

DEVAN RAMACHANDRAN, J.

W.P.(C) Nos. 23911 of 2018

Dated this the 19th day of May, 2022

ORDER

As much as this Court does not desire to control the management of the drains or the flood mitigating systems of the city on a regular basis, it is forced to do so because of the large scale inundation witnessed today due to rains.

2. It is thus that this matter was listed today at 1.45 p.m. and the learned Government Pleader – Sri.S.Kannan; Sri.Janardhana Shenoy – learned Standing Counsel for the Corporation as also Sri.K.B.Pradeep – learned counsel for the petitioner were present.

3. The seriousness of the issue was projected to the public domain in the year 2018 when we witnessed never-before-seen flooding of the city. On account of the various orders passed by this Court, which run into literally into more

than 20 or so, various steps were taken to mitigate the situation, which bore fruit in the years 2020 and 2021, when the city was spared of large scale flooding.

4. In the meanwhile, flood mitigation steps under the name 'Operation Breakthrough' completed two of its phases and this Court, therefore, was under the impression that the systems would operate efficiently in future also. However, the third phase of 'Operation Breakthrough' is still in progress and unfortunately, could not be completed due to various circumstances and reasons which have been chronicled in the earlier orders of this Court.

5. No doubt, our State received heavy rainfall in the last one or two days and the resultant situation was distressing because, even though more or less temporary, many areas and roads went under water.

6. Sri.S.Kannan - learned Government Pleader, however, submitted that within an hour or so of the rains receding, the water levels came down, which indicates that the

canals of Kochi have been maintained in good condition. He then added that it is for the Corporation to ensure that the Perandoor Canal is kept free of silt on a regular basis and that the various other drains and sewage systems are cleaned and maintained in the best possible condition to accommodate maximum outlet of water.

7. Sri.Janardhana Shenoy conceded that there was inundation this morning but submitted that immediate and emergent steps have been taken to ensure that all the drains and sewage systems are kept clean; as also the canals, including the Perandoor Canal; thus made ready for the onset of monsoons.

8. Sri.Govind Padmanabhan, a learned counsel of this Court, interjected to say that the situation in Kochi is exacerbated because the citizens do not show sufficient civic responsibility and they continue to dump plastic and other waste into the canals and the sewage systems, knowing it to be illegal and prohibited by this Court and by law. He, therefore,

prayed that the Corporation be armed with sufficient powers by this Court to stop this menace.

9. Sri.K.B.Pradeep – learned counsel for the petitioner, had similar submissions to make; but added that it is solely on account of the overview and control exerted by this Court that inundation was avoided last year. He, therefore, prayed that this Court issue further orders in the best interest of the citizenry.

10. As I have already said above, this case was listed today on an emergent basis, solely on account of the urgency involved. Obviously, therefore, this Court will require further inputs, as also the assistance of the learned Amicus Curiae – Sri.Sunil Jacob Jose, who is not present today - perhaps being not aware that this matter has been so listed.

11. I, therefore, adjourn this matter to be called on 23.05.2022 at 1.45 p.m.; within which time, the Corporation and the Head of the ‘Operation Breakthrough’ Team will file reports, along with statements, enumerating the steps taken and

to be taken with respect to the situation that we witnessed this morning. The reports shall be comprehensive, so that this Court can issue effective orders to ensure that such events are, as far as it is practically possible, averted during this monsoon season, which is at our door step already.

12. As far as the cleaning of the canals, including the Perandoor Canal, and the prevention of dumping of waste and plastic into it is concerned, the Secretary of the Corporation is put on notice by this Court that every necessary and effective measure shall be initiated and ensure on a war footing from this moment onwards. Persons who violate the directions of the Corporation, as mandated by law, against the deposit of garbage into the canals, shall be taken to task under the fullest warrant of law, to make it deterrent against others who may be under the wrong impression that such activities will still be tolerated.

13. This Court feels it necessary to remind that steps like fencing the canals would be of no effect unless the citizens understand that it is their duty to ensure that such facilities are

maintained well and kept free of debris, which otherwise would challenge the lives of many other affected by the flooding. It will, therefore, certainly be in the interest of all stakeholders that the Corporation give necessary advertisements and publicity to such imperative through all methods as are available, so that for the next one or two months, when we are certain to be beset by monsoons, our citizens would be able to live without fear. It is also so ordered.

Post on 23.05.2022.

H/o

DEVAN RAMACHANDRAN,

RR/19.05.2022

JUDGE