

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN
&
THE HONOURABLE MRS. JUSTICE M.B. SNEHALATHA
Thursday, the 13th day of February 2025 / 24th Magha, 1946
WP(C) NO. 31236 OF 2023(S)

PETITIONER:

ASSOCIATION OF GREEN ACTION FORCE,
REPRESENTED BY ITS SECRETARY,
SHIBU MANUEL, THAIPARAMBIL DOOR NO. 393,
WARD 17, UDYOGAMANDAL, ELOOR SOUTH,
ERNAKULAM - 683 501.

RESPONDENTS:

1. UNION OF INDIA, REPRESENTED BY THE SECRETARY, MINISTRY OF ENVIRONMENT FOREST, CENTRAL SECRETARIAT, NEW DELHI - 110 001.
2. STATE OF KERALA, REPRESENTED BY CHIEF SECRETARY, SECRETARIAT, THIRUVANANTHAPURAM - 695 001.
3. THE SECRETARY, KERALA POLLUTION CONTROL BOARD, PATTOM PALACE P.O., THIRUVANANTHAPURAM - 695 004.
4. THE MEMBER SECRETARY, CENTRAL POLLUTION CONTROL BOARD, PARVESH BHAWAN, EAST ARJUN NAGAR, NEW DELHI - 110 032.
5. HINDUSTAN INSECTICIDES LTD., UDYOGAMANDAL, ELOOR, REPRESENTED BY ITS CHAIRMAN, UDYOGAMANDAL P.O., ERNAKULAM - 683 501.
6. FERTILIZERS AND CHEMICALS TRAVANCORE LTD., UDYOGAMANDAL DIVISION, REPRESENTED BY ITS CHIEF MANAGING DIRECTOR, UDYOGAMANDAL P.O., ERNAKULAM - 683 501.
7. M/S COCHIN MINERALS AND ROUTILES LTD., EDAYAR, ALUVA, KERALA, REPRESENTED BY ITS MANAGING DIRECTOR, EDAYAR P.O., ERNAKULAM - 683 502.
8. THE DISTRICT COLLECTOR, CIVIL STATION, KAKKANAD, ERNAKULAM - 682 030.
9. THE SUPERINTENDING ENGINEER, IRRIGATION DEPARTMENT, ADDL. IRRIGATION SUB DIVISION OFFICE, TOWN HALL ROAD, PWD QUARTERS, PERIYAR NAGAR, ALUVA - 683 101.

ADDL.R 10 IMPEADED SUO-MOTU

10. ELOOR MUNICIPALITY, REPRESENTED BY ITS SECRETARY,
ELOOR FERRY ROAD, UDYOGAMANDAL, ELOOR, PIN - 683 501

ADDL.R 10 IMPEADED SUO-MOTU AS PER ORDER DATED 30.11.2023 IN WP(C)

Writ petition (civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to

i) Stay the excavation work of 9th respondent in Kuzhikandom creek, till the disposal of the above Writ Petition (C).

ii) Call for action taken report from the 2nd respondent pursuant to Exhibit P6 order, for the ends of justice.

This petition again coming on for orders upon perusing the petition and the affidavit filed in support of WP(C), this Court's order dated 29/01/2025 and upon hearing the arguments of M/S. A.X.VARGHESE, A.V.JOJO, B.M.JEEVAN RAJ, & HARISANKAR S, Advocates for the petitioner, SRI.T.C.KRISHNA, DEPUTY SOLICITOR GENERAL OF INDIA-in-CHARGE, for R1, SRI. S.KANNAN, GOVERNMENT PLEADER for R2, R8 & R9, SRI.T.NAVEEN, Standing Counsel for R3, SRI.M.AJAY, Advocate for R4, SRI.GOPIKRISHNAN NAMBIAR, SENIOR ADVOCATE along with M/S. K.JOHN MATHAI, JOSON MANAVALAN, KURRYAN THOMAS, PAULOSE C. ABRAHAM, RAJA KANNAN, Advocates for R5 & R6, M.GOPIKRISHNAN NAMBIAR, K.JOHN MATHAI, JOSON MANAVALAN, KURRYAN THOMAS, PAULOSE C. ABRAHAM, RAJA KANNAN, PRANOY HARILAL & TESIN MATHEW, Advocates for R7, SRI.K.S.ARUN KUMAR, Advocate for R10 and of ADV.ANANTHAKRISHNAN A.KARTHA, AMICUS CURIAE and of the court passed the following:

P.T.0

DEVAN RAMACHANDRAN & M.B. SNEHALATHA, JJ.

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Dated this the 13th day of February, 2025

ORDER

Devan Ramachandran, J.

