

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

**Monday, the 18th day of March 2024 / 28th Phalgun, 1945
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.**

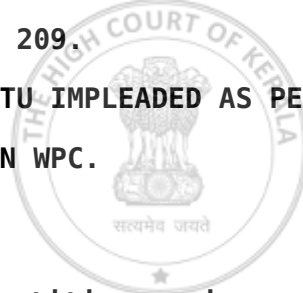
P.T.O

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.



This Suo Motu writ petition again coming on for orders upon perusing the petition, this Court's order dated 01/03/2024 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 R8, SRI.S.MANU, DEPUTY SOLICITOR GENERAL OF INDIA for R9, Advocates 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:

P.T.O.

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

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

Dated this the 18th day of March, 2024

ORDER

Bechu Kurian Thomas, J.

Pursuant to our order dated 01.03.2024, we visited the Brahmapuram site on 07.03.2024 to ascertain the progress of the waste treatment measures and facilities provided. Sri.Muhammed Safarulla, IAS, the Special Secretary to Government, Sri. N.S.K. Umesh, District Collector, Ernakulam, Smt.Chelsasini M.S., the Secretary of the Kochi Corporation, Sri. C.E.Unnikrishnan, learned Special Government Pleader, Sri. K.Janardhana Shenoy learned Standing Counsel for the Municipal Corporation of Kochi, and the three learned *amici curiae* were present. Besides, the officials of the Bharat Petroleum Corporation, the State Pollution Control Board, Fire and Rescue Services Department and officials of M/s.Bhumi Green Energy and the officials of two agencies engaged in connection with the Black Soldier Fly Project were also present.

2. We visited and inspected the legacy waste treatment facility set up by M/s.Bhumi Green Energy and the two plants being set up for the Black Soldier Fly project, apart from the site earmarked for setting up the BPCL project. We had ascertained the measures adopted for fire safety, including the water sprinklers, water tanks and other facilities provided to prevent the recurrence of fire that occurred last year.

3. At this juncture, we wish to record our appreciation for the work being

carried on by M/s.Bhumi Green Energy in removing the legacy waste from the site. By the date of our visit, they had already processed 70000 metric tonnes of legacy waste, and the person in charge expressed the hope of removing the entire legacy waste within a few months.

4. We were also impressed with the arrangements made for the Black Soldier Fly Project, which was expected to commence functioning the next day. We were informed that under the project called BSF, the larvae of the Black Soldier Fly will convert organic waste into animal feed, while the larvae will be subjected to a treatment before they become a fly. We express our earnest hope that the Government and the Corporation will continue to provide all support for the effective removal and management of the waste at Brahmapuram. We deem it necessary in this context to observe that the agencies presently engaged namely, M/s.Bhumi Green Energy, the two agencies engaged in the Black Soldier Fly Project and M/s.BPCL may, if necessary, apply to this Court for suitable order/directions to enable them to complete or carry on the work without any hindrance whatsoever.

5. Notwithstanding the above, we wish to observe that, the Corporation must explore the possibility of solidifying and then paving/tarring the internal roads through the Brahmapuram site to enable free movement of the vehicles, including the fire engines.

6. The Corporation of Kochi has today informed the Court that already 95000 tonnes of legacy waste has been processed, with 13000 tonnes of RDF having been generated and 42000 tonnes removed from the site.

7. While deliberating on the huge cost of procuring lorries to remove the

waste from the city on a lease basis, this Court was informed that a Mechanical Engineer has already been appointed by the Corporation pursuant to our directions dated 27-10-2023. We notice that in the aforesaid order we had mentioned the Officer as 'Mechanic' instead of Mechanical Engineer'. The said term shall stand corrected. It was also informed that due to the said Officers intervention, it was identified that out of the 13 Refuse Compactor vehicles available with the Corporation, 11 can be made road-worthy and be put to use. It was submitted that four of the Compactor vehicles have already been repaired while three more can be repaired immediately. The Secretary of the Corporation assured that apart from the above seven, four more Refuse Compactors can be repaired and work in that regard is going on smoothly. In view of the above, We direct that the Refuse Compactors available with the Corporation be repaired to the extent possible and feasible and be put to effective use at the earliest.

8. This Court also noticed that there is rampant dumping of plastic waste on the seashores in various parts of the State. The State Government must instruct the local authorities to pay more attention to the tourist destinations of Bekal and other parts of Kasaragod which require urgent focus. The Additional Chief Secretary assured that the Government will issue specific directions to the local authorities to remove the plastic waste from the beach sides.

9. The Standing Counsel for the National Highway informed that the lab testing of the gypsum is being carried out and they are awaiting the results, which could be intimated by the next posting date.

10. Since sanitary napkin disposal is an issue that needs more focus, the Kochi Corporation will explore the possibility of setting up sanitary napkin

incinerators in various establishments. Information in that regard will also be placed by the next posting date.

11. Waste dumping on the sides of the railway tracks throughout the State is another issue that needs attention. We expect that efforts are taken by all concerned to remove and prevent waste accumulation on the sides of the rail tracks. The Additional Chief Secretary, and the Corporation Secretary informed that the Southern Railways has already been alerted about the need to clear the plastic and other wastes that accumulate on the railway tracks and in the surrounding areas. Since waste dumping on the sides of the railway tracks in and around railway stations continues unabated, it is necessary to implead the said also as an additional respondent. Therefore, Southern Railways, represented by its General Manager, Chennai, is hereby suo motu impleaded as additional respondent No.10.

Registry shall serve a copy of the notice of hearing to the Standing Counsel for the Southern Railways.

Post on 09.04.2024.

**Sd/-
BECHU KURIAN THOMAS
JUDGE**

**Sd/-
GOPINATH P.
JUDGE**

vps