

**BEFORE THE HONOURABLE NATIONAL GREEN  
TRIBUNAL**

**SOUTHERN BENCH, CHENNAI**

Original Application No.287 of 2024 (SZ)

**IN THE MATTER OF:**

T.V. Rajan,

Kerala and Ors.

:

Applicant(s)

AND

MoEF&CC,

Rep. by the Secretary,

New Delhi and Ors.

:

Respondent(s)

**REPORT FILED BY THE CHIEF ENVIRONMENTAL ENGINEER  
FOR AND ON BEHALF OF THE KERALA STATE POLLUTION  
CONTROL BOARD**



Standing counsel for the 6<sup>th</sup> Respondent in O.A 287 of 2024

**Rema Smrithi. V. K., Advocate**

**Additional Standing Counsel, National**

**Green Tribunal, (SZ), CHENNAI**

**BEFORE THE HONOURABLE NATIONAL GREEN**  
**TRIBUNAL**  
**SOUTHERN BENCH, CHENNAI**

Original Application No.287 of 2024 (SZ)

**IN THE MATTER OF:**

T.V. Rajan,

Kerala and Ors.

:

Applicant(s)

AND

MoEF&CC,

Rep. by the Secretary,

New Delhi and Ors.

:

Respondent(s)

**VOLUME-I**

**INDEX**

<b>Sl.No.</b>	<b>Description</b>	<b>Page</b>
1.	Report filed by the Chief Environmental Engineer for and on behalf of the Kerala State Pollution Control Board	1-16

Dated this the 24<sup>th</sup> day of February, 2024.

**Rema Smrithi. V. K., Advocate**

**Standing Counsel for the 6<sup>th</sup> Respondent in O.A 287 of 2024**

**BEFORE THE HONOURABLE NATIONAL GREEN**  
**TRIBUNAL**  
**SOUTHERN BENCH, CHENNAI**

**Original Application No.287 of 2024 (SZ)**

**IN THE MATTER OF:**

T.V. Rajan,

Kerala and Ors.

:

Applicant(s)

AND

MoEF&CC,

Rep. by the Secretary,

New Delhi and Ors.

:

Respondent(s)

**VOLUME – II**

**INDEX**

<b>Sl.No.</b>	<b>Description</b>	<b>Page</b>
1	<b>Annexure R5(a)</b> – Order of Hon’ble High Court of Kerala dated 12.12.2024	1 – 6
	<b>Annexure R5(b)</b> - Order of Hon’ble High Court of Kerala dated 08.01.2025	7-11
	<b>Annexure R5(c)</b> - Order of Hon’ble High Court of Kerala dated 23.01.2025	12-16
	<b>Annexure R5(d)</b> - Order of Hon’ble High Court of Kerala dated 29.01.2025	17-38

Dated this the 24<sup>th</sup> day of February, 2024.

**Rema Smrithi. V. K., Advocate**

**Standing Counsel for the 6<sup>th</sup> Respondent in O.A 287 of 2024**

**BEFORE THE HONOURABLE NATIONAL GREEN TRIBUNAL**  
**SOUTHERN BENCH, CHENNAI**

**Original Application No.287 of 2024 (SZ)**

T.V. Rajan,

Kerala and Ors.

:

Applicant(s)

AND

MoEF&CC,

Rep. by the Secretary,

New Delhi and Ors.

:

Respondent(s)

**REPORT FILED BY THE CHIEF ENVIRONMENTAL ENGINEER**  
**FOR AND ON BEHALF OF THE KERALA STATE POLLUTION**  
**CONTROL BOARD**

1. I, Baburajan P K, aged 53 years, working as Chief Environmental Engineer, Regional Office, Kerala State Pollution Control Board, Ernakulam. I am competent to and duly authorized to represent the 5<sup>th</sup> respondent in the above application. I know the facts and circumstances of the case. The factual submissions made here under are true and correct to the best of my knowledge, information and belief. In these circumstances, it is just and necessary that this Hon'ble Tribunal may be pleased to accept the accompanying information on file and it is so humbly prayed in the interests of justice in this case.
2. OA 287 of 2024 is regarding pollution of Periyar particularly mentioning the fish kill incident which happened in Eloor, Ernakulam district on 20<sup>th</sup> May, 2024. The same matter is considered by the Hon'ble Tribunal in OA 184/2024, 233/2024 and



234/2024 which are being considered together. In Order dated 14-11-2024 in OA 184/2024, 233/2024 and 234/2024, the Hon'ble Tribunal had stated that "even today, one of the items listed for admission viz., O.A. No.287 of 2024(SZ) relates to the same issue". This respondent had filed two reports in OA 184/2024, 233/2024 and 234/2024. In the first report dated 19-08-2024, it had been reported that the Hon'ble High Court of Kerala had taken up the matter in Writ Petition (Civil) Nos. 9534/2020 along with WP(C) 996/2012 and WP(C) 31236/2023, related to pollution of river Periyar, and that the matter was under the consideration of the Hon'ble High Court. In the second report dated 14-11-2024 this respondent had submitted that the Committee constituted by the Hon'ble High Court in the matter had submitted the final report dated 28-10-2024 before the Hon'ble Court. Copy of the report filed had also been annexed to the report dated 14-11-2024 before the Hon'ble Tribunal. This report is intended to submit the details of the fish kill incident in brief, the Orders of the Hon'ble High Court in the matter as well as the details of regulatory actions taken by the Kerala State Pollution Control Board in controlling pollution of river Periyar.

