

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

Thursday, the 18th day of December 2025 / 27th Agrahayana, 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.

ADDITIONAL R9 IMPEADED

9. THE DEPARTMENT OF CHEMICALS AND PETROCHEMICALS, REPRESENTED BY ITS SECRETARY, UNION OF INDIA, NEW DELHI, PIN - 110 001.
 ADDL.R9 IS SUO MOTU IMPEADED AS PER ORDER DATED 03/12/2025 IN WP(C) 996/2012.

P.T.O.

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.

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 05/12/2025 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, SRI.T.NAVEEN, STANDING COUNSEL for R8 and of SRI.DINESH, CENTRAL GOVERNMENT COUNSEL for Addl.R9, the court passed the following:

P.T.0



DEVAN RAMACHANDRAN & M.B. SNEHALATHA, JJ.

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&

23741/2024

Dated this the 18th day of December, 2025

O R D E R

Devan Ramachandran, J.

Read order dated 05.12.2025.

2. On the question of remediation of 'Kuzhikandam Thodu', Sri.C.Dinesh - learned Central Government Counsel, has filed a Memo, producing therewith the order of the Ministry of Chemicals and Fertilizers dated 16.12.2025, conveying to the Government of Kerala their permission "to use 75 cents (0.75 acres of land) at 'Udyogmandal of HIL (India) Ltd. for the temporary Effluent Treatment Plant (ETP) for a period of 10 years." (sic)

3. Sri.S.Kannan - learned Senior Government Pleader, affirmed the afore; and submitted that a report of the Special Secretary, Environment

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Department, Government of Kerala, has been filed, along with his Memo of this date.

4. We have seen the above said report, the relevant portions of which reads as under:

As per the Rules, State Pollution Control Board shall, keeping in view the risks involved in human health and the environment, issue a public notice restricting or prohibiting any activities during the time of remediation of the contaminated site which may include change in land use and transfer or change in ownership of land or building or any facility on the land. Since the remediation work and the expenses related to thereto are entirely the liabilities of the responsible persons, no land needs to be transferred to the State Board. The remediation plan approved by CPCB involves areas located within the premises of M/s.HIL and M/s.Merchem and also a portion of Kuzhikandom Thodu. All the four responsible persons have joint responsibility to undertake the remediation as per the approved remediation plan and to bear the expenses towards it. Hence it is submitted that the land can be transferred to KSPCB. KSPCB will execute the project by engaging a PMC (Govt Accredited Agency) for support. The committee under the Chair of District Collector will

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monitor the project progress. M/s.HIL shall not transfer the ownership of the 75 cents of land identified for setting up of the temporary ETP until the completion of the remediation of Kuzhikandom Thodu, instead shall grant access to the land to the Board officers and authorized persons concerned for the construction and operation of the ETP during the remediation period of 10 years.

5. Sri.T.Naveen - learned Standing Counsel for the Kerala State Pollution Control Board ('Board', for short), submitted that his client will immediately take steps to commence the construction of the 'ETP', for which, a competent Agency will have to be first identified. He added that his client will file necessary Action Taken Reports before this Court from time to time; and affirmed that his client has 16 and odd crores with them, but that the share of the National Clean Energy Fund - which is 40% of the total required - has lapsed.

6. The above developments are, of course, with respect to 'Kuzhikandam Thodu', which is only a

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component contributory of the pollution and potential of pollution *qua* the 'Periyar' river.

7. It is without doubt - which is virtually agreed by the 'Board', through their earlier reports - that river 'Periyar' still remains polluted and contaminated on account of various factors.

8. This Court has stopped short of recriminating any particular Entity or Agency because, we are of the firm view that it is the responsibility of the Government to ensure that Periyar's waters run pure and clean. If there are any Entities or Agencies causing the pollution, or with the potential to do so, it is for its competent Authorities to intervene and take necessary actions.

9. In fact, this Court has already placed the responsibility on a High Level Committee, which we have said would continue to be in power until a better solution is thought of.

10. As evident from our earlier orders, we have suggested a Unified Authority for the river

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'Periyar'. The Government, however, has been taking time every posting, and it is no different today because, Sri.S.Kannan - learned Senior Government Pleader, said that he is yet to obtain instructions.

11. We do not know how many orders it will take for us to drive home the point that the river 'Periyar' is the most invaluable treasure for the citizens of Kerala. Why this seems lost to the Officials and persons in authority is something that baffles us because, any contamination of the river would cause untold misery and cataclysmic consequences for countless citizens of the State.

12. To restate, we are still firm that a proper Unified Authority for the river 'Periyar' has to come into life; and if the Government is unable to give us their inputs, or to respond to our suggestions, we will be constrained to issue orders in due course, as would be apposite.

13. Since the High Level Committee is already in charge of the river, we are without doubt that it

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should now take a comprehensive view over all its components - including 'Kuzhikandam Thodu', which, of course, will, to some extent, now be controlled by our afore orders - and favour us with a report. The competent Authorities of the Government will ensure that the High Level Committee is able to act in terms of these directions.

14. We will list this matter for further consideration in the 3rd week of January, 2026, for the 'Board' and the Government will respond to the afore directives.

15. As regards the alleged share from National Clean Energy Fund, we direct Sri.C.Dinesh - learned Central Government Counsel, to obtain specific instructions from the competent Authority and report to us by the next posting date.

16. Sri.Kuriakose - learned counsel for some petitioners, at this time, pointed out that the Kerala University of Fisheries and Ocean Studies (KUFOS) has been arrayed on record, so that their

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report regarding the pollution caused to the Aquarian life can be obtained.

17. We have no doubt that if the studies have been made by the said University, the same should be made available to us. The learned Standing Counsel for the 'KUFOS' submitted that, if any such report is there, it will be placed before us, and also that further reports, if required, will also be considered by the next posting date.

List on 15.01.2026.



Sd/-

DEVAN RAMACHANDRAN
JUDGE

Sd/-

M.B.SNEHALATHA
JUDGE

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