

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE THE CHIEF JUSTICE MR. NITIN JAMDAR
&
THE HONOURABLE MR.JUSTICE BASANT BALAJI

Thursday, the 5th day of June 2025 / 15th Jyaishta, 1947
WP(PIL) NO. 50 OF 2025(S)

PETITIONER:

MR. T.N. PRATHAPAN, AGED 65 YEARS, FORMER MEMBER OF PARLIAMENT,
CHAIRMAN, KERALA FISHERMEN COORDINATION COMMITTEE,
RESIDING AT THOTTUNGAL HOUSE, PO. TALIKULAM, THRISSUR,
KERALA, PIN - 680 569.

RESPONDENTS:

1. UNION OF INDIA, REPRESENTED BY THE SECRETARY, MINISTRY OF SHIPPING, NEW DELHI, PIN - 110 001.
2. MINISTRY OF DEFENCE, REPRESENTED BY ITS SECRETARY, ROOM NO.305, B WING, SENA BHAWAN, NEW DELHI, PIN - 110 001.
3. THE DIRECTOR GENERAL OF SHIPPING, JAHAZ BHAVAN, BALLARD ESTATE, MUMBAI, PIN - 400 001.
4. INDIAN COAST GUARD, REPRESENTED BY THE DIRECTOR GENERAL, HEADQUARTERS, NATIONAL STADIUM COMPLEX, PURANA QUILA ROAD, NEW DELHI, PIN - 110 001.
5. DIRECTOR, DIRECTORATE OF FISHERIES AND ENVIRONMENT, COAST GUARD HEADQUARTERS, NEW DELHI, PIN - 110 001.
6. STATE OF KERALA, REPRESENTED BY THE CHIEF SECRETARY, SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695 001.
7. KERALA STATE POLLUTION CONTROL BOARD, REPRESENTED BY ITS MEMBER SECRETARY, PATTOM P.O, THIRUVANANTHAPURAM, PIN - 695 004.
8. STATE DISASTER MANAGEMENT AUTHORITY, REPRESENTED BY ITS MEMBER SECRETARY, VIKAS BHAVAN, P.O, OBSERVATORY HILLS, OPPOSITE KANAKAKKUNNU PALACE, NANTHANCODU, THIRUVANANTHAPURAM, PIN - 695 033.
9. DIRECTOR, DEPARTMENT OF FISHERIES, DIRECTORATE OF FISHERIES, THIRUVANANTHAPURAM, PIN - 695 033.
10. INSPECTOR GENERAL OF POLICE, KERALA COASTAL POLICE, KERALA COASTAL POLICE HEADQUARTERS, SHANMUGHAM ROAD, MARINE DRIVE, ERNAKULAM, PIN - 682 031.
11. VIZHINJAM INTERNATIONAL SEAPORT LTD., REPRESENTED BY ITS MANAGING DIRECTOR, LEVEL 5, 3RD FLOOR TRANS TOWERS, VAZHUTHACAUD, THIRUVANANTHAPURAM, PIN - 695 014.
12. MEDITERRANEAN SHIPPING COMPANY, THROUGH ITS AUTHORIZED NODAL OFFICER - MR. JACOB GEORGE, MSC HOUSE, ANDHERI - KURLA ROAD, ANDHERI EAST, MUMBAI, MAHARASHTRA, INDIA.
EMAIL:comm@mscindia.com, PIN - 400 059.

Writ petition (Public Interest Litigation) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(PIL) the High Court be pleased to

A) direct the Respondents No.1, 3 and 6 to release interim financial assistance to the fishermen victims

B) direct the Respondents No. 4, 6 and 7 to take steps to remove all the wastes, chemicals and parts of the ship and clean up the environment without any further delay.

In accordance with law after affording an opportunity of being heard, in the interest of justice, equity and good conscience.

This petition coming on for admission upon perusing the petition and the affidavit filed in support of WP(PIL) and upon hearing the arguments of M/S. V.HARISH, C.R.REKHESH SHARMA & RAJAN VISHNURAJ, Advocates for the petitioner, SMT.O.M. SHALINA, DEPUTY SOLICITOR GENERAL OF INDIA & SRI.T.V.VINU, Advocate for R1 to R4, SRI.N.MANOJ KUMAR, STATE ATTORNEY for R6, R8 & R9, SRI.T.NAVEEN, STANDING COUNSEL for R7, SRI.VIPIN P. VARGHESE, STANDING COUNSEL for R11, the court passed the following:



P.T.O.

NITIN JAMDAR, C.J.
&
BASANT BALAJI, J.

=====

W.P.(PIL) No.50/2025

=====

Dated this the 5th day of June 2025

ORDER

Heard Mr. V. Harish, learned counsel for the Petitioner, Mr. N. Manoj Kumar, learned State Attorney, appearing for Respondent Nos.6, 8, and 9, Mr. T. Naveen, learned Standing Counsel for the Respondent No.7, Mr. T.V. Vinu, learned counsel representing Ms. O.M. Shalina, learned DSGI, and Mr. Vipin. P. Varghese learned Standing Counsel for Respondent No.11.

2. The learned counsel for Respondent No.11 states that Respondent No.11 has been wrongly joined. According to the Petitioner, Respondent No.11 holds information that may aid the proceedings. This aspect will be considered on the next date of hearing.

3. The Petitioner has raised various issues arising from the maritime disaster involving a cargo vessel on 24 May 2025 and its impact on the marine and coastal ecology and the livelihood of the fishermen in Kerala.

4. The Petitioner contends that various preventive steps, such as the oil spill prevention plan, which were mandated by earlier orders of the State Government itself, are not being formulated by the Kerala State Pollution Control Board. The Petitioner has also made a grievance about the lack of

information shared with the general public regarding the details extent of the damage.

5. The learned State Attorney states that the National Green Tribunal has taken *suo motu* cognisance of the matter. The learned counsel for the Petitioner submits that in the *suo motu* petition, primarily, the Central Ministry has been joined.

6. As regards the information regarding the incident, the learned State Attorney states that an investigation is going on, and expert bodies have been constituted and once the investigation is complete and the report is ready, clear information will be available.

7. Considering the magnitude of the this disaster, which is admittedly affecting the marine and coastal ecology, the State should place the information that is so far available in the public domain, such as information regarding cargo and the ecological impact of the material carried by the said ship. The learned State Attorney shall get instructions as to whether this information is already placed in the public domain by the State Government on its official website. Otherwise, we expect the State Government to place the information it currently holds on its official website by the next date of hearing.

8. The learned counsel for the petitioner submits that the State Government had engaged volunteers for the removal of contaminants from the seashore, but the State Government has stopped engaging these volunteers, which will affect remedial measures that have been taken by the State. The learned State Attorney states that there is no scope for any

apprehension as the State Government is taking remedial measures in the matter, and it is open to the petitioner to communicate with the concerned authority of the State in this regard.

9. Post on 19 June 2025.

Sd/-

**NITIN JAMDAR,
CHIEF JUSTICE**

Sd/-

**BASANT BALAJI,
JUDGE**

JS

