIT PETITION (PUBLIC INTEREST LITIGATION) HAVING
BEEN FINALLY HEARD ON 10.12.2025, THE COURT ON 16.12.2025
DELIVERED THE FOLLOWING:



2025:KER:96569

"C.R."**J U D G M E N T****Dr. A.K.Jayasankaran Nambiar, J.**

This writ petition that is styled as a Public Interest Litigation, challenges Exhibit P21 Environmental clearance granted by the Union of India in the Ministry of Environment, Forest and Climate Change to the Public Works Department of the Government of Kerala for construction of Twin Tube Unidirectional Tunnel Road (2+2 Lane) with Four Lane Approach (from existing roads) for providing direct connectivity between Anakkampoyil – Kalladi - Meppadi in Kozhikode and Wayanad Districts of Kerala State. The proposed length of the road is 8.735 kilometres and it is to be situated at an average altitude ranging from 700 to 2061 metres above sea level, passing through the Bio-diverse Western Ghats.

2. The case of the petitioners is that the Environmental clearance was granted in a mechanical manner without due application of mind by the authorities under the Environment (Protection) Act and Rules, and that such action cannot be legally countenanced in relation to a construction project proposed in an ecologically sensitive area that has witnessed many natural disasters in recorded history and severe floods and landslides in 2018, 2019 and 2024. It is the specific case of the petitioners that the proposed tunnel is situated in close proximity to Mundakkai and Chooralmala villages that were worst affected in the 2024



landslide, and hence, they are justified in their apprehension with regard to the proposed project.

3. The petitioners challenge to Ext.P21 Environmental clearance is multi-pronged. Firstly, it is pointed out that the Public Works Department of the Kerala Government nominated M/s.Konkan Railway Corporation Ltd. [8th respondent] as a Special Purpose Vehicle [SPV] to implement the proposed project and the latter, in turn, engaged M/s.Kitco Ltd. [7th respondent] to conduct the Environment Impact Assessment Study [EIAS] for the project and that the said respondents do not have the necessary accreditation to conduct an Environment Impact Assessment [EIA] for the project. Secondly, it is contented that the EIAS conducted was not comprehensive in nature so as to satisfy the requirements of the EIA notification. Thirdly, it is pointed out that while the 2nd respondent Central Expert Appraisal Committee [CEAC] had, in its 283rd meeting held on 9th/10th December, 2021, considered the feasibility of the project and concluded that the project did not fall under the ambit of the Schedule to the EIA notification and returned the proposal, the very CEAC had, vide its 401st meeting on 14th/15th May, 2025 recommended the project for Environmental clearance. This recommendation of the CEAC was allegedly without an independent application of mind and was a mechanical recommendation made by the State Expert Appraisal Committee [SEAC] at its 181st meeting on 01.03.2025, a day prior to the expiry of its sanctioned term. Fourthly, it is contended that the tunnel project could not have been categorized under Sl.No.7(f) dealing with



2025 : KER : 96569

Highways, but ought to have been considered under Sl.No.8(a) that dealt with Building and Construction projects under the EIA notification. It is argued therefore that since the area of the project was more than 20,000 sq.mtrs., it had to be categorized as a Category 'A' project and not as a Category 'B' project as was done in the instant case. Fifthly, it is argued that the project did not comply with the general conditions stipulated under the EIA notification in relation to its location in close proximity to eco-sensitive areas as notified under Section 3(2) of the Environment (Protection) Act, 1986. Reliance is placed in this connection on Ext.P5 notification dated 31.07.2024 that notified ecologically sensitive areas to point out that certain villages in Wayanad District were also notified as Ecologically Sensitive Areas.

4. A counter affidavit has been filed on behalf of respondents 1 and 2 by the Deputy Inspector General of Forest (Central) at the Ministry of Environment, Forest and Climate Change, Regional Office, Bengaluru, wherein, the following is stated in relation to the project for which Environmental clearance was granted:

"STATUS OF PROPOSAL UNDER THE VAN (SANRAKSHAN EVAM SAMVARDHAN) ADHINIYAM, 1980

3. It is submitted that prior approval of the Central Government under Section-2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 {erstwhile 'Forest (Conservation) Act, 1980'} is required for carrying out any non- forestry activity inside the forest area.

4. It is humbly submitted that, Government of Kerala vide its letter No. C3/165/2022/F&WLD dated 29/07/2022 had submitted the proposal seeking prior approval of the Central Government under Section 2 of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 {erstwhile the "Forest (Conservation) Act, 1980} for diversion of 17.263 ha of forest land for construction of Twin Tunnel with Four Lane Approaches for providing direct connectivity between Annakkampoyil Kalladi Meppady road in Kozhikode and Wayanad Districts of



2025 : KER : 96569

Kerala in favour of the Executive Engineer, Kerala Public works Department, Roads Division, Kozhikode Kerala.

5. That the proposal submitted by the State Government was examined by the Regional Empowered Committee (REC) in its 70th meeting held on 28.03.2023 at the Regional Office, Bengaluru of the Answering Ministry. The REC after detailed deliberation approved the proposal for grant of in-principle approval. Based on the approval of the REC, in- principle approval / Stage-I Approval with conditions under Section 2 of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 was conveyed to State Government vide Regional Office, Bengaluru letter dated 31.03.2023. The Stage-1 approval letter is annexed as Exhibit-R1(a).

6. It is submitted that the said in-principle approval was granted by the Regional Office (vide letter dated 31/3/2023), much before the Wayanad landslide disaster that occurred on 30/7/2024, in the region.

7. It is submitted that the Government of Kerala vide its letter No.C3/165/2022/F&WLD dated 12/11/2024 had submitted to this office, the compliance report on conditions stipulated in the in-principle approval. The same was examined in Regional Office of MoEF&CC, Bengaluru and additional clarification, vide letter No.27.11.2024, was sought from the State Government. The clarification sought by Regional Office of MoEF&CC, Bengaluru is Annexed as Exhibit R1(b).

8. It is submitted that the Government of Kerala vide its letter dated 28/04/2024 submitted the requisite clarifications.

9. It is humbly submitted that consequently on the news report in Deccan Herald dated 10th June, 2025 titled "*Landslides near 2024 Wayanad Landslide spot triggers concerns against proposed tunnel road project*", specific comments of the State Government was sought by the Regional Office of MOEF&CC, Bengaluru, regarding the proposed safeguarding measures intended to prevent landslides that could be triggered by the project activities. The letter dated 25th June 2025 is annexed at Exhibit-R1(c).

10. The Government of Kerala vide its letter dated 29/09/2025 submitted a reply stating that the recently affected landslide area is about 7 Kms away from project alignment. Further, the State Government also submitted technical reports of the Kerala State Disaster Management Authority on the landslide precautionary conditions with respect to the landslide proneness of the region and the mitigation measures recommended curbing landslide risk during construction of Annakampoyil - Meppadi Twin - Tube Tunnel. The information submitted by the State Government is annexed as Exhibit-R1(d).

11. The information submitted by the State Government was examined and the Regional Office vide its letter dated 21.10.2025 and sought further clarification on the mutation of Compensatory Afforestation land in favour of the State Forest Department and their comments on the pending court matter.

12. It is humbly submitted that, presently the proposal is pending with the State Government for verifying the compliance of conditions. Hence, this office has not provided final approval to the State Government for want of additional information.

