

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

Tuesday, the 16th day of September 2025 / 25th Bhadra, 1947
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 12/09/2025 and upon hearing the arguments of M/S. K.K.ASHKAR & ASHIRA MOHAMED ASHROF, Advocates for the petitioner, SRI.S.KANNAN, SENIOR 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 and of SRI.LAL K.JOSEPH, Advocates for R7, the court passed the following:

P.T.0



DEVAN RAMACHANDRAN & M.B.SNEHALATHA, JJ.

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Dated this the 16th day of September, 2025

ORDER

Devan Ramachandran, J.

Read order dated 12.09.2025.

2. As we have recorded in the afore order, we are today dealing with the issues of River Periyar, except the remediation of the “Kuzhikandam Thodu”.

3. This Court has earlier passed orders, suggesting a Unified Authority for the River Periyar. However, this has not moved forward; but the Government suggested the creation of an “Integrated River Basin Conservation and Management Plan”.

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4. We notice from the various reports on record, as also the Memo filed by the learned Senior Government Pleader - Sri. S.Kannan that, there are several Authorities- perhaps more than 20- vested with the responsibility of specific actions from their side. However, there are allegations that the very same stakeholders were also complicit in creating pollution.

5. Sri. T. Naveen - learned Standing Counsel for the Kerala Pollution Control Board, submits that the two primary reasons for pollution in the Periyar River, are: (i) that caused by over 250 industries; and (ii) the deposit of solid waste by the Local Self Government Institutions. He, however, hastened to explain that there is continuous monitoring of all

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these activities by his client; and hence that the incidence of large scale pollution is much lower now.

6. The submissions of Sri. T. Naveen itself make us understand the gravity of the situation because, it may not be possible even the Pollution Control Board to monitor the effluent discharged from industries and the deposit of solid waste into the Periyar River on daily basis. They say they can only do it in regular intervals; and we record the undertaking of Sri. Naveen that the report on such action taken will be placed on record as a comprehensive report.

7. Sri. Kuriakose Varghese, appearing for some of the petitioners, impressed upon us the ratio in

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Lalit Miglani v. State of Uttarakhand And Others [2017 SCC OnLine Utt 392] and pleaded that this Court declare River Periyar as a legal person, vested with fundamental rights/legal rights. He suggested that, if this is done by invoking the doctrine of *parens patriae*, then the designated officers can be appointed *in loco parentis*, to act as its guardian.

8. We are aware that **Lalit Miglani** (*supra*) is awaiting a final decision by the Hon'ble Supreme Court; and therefore, are not sure whether it would be possible for us to act in terms of the suggestions made by Sri.Kuriakose Varghese.

9. However, we are without doubt that we must certainly intervene to the nearest extent possible.

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10. This Court has already appointed a High Level Committee, which is more advisory in its tenor. We had devised a tentative plan that, if a Unified Authority is brought in, then this Committee can be then discontinued, with every power being vested with such an Authority. However, since this has not travelled much, we are of the view that the High Level Committee must be now given powers to look into the violations and then report to this Court.

11. Since we hear that there are several industries dotting the River on either sides and since there are complaints of dumping of solid waste into the River, which is going on virtually unabated. We are without doubt that the Pollution

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Control Board must inspect and report on each industry and each incident of solid waste dumping and make it available to the High Level Committee. We record the further undertaking of Sri.T. Naveen that the said report will be made available within two months.

12. Needless to say, until such time as we are in a position to take a final decision, we order that the High Level Committee constituted by this Court will be in full charge of the River and will be authorised to act upon any report or input that it may get, including by inspection and such other as required. Such actions will then be reported to this Court appropriately for necessary directions to the various stakeholders.

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13. We make this order also because the Senior Government Pleader - Sri.S. Kannan, informs us that the Government is not *per se* against the constitution of a Unified Authority for the River Periyar, but that they will require some more time to think about its constitution and the manner in which it is to be brought into life. In fact, this is precisely why we believe that the aforesaid directions would be apposite, until the constitution of the Unified Authority.

14. Since we have already listed this matter to 06.10.2025, we order that all these issues be again considered on the same day.

Though we have ordered as afore, since the Government has suggested an Action Plan - which,

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at first blush meets a problem because it involves several stakeholders with overlapping jurisdictions - we clarify that we have not stopped further thought on the same; and that if the Government is desirous of continuing on it, with appropriate modifications, we expect it to give us the input on this by the next posting date.



Sd/-

DEVAN RAMACHANDRAN, JUDGE

Sd/-

M.B. SNEHALATHA, JUDGE

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