

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
(SOUTHERN ZONE BENCH, CHENNAI)**

ORIGINAL APPLICATION NO.184 OF 2024(SZ)

In the matter of:

Tribunal on its own motion SUO MOTU based on the News Item in The Hindu dt:21.05.2024 titled, "Another mas fish kill in Periyar River in kerala after suspected effluent release".

-VS-

The Principal Secretary to Govt. of kerala
Environment Department and Ors.

----Respondent(s)

**REPORT FILED BY PRINCIPAL SECRETARY, ENVIRONMENT
DEPARTMENT / 1ST RESPONDENT**

Index

S.No	Particulars	Page No.
1.	Report filed by Principal Secretary, Environment Department	1
2.	Annexure - 1 Copy of the Judgement in WP(C) No.996 of 2012 & 9534 of 2020 & 31236 of 2023. Dated:10.06.2024	2 - 9

Dated at Chennai on this the 09th day of January, 2025.

Mr. E.K. Kumaresan
9/1/25

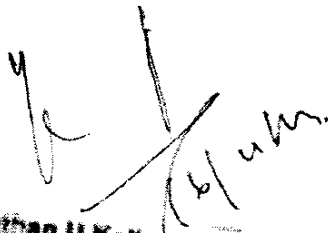
M/s. E.K.KUMARESAN

Standing Counsel for State Government of Kerala - NGT(SZ) Chennai Bench

**Report filed by the Secretary, Environment Department in OA
184/2024, before the Hon'ble National Green Tribunal.**

It is submitted that the Hon'ble High Court of Kerala passed an Order dated 10.06.2024 in WP (C) no. 9534 of 2020 along with WP (C). 31236/2023 and WP(C) 996/2012 directing the formation of a committee consisting of the Secretary, Directorate of Environment and Climate Change, Government of Kerala, the Regional Director, Central Pollution Control Board, Regional Directorate, Bangalore and the Chairman, Kerala State Pollution Control Board. The order dated 10.06.2024 the Hon'ble High Court of Kerala is produced herewith and marked as Annexure 1. The Committee was directed to visit all the places visited by the Amicus Curiae appointed in WP (C) No. 31236 of 2020 and shall ensure that the representatives of the petitioners as well as the learned Amicus Curiae accompany them during such visits. The Hon'ble Court directed that the Committee shall file their report containing the suggestions and action to be taken to curb the pollution in the Periyar river. Consequently, the Committee was formed with the four members comprising (i) Secretary to Government, Environment Department, (ii) Regional Director, Central Pollution Control Board, Regional Directorate, Bangalore (iii) Director, Environment and Climate Change and (iv) Chairperson, Kerala State Pollution Control Board. The Committee filed an interim report on 03.07.2024 before the Hon'ble High Court of Kerala.

It is respectfully reported that the Committee has submitted the final report in the WP(C) Nos 9534 of 2020, 31236 of 2023 and 996 of 2012 to the Hon'ble High Court on 28.10.2024. Copy of the report is produced and marked as Annexure 2. It is respectfully submitted that the matter is under the consideration of the Hon'ble High Court of Kerala.


Dr. Rathan U Kelkar IAS
 Secretary
 Environment Department
 Govt. Secretariat
 Thiruvananthapuram

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE THE CHIEF JUSTICE MR. A.J.DESAI
&
THE HONOURABLE MR.JUSTICE V.G.ARUN

Monday, the 10th day of June 2024 / 20th Jyaishta, 1946
WP(C) NO. 9534 OF 2020(S)

PETITIONER:

K.S.R.MENON, AGED 66 YEARS, S/O.LATE G.K.NAIR,
RESIDING AT: A1 A7, PERIYAR HERMITAGE, COMPANIPADI,
ALUVA, ERNAKULAM, PIN - 683 106, KERALA.