**Fish Kill incident in river Periyar at Eloor on 20<sup>th</sup> May, 2024**

3. The fish kill occurred in the river Periyar, in the region downstream of Eloor in Ernakulam district in the evening of 20.05.2024. Upon getting information about the incident, the Kerala State Pollution Control Board's surveillance team inspected the site in the evening of 20.05.2024 itself and observed fish floating in the river struggling to breathe. Fishes were found dead in various locations, including Vettukadavu, Eloor Ferry, Cheranalloor, Varapuzha, Kadamakudy, and Kothadu by dawn on 21.05.2024. Samples of water and dead fish were collected from the area where dead fish were found. From the analysis report of the river water samples collected, the Dissolved Oxygen (DO) level in water samples were found to be lower than that required for the survival of the fish. On 20/05/2024, at 3 p.m., three shutters at the Pathalam regulator-cum-bridge had been opened by the Irrigation Department. Water with high organic load and very low Dissolved Oxygen (DO) levels, along with the settled sludge, with biological waste settled at the bottom of the bund causing anaerobic condition upstream of the bund, gushed out through the



3 shutters and mixed up with the saline water at the downstream side of the bund. The situation had become more critical because of high-tide conditions on the downstream side within hours since the shutter was opened. The opening of the Pathalam bund's shutter with the discharge of high organic load has led to depletion in dissolved oxygen (D.O.) levels in the downstream areas. On 20.05.2024, at Vettukadavu, the D.O. concentration dropped from 6.8 mg/L in the morning to 3.2 mg/L at night, within hours after the opening of the shutters. It is presumed that the reduction in DO level is the result of the shutter opening. The reports of the Kerala State Pollution Control Board in the last few years regarding the water quality changes related to the Pathalam regulator were also examined. It has been observed that during the summer months when the bund is closed for a long time, organic wastes reach the river from several residential/commercial areas ultimately deposited at the river bed of the upstream side of the bund.

4. Based on the facts stated above, this fish death is due to the sudden, continuous and strong flow of DO depleted water along with deposited sludge of high organic load that occurred when the bund was opened, which caused the drop of DO in downstream of the bund. It has been observed that the prolonged closure of the shutters in the Pathalam bund for several days results in the accumulation of organic load which subsequently causes depletion of DO levels in the upstream water of the bund.
5. Five industries have been permitted to discharge treated effluent with specified quality into the Periyar River. The other effluent generating industries are treating their effluent and either reusing or disposing of the treated effluent through soak pits. During the inspection on 21.05.2024, no unauthorized discharges were noticed from all the above five industries. However, traces of effluent discharge into the river Periyar were observed from a chicken waste rendering unit namely M/s Alliance Marine Products. Odour nuisance was also experienced. Hence closure order under section 33A of The Water (Prevention and Control of Pollution) Act, 1974 was issued to the afore-said unit on 22.05.2024.



**Writ Petition (Civil No.s 9534/2020 along with WP(C) 996/2012 and WP(C) 31236/2023 before the Hon'ble High Court, report filed by Committee and further Orders of the Hon'ble Court**

6. Immediately after this incident of fish kill. IA No. 2 of 2024 was filed in WP(C) No. 9534 of 2020 before the Hon'ble High Court of Kerala bringing the matter of this fish-kill incident to the notice of the Hon'ble Court. The Hon'ble Court ordered on 24.05.2024 the Kerala State Pollution Control board to file a report on the Fish kill incident. Based on the investigation, preliminary report was filed by KSPCB, before the Hon'ble High Court in Writ Petition (Civil) No.s 9534/2020 along with WP(C) 996/2012 and WP(C) 31236/2023, related to pollution of river Periyar, directed the formation of a Committee to conduct site visits and file their report with recommendations to curb pollution of the river. The committee consisted of the following members.
- i. Secretary to Government, Environment Department
  - ii. Regional Director, Central Pollution Control Board, Regional Directorate, Bangalore
  - iii. Director, Environment and Climate Change
  - iv. Chairperson, Kerala State Pollution Control Board
7. The Committee has submitted the final report in the WP(C) No.s 9534 of 2020, 31236 of 2023 and 996 of 2012 to the Hon'ble High Court on 28.10.2024 which has been already submitted before the Hon'ble Tribunal.
8. In Order dated 12-12-2024 of the Hon'ble Court, it was ordered that the State Government shall file a report "delineating specifically the Authorities who are vested with the responsibilities of the Periyar River; as also the officials who are nominated and appointed as custodians/officers in charge of its being." A copy of the Order dated 12-12-2024 is marked and produced herewith as **Annexure- R5-(a)**. The Government of Kerala had filed the report as called for by the Hon'ble Court. The Hon'ble Court directed vide Order dated 08-01-2025 that "all the authorities who are mentioned in the Memo of the learned Government Pleader dated 07.01.2025, will be held personally responsible as per law for the condition of the Periyar River and if any of them are found to be insouciant in the duties cast upon



them, necessary consequences will follow to the fullest warrant of law". A copy of the Order dated 08-01-2025 is marked and produced herewith as **Annexure- R5-(b)**. Further vide Order dated 23-01-2025, the Hon'ble Court observed that "as a matter of suggestion, various inputs have come from the Bar during hearing- not only from the part of the petitioners, but also from the respondents - that, if it is viable to have an Authority in charge of Periyar River as a whole and not in units, as has now been done, it would bring changes, at least for protection of its future flow. This is something that we also have in mind because, we are aware that in the case of river Ganges, such experiments have borne fruit. Of course, for this, the Government has acme role to play because, while thinking about a dedicated agency or an Authority, as we are now proposing, it will require the Government to offer effective assistance and in formulation of the policy." A copy of the Order dated dated 23-01-2025 is marked and produced herewith as **Annexure- R5-(c)**. In the latest Order, dated 29.01.2025, the Hon'ble Court had directed the Government of Kerala to file an action taken report on the recommendations in the report dated 29-10-2024 of the High Level Committee. A copy of the Order dated 29.01.2025 is marked and produced herewith as **Annexure- R5-(d)**. The matter is pending before the Hon'ble Court.

**REGULATORY ACTIONS OF KERALA STATE POLLUTION CONTROL BOARD IN PREVENTING POLLUTION OF RIVER PERIYAR WITH SPECIAL MENTION ABOUT ELOOR-EDAYAR INDUSTRIAL AREA**

