



2025:KER:56665

WP(C) NO. 44868 OF 2024

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR. NITIN JAMDAR

&

THE HONOURABLE MR.JUSTICE BASANT BALAJI

WEDNESDAY, THE 30TH DAY OF JULY 2025 / 8TH SRAVANA, 1947

WP(C) NO. 44868 OF 2024

PETITIONER/S:

- 1 PRADEEP KUMAR P.
AGED 65 YEARS
S/O. KANDAN MASTER, 21/188, SAMATHA, KANNANKARA
P.O., CHELANNUR, KOZHIKODE, PIN - 673616
- 2 RAJAN K
AGED 63 YEARS
S/O. CHANDUKUTTY, 21/212, KUNNATH MEETHAL,
KANNANKARA P.O., CHELANNUR, KOZHIKODE, PIN - 673616
- 3 SUDHEER KUMAR P.
AGED 58 YEARS
S/O. CHANDUKUTTY, 21/139, PURAYIL MEETHAL,
KANNANKARA P.O., CHELANNUR, KOZHIKODE, PIN - 673616
- 4 SURESH KUMAR P.
AGED 63 YEARS
S/O. KANDAN, 21/167, PADINJARAYIL, KANNANKARA P.O.,
CHELANNUR, KOZHIKODE, PIN - 673616
- 5 DAISAMMA J.
AGED 55 YEARS
W/O. STEPHEN P.U., 21/190, MUKKATH, KANNANKARA
P.O., CHELANNUR, KOZHIKODE, PIN - 673616
- 6 SHIJU LAL
AGED 49 YEARS
S/O. GANGADHARAN, 21/122, MEETHE PEEDIKAYIL,
KANNANKARA P.O., CHELANNUR, KOZHIKODE, PIN - 673616



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- 7 **BAVITHA T.K.**
AGED 42 YEARS
W/O. VINOD KUMAR, 21/196, PADINJARAYIL, KANNANKARA
P.O., CHELANNUR, KOZHIKODE, PIN - 673616
- 8 **GIRIJA VALLABHAI**
AGED 62 YEARS
W/O. SADANANDAN, 21/148B, PURAYIL, KANNANKARA P.O.,
CHELANNUR, KOZHIKODE, PIN - 673616
- 9 **SREEJA M.**
AGED 55 YEARS
W/O. MANOHARAN, 21/149B, PURAYIL, KANNANKARA P.O.,
CHELANNUR, KOZHIKODE, PIN - 673616
- 10 **PRAKASHAN V.K.**
AGED 52 YEARS
S/O. KRISHNANKUTTY NAIR, 21/63, DARSHANAM,
KANNANKARA P.O., CHELANNUR, KOZHIKODE, PIN - 673616
- 11 **ARUN A.**
AGED 38 YEARS
S/O. MOHANDAS, 21/229, ATHULI, KANNANKARA P.O.,
CHELANNUR, KOZHIKODE, PIN - 673616
- 12 **M P KUTTAPPAN**
AGED 70 YEARS
S/O. CHENDAN NAIR, 21/204, MEETHALE POYIL,
KANNANKARA P.O., CHELANNUR, KOZHIKODE, PIN - 673616
- 13 **RADHAKRISHNAN M.P.**
AGED 76 YEARS
S/O. RARICHAN, 21/184, MEETHALE POYIL, KANNANKARA
P.O., CHELANNUR, KOZHIKODE, PIN - 673616
- 14 **I. BALAKRISHNAN**
AGED 72 YEARS
S/O. ANDIKUTTY, 21/451, ERIYATT, KANNANKARA P.O.,
CHELANNUR, KOZHIKODE, PIN - 673616
- 15 **MANOJ KUMAR P.**
AGED 53 YEARS
C/O. SOUMINI, 21/187, DEVAGEETHAM, KANNANKARA P.O.,
CHELANNUR, KOZHIKODE, PIN - 673616
- 16 **JAYAPRAKSHAN N.**



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AGED 59 YEARS
S/O LATE GOPALAN NAIR, 21/179A, MEETHALE POYIL,
KANNANKARA P.O., CHELANNUR, KOZHIKODE, PIN - 673616

