

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

Wednesday, the 5th day of November 2025 / 14th Karthika, 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 16/10/2025 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.

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Dated this the 5th day of November, 2025

ORDER

Devan Ramachandran, J.

Sri.S.Kannan - learned Senior Government Pleader, has filed a Memo, appending a report settled by the Special Secretary, Environment Department, Government of Kerala; as also the minutes of the meeting held by the Authorities in compliance with the directions of this Court dated 16.10.2025.

2. Sri.C.Dinesh - learned Central Government Counsel, has also filed a counter affidavit on behalf of the Ministry of Environment, Forest and Climate Change (MOEFCC), appending the very same minutes as mentioned above.

3. We have examined the minutes of the meeting, which was held in obedience to our

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directions; and see that, after deliberations, certain suggestions have been made: namely,

(a) that the Government of Kerala, the Kerala State Pollution Control Board and a Company by name 'Merchem' are to inform the Government of India regarding the details of the availability of the land from the said Company, namely 'Merchem'.

(b) The Government of India has taken it upon itself to inform the Government of Kerala whether an extent of 75 cents of land belonging to 'FACT' can be made available for the purpose of establishing the Effluent Treatment Plant (ETP); and

(c) Finally, the Government of Kerala has agreed to respond to the letter of the Department of Chemicals and Petrochemicals, Union of India, dated 22.10.2025, after assessing the availability of land.

4. We choose to be circumspect in making

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any observation at this stage; but are certain that both the Governments, as also the Authorities and the Company mentioned, shall respond to each other in the manner above within a period of seven days from now. It is so ordered. The details of the response shall be made available to us peremptorily on the next posting date.

5. While on the question of remediation of the 'Kuzhikandam Thodu' - which admittedly is a hazardous zone now - we are also concerned that the river 'Periyar' may be polluted consistently and constantly because of it.

6. Sri.T.Naveen - learned Standing Counsel for the Kerala State Pollution Control Board, was not fully aware of this issue, and requested that he be given some time to consult his client. We surely accede to this request; but direct the competent Authority of the Pollution Control Board to conduct a

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proper, scientific inquiry on the afore aspect; and should it be found that the present status of 'Kuzhikandam Thodu' is contaminating the river 'Periyar', then to suggest methods that are scientifically available to abate and stop it. This shall also be done by the next posting date.

7. While dealing with river 'Periyar', obviously, our attention cannot be diverted from what we set out in the beginning, namely, that there be a Unified Authority with full power - without having to advert or approach any other Authority - in its charge. Our earlier orders in this regard make our minds very clear; but unfortunately, nothing seems to have moved, though the Government of Kerala made various suggestions, which have now turned out to be untenable.

8. Sri.S.Kannan - learned Senior Government Pleader, submitted that the

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Government is still in the process of thinking about the afore suggestions. As we have always been saying, this is not a problem that can brook any delay because we deal with the lives and sustenance of millions of people, who depend on the water of Periyar.

9. We are without doubt that we are required to be told, without any further delay, as to how the Authority for 'Periyar' will be constituted and given life.

For the afore, we adjourned this matter to be called on 14.11.2025 at 1:45 p.m.

Sd/-

DEVAN RAMACHANDRAN

JUDGE

Sd/-

M.B.SNEHALATHA

JUDGE

akv
H/o