

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI**

O.A.No. 184 of 2024 (SZ)

IN THE MATTER OF

Tribunal on its own motion SUO MOTU based on the News item Published in 'The Hindu', Kochi Edition dt. 21.05.2024 titled, "Another mass fish kill in Periyar River in Kerala after suspected effluent release".

And

The Principal Secretary to Govt. of Kerala,
Environment Department,
Thiruvananthapuram and Ors.

...Respondents

**MEMO FILED ON BEHALF OF KERALA STATE POLLUTION CONTROL
BOARD, 5th RESPONDENT**

It is submitted on behalf of the 5th respondent as follows:

1. This Hon'ble Tribunal took suo motu cognisance of the above matter on 29.05.2024.
2. WP(C) 9534 of 2020 was filed before the High Court of Kerala seeking an order to direct respondents 1 to 5 to submit a report 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. Orders were passed in WP(C) 9534 of 2020, 996 of 2012 & 31236 of 2023 on 10.06.2024 constituting a Committee to look into the matter and file a report. Copy of the Order dated 10.06.2024, Government Order constituting the committee is enclosed along with this memo. A report is being filed in the above matter before the next date of hearing.

Page No.

No of Corrn.::

3. In the meanwhile, IA No. 2 of 2024 was thereafter filed in the above WP(C) bringing into notice of the Court the recent fish kill incident that happened between 20.05.2024 and 21.05.2024. The Hon'ble Court passed an order dated 24.05.2024. The IA and the order dated 24.5.2024 are enclosed herewith.

It is therefore prayed that this Hon'ble Tribunal may be pleased to take on record the memo filed on behalf of the Kerala State Pollution Control Board and thus render justice.

Dated at Ernakulam this the 3rd day of July, 2024



Rema Smrithi VK
Standing Counsel for KSPCB
5th Respondent

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:

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



PROCEEDINGS

(Present: Er. Sreekala S., Chairperson)

Sub: Site Visit and meeting of Committee constituted as per the order of Hon'ble High Court dated 10.06.2024 in W.P.(C) Nos. 9534/2020, 996/2012 & 31236/2023- Officers Nominated- Orders issued

KERALA STATE POLLUTION CONTROL BOARD

No. KSPCB/1078/2024-SEE-1 Thiruvananthapuram

Dated: 21.06.2024

Read: 1. Order of the Hon'ble High Court dated 10.06.2024 in W.P.(C) Nos. 9534/2020, 996/2012 & 31236/2023
2. Letter No. KSPCB/1078/2024-SEE-1 to Amicus Curiae dated 20/06/2024
3. Letter No. KSPCB/1078/2024-SEE-1 to petitioners dated 20/06/2024

ORDER

Vide read (1), the Hon'ble High Court in its order had directed that 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. The committee is directed to visit all the places already visited by Mr. Ananthakrishnan A. Kartha, Amicus Curiae, along with the representatives of petitioners and the Amicus Curie. It is decided to conduct site visit on 24.06.2024 and meeting with stakeholder departments on 25.06.2024 at Collectorate Conference Hall, Ernakulam. The following Officers of the Board are hereby deputed to accompany the committee on 24.06.2024 and meeting on 25.06.2024 at Ernakulam:

1. Er. Bindhu Radhakrishnan, Chief Environmental Engineer, Head Office.
2. Er. Krishnan M. N., Senior Environmental Engineer, Head Office.
3. Er. Pravitha P.K., Assistant Environmental Engineer, Head Office.
4. Sri. Sayooj K. Ullas, GIS Specialist, Head Office.

The officers will be eligible for TA/DA as per KSR. The expenditure in this regard will be met from the head of account – "Non plan- Capacity Building" from current year's budget.


CHAIRPERSON

To

1. Officers deputed.
2. The Accounts Officer/ Administrative officer, Head Office.
3. CA to Chairperson/ Member Secretary/ Chief Environmental Engineer.