17 SUBHASH CHANDRABOSE
AGED 55 YEARS
S/O. SREEDHARAN, 21/205, KIZHAKKE KUNNATH,
KANNANKARA P.O., CHELANNUR, KOZHIKODE, PIN - 673616

18 JIJEESH P.
AGED 53 YEARS
S/O. KANARAN, 21/144A, KIZHEKKEPURAYIL, KANNANKARA
P.O., CHELANNUR, KOZHIKODE, PIN - 673616

19 SARATH M.P.
AGED 37 YEARS
S/O. RADHAKRISHNAN, 21/184, MEETHALE POYIL,
KANNANKARA P.O., CHELANNUR, KOZHIKODE, PIN - 673616

20 NIDIN M.
AGED 27 YEARS
S/O. DAMODARAN THIRUTHIYIL, 21/63A, KRISHNA
ARUVAKKAL THAZHAM, KANNANKARA P.O., CHELANNUR,
KOZHIKODE, PIN - 673616

21 ASWIN T.V.
AGED 25 YEARS
S/O. SREEDHARAN, 21/172, THAZHATHU VEETIL,
KANNANKARA P.O., CHELANNUR, KOZHIKODE, PIN - 673616

22 ARJUN K.M.
AGED 28 YEARS
S/O. PRAKASHAN K.M., 21/170, KIZHEKKEDATH MEETHAL,
KANNANKARA P.O., CHELANNUR, KOZHIKODE, PIN - 673616

23 JEEVAN P. STEPHEN
AGED 30 YEARS
S/O. STEPHEN P.U., 21/190, MUKKATH, KANNANKARA
P.O., CHELANNUR, KOZHIKODE, PIN - 673616

24 AJINTH C
AGED 26 YEARS
S/O. BABA P., 21/201, CHENGUMMAL, KANNANKARA P.O.,
CHELANNUR, KOZHIKODE, PIN - 673616

25 ABHINAND B.S.



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**AGED 27 YEARS
S/O. SIVADASAN, 21/437, KONGAT, KANNANKARA P.O.,
CHELANNUR, KOZHIKODE, PIN - 673616**

**BY ADVS.
SRI.VINOD SINGH CHERIYAN
SRI.T.M.KHALID
SMT.K.P.SUSMITHA
SHRI.JESWIN JAMES
SRI.P.B.SAHASRANAMAN**

RESPONDENT/S:

- 1 STATE OF KERALA
REPRESENTED BY THE CHIEF SECRETARY, GOVERNMENT
SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001**
- 2 THE DISTRICT COLLECTOR
KOZHIKODE, CIVIL STATION, ERANHIPPALAM, KOZHIKODE,
PIN - 673020**
- 3 THE REVENUE DIVISIONAL OFFICER (RDO)
CIVIL STATION, ERANHIPPALAM, KOZHIKODE, PIN -
673020**
- 4 THE DISTRICT GEOLOGIST
DISTRICT OFFICE, DEPARTMENT OF MINING & GEOLOGY,
THE BAY END FLOOR, 'C' BLOCK OF CIVIL STATION,
KOZHIKODE, PIN - 673020**
- 5 THE VILLAGE OFFICER
CHELANNUR VILLAGE, CHELANNUR, KOZHIKODE, PIN -
673616**
- 6 NATIONAL HIGHWAYS AUTHORITY OF INDIA
G5 & G6, SECTOR 10, DWARKA, NEW DELHI, PIN - 110075**
- 7 THE KERALA STATE POLLUTION CONTROL BOARD
PATTOM, THIRUVANANTHAPURAM, REPRESENTED BY ITS
MEMBER SECRETARY, PIN - 695004**
- 8 M/S WAGAD INFRA PROJECTS PRIVATE LIMITED
PAYYOLI, AYYANIKKAD DESOM, IRINGAL, QUILANDY,
KOZHIKODE, PIN - 673521**