9. Eloor-Edayar area in Ernakulam district is the major industrial area in Kerala where industries are located on either sides of River Periyar in its lower stretches. The Board has taken all necessary steps to ensure safe disposal of all types of wastes from these industries and to facilitate preservation of the river and ambient air and also to redress the overall environmental issues in that area. An office of the Board (Environmental Surveillance Centre) is functioning in Eloor round the clock for continuous monitoring of the industries in the area, laboratory is also attached to the Surveillance Centre. The Board has taken numerous steps as part of keeping surveillance over the industrial area and the river Periyar. The area of monitoring



comprises of Eloor Municipality and Kadungaloor Grama Panchayath. The Eloor municipality area and Kadungaloor Grama Panchayath are situated on the two banks of the River Periyar and the smaller Edamula stream is flowing between Eloor municipality and Kalamassery Municipality. The Environmental Surveillance Center has been equipped with 24 hour functioning surveillance vehicle. Patrolling of the Eloor –Edayar industrial belt is a routine job of the office and the vehicle is utilized for the complaint enquiry also. Industrial samples are taken and tested in the laboratory of ESC Eloor. Some industries are also provided with online effluent monitoring system. The Board has installed sufficient number of surveillance cameras (CCTV cameras) with online recording facility on either bank of River Periyar at strategic points so that any untoward physical change of river water or any illegal discharge into the river from any industries or any dumping of waste can be monitored. The live and recorded details can be viewed from the control room setup in the Environmental Surveillance Center. This has helped the Board, to carry out surveillance activities in the area more effectively. Periyar river water quality is being monitored daily at five stations such as Pathalam Bridge, Pathalam bund (upstream), Pathalam bund (downstream) Vettukadavu (downstream) and Puthalamkadavu. Except the Puthalamkadavu, all the other four stations are in the Eloor (or Edayar) branch of Periyar and Puthalamkadavu Station is in Edamula branch of Periyar. Water samples are taken from the stations daily and tested in the laboratory. Online continuous river water quality monitoring station is installed by the Board at upstream of Pathalam bund, the data from this station is being transmitted continuously to the control room of Board's office. In addition to the online water quality monitoring, under National Water Quality Monitoring Program (NWMP), seven stations in river Periyar are being monitored, among which 5 stations are located at the industrial stretch. Monthly sampling is also done at 12 locations close to the discharge points of industries.

10. Eloor and Edayar are located on the either banks of the river Periyar. Some of the 'Large' scale 'Red' category industries in Eloor-Edayar have either shut down or closed operations permanently in the last several years, which include (i) Binani Zinc (a zinc manufacturing unit), (ii) Sreesakthi Paper Mills (craft-paper



manufacturing unit), (iii) Merchem India Pvt. Ltd. (a chemical industrial unit) and (iv) Hindusthan Insecticides Limited (pesticide manufacturing unit). Now, in Eloor, there are four large scale industrial units generating effluent. They are FACT-UD, FACT-PD, Indian Rare Earths Limited (IREL) and Travancore Cochin Chemical (TCC). There is direct discharge of treated effluent into the river by FACT-UD, FACT-PD and IREL. For TCC, it is reported that the entire effluent is reused in process and irrigation. In Edayar industrial area there are 75 no. of effluent generating industries generating around 1.47 MLD . Out of this 75 units, three units namely Cochin Minerals and Rutile Limited (Large), Sudchemie India Private Limited (Large) and TMS Leathers (Small) are generating 1.21.MLD and having own effluent treatment plant. Large scale units Cochin Minerals and Rutile Ltd (CMRL) and Sudchemie India Private Limited are discharging effluent into river Periyar downstream of Pathalam regulator. The remaining 72 units are generating 1.26MLD of effluent, of which 0.89 MLD is generated by five rubber processing units. These five rubber units are recirculating treated effluent. Remaining 67 medium and small scale units are generating 0.37MLD of effluent and are having own treatment system.

11. Board has taken measures to upkeep the quality of the environment of Eloor area. All the industries are brought under the consent purview of the Board to ensure that they are operated with required pollution control facilities. The consent was issued with various conditions specifying the quality and quantity for the effluent discharge and emissions. Periodical inspections are conducted by Board to these industries as a part of compliance monitoring of the consent conditions. In case of any violations are noticed, actions are taken then and there on the violations noted against such industry. Notices and closure directions are also issued to the industries as and when unauthorized effluent discharge or emissions are noticed. Board also continuously monitors surveillance cameras and in case of any unauthorized discharge found or abnormality, actions were being taken against the violators. Under the compliance monitoring, the compliance of the conditions stipulated in the consent to operate are verified in the field and if any lapses by the units are noticed during enquiry, time bound direction will be given to that particular industrial unit. Industries will be



inspected on based on the category of industries and periodical effluent samples will be collected from the authorized outlets. Since a full-fledged laboratory also is functioning under the district office, follow-up action on the basis of analysis report also can be taken without any delay. The industries which were discharging their treated effluent upstream of the bund were directed to shift the location to the downstream of the bund. As directed by the Board, most of the industries shifted their outlet location to downstream of the bund. At present only one industry (TMS Leather) is having discharge point at the upstream of the bund.

12. Further, it is also reported that, based on the orders of the Hon'ble National Green Tribunal(NGT) in OA 395/2013 and OA 673/2018, action plans for rejuvenation of polluted river stretch of river Periyar has been prepared detailing actions of various departments and agencies. Government is regularly reviewing the progress of the action plan. The action plan prepared in OA 395/2013 and OA 673/2018 contains similar action points for the restoration of the river. It can be seen that even though full implementation as per initial timelines could not be achieved, many important action points have been completed which would curb a few of the earlier existing sources of pollution to the river. The completed actions are listed in **Table 1** given below.

**Table 1 Completed Activities in the action plan prepared in OA 395/2013 and OA 673/2018**

Sl. No.	Activity	Implementing Agency	Remarks
1	Identification of industries/ establishments / commercial complexes /flats /hotels etc. discharging sewage /waste water to the public drain /stream /river /encroachments	Local bodies/KSPCB	Completed
2	a. Legacy waste management b. Solid Waste management	Munnar Grama Panchayat	a. Completed b. 4 TPD windrow plant functional



3	Installation of additional continuous online River water monitoring station	KSPCB	Completed
4	Installation of Night Vision Surveillance Camera at the river bank side	KSPCB	7-night vision cameras installed. A total of 9 cameras were installed for surveillance.
5	Construction of Mini MCF in 20 wards (31 Nos)	Vazhakulam GP	Completed
6	Preventing pollution of Periyar through the pipe installed near upstream of Pathalam regulator leading to Edayattuchal paddy field.	Irrigation Department	Outlet closed
7	Discharge of sewage from the township to the river through drain near Periyar Hotel shall be stopped.	Aluva municipality	Outlets are closed and fines are imposed on the violators
8	Construction of retaining wall with HDPE liner at Kalamassery dumping yard to prevent the leachate discharge from the yard to Thoombungal thodu.	Kalamasery municipality	Completed

**Completed activities for Solid & Liquid waste management (RRF, MCF, Haritha Karma Sena, community and institutional facilities, CSTP, FSTP etc.)**