Copy to :

CEE, RO, Ernakulam- For necessary arrangements



E-IA NO : IA-202425975

BEFORE THE HONOURABLE HIGH COURT OF KERALA AT ERNAKULAM

IA No _____ Of Year 2024

In

WP(C) No 9534 Of Year 2020

K.S.R.MENON

: APPLICANT / PETITIONER (P1)

Vs

**STATE OF KERALA AND
OTHERS**

: RESPONDENTS/ RESPONDENTS



PETITION FOR ACCEPTING ADDITIONAL DOCUMENTS

FEES PAID & STATUS - 10 (Success)

Sd/-
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V. SHYAMOHAN
K/000824/2006



BEFORE THE HONOURABLE HIGH COURT OF KERALA AT ERNAKULAM

IA No _____ Of Year 2024

In

WP(C) No 9534 Of Year 2020

K.S.R.MENON : APPLICANT / PETITIONER (P1)

V/S

**STATE OF KERALA AND
OTHERS** : RESPONDENTS / RESPONDENTS

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Sd/-
E-VERIFIED
V. SHYAMOHAN
K/000824/2006

BEFORE THE HON'BLE HIGH COURT OF KERALA AT ERNAKULAM**I.A. NO. OF 2024****IN****W.P.(C) NO. 9534 OF 2020**

K. S. R. Menon

...Applicant/Petitioner

Versus

State of Kerala and Others

...Respondents/Respondents

AFFIDAVIT

I, K. S. R. Menon, aged about 70 years, S/o Late G. K. Nair, residing at A1 A7 Periyar Hermitage, Comapanipadi, Aluva, Ernakulam, Kerala- 682016 do hereby solemnly affirm and state as under:

1. I am the Petitioner in the underlying Writ Petition filed in public interest. I am conversant with the facts and circumstances of the case. I am competent to swear to this Affidavit.
2. The underlying Writ Petition was filed, *inter alia*, seeking directions to the Respondemys to take steps for effectively curbing the pollution of Periyar river due to the illegal discharge of toxic effluents by the industries situated and operating in the river banks as well as from Aluva market.
3. Recently, dead fishes were found in large numbers in fish farms across panchayats such as Varapuzha, Kadamakkudy, and Cheranalloor along the banks of the river Periyar. It is submitted that although the cause of the above disaster is yet to be determined by the Kerala State Pollution Control Board, Respondent No. 3, the Petitioners believes that such environmental tragedy could be due to the discharge of toxic effluents by the industries functioning near the banks of river Periyar.
4. In the online news article titled, 'Mass fish death in Periyar river sparks protests in Kochi' dated 22.05.2024 published on Hindustan Times (<https://www.hindustantimes.com/environment/mass-fish-death-in-periyar-river-sparks-protests-in-kochi-101716369639112.html>) it is stated that as per the preliminary

K. S. R.

assumption by the Pollution Control Board, fishes might have died *en masse* due to a sudden and significant decrease in the oxygen level in the water. The District Collector has also directed the Environmental Engineer of the Pollution Control Board to report whether the mass death of fishes was a result of chemical effluents being discharged into the river. A true copy of the online news article titled '*Mass fish death in Periyar river sparks protests in Kochi*' dated 22.05.2024 published on Hindustan Times is produced herewith and marked as **Exhibit P-7**.

5. In another online news article titled '*Another mass fish kill in Periyar River in Kerala after suspected effluent release*' dated 21.05.2024 published on The Hindu (<https://www.thehindu.com/news/national/kerala/another-mass-fish-kill-in-periyar-river-in-kerala-after-suspected-effluent-release/article68198802.ece>), found several dead fishes along the Periyar river stretches. The Pathalam bund was reported to have turned black after shutters of the bund were opened on 20.05.2024, following heavy rain. It is stated that release of effluents from the industrial units upstream and downstream of the Pathalam bund had resulted in such a massive fish kill. The Purushan Eloor, spokesperson of the Periyar Malineekarana Virudha Samithi, has given a statement that in the year 2024 alone, he has seen eight fish kills in Periyar river. The river, it was stated, turned black over 15 times over the last four months. A true copy of the online news article titled '*Another mass fish kill in Periyar River in Kerala after suspected effluent release*' dated 21.05.2024 published on The Hindu is produced herewith and marked as **Exhibit P-8**.
6. It is respectfully submitted that after a lapse of more than four years, the Government/Respondents have not filed any statements or counter affidavit providing the information on the actions taken for curbing the pollution of the Periyar river and/or the restrictions placed on the industries functioning on the banks of the rivers.
7. The counsel for the Applicant had mentioned the matter on 23.05.2024 in the morning. This Hon'ble Court was pleased to direct the Registry of the Hon'ble Court to post the matter along with a note.
8. In view of the above, it is submitted that Exhibit P-7 and Exhibit P-8 are very

K.S.R.

important and vital for the adjudication of the issues involved in the underlying Writ Petition and therefore, it is humbly prayed that the above documents, i.e., Exhibit P-7 and Exhibit P-8 may be admitted in the files of the Writ Petition.