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- 9 **GIREESH**
 S/O. CHANDUKUTTY KURUP, KOLATHORATH VEEDU,
 KANNANKARA AMSOM DESOM, CHELANNUR VILLAGE,
 KANANKARA P.O., CHELANNUR, KOZHIKODE, PIN - 673616
- 10 **THE STATION HOUSE OFFICER**
 KAKKOOR POLICE STATION, KAKKOOR P.O., KOZHIKODE,
 PIN - 673613
- 11 **THE SECRETARY**
 MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE,
 INDIRA PARYAVARAN BHAVAN, JORBAGH, ALIGANJ, NEW
 DELHI - 110 003. ADDL.R11 IS SUO MOTU IMPEADED AS
 PER ORDER DATED 03/04/2025 IN WP(C) 44868/2024.
- 12 **THE SECRETARY TO GOVERNMENT**
 INDUSTRIES (A) DEPARTMENT, SECRETARIAT,
 THIRUVANANTHAPURAM
- 13 **THE DIRECTOR**
 DIRECTORATE OF MINING AND GEOLOGY, KESAVADASAPURAM,
 THIRUVANANTHAPURAM. ADDL.R12 & R13 ARE SUO MOTU
 IMPEADED AS PER ORDER DATED 30/05/2025 IN WP(C)
 44868/2024.

BY ADVS.

SHRI.LEJO JOSEPH GEORGE
SRI. T.NAVEEN SC, KERALA STATE POLLUTION CONTROL
BOARD,
SHRI.MATHEWS K. UTHUPPACHAN
SHRI.ATUL MATHEWS
SHRI.B.RAHUL KRISHNAN

V. TECHCHAND-SR.GP,
B.G BIDAN CHANDRAN-SC
T.NAVEEN, SC, KERALA POLLUTION CONTROL BOARD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 30.07.2025, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

JUDGMENT

Dated this the 30th day of July, 2025

NITIN JAMDAR, C.J.

This Public Interest Litigation highlights the absence of ways to inform the authorities when the excavation of hill slopes exceeds the permissible limits posing threat of slope destabilization.

2. The Petitioners are residents of Chelannur Panchayath, Kozhikode. The Respondents are the District Collector, Revenue Officers, District Geologist, National Highway Authority of India, the Kerala State Pollution Control Board, and the contractor engaged by the National Highway Authority.

3. The petition was filed alleging that soil extraction is being carried out in connection with the construction of the National Highway from Kasaragod to Thiruvananthapuram, where soil was extracted beyond the permissible limits altering the hill topography and causing severe environmental damage with the risk of landslides. The excavation carried out on the hill has affected an area having more than 100 residents with schools and temples nearby and also polluting the river. The District Geologist visited the site and submitted a report stating that the conditions of the quarrying permit were violated. The Geologist submitted a report on 4 December 2024 cautioning that there is now a high possibility of the bund falling down during heavy rains and flooding the nearby roads and houses. The Petitioners filed this petition seeking directions to



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immediately halt the unscientific excavation of excessive soil and to implement adequate safety measures, including slope stabilization, to prevent further harm to the residents.

4. When the petition came up on board on 18 December 2024, considering the communication of the Geologist to the District Collector, the responsibility was placed on the District Collector to ensure that there is no breach of legal provisions and permissions, and if so, to take necessary action. Thereafter, as per the order dated 4 February 2025, a memo along with the report of the District Collector was filed stating that, based on the communication from the Geologist, necessary steps were being taken to ensure that the quarrying activities are within the permissible limits. As regards the unscientific and excessive extraction of soil, it was noted that continuous monitoring would be required to ensure that the licence holders do not exceed the quarrying activities beyond the permit granted to them. It is placed on record that the complaints of the Petitioners were addressed, and the necessary precautionary measures were implemented under the supervision of the Engineers.

5. These steps were taken by the authorities after the damage had taken place. Had the authorities taken the action in time, the damage could have been avoided. Therefore, the issue arose for consideration is the feedback mechanism for the residents in cases of urgency. The Petitioners pointed out that when the hill cutting or excavation for roads takes place on hill slopes, residents of the area, in case of emergency, do not have any authority to contact as any delay will be fatal. On this point, the State of



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Kerala, the Ministry of Environment, Forest and Climate Change, and the Kerala State Pollution Control Board were directed to address the Court on the onsite monitoring mechanism and the means of giving complaints by the local residents and the measures for immediate intervention by the authorities.