<b>Sl o n o</b>	<b>Urban Local Body</b>	<b>Completed activities for solid &amp; Liquid waste management (RRF, MCF, Haritha karma sena, community and institutional facilities etc.)</b>
-----------------------------	-----------------------------	---



  
**BABURAJAN P.K.**  
 Chief Environmental Engineer

1	Kochi Corporation	<p>HKS-797, MCF- 23, RRF-4 (Kaloor, Padiyath, Edappally and Mattancherry), Total no. of bins in the Thumboormuzhi -32  50 TPD BSF Plant* 2 =100 TPD construction completed and 2 plants are functional from 8th March 2024.  FABBCO Agency Plant processing started 25 TPD  Zigma Agency Processing started 12 TPD  150 TPD CBG (BPCL plant) site clearing activities going on, the draft agreement of this project was submitted by BPCL and it was given for legal vetting, the relevant consents are to be provided by the Government of Kerala through single window clearance. For clearance, a letter was sent to the Honourable Principal Secretary for necessary action. Bio-mining working in progress: 2 lakh MT stabilised, approximately 99965MT waste processing completed and about 11,108.15MT RDF dispatched to cement factories.  100 KLD FSTP @ Brahmapuram (existing),100 KLD FSTP @ Willington Island.  5 MLD at Elamkulam with septage treatment facility at Kochi, Ernakulam  0.75 MLD STP owned by GCDA, International Stadium, Kaloor  0.45 MLD STP owned by GCDA, Marine Drive, Kochi</p>
2	Thripunithura	<p>HKS-94, Mini MCF- 5 (Functional) 7( Non functional), MCF -1, Total no. of bins in the Thumboormuzhi -43</p>
3	Aluva	<p>HKS-30, MCF -1 (functional) 1(non functional), Mini MCF- 4, Total no. of bins in the Thumboormuzhi -10</p>
4	Kalamassery	<p>HKS-64, MCF -2, RRF-1, Total no. of bins in the Thumboormuzhi - 4, No. of Functional Community Level Biogas Plants in the LSGI- 6, In LULU Mall 3 numbers of OWC ( Organic Waste Converter) are functioning. 5 Biogas plants are functioning at the CUSAT campus. Credai Bins are also functioning in Flats under ULB  10 kld STP at Kalamassery Market.</p>
5	Eloor	<p>HKS-28, MINI-MCF -32(functional), MCF- 3, Total no. of bins in the Thumboormuzhi-56.</p>



6	Angamaly	HKS-39, Mini MCF-22, MCF -1, Total no. of bins in the Thumboormuzhi -9,1 ETP Capacity 25000L/day at the market for liquid waste management.
7	Perumbavoor	HKS-39, Mini MCF - 4 (Functional) 1 (Non Functional), MCF -1, RRF-1, Total no. of bins in the Thumboormuzhi -16, No. of Functional Community Level Biogas Plants in the LSGI-1.
8	North Paravoor	HKS-46, MCF -2, Mini MCF - 21 (Functional)
9	Kodungallur	HKS-85, Mini MCF-40, MCF -5, RRF-2, Total no. of bins in the Thumboormuzhi -82
10	Kattappana	HKS-61, MCF -1 (Functional) 1(Non Functional) , Total no. of bins in the Thumboormuzhi -11

*Abbreviations used: HKS-Haritha Karma Sena (Govt. agency doing door-to-door collection of waste), MCF- Material Collection facility, RRF-Resource Recovery Facility, CSTP- Common Sewage Treatment Plant, FSTP= Fecal Sludge Treatment Plant.*

13. Inspection of industries located in the Eloor-Edayar industrial area are being carried out by the Kerala State Pollution Control Board as part of regular compliance monitoring. Periodic sampling is done in effluent-generating industries and based on any non-compliance found, letters/ notices/ orders/ directions are issued to the non-complying industries. Details of actions under various statutes taken against industries in Eloor-Edayar industrial area during the period from April 2024 to January 2025, are tabulated below.

Sl. No.	Name of the Industry	Date of Visits	Letter / Notice/ Direction issued based on non- compliance with consent conditions	Present status and details of Letter / Notice/ Direction
---------	----------------------	----------------	--	--



				<b>issued based on non-compliance</b>
1	M/s.BIOCON ORGANICS PVT. LTD.	29.07.2024, 04.09.2024, 09.10.2024, 19.10.2024, 28.10.2024, 02.12.2024	Closure Order (under Section 33A of the Water Act and section 31A of the Air Act) issued;	Closure order revoked after verifying the rectification of non compliances
2	M/s.NATIONAL INDUSTRIES	04.09.2024, 28.10.2024	Closure Order (under Section 33A of the Water Act and section 31A of the Air Act) issued.	Closure order revoked after verifying the rectification of non compliances
3	M/s.NELKADIR BONE.	04.09.2024, 28.10.2024	Closure Order (under Section 33A of the Water Act and section 31A of the Air Act) issued;	Unit is closed as per the direction from the Board
4	M/s.YEOMAN BONE AND ALLIED	04.09.2024	Closure Order (under Section 33A of the Water Act and section 31A of the Air Act) issued.	Closure order revoked after verifying the rectification of non compliances
5	M/s.JKS INDUSTRIES	17.08.2024, 28.09.2024	Closure Order (under Section 33A of the Water Act and section 31A of the Air Act) issued;	Rectification completed.



  
**BABURAJAN P.K.**  
 Chief Environmental Engineer

6	M/s. SUNRISE TSR FACTORY	17.08.2024, 28.09.2024, 21.10.2024, 17.01.2024	Closure Order (under Section 33A of the Water Act and section 31A of the Air Act) issued;	Rectification completed. Further action dropped.
7	M/s.MAHAVEE R RUBBER	17.08.2024	Closure Order (under Section 33A of the Water Act and section 31A of the Air Act) issued;	Rectification completed. Further action dropped.
8	M/s.ESSAR ENTERPRISES	16.08.2024	Closure intention notice issued (Section 33A of the Water Act and section 31A of the Air Act) ;	Rectification completed. Further action dropped.
9	M/s.SIYA ENTERPRISES	17.08.2024, 28.09.2024, 21.10.2024	Closure intention notice issued (Section 33A of the Water Act and section 31A of the Air Act) ;	Rectification completed. Further action dropped.
10	M/s.FIVE STAR INDUSTRIES	17.08.2024	Closure intention notice issued (Section 33A of the Water Act and section 31A of the Air Act) ;	Rectification completed. Further action dropped.
11	M/s.FORMAL TRADE LINKS LLP	17.08.2024	Closure intention notice issued (Section 33A of the Water Act and section 31A of the Air Act) ;	Rectification completed. Further action dropped.