STATUS OF PROPOSAL FOR ENVIRONMENT CLEARANCE

13. That the proposal for "Construction of Twin Tube Unidirectional Tunnel Road (2+2 Lane) with Four Lane Approach (from existing roads) for providing direct connectivity between Anakkampoyil-Kalladi-Meppadi in Kozhikode and Wayanad Districts of Kerala State" by the Executive Engineer, Kerala Public



2025:KER: 96569

Works Department, Roads Division, Kozhikode, was appraised by the Expert Appraisal Committee (Infrastructure-1), Ministry of Environment, Forest and Climate Change (MoEF&CC) during its 397th Meeting held on 4 April 2025 and 401st Meeting held on 14-15 May 2025.

14. The proposal, listed under Item 7(f) "Highways" of the Schedule to the EIA Notification, 2006, was considered at the Central level due to the absence of SEIAA/SEAC in Kerala. The total project cost is 2,134.50 crore and the total length of the road is 8.735 km, of which 8.110 km comprises the twin-tube tunnel connecting Anakkampoyil (Kozhikode District) and Meppadi (Wayanad District).

15. The Committee noted that the Terms of Reference (ToR) for the project were earlier prescribed by SEIAA, Kerala in its 115th meeting held on 30 June 2022 and 128th meeting held on 23-24 May 2022, vide letters dated 23 July 2022 and 2 December 2023.

16. The public hearings were conducted in Wayanad District on 11.12.2023 and in Kozhikode District on 13.12.2023 under the chairmanship of the respective District Collectors, in accordance with the provisions of the EIA Notification, 2006.

17. The land requirement for the project is 36.873 hectares, comprising 19.61 hectares of non-forest land and 17.263 hectares of forest land, for which Stage-I Forest Clearance was granted by MoEF&CC vide letter dated 31st March 2023. Out of this, 16.269 hectares pertains to underground use and 0.994 hectares to overground components. Compensatory afforestation has been proposed in 17.53 hectares of non-tribal private land in Wayanad South Forest Division.

18. The Expert Appraisal Committee ("EAC" for short) deliberations held on 04.04.2025 recorded that the project passes through the Western Ghats and falls within 10 km of the Nilgiri Biosphere Reserve, where villages such as Kodancheri, Nellippoyil, Thiruvambadi, and Vellarimala fall under Ecologically Sensitive Area (ESA) as per MoEF&CC Notification dated 31 July 2024. It was observed that the area supports endangered and endemic bird species, including Banasura Chilappan and Nilgiri Sholakili, with several species listed under the Wildlife (Protection) Act, 1972.

19. The Committee noted the hilly and mountainous terrain with altitudes ranging from 700 m to 2061 m above mean sea level, and that the tunnel passes through charnockite and gneiss formations. The alignment crosses the Iruvanzhipuzha, Kalladi River, and Meenakshi River, with adequate cross-drainage structures proposed to ensure no adverse impact on natural drainage.

20. The EAC deferred the proposal during its 397th meeting for want of additional information and directed the project proponent to submit detailed scientific studies on landslide vulnerability, geological stability, and biodiversity, to be undertaken through reputed national institutions. (A copy of the 397th EAC Minutes of the Meeting is annexed as Exhibit-R1(e)).

21. Subsequently, during the 401st EAC meeting held on 14 - 15 May 2025, the Committee reconsidered the proposal after the project proponent submitted the required studies and clarifications, including:

- i. Geological and Geo-morphological Study of the proposed Anakkampoyil - Meppadi Tunnel Alignment and Impact Area by Dr. K. Soman, Retired Scientist, Centre for Earth Science Studies, Trivandrum.
- ii. Scientific study on blasting impacts by CSIR- Central Institute of Mining and Fuel Research (CIMFR).



2025 : KER : 96569

- iii. Landslide vulnerability mapping by Geological Survey of India (GSI).
- iv. Installation of Automated Weather Stations (AWS) as advised by Indian Meteorological Department (IMD).
- v. Monitoring of endangered bird Banasura Chilappan by Salim Ali Centre for Ornithology and Natural History (SACON), a regional centre of the Wildlife Institute of India under MOoEFCC.

22. The studies concluded that the elevation difference between tunnel portals and nearby water bodies effectively prevents flooding even under extreme rainfall conditions, with a difference of 17.8 metres at the south portal (Iruvanzhipuzha) and 16.28 metres at the north portal (Meenakshi River). The reports established that the project does not pose a flooding or drainage hazard.

23. The geotechnical investigations divided the alignment into three segments-(i) charnockite formations, (ii) gneiss formations, and (iii) weathered rock zones-with specific structural and stabilization measures recommended, including shotcrete lining, rock bolts, RCC reinforcement, and vibration monitoring prior to and during construction.

24. The Committee took note of the vibration control plan, landslide and slope stabilization strategy, groundwater monitoring system, and biodiversity conservation plan proposed under the Environmental Management Plan (EMP), as well as the incorporation of real-time landslide and vibration sensors during construction.

25. Based on the comprehensive appraisal and scientific validation through specialized institutions, the EAC recommended the proposal for Environmental Clearance after ensuring incorporation of all mitigation measures. (A copy of the 401st EAC Minutes of the Meeting is annexed as Exhibit-R1(f)).

26. Accordingly, the EAC after due consideration and detailed deliberation issued Environmental Clearance vide letter dated 17 June 2025 for Construction of Twin Tube Unidirectional Tunnel Road (2+2 Lane) with Four Lane Approach (from existing roads) for providing direct connectivity between Anakkampoyil-Kalladi-Meppadi in Kozhikode and Wayanad Districts of Kerala State, stating; The EAC, considering the fact that the proposal was already recommended by the SEAC of Kerala state and was forwarded to the EAC in the absence of SEIAA and further taking into account the submission made by the project proponent had a detailed deliberation in its 401 meeting during 14 - 15 May 2025 and recommended the project for grant of environmental clearance for the 'Construction of Twin Tube Unidirectional Tunnel Road (2+2 Lane) with Four Lane Approach (from existing roads) for providing direct connectivity between Anakkampoyil-Kalladi-Meppadi in Kozhikode and Wayanad Districts of Kerala State by M/s Kerala Public Works Department Roads Division, Kozhikode' with specific conditions, as mentioned below, in addition to all standard conditions applicable for such projects. (A copy of the EC dated 17.06.2025 is annexed as Exhibit-R1(g))."

5. In the counter affidavit filed on behalf of the 4th respondent, the Special Secretary to the Government of Kerala, Environment Department, the *bona fides* of the petitioners in maintaining a public interest litigation



2025:KER:96569

is questioned, and it is pointed out that the petitioners had an effective alternate remedy of approaching the National Green Tribunal under Section 16 of the National Green Tribunal Act, in its challenge to Ext.P21 Environmental clearance. Without prejudice to the above contention, and in specific response to the grounds of challenge in the writ petition, it is stated as follows in paragraphs 4 to 20 of the counter affidavit:

“4. It is submitted that the 11.5 km long stretch on the 2-Lane on NH 766 between Adivaram in Kozhikode district and Lakkidi in Wayanad district is the Thamarassery Churam of steep gradient with 9 hairpin bends through forest land. Each year, as the monsoon gathers strength earth slips from the slopes cause traffic snarls, blockages and accidents in the Thamarassery Churam. There was a longstanding demand for finding a solution which will remedy the traffic congestion. Extensive studies have revealed that it is not feasible to improve the width or geometry of this section of NH 766 to cater the ever increasing traffic on the already saturated route. After several explorations for an alternate route, the Government of Kerala has approved the construction of the proposed Four Lane Anakkampoyil - Kallady - Meppady Tunnel Road to ease the congestion of the Thamarassery Road and to provide reliable, safer-in weather road connectivity between Kozhikode and Wayanad. The project proposed is 8.735 kms long 4-Lane Tunnel Road including approaches (from existing roads) for providing connectivity between Anakkampoyil - Kallady - Meppady in Kozhikode and Wayanad districts of Kerala.