6. Rule 10(i) of the Kerala Minor Mineral Concession Rules, 2015 (Rules of 2015) prescribes putting up a board with contact details and that refers to the conditions on which the quarrying permits shall be granted. Rule 10(i) of the Rules of 2015 reads as under:

“10. Conditions on which quarrying permit shall be granted.-- Every quarrying permit, except for ordinary earth, under Rule 9 shall be granted subject to the following conditions, namely:-

XXXXXXX

(i) (i). The permit holder shall erect a notice board in Malayalam at a prominent place with a minimum size of 1 metre X 1.5 metres in a metallic board near to the entrance of the quarry to the effect that it shall contain the name and address of the permit holder, mineral concession number and date, the mineral to be extracted, permit number and date and its date of expiry, quantity of extraction permitted (if applicable), area of extraction permitted, explosives used (if any), etc;

(ii). The permit holder shall erect a warning board with danger sign regarding operation of the quarry 100 metres away by the side of the road leading to it;”



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Rule 10 states that the permit holder shall erect a notice board in Malayalam at a prominent place in metallic board near to the entrance of the quarry. Since the concessionaire would be the permit holder under Rule 10 of the Rules of 2015, the National Highway Authority of India was directed to place on record whether the agreement entered into between the National Highway Authority and the concessionaire contains any such specific obligation to put up a board at a prominent place.

7. The learned counsel for the National Highway Authority of India has tendered an affidavit sworn by the Project Director placing on record a sample concessionaire agreement to demonstrate that the term of the agreement contains a clause that the concessionaire will undertake or perform all such acts as may be necessary in accordance with this agreement and applicable law and permits. The learned counsel for the National Highway Authority of India submitted that this would include compliance with Rule 10(i) of the Rules of 2015 which mandates the erection of a metallic board near to the entrance of the quarry displaying the relevant contact numbers.

8. The learned counsel for the Petitioners however pointed out that, if the quarrying activities for the National Highways Authority of India are carried out along the stretch of a road, the stipulation of erecting a metallic board near to the entrance of the quarry is unworkable. The learned counsel for the National Highway Authority of India accepted this position and upon instructions suggested that a metallic board containing the information stipulated under Rule 10(i) of the Rules of



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2015 can be erected at regular intervals along the stretch of the road, as may be determined and found necessary. We find this suggestion and the stand of the Authority to be appropriate.

9. The next issue is whose details be given on the board. The main concern emphasised by the Petitioners during the hearing was their inability to immediately contact the concerned authority or person in the event of an emergency. The learned Senior Government Pleader suggested that the contact details of the Geologist could be displayed. However, it was pointed out that normally the Geologist will not be stationed in proximity to the site where the work is being carried out and may not be in a position to respond in case of an emergency. The learned counsel for the National Highway Authority of India pointed out that Project Implementation Units are set up for the area and suggested that the details of the officer in-charge of the Project Implementation Unit, such as the contact number, e-mail address and other means of communication, can be displayed on boards placed at regular intervals along the stretch of the road where the quarrying activities are being carried out. In our opinion, this initiative would at least provide the residents of the area an opportunity to contact the relevant person in case of any emergency.

10. Proceeding on the suggestions made by the learned counsel for the Petitioners, the learned Senior Government Pleader, and the learned counsel for the National Highway Authority of India, and the requirement of Rule 10(i) of the Rules of 2015, we dispose of this petition accepting the statement of the National Highway Authority of India that it will issue



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necessary instructions to the concessionaire, either by way of a separate communication or by incorporating the stipulation into the agreement, to erect metallic boards at regular intervals as specified along the stretch of road where quarrying activities are being carried out. These boards will display the details required under Rule 10(i) of the Rules of 2015, as well as the contact information of the officer in-charge of the Project Implementation Unit of the National Highway Authority of India for the relevant area and steps will be taken as per law to incorporate this stipulation in its future agreements where the contract is of a similar nature.

