

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE MR.JUSTICE DEVAN RAMACHANDRAN
&
THE HONOURABLE MR.JUSTICE T.R.RAVI
TUESDAY, THE 21st DAY OF APRIL, 2020 /1st VAISAKHA, 1942
Suo Motu W.P. (C). NO.9500 OF 2020

PETITIONER

SUO MOTU

RESPONDENTS :

1. STATE OF KERALA
REPRESENTED BY THE SECRETARY,
ENVIRONMENT DEPARTMENT,
THIRUVANANTHAPURAM.
2. THE DISTRICT COLLECTOR,
ERNAKULAM.
3. THE KERALA WATER AUTHORITY,
JALABHAVAN, VELLAYAMBALAM,
THIRUVANANTHAPURAM - 695 033.
4. THE EXECUTIVE ENGINEER,
IRRIGATION DEPARTMENT,
THIRUVANANTHAPURAM.
5. KERALA STATE POLLUTION CONTROL BOARD,
REPRESENTED BY ITS MEMBER SECRETARY,
THIRUVANANTHAPURAM.

Suo Motu WP(C) 9500 of 2020.

2

BY GOVT.PLEADER SRI P.NARAYANAN

SHRI BENJAMIN PAUL FOR R3

SRI T.NAVEEN FOR R4

BY SRI.RENJITH THAMPAN, ADDL. ADVOCATE GENERAL

BY SRI.P. NARAYANAN, SR. GOVERNMENT PLEADER

BY CENTRAL GOVERNMENT COUNSEL, SRI.SUVIN R.MENON

THIS WRIT PETITION HAVING COME UP FOR ADMISSION ON 21/04/2020,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:-



ORDER

Devan Ramachandran, J.

A very distressing issue, regarding suspected defilement of river Periyar, constrains us to take emergent action through these proceedings.

2. The media, both mainstream and social, have reported about the horrific contamination of river Periyar in spite of the lockdown – which, as at present, proffers no explanation. Two of such reports - that appeared in the Indian Express and Times of India - are available to this Court, which we order to be treated as part of these proceedings; and prima facie, they indicate that something is seriously amiss.

3. We are spurred to suo motu address this issue, since the pollution of river Periyar can cause extremely deleterious consequences to our State – it being the one with the largest discharge potential, providing water to major towns and cities.

4. We, therefore, deem it necessary to register this suo motu writ petition arraying the State of Kerala, represented by the Secretary, Environment Department, Thiruvananthapuram; the District Collector, Ernakulam; The Kerala Water Authority, Thiruvananthapuram; The Executive Engineer, Irrigation Department, Thiruvananthapuram; Kerala State Pollution Control Board, represented by its Member Secretary, Thiruvananthapuram, as respondents and we record that the learned Government Pleader Shri P.Narayanan, takes notice on behalf of respondents 1 and 2; while Shri Benjamin Paul takes notice for the third respondent and that Shri T. Naveen takes notice on behalf of respondent No.4.

5. The learned Additional Advocate General, Shri Renjith Thampan, instructed by Shri P. Narayanan, the learned Government Pleader, affirms that there have been some reports regarding the widespread pollution to the river but he says that a final call on this matter can be taken only after proper scrutiny.

6. Shri T.Naveen, learned Standing Counsel for the Pollution Control Board, seeks a couple of days time to respond and prays that this matter be listed on 24/4/2020, within which time he says necessary pleadings and reports will be placed on record.

Suo Motu WP(C) 9500 of 2020.

5

7. We accede to the above request of the learned Standing Counsel but we deem it apodictic to remind the Pollution Control Board that this is a matter of great urgency, which can brook no delay and that they must act upto speed on this perilous problem, without any waste of time.

List this matter on 24/4/2020.

DEVAN RAMACHANDRAN
JUDGE
Live
Law.in
ALL ABOUT LAW

T.R.RAVI,
JUDGE

ms/DSN

APPENDIX

EXHIBIT. P-1: A TRUE COPY OF THE ORDER OF DETENTION F. NO. PD-12001/44/2019-COFEPOSA AGAINST THE FIRST DETENU, ISSUED BY THE SECOND RESPONDENT DATED 27.9.2019

EXHIBIT.P-2: A TRUE COPY OF THE ORDER CONFIRMING THE DETENTION OF THE FIRST DETENU ISSUED BY THE FIRST RESPONDENT DATED 31.12.19

EXHIBIT P-3: A TRUE COPY OF THE REPRESENTATION SUBMITTED TO THE FIRST RESPONDENT BY THE FIRST DETENU DATED 25.3.2020

Suo Motu WP(C) 9500 of 2020.

7

ORDER

Devan Ramachandran, J.

**DEVAN RAMACHANDRAN
JUDGE**