5. Accordingly, the Public Works Department, through the Kalladi Executive Engineer, Roads Division, Kozhikode, submitted an application for Environmental Clearance (EC) for the proposed project with documents including the Comprehensive Environmental Impact Assessment (CEIA) Study. The proposed development envisages the construction of a Twin Tube Unidirectional Tunnel Road having a total length of 8.735 km, designed as a four-lane tunnel road inclusive of approach roads connecting the existing Road (Anakkampoyil - Muthappanpuzha - Marippuzha Road) on the Anakkampoyil side and State Highway 59 (Meppadi - Kalladi - Chooramala Road) on the Meppadi side. In view of the overall tunnel road length of approximately 8.7 km, provision has been made for lay-bys at intervals of 750 metres to serve as emergency refuge and parking spaces for vehicles in distress and two separate bow string bridges across Iravazhinji Puzha, along with 3 culverts. Furthermore, cross passages have been proposed at intervals of 300 metres to ensure safety, connectivity, and effective evacuation in case of emergencies.

6. Upon receipt of an application, the 5th Respondent has observed that the proposed tunnel road project falls under Item 7(f) under Category 'B' in the Schedule to the EIA Notification, 2006, being a State Highway expansion project situated in a hilly terrain and within an Ecologically Sensitive Area (ESA) as per the draft ESA Notification. The project, does not attract the applicability of the General Condition of the Notification stipulated therein, which provides that '*Any project or activity specified in Category B shall be appraised at the Central level as Category A, if... (iii) it is located within Eco-sensitive areas as notified under sub-section (2) of Section 3 of the Environment (Protection) Act, 1986*'. The 5th Respondent noticed that the ESA in the State has not yet been notified under sub-section (2) of Section 3 of the Environment



2025:KER:96569

(Protection) Act, 1986. It is pertinent to note that the ESA of the State continues to remain at the draft stage, with the latest draft notification having been issued by the Ministry of Environment, Forest and Climate Change (MoEF&CC) on 31.07.2024. It is also observed that the construction of road is not a prohibited/restricted activity as per draft ESA Notification and the directions issued by the MoEF&CC on 13.11.2013. It is submitted that the *tunnel project*, as mentioned in the Public Interest Litigation (PIL), is not enumerated as an activity/project under the Schedule to the EIA Notification, 2006. Nevertheless, the project/activity requires prior Environmental Clearance (EC) as it falls under Item 7(f) - Highways, as per the schedule of the EIA Notification 2006 dated 14.09.2006.

7. Being a Category 'B' project, an Environmental Impact Assessment (EIA) Report by a QCI-NABET accredited agency is mandatory. In the present case, the EIA Report has been prepared by the 7th Respondent, who holds valid accreditation for undertaking EIA studies in respect of highway projects. The credentials of the 7th Respondent have been detailed in Chapter 12 of the EIA Report. A true copy of the relevant pages of the Report evidencing the credentials of the 7th respondent is produced herewith and may be marked as Exhibit R4(a). Along with the same, the particulars of all Functional Area Experts involved were also appended. Relevant portion of the report which gives the details of functional experts of the 7th respondent is produced herewith and may be marked as Exhibit R4(b). It is further submitted that, as per the Comprehensive Environmental Impact Assessment (CEIA) Report, the applicant, viz. the Public Works Department (PWD), has duly undertaken ownership of the CEIA Report prepared by the 7th respondent. A true copy of the said report is produced herewith and may kindly be marked as Exhibit R4(c).

8. The project proposal was placed for consideration in the 158th, 162nd, 163rd, 166th, 170th, 173rd, 177th, 179th, and 181st meetings of the State Expert Appraisal Committee (SEAC). In pursuance of the decision taken in the 158th meeting, a Sub-Committee of the SEAC undertook a detailed evaluation of the Environmental Impact Assessment (EIA) Report. The Evaluation Report dated 01.04.2024 is produced herewith and may be marked as Exhibit R4(d). The SEAC examined the proposal comprehensively, making observations on the project characteristics, potential environmental and ecological implications, as well as deficiencies in the documentation. The Project Proponent and the EIA Consultant (M/s. KITCO Ltd.) were heard by the SEAC to present the project, explain the environmental setting of the project area, assess anticipated environmental impacts, and respond to the shortcomings identified in the EIA Report and the queries raised in the Evaluation Report.

9. During the course of deliberations, the SEAC observed that the proposed tunnel alignment is located approximately 0.85 km from Puthumala, where a landslide occurred in 2019. The alignment passes through geologically fragile terrain prone to landslides, thereby necessitating precautionary measures during the construction stage to prevent vibration-induced slope failures. The area is also a habitat for Banasura Chilappan and Nilgiri Sholakili. The site supports five bird species listed in threatened categories under the IUCN Red List, three species classified as vulnerable, fourteen endemic species of the Western Ghats, twenty-nine species protected under Schedule I, and one hundred and fifty-five species under Schedule II of the Wildlife (Protection) Act, 1972.

10. Further, four tribal colonies are situated within a distance of 500 metres to 1.5 km on the northern side of the proposed tunnel road. The SEAC expressed concerns regarding the likelihood of human-wildlife conflict arising from the project. In view of these concerns, the SEAC sought additional clarifications, mitigation measures to address the concerns, and relevant supporting documents from the Project Proponent.



2025 : KER : 96569

11. As part of the ground-truthing exercise, a Sub-Committee consisting of the Chairman, SEAC, an eminent scientist (Retd. Scientist G), who has expertise in EIA studies and Earth Sciences, two biodiversity and forestry experts, and Geology experts, conducted a field inspection of the project site on 22 May 2024. True copy of the Field Inspection Report dated 22.05.2024 is produced herewith and may be marked as Exhibit R4(e). The said Report was deliberated upon in the 166th meeting of the SEAC, and, in view of the observations recorded therein as well as the concerns previously noted, the Committee resolved to seek additional documents and appropriate mitigation measures from the Project Proponent. The records and plans sought include, inter alia, the following:

- i. Impact of removal of rocks from the tunnel entry and core region, including its impact on springs and groundwater regime and its management plan.
- ii. Impact of vibration due to tunnelling and blasting on the buildings and other built structures, if any, on the ground above and its immediate vicinity in the impact zone and mitigation/safeguard plan.
- iii. Impact of seepage water and its management plan if there is an exigency situation of the tunnel encountering a saturated lineament.
- iv. Possible air quality deterioration within the tunnel entry and tunnel core region and the management measures.
- v. Impact of transportation of material removed from the tunnel and construction material and transportation management plan.
- vi. Impact of increased traffic on the feeder roads on both the ends of the tunnel.
- vii. Evaluation of the risks and accidents during the construction and operational phases and management plan.
- viii. Impact of the displacement of terrestrial, aquatic and avian fauna, if any, and management plan.
- ix. Details of the solid and liquid waste generation and its management measures proposed.
- x. The storage area for the muck and excavated rock materials is on the bank of two stream of which one stream is seasonal. Detailed management and safeguard measures proposed for the storage facility such that there will not be adverse impact on the Streams.
- xi. Structural characteristics of the overburden area is not specifically evaluated due to reported constraints. Considering this, the details of the precautionary measures that will be adopted, including the possibility of continuous monitoring of vibration, stoppage of blasting during the periods when the soil saturation is high (by monitoring selected vulnerable spots), ways and means of adopting the recommendations of the CSIR-CIMFR study, etc.
- xii. The monitoring mechanism for vibration due to blasting during the tunnelling works is proposed to be entrusted to the Contractor/ Concessionaire. The protocol and SOP for such monitoring should be prepared in detail and provided. It should also be incorporated in the EMP along with cost and also in the contracts appropriately.
- xiii. Reply to the environmental concerns raised during the Public Consultation and written complaints received from Kerala Nadi Samrakshana Samithi, Ramapriya, High Road, Aluva and Green Movement, Samskrithi, Kuthiravattom,