11. The writ petition is accordingly disposed of in above terms.

Sd/-

**NITIN JAMDAR,
CHIEF JUSTICE**

Sd/-

**BASANT BALAJI,
JUDGE**

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APPENDIX OF WP(C) 44868/2024

PETITIONER EXHIBITS

- Exhibit P1** TRUE COPY OF THE PHOTOGRAPH OF THE SOIL EXCAVATION SITE
- Exhibit P2** TRUE COPY OF THE LETTER DATED 16.05.2024 (NO.E-1949/2023) SENT BY EXECUTIVE ENGINEER, PIU (PROGRAM IMPLEMENTATION UNIT) - PMGSY TO THE RESPONDENT NO. 2 WITH ENGLISH TRANSLATION
- Exhibit P3** TRUE COPY OF THE LETTER DATED 04.10.2024 SENT BY PMGSY TO RESPONDENT NO. 8 WITH ENGLISH TRANSLATION
- Exhibit P4** TRUE COPY OF THE COMPLAINT DATED 25.10.2024 FILED BY URALUNGAL LABOUR CONTRACT CO-OPERATIVE SOCIETY LTD TO RESPONDENT NO. 10 ALONG WITH RECEIPT
- Exhibit P5** TRUE COPY OF THE COMPLAINT DATED 25.10.2024 FILED BY THE AGGRIEVED RESIDENTS TO RESPONDENT NO. 10 WITH ENGLISH TRANSLATION
- Exhibit P6** TRUE COPY OF THE COMPLAINT DATED 21.11.2024 FILED BEFORE RESPONDENT NO. 2 BY THE RESIDENTS ASSOCIATION WITH ENGLISH TRANSLATION
- Exhibit P7** TRUE COPY OF THE REPRESENTATION ALONG WITH RECEIPT DATED 30.11.2024 MADE TO THE RESPONDENT NO. 3 BY THE RESIDENTS ASSOCIATION WITH ENGLISH TRANSLATION
- Exhibit P8** TRUE COPY OF THE REPRESENTATION MADE TO RESPONDENT NO. 5 BY THE PETITIONERS DATED 30.11.2024 WITH ENGLISH TRANSLATION
- Exhibit P9** TRUE COPY OF THE REPORT SUBMITTED BY RESPONDENT NO. 4 TO RESPONDENT NO. 2 DATED 4.12.2024 WITH ENGLISH TRANSLATION

RESPONDENT EXHIBITS

- Exhibit R1(a)** True copy of G.O (P) No.14/2022/ID dated 10.08.2022
- Exhibit R1(d)** True copy of the letter No.DOKOZ-DMG/1627/2023-M dated 27.12.2024 with English Translation
- Exhibit R1(b)** A true copy of the report no. DOKOZ-DMG/16272023-M with English



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Translation dated 04.12.2024

- Exhibit R1(c) True copy of the compliance report dated 23.12.2024 with English Translation
- Exhibit R4(a) True copy of the G.O(P) no.14/2022/ID dated 10.08.2022
- Exhibit R4(b) The Office Memorandum of Ministry of Environment forest and Climate change dated 08.08.2022
- Annexure R7(a) True copy of the relevant pages of the Notification No. S.O. 1533(E) dated 14-9-2006 issued by the Ministry of Environment and Forests, Govt. of India.
- Annexure R7(b) True copy of the Office Memorandum, F.No. 3-70/2020-IA.III (141127) dated 8-8-2022 issued by the Environment, Forests and Climate Change, Govt. of India.
- Annexure R7(c) True copy of the Office Memorandum, F. No. 3-70/2020-1A.III (141127) dated 12-7-2023 issued by the Ministry of Environment, Forests and Climate Change, Govt. of India.
- Annexure R7(d) True copy of the Office Memorandum, F. No. 3-70/2020-1A.III (141127) dated 21-8-2023 issued by the Ministry of Environment, Forests and Climate Change, Govt. of India.
- Annexure R7(e) True copy of the Communication No. KSPCB/02/2024-SEE-1 dated 3-2-2024 issued by the Chairperson of the Kerala State Pollution Control Board.
- Annexure R7(f) True copy of the Notification No. S.O. 1223 (E) dated 17-3-2025 issued by the Ministry of Environment, Forests and Climate Change, Govt. of India.
- Annexure R6(a) relevant terms of the Concessionaire Agreement dated 31.3.2025 (Article 10 to Article 14) between NHAI and Azhiyur Vengalam Roaad Private Limited