

**DEVAN RAMACHANDRAN, J.**

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**W.P(C)Nos.23911 of 2018, 24027 of 2021,  
17185 of 2022, 15987 of 2023 &  
Cont. Case(C)No.1656 of 2021**  
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Dated this the 15<sup>th</sup> day of November, 2023

**O R D E R**

**Report dated 15.11.2023 filed by the learned Amici Curiae**

Sri.Govind Padmanabhan - learned Amicus Curiae, invited my attention to a very serious issue, which he says is not uncommon in the various Wards in the Kochi Corporation, though the report in question refers to Ward No.48 particularly.

2. The learned Amicus Curiae submitted that illegal and unauthorized dumping of garbage, including septic waste, is being done on a regular basis by unidentified persons, into the 'Punchathodu'. He added that even though the Health Department of the Corporation appears to be monitoring the area, due to shortage of squads for such purpose, it cannot be done regularly. He submitted that this lacunae is made use of by vested interests to dump the garbage into the 'thodu'; and added that this is not merely deleterious to the locality and to the city in general, but specifically to the children who are studying in the "Anganwadi" on the side of it.

3. Sri.Govind Padmanabhan, thereafter, submitted that there is a Mobile Application developed by the Kochi Corporation called 'My Kochi App', in which, the public can post their grievances; and that there is also an option therein to cause a booking to collect septic waste. He added that even though, as of now, the Corporation of Kochi can, at the best, deal with about 30 or 40 loads of septic waste, multiple times that are being collected and then dumped in the manner as has been mentioned in this report. He submitted that, therefore, the Corporation must be asked to explain how the Mobile Application is being utilized from the stage of collection and disposal of septic and hotel waste, and the manner in which it can be tracked by using the benefit of GPS on vehicles. He explained that this application also helps in detecting water logging on a real time basis and for the Authorities to act without delay.

4. Sri.Janardhana Shenoy - learned Standing Counsel for the Kochi Corporation, also affirmed that the dumping of waste, particularly septic, into the public areas and 'thodu' is an issue that has to be addressed on a war footing. He added that the Corporation is doing its best, but that since it is understaffed, the assistance of the police now becomes necessary. As regards the Mobile Application afore mentioned, Sri.Janardhana Shenoy sought

two weeks time to obtain instructions, saying that a statement will be filed as to how it can be made responsive to the requirements of the public *qua* water logging, unauthorized dumping of garbage and septic waste; and with respect to the manner in which it can be tracked from the stage of its collection, till disposal.

5. Sri.S.Kannan - learned Senior Government Pleader, affirmed the afore submissions of the learned Amicus Curiae, as well as that of Sri.Janardhana Shenoy; and added that, if this Court is so inclined, the Police will afford every assistance to the Corporation to ensure that there is no further dumping of septic waste in any public area, particularly water resources in the city or in its suburbs.

6. There can be little doubt that the problem projected by the learned Amici Curiae in this report is one that cannot be disregarded even for a second. The health hazard of dumping of garbage and septic waste into canals and 'thodu' can ever be understated; and I do not think it requires this Court to expatiate any further. It, therefore, now requires immediate and urgent action, swiftly and without any reservation.

In the afore circumstances:

(a) The Corporation of Kochi is directed to immediately cause a cleaning of the 'Punchathodu', particularly the area running

through Ward No.48, where the “Anganwadi” is situated; and file a report before the Committee constituted by this Court, headed by the District Collector. The District Collector will, through its competent agencies, oversee the afore work and offer all assistance required, including by requisitioning the Police Authorities, as and when necessary. Final action in this regard shall be completed not later than two weeks from today.

(b) The Kochi Corporation, with the assistance of the Police Authorities, will devise measures to ensure that there is no further dumping into the ‘Punchathodu’ in any manner whatsoever, especially septic waste; and that sufficient monitoring is done - both physically and through Closed Circuit Cameras. If any person is found violating, then swift and necessary action will be taken, by registration of necessary Crimes, to its fullest warrant in law.

(c) I also direct the Corporation of Kochi to install boards along the banks of the ‘Punchathodu’, particularly in Ward No.48, informing the public of the orders of this Court and warning them of severe action if it is violated. As far as practically possible, they shall also ensure that these orders are published through the online, print and visual media, so as to bring the same to the awareness of the public.

(d) The Secretary of the Kochi Corporation is hereby directed

to immediately verify the 'My Kochi App' and ensure that it is functioning without any issues, so as to allow the public to post their grievances therein. He shall, while doing as afore, verify whether the option for booking to collect septic waste is being utilized well; and if so, the steps taken to ensure that the same is handled correctly from the stage of collection till disposal. The said Authority will further inform this Court if there is any method in the said application to track the septic waste throughout its transit; and if not, suggest what is to be done with respect to this in the said application.

(e) As regards the concern projected by the learned Amici Curiae with respect to the septic waste treatment facility in Kochi, the Secretary of the Kochi Corporation will also verify this and inform this Court about its specific details. The requirement of vehicles collecting and transporting septic waste, to be covered by an appropriate authorization - if this has not been done until now - will also be looked into and reported to this Court.

### **'Mullassery Canal'**

Sri.V.V.Joshy - learned Standing Counsel for the Kerala Water Authority, submits that only 3.5% of the work is left and that it will be completed by the end of November, 2023. The Committee constituted by this Court is directed to verify this and report to this

Court by the next posting date.

**Kerala State Road Transport Corporation (KSRTC) Bus Stand**

This is an area that remains as an achilles heel in the effort taken by this Court *qua* the inundation in the Kochi city.

2. The learned Amici Curiae - Sri.Govind Padmanabhan and Sri.Sunil Kumar submitted that every time when it rains, the Bus Stand is inundated.

3. The Committee constituted by this Court, therefore, will now look into this issue in earnest, and will specify the remedial measures required, with specific reference to the requirements of the common man who uses the services of the KSRTC.

**I.A.No.3 of 2023 in W.P(C)No.23911 of 2018**

This application for impleading additional respondent in this writ petition is not opposed, and therefore, allowed.

The Registry is directed to make consequential incorporations in the cause title.

Sd/-

**DEVAN RAMACHANDRAN,  
JUDGE**

H/O  
MC