  
**BABURAJAN P.K.**  
 Chief Environmental Engineer

12	M/s.GIJAS RUBBERS	17.08.2024	Closure intention notice issued (Section 33A of the Water Act and section 31A of the Air Act) ;	Rectification completed. Further action dropped.
13	M/s. PANCHAMI AGRO	17.08.2024	Closure intention notice issued (Section 33A of the Water Act and section 31A of the Air Act) ;	Rectification completed. Further action dropped.
14	M/s.RUBBER O MALABAR	17.08.2024	Closure intention notice issued (Section 33A of the Water Act and section 31A of the Air Act) ;	Rectification completed. Further action dropped.
15	M/s.ARISTO STEEL FABRICATORS		Closure intention notice issued (Section 33A of the Water Act and section 31A of the Air Act) ;	Unit not operational now and rectification progressing



  
**BABURAJAN P.K.**  
Chief Environmental Engineer

16	M/s.HI POWER INDUSTRIES	16.08.2024, 20.12.2024, 03.11.2024	Closure intention notice issued (Section 33A of the Water Act and section 31A of the Air Act) ;	Rectification completed. Further action dropped.
17	M/S. ORGANO FERTILIZERS	04.09.2024, 16.11.2024	Closure intention notice issued (Section 33A of the Water Act and section 31A of the Air Act)	Action under processing
18	M/s.ALPHA CRUMB RUB	16.12.2024, 21.10.2024, 16.01.2024	Closure intention notice issued (Section 33A of the Water Act and section 31A of the Air Act) ;	Directions not complied. Action under processing.
19	M/s.EXELON HI FABS		Closure intention notice issued (Section 33A of the Water Act and section 31A of the Air Act) ;	Rectification progressing. Verification under processing.
20	M/s.MAHINDRA LOGISTICS		Closure intention notice issued (Section 33A of the Water Act and section 31A of the Air Act) ;	Rectification completed. Verification under processing.
21	M/s.ASIATIC PRODUCTS		Closure intention notice issued (Section 33A of the Water Act and section 31A of the Air Act) ;	Directions not complied. Action under processing.



14. It is respectfully submitted that this respondent Board is fully aware of its responsibilities to prevent the pollution of River Periyar and is diligently executing its duties as a regulatory body, as evident from the submissions made above. It is humbly submitted that the Hon'ble High Court of Kerala has seized of the matter, as explained in detail in the previous paragraphs, and the matter is under active consideration of the Hon'ble Court.

All the facts stated above are true to the best of my knowledge, information and belief.

Dated this the 24<sup>th</sup> day of February, 2025.



  
**BABURAJAN P.K.**  
Chief Environmental Engineer

Baburajan P.K.  
Chief Environmental Engineer

IN THE HIGH COURT OF KERALA AT ERNAKULAM  
PRESENT  
THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN  
&  
THE HONOURABLE MRS. JUSTICE M.B. SNEHALATHA

Thursday, the 12<sup>th</sup> day of December 2024 / 21st Agrahayana, 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)

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 01/11/2024 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, SMT. SNEHA RAJIV, Advocate for R7, SRI.K.S.ARUN KUMAR, Advocate for R10, ADV.ANANTHAKRISHNAN A.KARTHA, AMICUS CURIAE and of GOVERNMENT PLEADER, the court passed the following:

P.T.O.

**DEVAN RAMACHANDRAN & M.B.SNEHALATHA, JJ.**

-----  
**W.P.(C)No.996/2012, 9534/2020, 31236/2023 & 23741/2024**  
-----

Dated this the 12<sup>th</sup> day of December, 2024

**O R D E R**

Devan Ramachandran, J.

These Writ Petitions have been listed before us for the first time today; though we are aware that the earlier Benches were trying their best to address a very important issue as far as the city of Kochi, if not the State of Kerala, is gripping, namely, the alleged pollution of the Periyar River.

2. We find that there are several reports on record; but it is virtually without contest among the stakeholders and parties that even today, the river runs polluted. It is not our province to identify the perpetrators or the guilty and then take action, as the petitioners and others urge us to do; but to ensure that the Authorities vested with the custodianship of the river do what they are expected to do.

3. Interestingly, there is lack of clarity as to which Authorities are vested with responsibilities on the river; as also who/which entity, can be designated as the custodian of the river. The learned Government Pleader says that it may be Government, but he seeks time to verify and inform this Court.

4. We reiterate that the resolve of this Court is to ensure that the river runs pure, to the extent possible. However, we are not to police the activities on the river since, there are competent Authorities/officials who are entrusted with such responsibilities.

5. *Prima facie*, if the river is still polluted – without us saying so at the moment affirmatively – then it means that someone is not doing their job properly. Certainly, it is for us to verify why it is so, and to rectify it within the ambit of the jurisdiction vested in us.

6. Clean water, clean air and livable spaces, are not merely human rights, but fundamental rights within the purlieu of Article 21 of the Constitution of India. The Periyar river

quenches the thirst of many cities and towns, particularly that of Kochi; and therefore, there is an added responsibility on the Authorities to ensure that it is kept clean.

7. We are aware of the concern of the learned counsel for the petitioners, that there were incidents in the river which led to mass destruction of aquarian life, especially fish; and obviously, if it is true, it is a worriment which the Authorities ought to have dealt with quickly. Of course, when we say so, we are cognizant that there are reports on file which claim such actions; but the question remains as to how effective it has been, even on this date.

8. Most of the issues are, therefore, in the factual arena, rather than forensic and legal issues. Since all the stakeholders unequivocally concede that common good is in the Periyar River being kept clean and pure, we do not see this litigation to be adversary in nature.

We, therefore, adjourn these matters to be called on 19.12.2024, for the learned Government Pleader to file a report

WP(C)996/12 & connected

4

delineating specifically the Authorities who are vested with the responsibilities of the Periyar River; as also the officials who are nominated and appointed as custodians/officers in charge of its being.