2025:KER:96569

Kozhikkode including mitigation measures, if any, proposed and integration to the Environmental Management Plan (EMP).

xiv. Solutions/Suggestions/Proposal for reducing the impact of HWI as Wayanad is already experiencing high Human Animal Interaction (HWI) considering the following specific issue anticipated. "Any barrier at the proposed tunnel mouth in Meppadi area would force the elephants to utilise the route through the Kalladi Colony and nearby settlements, which are more populated. Such a situation could lead to increased human elephant interaction which could lead to conflict situations. As such, there is no possibility to avoid the movement of elephants to Kuppachi forest through the populated colonies once the tunnel mouth area is blocked".

xv. Response on the formulation of considering the probability of increased human-elephant interaction, a Corpus Fund Scheme, especially in the movement paths in Meppadi Range and possible mitigation measures, including ex-gratia payments. The feasibility of parking the fund in the accounts of VSS/EDC of the Meppadi Range, who will address the issues in both the Forest Ranges may also be considered.

xvi. Response to the possibility of engaging an expert in the field of herpetofauna to facilitate the statement that a Team with proven credibility may be engaged/funded for monitoring the elephant movement/road kills and other related issues. Actions may also be considered for an under-passage (eg. Box culvert) along the nearby streams to ensure free movement/dispersal of amphibians during breeding season. This needs to be incorporated in the EMP.

xvii. Provision for the maintenance of additional check posts as proposed to be included in the EMP 20. Provision in the EMP including the protocol for monitoring the project activities by the representatives of the Tunnel Road Management, Forest Department and a Wildlife/ Biodiversity Researcher etc. and action plan for preventing the possibility of animals getting trapped in the tunnel.

xviii. Action plan proposed to prevent accidental introduction, successive proliferation and invasion of alien species (weeds) that cause habitat degradation that will seriously affect food chains and ecosystem functions, aggravating conflicts as there will be extensive vehicular traffic and influx of people in the area during the operation phase. I am swearing this affidavit as the 4th Respondent in the above writ petition for which I am duly authorized. I am conversant with the facts of the case to the extent it is disclosed from the writ petition as well as the records maintained in the office pertaining to the subject. All the averments and allegations in the writ petition save those that are specifically admitted hereunder are denied. The above writ petition is not maintainable either

xix. Impact of proposed construction on the endemic and endangered Banasura Chilappan (*Montecincla jerdoni*) which is a severely range- restricted laughing thrush species, whose distribution is limited to the high-altitude shola forests (above 1400 msl).

xx. Details of the proposed location and facilities to be provided at the labour camps.

xxi. Proposal for Corporate Environmental Responsibility program as envisaged in the guidelines of CER uploaded in the SEIAA-Kerala website.

xxii. Revised EMP along with all the mitigation measures addressing the human wildlife interaction, and also addresses issues affecting the tribe population in the short and long term.



2025:KER:96569

xxiii. A plan proposed for the development of the feeder roads at both ends as the carrying capacity of the existing roads, proposed to be used as feeder roads, is found extremely limited.

12. Upon receipt of the additional documents, the SEAC undertook a detailed evaluation thereof. It was observed that the project area falls within an environmentally fragile region, characterised as a high landslide hazard zone and encompassing Ecologically Sensitive Area (ESA) villages. The Wayanad region has a documented history of recurrent landslides, including instances resulting in high fatalities, large-scale property loss, and severe adverse land modifications, with one of the most devastating landslide disasters occurring in the recent past. In this context, the Committee emphasised that all potential impacts arising from the various activities envisaged under the project, both during the construction and operational phases, must be scientifically evaluated, with reliance placed on up-to-date research and published scientific literature concerning similar development projects and their impacts.

13. The Committee further noted that the additional documents submitted did not provide an adequate explanation regarding the likely vibration and overpressure impacts of blasting at various distances, including the effect on nearby built structures. It was also considered imperative to examine in detail whether the proposed tunnelling activities could accentuate landslide incidents, through a comprehensive assessment of the causative factors and lessons drawn from the recent severe landslide disaster in the area.

14. Moreover, the Committee observed that the long-term mitigation measures proposed for addressing the impacts on endangered, endemic, and range-restricted wildlife species of the region were insufficient. The requirement for a detailed assessment of the carbon credit potential of the project was also underscored. Specific concerns were raised regarding the extraction of large quantities of material necessary for tunnel construction, as well as the management of substantial muck to be generated during the tunnelling process, both of which necessitate explicit and robust mitigation strategies. Therefore, the SEAC sought more clarifications and scientific reports from the project proponent in its 173rd meeting. During the meeting the SEAC also heard detailed presentations by the 7th and 8th Respondents on the additional documents and the mitigation measures proposed therein.

15. The Project Proponent subsequently submitted a comprehensive report detailing the methods and techniques proposed for tunnelling, along with additional documents in support of the mitigation measures. The Sub-Committee, SEAC, that conducted the field verification reviewed these documents and furnished a detailed report from each sectoral expert of the Sub Committee SEAC dated 12.02.2025, 13.02.2025 and 24.02.2025 is produced herewith and may evaluation report. A true copy of the Evaluation Reports received be marked as Exhibit R4(f).

16. The Comprehensive Report on the Methods and Techniques of Tunneling submitted by the project proponent, which evaluated the causative factors of the Puthumala, Chooralmala and Mundakay landslide in detail, the processes and situations that triggered the disaster and highlighted the fragility of the terrain. The report provided analysis on the landslide hazard, debris flow mechanism, the rock characteristics, seismicity of the region, seismic events in and around the area during the period 2000 to 2016, the land use and landscape alteration of the area, drainage characteristics, ground water seepages, material creep/landslip in areas above the tunnel, ground vibration from tunnel blasting, overburden characteristics, tunnel stability rate, unanticipated water ingress during the tunnelling process, air environment and noise level, vibration impact with respect to structures and thickness of overburden, ventilation system, fire & safety aspect, tunnelling process and



2025:KER: 96569

stages, blast design details, provision for shifting tunnelling methods, carbon emission reduction due to the possible traffic diversion, ecological impacts, particularly elephant movement and human-wildlife interaction, impacts on avian and herpetofauna, Corporate Environmental Responsibility, issues experienced during the construction of 5 tunnels in India and the mitigation adopted etc. The Project Proponent also stated that the tunnelling will be done by a careful drilling and controlled blasting methodology using the heading and benching method with a limited depth of 2 - 2.5m. The Project Proponent also suggested the adoption of New Austrian Tunnelling Method (NATM) or Tunnel Boring Machine (TBM) as per the ground condition.