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY CHIEF SECRETARY, THIRUVANANTHAPURAM, PIN - 695 001.
2. THE DISTRICT COLLECTOR, ERNAKULAM, HAVING OFFICE AT DISTRICT COLLECTORATE, FIRST FLOOR-CIVIL STATION, KAKKANAD, ERNAKULAM, PIN - 682 030.
3. KERALA STATE POLLUTION CONTROL BOARD, REP. BY IT'S CHAIRMAN, HEAD OFFICE, PATTOM P.O., THIRUVANANTHAPURAM, PIN - 695 004.
4. CHIEF ENVIRONMENTAL ENGINEER, KERALA STATE POLLUTION CONTROL BOARD, ERNAKULAM, HAVING OFFICE AT MIG AND HIG COLONY, GANDHI NAGAR, ELAMKULAM, ERNAKULAM, PIN - 682 020.
5. ALUVA MUNICIPALITY, REP. BY ITS SECRETARY, OFFICE AT PWD QUARTERS, PERIYAR NAGAR, ALUVA, ERNAKULAM, PIN - 683 101.

ADDITIONAL R6 IMPLEADED

6. THE EXECUTIVE ENGINEER, IRRIGATION DIVISION, KAKKANAD P.O., ERNAKULAM, PIN - 682 030.
ADDL.R6 IS SUO MOTU IMPLEADED AS PER ORDER DATED 10/06/2024 IN WP(C) 9534/2020.

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 direct the respondents 1 to 5 to submit a report before this honourable court as to the discharge of toxic effluents by the nearby industries of Periyar river and from Aluva Market after conducting an inspection and also explaining the measures taken by them to curb the pollution of Periyar river pending consideration of the above writ petition in the interests 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 24/05/2024 and upon hearing the arguments of M/S. MATHEW A KUZHALANADAN, KURIAKOSE VARGHESE, K.R.ARUN KRISHNAN, SUDEEP ARAVIND PANICKER & V.SHYAMOHAN, Advocates for the petitioner, GOVERNMENT PLEADER for R1 & R2 & R6, SRI.NAVEEN T, STANDING COUNSEL for R3 & R4 and of SRI.K.T.THOMAS, STANDING COUNSEL for R5, the court passed the following:

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE THE CHIEF JUSTICE MR. A.J.DESAI
&
THE HONOURABLE MR.JUSTICE V.G.ARUN

Monday, the 10th day of June 2024 / 20th Jyaishta, 1946
WP(C) NO. 996 OF 2012(S)

PETITIONER:

PERIYAR MALINEEKARANA VIRUDHA SAMITHI, JANJAGRATHA, ELOOR DEPOT,
UDYOGAMANDAL-683501, REPRESENTED BY ITS RESEARCH COORDINATOR,
SHRI. PURUSHAN ELOOR, AGED 45 YEARS, S/O. V.V.VELAYUDHAN,
RESIDING AT SANKHYAPURI, ELOOR NORTH.

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY ITS CHIEF SECRETARY, GOVERNMENT OF KERALA, THIRUVANANTHAPURAM-695001.
2. INDUSTRIES AND COMMERCE DEPARTMENT, REPRESENTED BY ITS PRINCIPAL SECRETARY, GOVERNMENT OF KERALA, THIRUVANANTHAPURAM-695001.
3. CHIEF EXECUTIVE OFFICER, KERALA BUREAU OF INDUSTRIAL PROMOTION (K-BIP), KURUP'S LANE, SASTHAMANGALAM, THIRUVANANTHAPURAM-695010.
4. ELOOR MUNICIPALITY, REPRESENTED BY ITS SECRETARY, UDYOGAMANDAL-683501.
5. CHAIRPERSON, ELOOR MUNICIPALITY, UDYOGAMANDAL-683501.
6. CHIEF REGIONAL MANAGER, NATIONAL INSURANCE COMPANY LIMITED, KOCHI REGIONAL OFFICE, 1ST FLOOR, OMANA BUILDING, JEWS STREET, PADMA JUNCTION-682035.
7. CHIEF REGIONAL MANAGER, NEW INDIA ASSURANCE COMPANY LIMITED, KOCHI REGIONAL OFFICE, 2ND FLOOR, YASORAM VICTORIA TOWERS, BANERJI ROAD, KOCHI-682018.
8. KERALA STATE POLLUTION CONTROL BOARD, PLAMOODU JUNCTION, PATTOM PALACE P.O., THIRUVANANTHAPURAM-695004, REPRESENTED BY ITS CHAIRMAN.

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 direct the respondents 1 and 2 to consider and pass orders on Ext.P13 representation made by the petitioner association on behalf of the people of Eloor and to implement the Group Health Insurance Scheme for families in 9 wards of Eloor within a timeframe fixed by this Honourable Court, pending disposal of the above Writ Petition.

