

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS
&
THE HONOURABLE MR. JUSTICE GOPINATH P.

Monday, the 23rd day of December 2024 / 2nd pousha, 1946
WP(C) NO. 7844 OF 2023(S)

SUO MOTU WRIT PETITION INITIATED BY THE HIGH COURT.

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY THE CHIEF SECRETARY, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM - 695 001.
2. KOCHI MUNICIPAL CORPORATION, REPRESENTED BY ITS SECRETARY, PARK AVENUE ROAD, MARINE DRIVE, KOCHI - 682 011.
3. KERALA STATE POLLUTION CONTROL BOARD, REPRESENTED BY ITS CHAIRMAN, HEAD OFFICE, PATTOM P.O., THIRUVANANTHAPURAM - 695 004.
4. THE DISTRICT COLLECTOR, DISTRICT COLLECTORATE, KAKKANAD, ERNAKULAM- 682 030.
5. THE DIRECTOR GENERAL, KERALA FIRE AND RESCUE SERVICES, HEADQUARTERS, FIRE FORCE JUNCTION, PULIMOODU P.O., THIRUVANANTHAPURAM - 695 001.
6. THE STATE POLICE CHIEF, KERALA POLICE HEADQUARTERS, THIRUVANANTHAPURAM, KERALA, INDIA - 695 010.

ADDL. R7 IMPEADED

7. THE ADDITIONAL CHIEF SECRETARY, *(CORRECTED)
LOCAL SELF GOVERNMENT DEPARTMENT, GOVERNMENT OF KERALA.

ADDL. R7 IS SUO MOTU IMPEADED AS PER ORDER
DATED 07/03/2023 IN WPC.

*THE NAME OF ADDL.R7 IS SUO MOTU CORRECTED AS
'THE PRINIPAL SECRETARY, LOCAL SELF GOVERNMENT DEPARTMENT,
GOVERNMENT OF KERALA.'

VIDE ORDER DATED 27/09/2024 IN WP(C) 7844/2023.

ADDL. R8 IMPEADED

8. KERALA STATE ELECTRICITY BOARD,
REPRESENTED BY ITS CHAIRMAN & MANAGING DIRECTOR,
VYDUTHI BHAVAN, PATTOM-695 004.

ADDL. R8 IS SUO MOTU IMPEADED AS PER ORDER
DATED 10/03/2023 IN WPC.

P.T.O

ADDL. R9 IMPEADED

9. NATIONAL HIGHWAY AUTHORITY OF INDIA,
REPRESENTED BY ITS DEPUTY GENERAL MANAGER AND
REGIONAL OFFICER, NATIONAL HIGHWAYS AUTHORITY OF INDIA
(MINISTRY OF ROAD TRANSPORT & HIGHWAYS)
GOVERNMENT OF INDIA, REGIONAL OFFICE,
KERALA T.C. 86/1036-1, AMBLY ARCADE,
S.N.N.R.A-9, PETTAH-P.O.,
THIRUVANANTHAPURAM – 695 024 (KERALA)

ADDL. R9 IS SUO MOTU IMPEADED AS PER ORDER
DATED 18/08/2023 IN WPC.

ADDL. R10 IMPEADED

10. SOUTHERN RAILWAYS, REPRESENTED BY ITS GENERAL MANAGER,
CHENNAI, PIN - 600 209.
ADDL.R10 IS SUO MOTU IMPEADED AS PER ORDER
DATED 18/03/2024 IN WPC.

ADDL. R11 IMPEADED

11. THE MUNICIPAL CORPORATION OF THIRUVANANTHAPURAM,
CORPORATION OFFICE, VIKAS BHAVAN P.O.,
THIRUVANANTHAPURAM, KERALA, PIN - 695 033
REPRESENTED BY ITS SECRETARY.
ADDL. R11 IS SUO MOTU IMPEADED AS PER ORDER
DATED 15.07.2024 IN WP(C)

P.T.O.

This Suo Motu writ petition again coming on for orders upon perusing the petition, this Court's order dated 06/12/2024 and upon hearing the arguments of SRI.K. GOPALAKRISHNA KURUP, ADVOCATE GENERAL for R1, R4, R6 & R7, SRI.RANJITH THAMPAN, SENIOR ADVOCATE a/w SRI.K. JANARDHANA SHENOY, STANDING COUNSEL for R2, SRI.T. NAVEEN, STANDING COUNSEL for R3, SRI.C.E. UNNIKRISHNAN, SPECIAL GOVERNMENT PLEADER for R5, SRI.ANTONY MUKKATH, STANDING COUNSEL for Addl.R8, SRI.T.C.KRISHNA, SENIOR PANEL COUNSEL (DEPUTY SOLICITOR GENERAL-IN-CHARGE) for Addl.R9 & Addl.R10, SRI.K.S.PRENJITH KUMAR, Central Government Counsel for Addl. R10, SRI.SUMAN CHAKRAVARTHI, Advocate for Addl. R11, SRI.VINU T.V, SRI.VISHNU.S & SMT.POOJA MENON, AMICI CURIAE and of Adv. SRI.MOHAMMED SHAH and SRI.ANTO(PARTY IN PERSON), the court passed the following:



BECHU KURIAN THOMAS, J.
&
GOPINATH P., J.

W.P.(C) No.7844 of 2023

Dated this the 23rd day of December, 2024

ORDER

Bechu Kurian Thomas, J.

A special Sitting of this Bench was necessitated on account of a news broadcast by the visual media about poisoning of few children at an Anganwadi at Ponnurunni in Ward No.48 of Kochi Corporation. The news visuals indicated a drainage that runs adjacent to the Anganwadi, filled with filth to the brim. It is an embarrassment for the whole city, to witness such accumulation of filth without being removed.

2. Sri.Janardhana Shenoy, the learned Standing Counsel for the Corporation submitted that Ponnurunni is one of the well maintained divisions in the Corporation and that the drainage is being attended regularly. However, they are verifying the reason for the food poisoning as well as the accumulation of filth in the drain.

3. In this context, we were also informed about the incident of

waste generated from Kerala having been dumped at Tirunelveli in Tamil Nadu. Quite often, we have been indicating to the Government the necessity of keeping track of the mode in which the waste is being disposed off by agencies who are collecting the waste. It is an alarming situation that waste generated in Kerala is disposed off in the neighbouring State, haphazardly and contrary to the legal requirements. Such instances are to be avoided.

4. In view of the above circumstances, we deem it necessary to issue the following directions :-

(i). The Secretary of the Kochi Corporation or the person in charge shall file an affidavit as to the steps being initiated to clear the filth from the drains in the Cochin city and also to prevent dumping and accumulation of plastic and other wastes into the drains, rivers and backwaters.

(ii). The Secretary of the Local Self Government shall file an affidavit regarding the agencies who have been engaged in the collection and disposal of wastes from local authorities and other bulk waste generators, including hospitals, and the steps initiated to track the mode and the manner in which such agencies dispose off the wastes so collected.

(iii). We request the *Amicus Curiae* to submit a brief report

indicating areas which require attention of the Court regarding accumulation of filth, plastic and other wastes on the drains.

The report, as mentioned above shall be filed before the next posting date.

Post on 10.01.2025 at 3.30 p.m.

Sd/-

BECHU KURIAN THOMAS, JUDGE

Sd/-

GOPINATH P., JUDGE

RKM