17. The project proponent also submitted the report by the Rock Excavation Engineering Division of CSIR-Central Institute of Mining and Fuel Research (CSIR-CIMFR), Dhanbad which recommends stage wise approach utilising controlled blasting techniques to ensure safe excavation of the proposed tunnel with complete control on ground vibrations. A detailed blast design parameter, firing patterns and other pertinent design considerations have been recommended. The threshold safe vibration values as per the DGMS standard come to 2 mm/s for sensitive structures and 5 mm/s for residential structures, expecting the frequency of vibration waves generated from blasting to be less than 8 Hz. The magnitude of ground vibration (PPV) capable of triggering a landslide varies based on several factors, and there are no fixed values. Extreme Seepage and Subsidence / Rock Failure are to be anticipated, and precautions taken in such a type of project. The depth of cover (overburden) between the crown level of the proposed tunnel and the ground surface varies widely from the south portal to the north portal. Near the south portal, the overburden varies between 49 - 195 m; 195 - 500 m; more than 500 m up to 1090m, gradual decrease to north portal from 483 - 232 m, 161-105 m. and finally reaches to its lowest value of 24 m.

18. The SEAC examined the structural geological aspects of the area, the ground vibration characteristics in response to the tunnelling process and requirements for addressing certain ecological conservation aspects pertinent to the proposed site. Based on the detailed evaluation of the report submitted by the Project Proponent and literature available on various environmental aspects pertaining to the proposed site and project activities proposed, the SEAC inferred the following:

- i. There are no major fault lineaments intersecting the proposed project area except two minor lineaments cutting across the proposed twin tunnel corridor as per the details extracted from the Lineament and Fault map of South India prepared by the Geological Survey of India under the Project Vasundhara and overlaid on AWIFS imagery of Resource SAT.
- ii. The longitudinal section of the proposed twin tunnel portion shows a wide variation in the depth of the overburden. Near the South portal area, OB is 49-195m between Ch. 600-1000 m, 195-500m between chainages 1000-1350 m, >500m up to Ch. 5400, 483-232m between 5500 to 6500m and is 161-105m at 6600-8200m. Near the North portal, specifically at Ch. 8540 m, the overburden thickness is 24 m.
- iii. The vibration study report by the Rock Excavation Engineering Division of the CSIR-Central Institute of Mining & Fuel Research, Dhanbad submitted by the Proponent provides safe values of maximum charge per delay for different distance and type of structures. It indicated that the maximum charge per delay of 1.26 Kg can generate ground vibration with Peak Particle Velocity (PPV) of 2 mm/s (permissible value for sensitive structures) at a distance of 25m with the frequency of vibration waves generated from blasting less than 8 Hz.
- iv. The literature on the construction of underground tunnels from India and elsewhere highlighted the significance of monitoring the ground vibrations,



2025 : KER : 96569

selection of appropriate tunnelling process, anticipating confrontation with high geo-stress and high hydraulic pressure that may induce rock burst, large deformation of the surrounding rock masses, landslides, and even water and mud inrush etc. Many of the studies pointed out that the ground vibration energy attenuated usually the structure/ground interface. Consequently, the vibration levels measured at these locations are at lower than those in the adjacent natural ground. There are also possibilities of applying non-conventional rock fragmentation technology, such as the plasma blasting method for breaking the hard rock, that could reduce the blasting induced vibration.

v. The formation and preservation of elephant corridors are vital components of broader conservation strategies, contributing to the sustainable coexistence of elephants and human communities and for safeguarding the ecological integrity of the Elephant Reserve. Therefore, it is necessary to facilitate their movement towards more extensive forested landscape of Nilambur North, Nilambur South and also Gudalur in TN by expanding the bottle neck corridor at Appankappu (18.6 km from tunnel) with a tenuous forest connection of a few hundred meters. It requires the usage of some extent of private agricultural land so that the corridor width is increased to the generally accepted width of 1 km. This will also help in significantly reducing the human-animal conflict, a situation advantageous the project affected population.

vi. There are four Tribal Colonies located within the 500 to 1.5 km to the proposed tunnel road in the Northern side. A tribal settlement, Aranamala Kattunaikka Colony in Wayanad with 27 families are identified as PAFs. 32 tribal population in Mammikkunnu, Kuppachi, Kalladi and Aranamala colony in Wayanad falls close to the proposed tunnel road. The Committee noted that there is every possibility of aggressive human-wild life conflict.

vii. Precaution for the management of impacts on endemic and endangered bird Banasura Chilappan is extremely important as the bird was observed in one of the transects in the highest point (800- 1000m) along the proposed alignment and that the elevation of the southern and northern end of the tunnel are 679 m above MSL and 852 m above MSL. It is anticipated in the project that the range restricted species will not have any threat from the tunnel construction project with its habitat at the high-altitude area, located very high from the proposed tunnel. However, the longer project duration of the tunnel construction, increased activity at both ends of the tunnel during the construction phase, large scale vehicular movements after completion of the tunnel etc necessitates anticipation of huge impacts on the surrounding landscape and soundscape.

viii. Detailed environmental monitoring plan has been drawn and results of extensive additional studies have been given in the EIA report. The environmental cost-benefit ratio worked out in the EIA social management plan suggests elaborate measures, the cost report is 23.7, which is appreciable. Though the environmental and earmarked in the EIA report is only Rs.1.02 Crore, which is highly inadequate.

ix. The projected project cost is Rs.2043.74 Cr which does not include the cost required for implementation of Environmental Management Plan (EMP). The additional report submitted by M/s. Konkan Railway Corporation Ltd., on behalf of the Proponent provided an EMP cost sheet indicating that the amount earmarked is Rs.15.04 Cr out of which Rs. 7.90 Cr. is earmarked for the Forest Department. This amount does not seem to be adequate as many precautionary measures other than routine mitigation measures may become necessary as the project implementation progresses.

x. As part of Corporate Environment Responsibility, six activities are proposed for the southern side around Anakkampoil and seven activities are proposed for the northern side around Meppadi region. However, no budget estimate for the



2025:KER:96569

proposed activities are worked out and no financial allocation is found earmarked for its implementation.

xi. Investigations of tunnel collapse with respect to some of the tunnels in India points out wrong alignment, bad condition of rock, unexpected hydraulic pressure and water ingress, lack of adoption of adequate safeguards etc as reasons for the accident.

19. Upon consideration of (i) the Comprehensive Environmental Impact Assessment (CEIA) Report, (ii) the additional documents and reports submitted, (iii) the written responses to the queries raised during the Committee's discussion with the Project Proponent and the EIA Consultant, (iv) the reports of the SEAC Sub-Committees, and (v) secondary information sourced from published literature on the terrain and ecological significance of the project area as well as literature from India and abroad on tunnel construction and its impacts, the Committee, in its 181st meeting, resolved to recommend grant of Environmental Clearance (EC) to the project, subject to compliance with the standard general conditions applicable to construction projects and the project-specific conditions set out in. True copy of the minutes of the SEAC dated 01.03.2025 is produced herewith and may be marked as Exhibit R4(g). The project-specific conditions have been stipulated to comprehensively mitigate the identified adverse environmental and ecological impacts across the pre-construction, construction, and operation phases, and to ensure effective monitoring, compliance, and adaptive management.