P.T.O.

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 21/11/2023 and upon hearing the arguments of M/S. K.K.ASHKAR & SMT.ASHIRA MOHAMED ASHROF, Advocates for the petitioner, GOVERNMENT PLEADER for R1 to R3, M/S. DINESH R.SHENOY, R.V.RAHUL & LIJIN THAMBAN, Advocates for R4, SRI.GEORGE CHERIAN (THIRUVALLA), Advocate for R6, SRI.LAL K.JOSEPH, Advocates for R7 and of SRI. T.NAVEEN, Standing Counsel for R8, the court passed the following:

P.T.O.

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE THE CHIEF JUSTICE MR. A.J.DESAI
&
THE HONOURABLE MR.JUSTICE V.G.ARUN

Monday, the 10th day of June 2024 / 20th Jyaishtha, 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 IMPLEADED SUO-MOTU

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

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

P.T.O.

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 18/01/2024 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.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, KURYAN THOMAS, PAULOSE C. ABRAHAM, RAJA KANNAN, Advocates for R5 & R6, SNEHA RAJIV, Advocate for R7, SRI.K.S.ARUN KUMAR, Advocate for R10 and of ADV.ANANTHAKRISHNAN A.KARTHA, AMICUS CURIAE, the court passed the following:

P.T.O.

A. J. DESAI, C. J. & V. G. ARUN, J.

=====

W. P. (C) Nos. 9534 of 2020, 996 of 2012 & 31236 of 2023

=====

Dated this the 10th day of June, 2024

ORDER

A. J. Desai, C. J.

We have heard the learned counsel appearing for the respective parties. We have also gone through the report submitted by the learned Amicus Curiae and the counter affidavits filed by the parties to the proceedings.

2. Prima facie, we are of the opinion that the Committee constituted pursuant to the order passed by the National Green Tribunal way back in the year 2020 or the Central Pollution Control Board or the Kerala State Pollution Control Board have not taken appropriate steps to curb the pollution in and around Periyar river. The photographs produced by the learned Amicus Curiae along with the report speaks itself as to the extent to which the river is polluted by industrial effluents, which are hazardous to human beings as well the flora and fauna. Therefore, at this stage,

we pass the following order:-

(i) Let a Committee consisting of the Secretary, Directorate of Environment and Climate Change, Government of Kerala, the Regional Director, Central Pollution Control Board, Regional Directorate, Bangalore and the Chairman, Kerala State Pollution Control Board, be formed.

(ii) The Committee shall visit all the places already visited by Mr. Ananthakrishnan A. Kartha, learned Amicus Curiae.

(iii) The Committee shall ensure that the representatives of the petitioners as well as the learned Amicus Curiae accompany them during such visits.

(iv) The Committee shall file their report containing the suggestions and action to be taken to curb the pollution in the Periyar river.

The Executive Engineer, Irrigation Division, Kakkanad P.O., Ernakulam, is suo motu impleaded as additional 6th respondent in W. P. (C) No. 9534 of 2020.

Copy of the order shall be supplied to all concerned.

Post on 03.07.2024.

Sd/-
A. J. DESAI
CHIEF JUSTICE

Sd/-
V. G. ARUN
JUDGE

Eb

BEFORE THE HON'BLE NATIONAL
GREEN TRIBUNAL
(SOUTHERN ZONE BENCH, CHENNAI)

ORIGINAL APPLICATION NO. 184
OF 2024(SZ)

In the matter of:
Tribunal on its own motion SUO
MOTU based on the News Item in
The Hindu dt:21.05.2024 titled,
"Another mas fish kill in Periyar
River in kerala after suspected
effluent release".

-VS-

The Principal Secretary to Govt. of
kerala Environment Department and
Ors.

----Respondent(s)

REPORT FILED BY PRINCIPAL
SECRETARY, ENVIRONMENT
DEPARTMENT / 1ST RESPONDENT

E.K. KUMARESAN,
Standing Counsel for Government
of kerala

No.6, Indian Chambers (SICCI)
Annex Building, Ground Floor,
Esplanade, Chennai - 600 108.

Cell No: 94443 98701