

VERDICTUM.IN

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE S.V.BHATTI

&

THE HONOURABLE MR.JUSTICE BASANT BALAJI

Monday, the 13th day of March 2023 / 22nd Phalgun, 1944

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,
LOCAL SELF GOVERNMENT DEPARTMENT, GOVERNMENT OF KERALA.

ADDL. R7 IS SUO MOTU IMPEADED AS PER ORDER

DATED 07/03/2023 IN WPC

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.

This Suo Motu writ petition again coming on for admission upon perusing the petition, this Court's orders dated 10/03/2023 and upon hearing the arguments of SRI.K. GOPALAKRISHNA KURUP, ADVOCATE GENERAL for R1, R4, R6 & R7, SRI.K. JANARDHANA SHENOY, STANDING COUNSEL for R2, SRI.T. NAVEEN, STANDING COUNSEL for R3 and of SRI.UNNIKRISHNAN, SPECIAL GOVERNMENT PLEADER for R5, the court passed the following:

P.T.O.



**S.V.BHATTI
& BASANT BALAJI, JJ.**

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

ORDER

(Dated this the 13th day of March 2023)

S V Bhatti J.,

The District Collector has placed on record, the report dated 13.3.2023 of the Committee constituted by this court on 10.3.2023. The report, with brief expression, describes the lamentable situation, in which the site is termed as a facility and claiming to discharge the statutory standards set by Solid Waste Management and Handling Rules 2016 is in existence. After a detailed discussion on the report with the Additional Chief Secretary and the District Collector, we direct as follows:

- (i) The request of the Chief Environmental Engineer to place on record the course of action he would take in a situation as the present, we grant him

a day's time to place the options, the Board would be pursuing for the violations noticed in the report of even date and on all previous occasions by Cochin Municipal Corporation and the operators of the site.

(ii). The Secretary, Cochin Municipal Corporation is directed to place before the Court the chronology of the consideration of passing over the responsibility of managing this facility by a 3rd party agency, the mode and manner in which the decisions are taken shall also be incorporated in the said chronology. The Secretary shall place before us the contract under which the free handover of responsibility is given to a 3rd party. These details are necessitated without concluding on this aspect, the prosecution if warranted the starting point of prosecution and also the persons who are responsible for the present state of affairs.

(iii) The Secretary is directed to place before the court the payments made by the Cochin Municipal Corporation under the head of collection, transportation, handing over, treatment etc. for the

past seven years to the contractors or the staff under any head.

2. The Additional Chief Secretary and the District Collector, Ernakulam have been called upon by us to suggest by tomorrow the terms of consideration in the suo motu Writ Petition. The discussion proceeded that the terms of reference would include one part for Cochin Municipal Corporation and another part for all the local bodies in the State of Kerala.



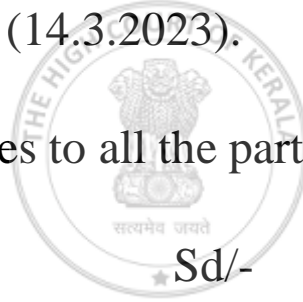
3. The District Collector, referring to the latest information makes a statement to the court that 90 to 95% of the fire at different places has been put out. However, on account of continuous simmering and raising temperatures in the materials the sporadic occasioning of fires, is taken care and within outer limit of 2 hours doused. We place on

record the statement. The District Collector has informed that there is improvement in air quality near the site, neighbourhood and in the city. We call upon the Collector to place the said reports in tomorrow's hearing.

The Chairman of the Kerala State Pollution Control Board either himself or an officer authorised by him is allowed to file a report by tomorrow.

Post tomorrow. (14.3.2023).

Hand over copies to all the parties.



Sd/-

S.V.BHATTI, JUDGE

Sd/-

BASANT BALAJI, JUDGE

dl/wpc7844 13th march/