20. Since the tenure of the Authority (SEIAA) expired on 02.03.2024, the project proposal could not be placed before the Authority for consideration. Thereafter, a request was received from the Project Proponent, vide email dated 10.03.2025, seeking transfer of the project proposal to the Ministry of Environment, Forest and Climate Change (MoEF&CC) for further decision. In pursuance of the said request, the proposal was duly forwarded to MoEF&CC as envisaged under Office Memorandum F.No.IA3-22/10/2022-IA. III(E177258) of MoEF Government of India dated 02.08.2023, which prescribes the procedure for consideration of a category (B) Project, in the absence of a duly constituted SEIAA/SEAC. After deliberations, the Expert Appraisal Committee (EAC) of MoEF&CC issued Ext.P21 EC for the proposal vide proceedings dated 17.06.2025."

6. An additional statement filed on behalf of the 4th respondent on 10.12.2025 clarifies as follows:

1. The above Writ Petition is filed challenging the grant of Exhibit P21 Environmental Clearance for the construction of Two-Lane Road Tunnel for providing direct connectivity between Anakkampoyil-Kalladi-Meppadi in Kozhikode and Wayanad districts. The contentions of the petitioner in paragraph 41 of the Writ Petition was that, the 2nd respondent has not stated in its 283rd meeting is to be considered as Category B and that the general condition provided under the Schedule II EIA Notification stipulates that in projects specified in Category B will be treated as Category A if located in whole or in part within 5 km from the boundary of (I) protected area notified under the Wildlife (Protection) Act, 1972, (ii) critically polluted area as notified by the Central Pollution Control Board from time to time, (iii) Eco Sensitive Areas as notified under Section 3 of the Environment (Protection) Act, 1986 etc. and that it is an admitted fact that the area falls within Eco Sensitive Area and the tunnel project ought to have been appraised by the 2nd respondent and not by the 5th respondent. Though, this was denied by the 4th respondent in



2025:KER:96569

paragraph 23 of the counter affidavit filed by him, the document obtained as required under Note 2 to the table containing list of projects or activities requiring prior Environmental Clearance, was not produced by inadvertent omission. In fact, the Principal Chief Conservator of Forests (Wildlife) and Chief Wildlife Warden Kerala through letter No.KFDHQ/4091/2021/CWW-WL4 dated 09.06.2022 had offered his comments stating that the project does not pass through any of the protected area. A true copy of the aforesaid letter No.KFDHQ/4091/2021/CWW-WL4 dated 09.06.2022 is produced herewith and may be marked as Annexure- I.

2. In fact, Annexure - I was issued in response to a letter from the Deputy Chief Engineer, Konkan Railway, Thiruvananthapuram, the Special Purpose Vehicle, through letter No.CO/PD-I/NP/AKMTR/01-2019/09-03 dated 29.09.2021 whereby a request was made before the Principal Chief Conservator of Forest (Wildlife) & Chief Wildlife Warden, Kerala to review the map submitted and indicated the comments towards proceedings with prior Environmental Clearance. A true copy of the letter No.CO/PD-I/NP/AKMTR/01-2019/09-03 dated 29.09.2021 along with a map prepared showing the project alignment is produced herewith and may be marked as Annexure - II.

3. Similarly, the proposal No.IA/KL/INFRA1/458848/2024 which was submitted as answer to the queries made by MoEF in Annexure - II is produced herewith and may be marked as Annexure - III. Entry No: 26 therein would clearly show that though the project falls within 10 Kms of Nilgiri Biosphere Reserve, no other protected natural habitats (National Parks/Wildlife Sanctuary/other protected areas under Wildlife (Protection) Act, 1972 are situated within 15 km radii of the project tunnel road.

4. Similarly, in the application filed at the first instance in Form 1 under Appendix-I to the Environment Impact Assessment Notification, 2006 dated 14.09.2016, the project proponent had wrongly shown this project to be included under Category A in Exhibit P10. Later by a corrected application submitted by the Secretary, Public Works Department it was corrected as neither falling under A or B since the proposed road is neither category as NH/SH by CEPWD who suggested that the road may be categorized as State Highway once the construction is over (vide Entry No. 6). A true copy of the corrected application submitted by the Secretary to the Government, Public Works Department, Government of Kerala is produced herewith and may be marked as Annexure - V.

7. Counter affidavits on similar lines have also been filed on behalf of the 5th respondent State Level Environmental Impact Assessment Authority and the 8th respondent M/s.Konkan Railway Corporation Ltd.

8. We have heard Sri.Prakash M.P., the learned counsel for the petitioners, Sri.B.Pramod, the learned Central Government Counsel for respondents 1 and 2, Sri.K.Gopalakrishna Kurup, the learned Advocate General and Sri.C.E.Unnikrishnan, the learned Special Government



2025:KER:96569

Pleader for respondents 3, 4 and 6, Sri.M.P.Sreekrishnan, the learned Standing Counsel for the 5th respondent, Sri.Millu Dandapani, the learned counsel for the 7th respondent and Sri.T.C.Krishna, the learned counsel for the 8th respondent.

9. At the very outset, we might set out the basic premise that must guide us in the exercise of our power of judicial review especially in matters requiring a balance between human development needs and environmental protection. Public opinion, national policy, economic growth and sustainable development are all intrinsically linked and a balance has to be struck without divorcing one from the other. A suitable policy decision has to be taken in such matters by those entrusted with the task under the regulatory Statute. For its part, the Court, in exercise of its powers of judicial review, must ordinarily be concerned only with the manner in which the policy decisions have been taken. Accordingly, unless the policy framed is absolutely capricious, unreasonable and arbitrary and based on the mere *ipse dixit* of the executive authority or is invalid as violative of the constitutional or statutory mandate, the court's interference is not called for **[G. Sundarrajan v. Union of India and Others - [(2013) 6 SCC 620]]**. Over the years, however, our jurisprudence has seen the contours of judicial review being expanded and the concept of 'heightened scrutiny' being brought in to check executive action in matters concerning the fundamental rights of the people. The introduction of the principle of "proportionality" into the ambit of judicial review enables courts to examine the rationality of



2025:KER:96569

particular state actions, that have the propensity to affect the fundamental rights of citizens, and determine whether the choice of action by the State Executive is “justified”, and if so, whether such action is proportionate to the deprivation of an affected person's fundamental rights. In other words, the court examines whether the extent of deprivation of the fundamental right of a citizen is excessive when compared to the object sought to be achieved through the State action, and ensures that only so much of the fundamental right is deprived as is necessary for achieving the justified object. Our jurisprudence has thus seen a shift from a 'culture of authority' to a 'culture of justification' whereby citizens are seen entitled to ask not merely whether the decision in question was taken by a person with authority, but to probe further and seek justification for the said decision. In fact, a survey of precedents from other jurisdictions such as the United Kingdom also reveals that modern day exercise of judicial review is not based on an artificial distinction between cases that do, and do not involve rights, fundamental or otherwise, but is preceded by a determination of the justificatory burden cast upon the decision maker while taking a decision that affects the interest of a citizen. The reviewing court must then decide the extent to which, in its adjudicatory role, it ought to defer to the decision maker's own assessment when deciding whether that burden has been discharged **[KP v. Secretary of State for Foreign, Commonwealth & Development Affairs - [2025 EWHC 370 (Adm)]]**.



10. In the context of environmental litigation in India, we have now to take into account the provisions of the National Green Tribunal Act, 2010 also which provides for a specialised forum – The National Green Tribunal - to deal with and dispose cases relating to environmental protection and conservation of forests and other natural resources including enforcement of any legal right relating to environment and giving relief and compensation for damages to persons and property and for matters connected therewith or incidental thereto. In matters involving a scrutiny of technical aspects that inform a decision of a regulatory authority, this court would ordinarily relegate a litigant to the said specialised forum so that a more meaningful and effective resolution of his grievance can be attempted at the said forum.