All facts stated above are true and correct.

Dated this the 23rd day of May, 2024.

Deponent

Solemnly affirmed and signed by the deponent who is personally known to me on this the 23rd day of May, 2024 at my office in Ernakulam.

V. Shyamohan

Counsel for the Application



BEFORE THE HON'BLE HIGH COURT OF KERALA AT ERNAKULAM

I.A. NO. OF 2024

IN

W.P.(C) NO. 9534 OF 2020



APPLICANT/PETITIONER

1. K.S.R.Menon,
Aged about 70 years,
S/o Late G.K. Nair
A1 A7, Periyar Hermitage Companipadi,
Aluva, Ernakulam, Kerala- 683016

Versus

RESPONDENTS/RESPONDENTS

1. State of Kerala
Represented by Chief Secretary,
Thiruvananthapuram, Kerala - 695 001.
2. The District Collector, Ernakulam
District Collectorate, First Floor-Civil Station,
Kakkanad Ernakulam, Kerala- 682 030
3. Kerala State Pollution Control Board
Represented by its Chairman
Head Office, Pattom. P.O,
Thiruvananthapuram, Kerala -695004
4. Chief Environmental Engineer
Kerala State Pollution Control Board
Ernakulam
MIG & HIG Colony Gandhi Nagar,
Elamkulam, Ernakulam, Kerala -682020.
5. Aluva Municipality
Represented by its Secretary
Office at PWD quarters,
Periyar Nagar, Aluva Ernakulam, Kerala -683101



**PETITION FILED UNDER RULE 154 OF KERALA HIGH COURT RULES FOR
ACCEPTING ADDITIONAL DOCUMENTS**

For the reasons stated in the accompanying Affidavit, this Hon'ble Court may be pleased to documents, i.e., Exhibit P-7 and Exhibit P-8 may be admitted in the files of the Writ Petition.

Dated this the 23rd day of May, 2024

V. Shyamohan
Counsel for the Applicant



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Mass fish death in Periyar river sparks protests in Kochi

PTI |

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Mass fish death in Periyar river sparks protests in Kochi

HT Hindustan Times

TH HIGH COURT OF

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Kochi, Thousands of dead fish were found floating in the Periyar river, sparking protests from local farmers and residents here on Wednesday.

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They claim that illegal discharge of chemical waste from nearby factories was to blame for the incident.

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Local fish farmers, particularly those involved in cage farming, reported significant losses amounting to several lakhs due to the mass fish deaths.

The dead fish were found in large numbers in fish farms across panchayats such as Varapuzha, Kadamakkudy, and Cheranalloor near here since Tuesday.

The widespread protests prompted the district administration to take action.

District Collector N S K Umesh has ordered the state Pollution Control Board to urgently investigate the cause of the fish deaths, according to official sources.

The government also formed a special committee under the aegis of Fort Kochi Sub-Collector to study the developments and submit a report in this regard within a week, they said.

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Pollution Control Board officials have already collected samples of water and dead fish from the incident site and sent them to the laboratory of the Kerala University of Fisheries and Ocean Studies here for a detailed examination.

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As per the preliminary assumption by the board officials, fish might have died en masse due to a sudden and significant decrease in the oxygen level in the water.

As it is an industrial area, the District Collector also entrusted the environmental engineer of the Pollution Control Board to report whether the mass fish death had happened as a result of chemical effluents being discharged into the river.

CCTV visuals should be examined, and stringent action should be taken against such establishments, if any, at the earliest, the Collector has said.

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State Industries Minister P Rajeeve said on Wednesday that all necessary steps have been taken in this regard to address the concerns of local people.

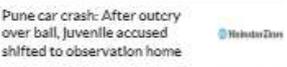
"A committee has been formed to study this, and it has been instructed to submit a detailed report. The water samples were collected and sent to the KUFOS lab for examination," he told reporters here.

It would be revealed during the examination whether the decreasing level of oxygen or the discharge of effluents was the reason for the mass death of fish, he added.