The Memo dated 11.02.2025 filed by the learned Senior Government Pleader - Sri.S.Kannan, is accompanied by a report of the Additional Chief Secretary of the Government - who is stated to be in charge of the post of Secretary, Department of Environment.

2. The report aforesaid is *qua* the recommendations of the High Level Committee constituted by this Court; and we are, therefore, certain that the contents of the same will have to be scrutinized by that Committee, before we make any comment on it.

3. However, one specific aspect in the report is with respect to the "Kuzhikandam

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Thodu" concerning which, the Government of Kerala appears to be corresponding with the Government of India for either utilizing the existing Effluent Treatment Plant (ETP) owned by Hindustan Insecticides Limited (the operations of which are now stated to be permanently shut down), or to construct a new ETP, for which an extent of 75 cents has been sought from the said company on lease. We, however, see that the Government of India has made no commitment on this yet, though Annexures 2 to 5 letters appear to have been exchanged between them.

4. We have no doubt that if "Periyar" is to be purified to the extent possible, "Kuzhikandam Thodu" will have to be tackled first, if not at the earliest. The Government of India and the Government of Kerala will have to act in consonance, keeping in mind the higher public cause we are concerned about, rather than find

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excuses. While the Government of Kerala says that they have been representing to the Government of India, for either being allowed to utilize the existing ETP, or for construction of a new one in 75 cents of land of HIL, their assertion is that the Government of India has not responded to it.

5. It does not require us to state every time this matter is taken, that it is absolutely unexpendable and imperative for the citizens of Kerala that "River Periyar" run in its cleanest form. We scarcely believe that the Government of India will have a different opinion on this; but it is essential that necessary action is completed quickly and swiftly, rather than allowing it to procrastinate, as it appears to be in the last several years.

6. We say this because, Annexure 2 letter was issued as early as on 29.04.2021 and it rests

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with Annexure 5 dated 17.10.2024; during the three year period of which, nothing happened and nothing has been shown to have done.

7. Sri.T.C.Krishna - learned Deputy Solicitor General of India in charge, submitted that the Government of India is fully aware of the enormity of the situation and is willing to offer full assistance, as may be warranted. However, on the question of allowing the existing ETP of the HIL to be utilized, or with regard to the permission to be given to the Government to take on lease 75 cents of land of the said company, Sri.T.C.Krishna submitted that he will have to obtain specific instructions.

8. We certainly do not mind giving some time to the Government of India to respond; but we surely want them to keep in mind the urgency of the cause.

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We, therefore, issue the following directions:

(a) The Secretary, Government of Kerala, Department of Environment, is hereby directed to convene the meeting of the High Level Committee constituted by this Court urgently, not later than the next two weeks and place the report - produced along with the memo of the learned Senior Government Pleader dated 11.02.2025 - before them. The Committee shall deliberate on the contents of the report and their specific observations/recommendations on each of the aspects therein, including *qua* the "Kuzhikandam Thodu" shall be placed before this Court on or before 14.03.2025.

b) The competent Secretary of the Government of India (which may be the Secretary, Department of Chemicals and Petrochemicals, Ministry of Chemicals & Fertilizers, or any other) is

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directed to forthwith respond to the request of the Government of Kerala, as contained in Annexures 2 and 5 letters of the Government of India dated 29.04.2021 and 17.10.2024, adverting specifically to Annexures 3 and 4 communication of M/s HIL (India) Limited; and take a decision on it, which shall be informed to this Court, through appropriate pleadings, on or before 14.03.2025.

The afore being ordered, we record the submissions of Sri.S.Kannan - learned Senior Government Pleader, that the specific suggestion made by us for the constitution of a Unified Authority for the "River Periyar" is being addressed at the highest level of the Government of Kerala and that necessary response in that regard will also be made available by the next posting date.

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Even though this case will be called only on 14.03.2025, we leave liberty to the parties to seek an earlier hearing if it becomes so warranted for any pressing cause.

Post on 14.03.2025.

Sd/-

DEVAN RAMACHANDRAN
JUDGE



Sd/-

M.B. SNEHALATHA
JUDGE

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APPENDIX OF WP(C) 31236/2023

Annexure 2	True copy of G.O(Rt) No. 479/2021/ID dated 29-04-2021
Annexure 3	True copy of letter No. MTS/KSPCB/2020 dated 21-07-2021
Annexure 4	True copy of letter dated 27-01-2022 from M/s HIL (INDIA) LIMITED
Annexure 5	True copy of letter no. ENVT-B2/240/2017-ENVT dated 27.07.2024, 04.09.2024 and 17.10.2024

