

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

Thursday, the 16th day of October 2025 / 24th Aswina, 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 16/09/2025 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, SRI.LAL K.JOSEPH, Advocate for R7 and of SRI. T.NAVEEN, STANDING COUNSEL for R8, the court passed the following:

P.T.0



DEVAN RAMACHANDRAN & M.B.SNEHALATHA, JJ.

WP(C)No.996/2012, 9534/2020, 31236/2023 & 23741/2024

Dated this the 16th day of October, 2025

O R D E R

Devan Ramachandran, J.

As we have been constantly emphasizing, these cases project a very imminent danger for the citizens because of the pollution in the river 'Periyar'.

2. Admittedly, one of the most grave of these is the large scale dumping of toxins in the 'Kuzhikandam Thodu'.

3. We expected the Government of India and the Government of Kerala to act in tandem and to evolve a Scheme/mechanism to ensure the pollution is abated; but what we now witness is them offering excuses against each other.

4. On one hand, the Government of Kerala says that a property has been identified to set up the Effluent Treatment Plant (ETP), which belongs to the erstwhile Hindustan Insecticides Limited (HIL); but the learned Central Government Counsel - Sri.C.Dinesh, submits that this property cannot be given and that the Kerala State

WP(C) 996/12 & Con.Cases

2

Pollution Control Board - under the ambit of the Environment Protection (Management of Contaminated Sites) Rules, 2025 - will have to identify a fresh area.

5. We must say that we are slightly exasperated because, one would normally expect all stakeholders to have acted in synergy and use the platform of this Court for ironing out impediments. However, we are now faced with a scenario where we are left to hunt for solutions - called upon to issue directions against either the stakeholders or the Government - but being offered excuses, one after another.

6. We fail to understand why the Governments do not open a channel of communication among themselves at the highest level for tackling the issue, rather than place the communications between them before this Court and then seek further directions against each other. If the land originally identified by the Government of Kerala or the Kerala State Pollution Control Board has been found to be unacceptable by the Government of India, we fail to fathom why they cannot deliberate with each other to an alternative

WP(C) 996/12 & Con.Cases

3

identified, to serve the common good. This is more so because, the problem we are now addressing can become catastrophic if not controlled immediately, with the lives of several thousands of citizens at stake.

7. We, therefore, direct the competent Authority of the 1st respondent - Union of India, to immediately commence a discussion with the Secretary, Government of Kerala, Environment Department, and decide upon a viable solution, including on the lands that may be available, or to be identified. While doing so, the Authorities will keep in mind the provisions of the Disaster Management Act, 2005 - which offers peremptory powers; and also an alternative suggestion made by Sri.A.X.Varghese - learned counsel for some of the parties herein - that the 'Kuzhikandam Thodu' can possibly be remediated through the infrastructure available with the 6th respondent - FACT.

8. We make it clear that we cannot brook any further delay and that what we expect is a working synergy between the two governments and other stakeholders, to ensure that the work of cleaning of 'Kuzhikandam Thodu' is complete within the strictest

WP(C) 996/12 & Con.Cases

4

of time limits.

We adjourn this matter to be called on 30.10.2025; within which time, the result of the afore exercise shall be made known to us. If the Authorities require any other stakeholders to be involved in the discussions or deliberations, it is open for them to do so, without having to obtain further orders from this Court.



Sd/-

DEVAN RAMACHANDRAN
JUDGE

Sd/-

M.B.SNEHALATHA
JUDGE

rr/akv
H/o