Sd/-

**DEVAN RAMACHANDRAN, JUDGE**



Sd/-

**M.B.SNEHALATHA, JUDGE**

RR

IN THE HIGH COURT OF KERALA AT ERNAKULAM  
PRESENT  
THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN  
&  
THE HONOURABLE MRS. JUSTICE M.B. SNEHALATHA

Wednesday, the 8<sup>th</sup> day of January 2025 / 18th pousha, 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)

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 12/12/2024 & 19/12/2024 and upon hearing the arguments of M/S. A.X.VARGHESE, A.V.JOJO, B.M.JEEVAN RAJ, & HARISANKAR S, Advocates for the petitioner, 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, KURVAN THOMAS, PAULOSE C. ABRAHAM, RAJA KANNAN, Advocates for R5 & R6, M.GOPIKRISHNAN NAMBIAR, K.JOHN MATHAI, JOSON MANAVALAN, KURVAN 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.O.

**DEVAN RAMACHANDRAN & M.B. SNEHALATHA, JJ.**

=====  
WP(C) Nos.996/2012, 9534/2020, 31236/2023 &  
23741 of 2024

=====  
Dated this the 8<sup>th</sup> day of January, 2025

**ORDER**

**Devan Ramachandran, J.**

Read order dated 12.12.2024.

2. This Court has already made clear the forensic strategy that we propose to adopt in these cases. However, we are not sure if the Authorities really understood our intent properly because, in the last more than a month, we do not see any perceptible action, except some reports having been filed.

3. The learned Government Pleader has filed a Memo today, specifying the Authorities who are in charge of the various attributes of the Periyar River.

4. As we have already said in our afore-referred order, our intention is not to administer the Periyar River, but to ensure that it is kept clean. Obviously, therefore, if it is not so and is not running to the standards stipulated, then it can only construe that some Authority or the other, if not all, are lacking and wanting in their duties. Indubitably, this will lead to criminal consequences and personal liability being fastened.

5. It is without requirement for expatiation that every citizen

wants Periyar to run clean because, it is their primary source of water, at least for the city of Kochi and its neighbourhood.

6. But, before we go forward, we must record that the learned *Amicus Curiae* in a connected matter, namely W.P.(C) No.23911/2018 - which is being heard by one of us (Justice Devan Ramachandran), in a roster assigned with specific reference to the rejuvenation of the Thevara-Perandoor canal - brings to our notice that the said canal reaches the Periyar through the "Chittur puzha" and perhaps is also a cause for concern because, the same remains polluted in spite of various orders.

7. We have no doubt that if this is so, then the above-mentioned writ petition should also be heard by this Bench - subject to such permission being granted by the Hon'ble the Chief Justice; because, eventually, we are all concerned about the manner in which Periyar requires to be maintained.

8. In the afore circumstances, we put on notice all the Authorities who are mentioned in the Memo of the learned Government Pleader dated 07.01.2025, that they/it will be held personally responsible as per law for the condition of the Periyar River and if any of them are found to be insouciant in the duties cast upon them, necessary consequences will follow

to the fullest warrant of law.

9. We also direct the Registry to obtain necessary orders from the Hon'ble Chief Justice, to list W.P.(C) No.23911/2018 and connected matters, along with this case.

List on 10.01.2025.

H/o

Sd/- DEVAN RAMACHANDRAN,  
JUDGE



Sd/- M.B. SNEHALATHA,  
JUDGE

stu

IN THE HIGH COURT OF KERALA AT ERNAKULAM  
PRESENT  
THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN  
&  
THE HONOURABLE MRS. JUSTICE M.B. SNEHALATHA

Thursday, the 23<sup>rd</sup> day of January 2025 / 3rd 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 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)

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 08/01/2025 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. 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, KURYAN THOMAS, PAULOSE C. ABRAHAM, RAJA KANNAN, Advocates for R5 & R6, M.GOPIKRISHNAN NAMBIAR, K.JOHN MATHAI, JOSON MANAVALAN, KURYAN 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.O.

DEVAN RAMACHANDRAN & M.B.SNEHALATHA, JJ.

=====

WP(c) Nos.996/2012, 9534/2020, 31236/2023 & 23741/2024

=====

Dated this the 23rd day of January, 2025

O R D E R

DEVAN RAMACHANDRAN (J)

This order is in continuation of the earlier orders we have issued.

2. Various suggestions have been placed at the Bar and we note to the appreciation of the submissions of Sri.S.Kannan - learned Senior Government Pleader that the Government also walks with the Court and does not treat this matter as an adversarial one.

3. As a matter of suggestion, various inputs have come from the Bar during hearing - not only from the part of the petitioners, but also from the respondents - that, if it is viable to have an Authority in charge of Periyar River as a whole and not in units, as has now been done, it

would bring changes, at least for protection of its future flow.

4. This is something that we also have in mind because, we are aware that in the case of river Ganges, such experiments have borne fruit. Of course, for this, the Government has acme role to play because, while thinking about a dedicated agency or an Authority, as we are now proposing, it will require the Government to offer effective assistance and in formulation of the policy.

5. Sri.S.Kannan, the learned Senior Government Pleader, seeks that this matter be listed on 29.01.2025.

6. We propose to accede to the request of Sri.S.Kannan, but, we also deem it necessary to place the submissions of Sri.A.X.Varghese and Sri.Kuriakose Varghese - appearing for the petitioners, that even the report now placed on record by the committee constituted by this Court

exposes the gravity of the problem, which is plainly visible in the river Periyar. We are certain that the official respondents will have a look through this report, while they make submissions before us the next time.

List on 29.01.2025.

Sd/-

**DEVAN RAMACHANDRAN  
JUDGE**



Sd/-

**M.B. SNEHALATHA  
JUDGE**

SAS

IN THE HIGH COURT OF KERALA AT ERNAKULAM  
PRESENT  
THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN  
&  
THE HONOURABLE MRS. JUSTICE M.B. SNEHALATHA  
Wednesday, the 29<sup>th</sup> day of January 2025 / 9th 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 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)

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 23/01/2025 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. 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, KURYAN THOMAS, PAULOSE C. ABRAHAM, RAJA KANNAN, Advocates for R5 & R6, M.GOPIKRISHNAN NAMBIAR, K.JOHN MATHAI, JOSON MANAVALAN, KURYAN 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.