11. Analyzing the contentions put forth by the learned counsel for the petitioners in the light of the above principles that guide the exercise of our power of judicial review, we find that there is no material produced before us to suggest that the 7th or 8th respondents did not have the scientific expertise or competence to undertake the EIAS or subsequent implementation of the project that was expected of them. At any rate, the study conducted by them was only to provide the foundational facts to support an application for Environmental clearance to be submitted by the project proponents before the statutory authorities under the Environment (Protection) Act. The Scheme of the Environment (Protection) Act read with the Environment Impact Assessment notification clearly suggests that there are multiple tiers through which a



2025:KER:96569

proposal for Environmental clearance must travel before the project is finally granted such clearance. In the instant case, the averments in the counter affidavits filed on behalf of the Central Government and the State Government, which are extracted *in extenso* above, clearly reveal the detailed exercise that was undertaken while considering the application preferred by the project proponents for Environmental clearance before eventually granting the same. The conditions specifically incorporated in the Environmental clearance certificate also reveal the safeguards that have been put in place by the regulatory authorities while granting the Environmental clearance. The multi-tiered scrutiny by scientific experts effectively ensures that the factors relevant to striking a balance between human development needs and environmental safeguards have been duly taken into account while granting Environmental clearance to the project.

12. We also do not find any merit in the apprehension of the petitioners as regards the *bona fides* of the recommendation of the SEAC at the fag-end of its sanctioned term. A perusal of the recommendation clearly reveals that the circumstances which led to a rejection of its earlier recommendation at the hands of the CEAC were considered *in extenso* by the SEAC and it was only thereafter that the revised recommendation was made. Further, it was not obligatory for the CEAC to accept the said recommendation of the SEAC and, in fact, the CEAC did not mechanically accept the recommendation made by the SEAC. It is also significant that although there was no final notification that



2025:KER:96569

notified Ecologically Sensitive Areas [ESAs] in the State, the SEAC and the CEAC took note of the villages notified as ESAs in the draft notification dated 31.07.2024 [Ext.P5] and followed the procedure of getting the project assessed by the CEAC by treating it as a Category 'A' project as mandated by the General Conditions appended to the EIA notification.

13. The CEAC, in their report, also required the project proponent to adopt additional safety measures to address specific situations that could arise during the implementation of the project. These additional measures eventually found their way into the clearance granted, as conditions for the grant thereof. Thus, a hierarchy of expert bodies scrutinized the application for Environmental clearance against the backdrop of the concerns raised by the public who were reeling from the aftershock of a devastating landslide and only thereafter was Environmental clearance granted for the project. We do not think that the expert bodies under the Statute were unmindful of the gravity of the responsibility cast upon them while discarding their statutory functions under the Environment (Protection) Act and the EIA notification. The unambiguous averments in the counter affidavits filed before us on behalf of the Central and State Governments leads us to assume that they were not.

14. The other contention raised by the petitioners with regard to the categorisation of the project and its consideration as a Category 'A'



2025:KER:96569

project for the purposes of grant of Environmental clearance is also baseless. When the EIA notification specifies various categories of projects pursuant to a classification of the same, what has to be seen is whether the instant project of construction of a Twin Tube Unidirectional Tunnel Road would merit classification as a 'Highway construction project' or as a 'Building construction project'. We would think that in matters of classification, the entry that offers the most specific description should be preferred over the one that offers a general description. Accordingly, we do not find any illegality in the action of the statutory authority in classifying a project as a Highway construction project and placing it under Category 'B' in accordance with Sl.No.7(f) of the Schedule to the EIA notification. We also find that, taking note of the proximity of the project to wildlife habitats and ecologically sensitive areas, the statutory authorities had categorized the project under Category 'A' and processed the application as such as mandated by the EIA notification. Thus, the application for Environmental clearance was ultimately scrutinized and processed in the channel applicable for Category 'A' projects by the CEAC.

15. On a holistic consideration of the materials before us therefore, we do not find any procedural lapse having been occasioned by the statutory authorities while granting Environmental clearance to the project in question. As for the scientific aspects of the case, we have already indicated that the jurisdiction exercised by us in these matters does not enable us to question the scientific wisdom informing the



2025 : KER : 96569

decision of expert bodies appointed under the Statute, and any dispute in relation to such matters must be adjudicated before the National Green Tribunal. We therefore dismiss this writ petition as devoid of merit, without prejudice to the right of the petitioners to approach the National Green Tribunal in the event of any fresh cause of action arising during the implementation of the project in question.

Before parting with this case, we wish to make a few observations with regard to the accountability that is expected from the statutory regulatory authorities in environmental litigation. As has already been discussed above, in Public Interest Litigations that come before this Court, especially in environmental matters, this Court in the exercise of its power of judicial review often resorts to a heightened review of State action when the fundamental rights of the citizens are at stake. However, there are myriad instances, as in the present case, where the merits of a decision taken by a regulatory authority under the Environment (Protection) Act and Rules can be ascertained only by a person having scientific expertise. In such cases, the role of the reviewing court has necessarily to be limited to merely ensuring that the decision of the statutory authorities has been taken after strict compliance with the procedure prescribed for the same under the Statute. As for the scientific aspects of the decision concerned, the court has necessarily to defer to the wisdom of the statutory authorities who are persons entrusted with such statutory duties because of their expertise in the respective areas of scientific knowledge. Such deference by a reviewing



2025:KER:96569

court, even while it is otherwise exercising a 'heightened scrutiny judicial review' imposes a corresponding 'heightened responsibility and accountability' on the statutory authorities concerned for it is their assurance as regards the merit of their decision and the justification thereof, that persuades a reviewing court to not interfere with their decision in judicial review proceedings. In the instant case, we expect the State Executive to bear in mind the public accountability that is expected of them and monitor the project diligently at every stage of its implementation by according primacy to the considerations of safety of its people. The State Executive shall also ensure that the assurances regarding the benefits, including employment opportunities accruing to the people of Wayanad through the implementation of the project, on the basis of which the Environmental clearance was granted to the project, are duly complied with, and the expectations of the said people duly respected, while implementing the project. The learned Advocate General assures us that the State Executive will honour its assurances to the people of Wayanad. Taking note of the above, we dismiss this writ petition.

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

Sd/-
JOBIN SEBASTIAN
JUDGE

prp/



2025:KER:96569

APPENDIX OF W.P(PIL) NO.90 OF 2025PETITIONERS ANNEXURES:

