

# VERDICTUM.IN

IN THE HIGH COURT OF KERALA AT ERNAKULAM  
PRESENT  
THE HONOURABLE THE CHIEF JUSTICE MR. A.J.DESAI  
&  
THE HONOURABLE MR.JUSTICE V.G.ARUN

Monday, the 10<sup>th</sup> day of June 2024 / 20th Jyaishta, 1946  
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.

## VERDICTUM.IN

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 21/11/2023 and upon hearing the arguments of M/S. K.K.ASHKAR & SMT.ASHIRA MOHAMED ASHROF, Advocates for the petitioner, 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, Advocates for R7 and of SRI. T.NAVEEN, Standing Counsel for R8, the court passed the following:

P.T.O.



**A. J. DESAI, C. J. & V. G. ARUN, J.**

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**W. P. (C) Nos. 9534 of 2020, 996 of 2012 & 31236 of 2023**

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Dated this the 10<sup>th</sup> day of June, 2024

**ORDER**

A. J. Desai, C. J.

We have heard the learned counsel appearing for the respective parties. We have also gone through the report submitted by the learned Amicus Curiae and the counter affidavits filed by the parties to the proceedings.

2. Prima facie, we are of the opinion that the Committee constituted pursuant to the order passed by the National Green Tribunal way back in the year 2020 or the Central Pollution Control Board or the Kerala State Pollution Control Board have not taken appropriate steps to curb the pollution in and around Periyar river. The photographs produced by the learned Amicus Curiae along with the report speaks itself as to the extent to which the river is polluted by industrial effluents, which are hazardous to human beings as well the flora and fauna. Therefore, at this stage,

we pass the following order:-

(i) Let a Committee consisting of the Secretary, Directorate of Environment and Climate Change, Government of Kerala, the Regional Director, Central Pollution Control Board, Regional Directorate, Bangalore and the Chairman, Kerala State Pollution Control Board, be formed.

(ii) The Committee shall visit all the places already visited by Mr. Ananthakrishnan A. Kartha, learned Amicus Curiae.

(iii) The Committee shall ensure that the representatives of the petitioners as well as the learned Amicus Curiae accompany them during such visits.

(iv) The Committee shall file their report containing the suggestions and action to be taken to curb the pollution in the Periyar river.

The Executive Engineer, Irrigation Division, Kakkanad P.O., Ernakulam, is suo motu impleaded as additional 6<sup>th</sup> respondent in W. P. (C) No. 9534 of 2020.

Copy of the order shall be supplied to all concerned.

Post on 03.07.2024.

**Sd/-  
A. J. DESAI  
CHIEF JUSTICE**

**Sd/-  
V. G. ARUN  
JUDGE**

Eb