=====

WP(C) Nos. 9534/2020 & 31236/2023

=====

Dated this the 29<sup>th</sup> day of January, 2025

O R D E R

DEVAN RAMACHANDRAN (J)

Read order dated 23.01.2025.

2. Sri.S.Kannan - learned Government Pleader, seeks a month's time to inform this Court about the constitution of a Unified Board/Authority for the Periyar River.

3. Sri.Kuriakose Varghese - learned counsel for the petitioner, in W.P.(C) No.9534/2020, has filed a memo making certain relevant suggestions in furtherance of the intent of this Court in the aforementioned interim order. The learned counsel has referred to the "River Chief System" in China, "Public Utilities Board" in Singapore as also

the “National Ganga River Basin Authority”, as prototypes to be adopted for the purpose of a Unified Board/Authority for the Periyar River. He also brought to our notice the manner of governance of the River Thames in the U.K., with its Dual Authority module; and argued that the imperatives while dealing with Periyar River ought to be accountability, technological innovation and public participation. He also emphasized the importance of tailored strategies, underpinned on ecological and commercial needs; as also the integration of flood management, biodiversity conservation and sustainable development, which alone, according to him, can pave way for a balanced environmental and economic outcome.

4. None of the learned counsel for the parties have any case that River Periyar requires to be maintained in its pristine form. In fact, as we have already recorded in our earlier orders, the Government of Kerala also travels in that direction, saying that they do not treat these litigations to be adversary in nature.

5. Though the constitution of a Unified Board - as we have suggested - for River Periyar may take some little time, it cannot be delayed *ad infinitum* because it can be catastrophic, if proper remedial measures are not initiated immediately.

6. That said, our acme concern is something else at this stage, namely that, specific recommendations have already been

made by the Committee constituted by this Court, as also by the Secretary, Department of Environment, which cannot be allowed to remain as mere words. Its transmutation to requisite action will surely need concerted will and dedication of purpose.

7. In the report made available by the High Level Committee constituted by this Court, the following recommendations has been made. For ease of reference and reading, we extract them as under:

*"6. RECOMMENDATIONS TO CURB POLLUTION  
OF RIVER PERIYAR*

*The Committee hereby makes the following  
recommendations to curb pollution of river  
Periyar,*

## 6.1 RECOMMENDATIONS TO INDUSTRIES

a All industries must comply strictly with all consent conditions and there should not be any unauthorised discharges.

b. All industries, micro-small-large, shall improve housekeeping management. By this, accidental flow of pollutants through stormwater drains from the industries premises will be stopped completely.

c. Industries particularly all major-large-red category industries shall install online continuous effluent monitoring system connected to the servers of the regulatory bodies.

d. All the micro and small industries included shall improve their management of hazardous waste even if the quantities of hazardous Waste generated are small. It shall be ensured that all the guidelines of the Central Pollution Control Board for preventing to hazardous waste are any type of pollution due to hazardous waste are complied with.

e. The industries shall improve their effluent treatment plants and sewage treatment plants so that lesser amount of chemicals are used, systems are more energy saving and the carbon footprint of the effluent treatment techniques are minimal.

*f. Delay ponds with monitoring arrangements shall be arranged by individual industrial units for stormwater drains.*

*g. Industries with permitted river discharge shall have display boards of effluent quality parameters viewable from inside of the industry as well as from the riverside.*

*h. Adequate infrastructure for sewage treatment and management in all urban local bodies in the catchment of river Periyar must be ensured in a time-bound manner.*

*i. The large industries and establishments drawing fresh water from the river must explore possibilities for reduction in quantities of water drawn especially during summer months so that minimum flow and self-cleansing capacity of the river could be maintained.*

*j. Sewage and Industrial effluent contamination of the Edamula branch of the river should also be controlled as fish kills in the lowermost stretches of the river happen after the confluence of the Eloor and Edamula branches.*

*k. The industries involved in the open storage of waste or by-products should take measures for temporary covering of the stored waste or by-products using LDPE*

layers, especially during monsoon or such waste may be stored under the shed. If stored in open there should be bottom lining of LDPE. Open storage areas should also be provided with garland drains all around the waste storage areas to avoid contaminated runoff into the river Periyar and the contaminated runoff should be routed through ETP for further treatment to comply with the discharge norms.

1. Any hazardous wastes lying in the industry premises in the catchment of river Periyar should be disposed of through a Treatment Storage and Disposal Facility (TSDF) located at Ambalamedu following the manifest in accordance with the Hazardous and Other Waste (Management and Transboundary Movement) Rules, 2016, as amended.

## 6.2 RECOMMENDATIONS TO DEPARTMENTS

a) The Industries Department has to ensure that the common storm water drains are in a common area, not inside individual industrial premises, and amply facilitated for easy inspection; and provide delay ponds before discharge into the river.

b) Industries Department should ensure that all industries have effective pollution control systems; they should hold periodic review of the matter with all

*industries in the presence of officials of Kerala State Pollution Control Board.*

*c) Clear SOP shall be prepared by the Irrigation Department for the operation of regulators in the rivers in consultation with all stakeholder departments*

*d) Irrigation Department should ensure environmental flow in the Eloor branch of the river as per the Order dated 09.08.2017 of the Honorable NGT in O.A 408/2015 which was further mandated to the Irrigation Department based on Orders of The Hon'ble NGT in OA 395/2013 and OA 673/2018.*

*e) The Irrigation Department should carry out periodic de-sludging, de-weeding, and de-silting in the river and its banks.*

*f) Irrigation Department should immediately construct dyke wall, diaphragm wall, and walkway throughout the banks of the river with the industrial area of easy surveillance by various responsible authorities, as per the action plans prepared based on the orders of Hon'ble Courts and Tribunals.*

*g) All local bodies on the banks of the river and its tributaries must construct adequate no f sewage treatment plants for common sewage as well as attached to fish markers, slaughterhouses, etc. Until Common sewage treatment plants come up local bodies*

*should ensure that scientifically designed septic tanks are provided on all residential and commercial units and there are no discharges of untreated sewage into drains or water bodies*

*h) The Irrigation Department should install a Real-Time Water Quality Monitoring System (RTWQMS) on river Periyar downstream of Pathalam Bridge to assess the real-time water quality of river Periyar.*

*i) Action plans prepared for the restoration of river Periyar should be implemented in a time bound manner by all the concerned stakeholder departments.*