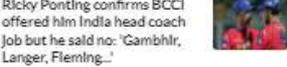
Meanwhile, the local Pollution Control Board office at Eloor here on Wednesday witnessed huge protests by fish farmers, local people, environmental activists and Congress workers.



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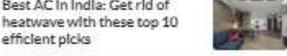


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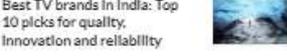
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The main content area features a news article with the headline: "The protesters put dead fish in front of the office and raised slogans against the board officials, alleging they were not taking stringent measures against the factories that allegedly discharge chemical effluents into the River Periyar." The article text is partially obscured by a Zoho Books advertisement that reads: "Make the switch to the future of business accounting. Try for free".

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Another mass fish kill in Periyar River in Kerala after suspected effluent release

Dead fish was found floating on a large-scale on the river from near Pathalam bund and downstream in Ernakulam district

Updated - May 21, 2024 11:07 pm IST Published - May 21, 2024 11:32 am IST - KOCHI

THE HINDU BUREAU



Dead fish found floating on the Periyar river in Ernakulam in Kerala on May 21 morning. | Photo Credit: Special Arrangement

A mass fish kill was reported in the Periyar river on May 20 night following suspected release of effluents from industries in the Eloor-Edayar industrial area in Ernakulam district of Kerala.



Dead fish found floating in a cage farm at Shappukadavu near Cheranalloor in Kochi on Tuesday following suspected release of effluents into the Periyar from industries in the Eloor-Edayar industrial area. | Photo Credit: R.K. Nithin

Dead fish was found floating on a large-scale on May 21 morning from near the Pathalam bund and downstream. Fishermen involved in cage farming in areas such as Cheranalloor reported loss to the tune of lakhs of rupees. River stretches near the Pathalam bund turned black after shutters of the bund were opened on May 20 following heavy rain.

Purushan Eloor, spokesperson of **the Periyar Malineekarana Virudha Samithi**, said the fish kill was reported along the stretch from Pathalam to Panampukadu near Mulavukad. The release of effluents from the industrial units upstream and downstream of the Pathalam bund had resulted in such a massive fish kill. The illegal discharge of effluents was carried out amidst the heavy rain over the last two days. The year 2024 alone has seen eight fish kills in Periyar. The river turned black over 15 times over the last four months, he alleged.

Pollution Control Board blamed

Mr. Purushan blamed the Kerala State Pollution Control Board for its alleged failure to check the illegal discharge of untreated effluents into the river, despite several such incidents in the past.

Despite repeated pleas and submission of evidence related to the illegal drains used to discharge effluents into the river, no concrete action has been taken by authorities. This has emboldened violators to continue with such illegal activities, he said.

Gratus, a resident of Cheranalloor who has been engaged in cage fish farming over the last four years, said he suffered losses to the tune of ₹15 lakh. "I had deposited 'kalanji' and 'karimeen' varieties as part of the farming four months ago. The fish were seen gasping for breath from Monday (May 20) night onwards. The water had a blackish-white colour from Monday night, indicating heavy chemical contamination," he said.

Fishermen in Varapuzha and Kadamakudi staged a protest at the board's office in Eloor demanding action against those responsible for the mass fish kill.

Officials of the Pollution Control Board were not available for comment.

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

Friday, the 24th day of May 2024 / 3rd 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.

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 coming on for orders upon perusing the petition and the affidavit filed in support of WP(C) 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, SRI.NAVEEN T, STANDING COUNSEL for R3 & R4 and of SRI.K.T.THOMAS, STANDING COUNSEL for R5, the court passed the following:

P.T.O.

A.J. Desai, C.J.

&

V.G. Arun, J.

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I.A.No.2 of 2024 &

W.P.(C)No.9534 of 2020-S

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Dated this the 24th day of May 2024

ORDER

A.J. Desai, C.J.

I.A.No.2 of 2024

Allowed.

W.P.(C)No.9534 of 2020

Respondents shall file their counter affidavits on or before 30.05.2024.

Post on 03.06.2024 along with W.P.(C)No.31236 of 2023.

It is needless to say that the respondent authorities shall take immediate steps to prevent such incidents in near future.

Sd/-

**A.J. Desai
Chief Justice**

Sd/-

**V.G. Arun
Judge**

vpv