Annexure 1	RESOLUTION OF THE 1ST PETITIONER
Annexure 2	COPY OF THE BYE LAW
Exhibit P1	S.O 984(E) DATED 03.03.2022 ISSUED BY THE 1ST RESPONDENT
Exhibit P2	REPORT OF THE CENTRE FOR EARTH SCIENCE STUDIES, JULY, 2009
Exhibit P3	COPY OF THE REPORT OF THE 16TH COMMITTEE ON ENVIRONMENT OF THE KERALA LEGISLATIVE ASSEMBLY
Exhibit P4	LETTER NO. 13-06/2024-NDM-I DATED 30.12.2024 OF THE 1ST RESPONDENT
Exhibit P5	RELEVANT PAGES OF ESA NOTIFICATION DATED 31.07.2024 ISSUED BY THE 1ST RESPONDENT
Exhibit P6	COPY OF THE PROCEEDINGS DATED 30.06.2015 OF THE DDMA, WAYANAD
Exhibit P7	COPY OF FORM NO. A SUBMITTED BY THE 6TH RESPONDENT FOR STAGE I FOREST CLEARANCE
Exhibit P8	COPY OF STAGE I FOREST CLEARANCE DATED 31.03.2023 ISSUED BY THE 1ST RESPONDENT
Exhibit P9	COPY OF O.M DATED 11.04.2022 ISSUED BY THE 1ST RESPONDENT
Exhibit P10	COPY OF FORM I APPLICATION SUBMITTED BY THE 6TH RESPONDENT SEEKING EC
Exhibit P11	RELEVANT PORTION OF THE EIA STUDY REPORT
Exhibit P12	COPY OF THE RELEVANT PORTION OF THE MINUTES OF THE 162ND MEETING OF THE 5TH RESPONDENT HELD ON 02.04.2024
Exhibit P13	COPY OF THE RELEVANT PORTION OF THE MINUTES OF THE 163RD MEETING OF THE 5TH RESPONDENT HELD ON 18.04.2024
Exhibit P14	COPY OF THE RELEVANT PORTION OF THE MINUTES OF THE 166TH MEETING OF THE 5TH RESPONDENT HELD ON 11-13.06.2024
Exhibit P15	COPY OF THE RELEVANT PORTION OF THE MINUTES OF THE 173RD MEETING OF THE 5TH RESPONDENT HELD ON 06.11.2024
Exhibit P16	COPY OF THE RELEVANT PORTION OF THE MINUTES OF THE 179TH MEETING OF THE 5TH RESPONDENT HELD ON 11-13.02.2025



2025:KER:96569

Exhibit P17	COPY OF THE THE MINUTES OF THE MEETING OF THE 5TH RESPONDENT ON AGENDA ITEM 179.05 HELD ON 11-13.02.2025
Exhibit P18	COPY OF THE MINUTES OF THE 181ST MEETING OF THE 5TH RESPONDENT HELD ON 01.03.2025
Exhibit P19	COPY OF THE RELEVANT PORTION OF THE MINUTES OF THE 397TH MEETING OF THE 2ND RESPONDENT HELD ON 04.04.2025
Exhibit P20	COPY OF THE RELEVANT PORTION OF THE MINUTES OF THE 401ST MEETING OF THE 2ND RESPONDENT HELD ON 14-14.05.2025
Exhibit P21	COPY OF THE ENVIRONMENTAL CLEARANCE DATED 17.06.2025 ISSUED BY THE 1ST RESPONDENT
Exhibit P22	COPY OF THE REPRESENTATION DATED 30.09.2024 SUBMITTED BY THE 1ST PETITIONER TO THE RESPONDENTS 1 AND 3
Exhibit P23	COPY OF THE REPRESENTATION OF THE 1ST PETITIONER DATED 20.11.2024 SUBMITTED TO THE 1ST RESPONDENT
Exhibit P24	COPY OF THE NEWS ARTICLE APPEARED IN THE HINDU DAILY DATED 18.08.2025

RESPONDENTS EXHIBITS:

Exhibit R4(a)	True copy of the relevant pages of the Report evidencing the credentials of the 7th respondent
Exhibit R4(b)	True copy of the relevant portion of the report which gives the details of functional experts of the 7th respondent
Exhibit R4(c)	True copy of the Comprehensive Environmental Impact Assessment (CEIA) Report, the applicant, viz. the Public Works Department (PWD), duly undertaken ownership of the CEIA Report prepared by the 7th respondent.
Exhibit R4(d)	True copy of the evaluation of the Environmental Impact Assessment (EIA) Report dated 01.04.2024.
Exhibit R4(e)	True copy of the Field Inspection Report dated 22.05.2024
Exhibit R4(f)	True copy of the Evaluation Reports received from each sectoral expert of the Sub Committee SEAC dated 12.02.2025, 13.02.2025 and 24.02.2025
Exhibit R4(g)	True copy of the minutes of the SEAC dated 01.03.2025
Exhibit R4(h)	True copy of the letter No. KFDHQ/H091/2021/CWW - WL4 dated 09.06.2022 of



2025:KER:96569

	the Principal Chief Conservator of Forests (Wildlife) and Chief Wild Life Warden Kerala
Exhibit R4(j)	True copy of the documents evidencing the agreement between the project proponent and the 8th respondent
Exhibit R4(k)	True copy of the main report with regard to Detail Project Report (DPR)
Exhibit R4(l)	True copies of the documents made available to State Expert Appraisal Committee (produced in a pendrive)
Exhibit R4(m)	True copy of the 166th meeting of SEAC dated 11th to 13th of June 2024
Exhibit R4(i)	True copy of the EIA Notification S.O. No. 1533(E) dated 14.09.2006
Exhibit R8(a)	True copy of the notification dated 29.12.2023
Exhibit R8(b)	True copy of the alignment sketch
Exhibit R7-a	The list of persons involved in the Comprehensive EIA study of the project
Exhibit R7-c	The minutes of the meeting held on 11.12.2023 in Wayanad District and 13.12.2023 held in Kozhikode District
Exhibit R7-d	A true copy of the report
Exhibit R7-e	A true copy of the conditions issued by the 1st Respondent dated 17.06.2025
Exhibit R7-b	Biodata of Dr.KunjupillaiSoman highlighting his qualifications and expertise and experience

PETITIONERS EXHIBITS:

Exhibit P25	COPY OF LETTER NO. KRAIL/R/P/25/343/3774 DATED 31.10.2025 OF THE 8TH RESPONDENT
Exhibit P26	COPY OF G.O (MS) NO. 10/2022/PWD DATED 25.02.2022

RESPONDENTS EXHIBITS:

Exhibit R5(a)	A true copy of the 158th meeting, a Sub-Committee of the SEAC undertook a detailed evaluation of the Environmental Impact Assessment (EIA) Report, and its Evaluation Report
Exhibit R5(b)	The true copy Field Inspection Report dated 22.05.2025
Exhibit R5(c)	The Sub-Committee, SEAC, that conducted the field verification reviewed these documents



2025:KER:96569

	and furnished a detailed evaluation report
Exhibit R5 (d)	The true copy of the standard general conditions applicable to construction projects and the project-specific conditions
Exhibit R1 (a)	The Stage-I approval letter dated 31.03.2023
Exhibit R1 (b)	The clarification sought by Regional office of MoEF and CC, Bengaluru
Exhibit R1 (c)	The letter dated 25.06.2025
Exhibit R1 (d)	The information submitted by the State Government dated 29.09.2025
Exhibit R1 (e)	A copy of the 397th EAC minutes of the meeting dated 23.04.2025
Exhibit R1 (f)	A copy of the 401st EAC minutes of the meeting dated 27.05.2025
Exhibit R1 (g)	A copy of the EC dated 17.06.2025
Annexure II	True copy of the letter No. CO/PD-I/NP/AKMTR/01- 2019/09 03 dated 29.09.2021 along with a map prepared showing the project alignment
Annexure III	True copy of Proposal No. IA/KL/INFRA1/458848/2024 which was submitted as answer to the queries made by MoEF in Annexure - II
Annexure IV	True copy of the corrected application submitted by the Secretary to the Government, Public Works Department, Government of Kerala
Annexure I	True copy of the letter No. KFDHQ/4091/2021/CWW-WL4 dated 09.06.2022 from the Principal chief conservator of forests (Wildlife) and Chief Wildlife Warden Kerala

//TRUE COPY//

P.S. TO JUDGE