*j) All the stormwater outlets discharging runoff into the river Periyar are to be connected with the digital pH meter and the same should be displayed in the public domain to know the quality of discharges into river Periyar.*

*k) Kerala State Pollution Control Board shall increase the effectiveness of surveillance in the river passing through the Floor Edayar industrial area using artificial intelligence-based systems so that immediate action in any deterioration of river water quality is obtained in the office of the Board. In such a case remote sensing techniques including the use of drones shall be used to map the quality of the river instantly.*

1) *Stringent action should be taken by Kerala State Pollution Control Board against the non-complying industries including levying Environmental Compensation Charges as per guidelines issued by the Central Pollution Control Board.*

m) *Kerala State Pollution Control Board should amend consent parameters for all the industries based on the stoichiometric analysis of the processes and the detailed characteristics of waste generated by the industries.*

n) *Remediation of Kuzhikandam Thodu is to be initiated as per the Detailed Project Report prepared, for which, Administrative sanction shall be obtained expeditiously."*

8. Pertinently, in the report of the Secretary, Department of Environment, the above recommendations are affirmed and each of the Department/Authorities concerned cast with specified responsibilities for obtaining fruition of the singular objectives of making River Periyar pure. We notice that

the District Collectors of Ernakulam and Idukki are asked to review and co-ordinate activities of all the concerned departments of the District level.

9. While the recommendations are welcome and laudable, unless they are effectively rendered into action, it will be no worth than the paper on which they are printed on.

10. This is where we see the trouble.

11. Several Departments are given various targets and enumerated actions for completion and it is the District Collectors of the two districts mentioned above, who are asked to co-ordinate and oversee it. This is woefully insufficient, particularly when various departments of the Government are involved,

which are each headed by its own Secretaries and other high placed officials.

12. Sri.A.X.Varghese - learned counsel for the petitioner in WP(C)No.31236/2023, at this time, raised an objection to the recommendation of the High Level Committee constituted by this Court, shown as 'N' in paragraph No.6.2 of its report, saying that the remediation of the 'Kuzhikkandam Thodu' has to be initiated immediately and that the requirement of "Administrative Sanction" mentioned therein is confutative and questionable. The learned counsel impressed upon us that unless the "Thodu" is remedied urgently, the condition of river Periyar would only go from bad to worse, asserting

that no "Administrative Sanction" for this is necessary.

13. This is exactly what we also prima facie feel. When too many Authorities are asked to act in parts, it would be impossible to obtain results, unless they are all overseen by a competent Apex Authority. Otherwise, as rightly argued out by Sri.A.X.Varghese, one Authority or Department may seek permissions/clearances of some kind *qua* functions allotted to them; leading to complicated processes to be completed - which may even and in such being denied.

14. Even in cases where permissions to act are found necessary, it cannot be left to individual Authorities or departments to run

behind it and seek it; but they must be provided the option of approaching one Unified Authority, who can then take a final decision thereon.

15. Obviously, such Unified Authority will have to be fully empowered, to be headed by officials at the highest level, preferably of the rank of Additional Chief Secretary etc.

16. To paraphrase, when the High Level Committee of this Court recommends, for example, that "all industries must comply with all consent conditions and that they should not be unauthorized discharge", this cannot be handled by one officer, or a department alone. Unless all these actions are brought under one Umbra and are supervised by one Authority - with power

vested to take immediate action without having to revert to the Government and such other Agencies - nothing worthwhile, in our firm view, would happen. The contra submission of Sri.S.Kannan - learned Senior Government Pleader, that the District Collectors could be competent to do this, certainly cannot, therefore, find our favour.

17. We have recorded all the afore in this order to impress upon the Government the need for action peremptorily, without any procrastination.

18. Suffice to say, the health of Periyar River is unexpendable to the residents of the State; and excuses or explanations would be insufficient, unless it translates into concrete action, to foster ecological

balance, in conjunction with commercial and other interests.

19. Lives of citizen are far more important than the concerns that may be voiced by other stake holders; and it is to this, that the State must bestow its urgent attention, while dealing with an issue as complex as what is presented.

20. Our view as afore is guided also by the submissions of Sri.T.Naveen - learned Standing Counsel for the Kerala Pollution Control Board, who candidly confessed that the results that are obtained by his client at the "Eloor Surveillance Centre" leaves much to be desired; and that they are making routine recommendations to control pollution.

21. In fact, Sri.M.Ajay - learned Standing Counsel for the Central Pollution Control Board, also affirmed the afore; but saying that his client does not have a regular establishment in Kerala and therefore, are now discharging a more of an advisory role, though being happy to offer assistance in any manner, as this Court may direct. Both the learned counsel pointed out to Annexure VIC of the report of the High Level Committee constituted by this Court,adverting that they have to be acted upon and completed without delay now, especially since the time frames mentioned therein have elapsed.

22. We are in affirmation with the above submissions; and this is more reason why we

are of the opinion that a Unified Authority for " River Periyar" is imperative.

23. In summation, the Government must advert to the recommendations of the High Level Committee; as also that of the Secretary, Department of the Environment - particularly Annexure VIC of the former report (available at internal page 161 thereof) - and file an Action Taken Report, with concrete materials and information, by the next posting date. While doing so, the Government will take into confidence the High Level Committee constituted by this Court.

24. The first report in this regard, showing the steps taken, shall be filed by the next posting date.

25. Though every recommendation of the Committees are required to be taken note of and acted upon implicitly, the issue relating to the 'Kuzhikkandam Thodu' will be dealt with and mentioned specifically in the report to be filed, keeping in mind the factum of a Detailed Project Report for it having already been settled.

26. We trust the Government to act in terms of all the recommendations and certainly hope that it will be done meaningfully.

27. We add that the principles of accountability will not be lost sight of by us, when we deal with this matter in future; and hence that if the Authorities, vested with obligations, are found wanting, they

will be proceeded against personally and to the fullest warrant of law. We consequently hereby notify every Authority - whose designations are reflected in the reports mentioned in this order - that unless they act true to their responsibilities, this Court will not shy away from taking necessary action, including personally against them.

Post on 12.02.2025.



Sd/-

**DEVAN RAMACHANDRAN**  
**JUDGE**

Sd/-

**M.B. SNEHALATHA**  
**JUDGE**

SAS