

Devan Ramachandran, J.

W.P.(C)No. 23911 of 2018

Dated this the 1st day of August, 2022

ORDER

The matter is listed today with the consent of all stakeholders and parties, taking note of the reports of flooding of the city on account of the rains this morning.

2. What is worrying to this Court is that there are warnings of heavier rains in the next few days also.

3. The effort of this Court, in fact, began in the year 2018, when we witnessed flooding like never before. Through consistent effort, including various facts of "Operation Breakthrough", the city was spared of inundation, to a large extent, in the last couple of years.

4. However, this year we are again facing flooding, though not in the scale as in the year 2018; but which, on account of the heavier rains that we expect, can manifest a problem.

5. Sri.S.Kannan – learned Senior Government Pleader,

submitted that all the canals, including the Perandoor Canal, have been cleaned and was not flooded even in the morning today. He suggested that perhaps the problem is with the internal drains in the city.

6. Sri.Brijesh Mohan – learned Standing Counsel for the Cochin Smart Mission Limited (CSML), submitted that his client has completed renovation works of various roads; and that there have been no complains about such until now.

7. Sri.Janardhana Shenoy – learned Standing Counsel for the Corporation of Kochi, submitted that all pre-monsoon cleaning have been completed and the drains were ready to receive the rain fall.

8. Whatever the stakeholders may state today, the fact remains that the city certainly saw vast flooding in the morning. If the canals were ready to receive the rainfall and did not flood then certainly, the problem lays within the internal drainage system of the city.

9. Some of the learned counsel appearing in this Court

and who were taken unawares by the situation in the morning, suggested that at least in some of the roads, the water was not flowing into the drain because the inlets were either broken or too small.

10. Be that as it may be, the specific issues in each road may be different, but it is for the Corporation of Kochi to have a control over the situation.

11. The District Collector, who is also the Chairman of the District Disaster Management Authority, also has a certain role to play in this.

12. Since the alerts of heavy rain has already been put out, it is essential that all the stakeholders must be at the ground level to evaluate and take immediate steps as and when it becomes necessary.

13. The officers of the Disaster Management Authority and that of the Corporation of Kochi must ensure that every necessary level measure is taken and completed on war footing, so that the heavy rains that we expect, will not cause deleterious

consequences to the citizens in the next one or two days. Wherever the drains are to be cleared and inlets to be kept open, action for the same shall be taken and the Corporation shall depute enough number of persons on the ground level to accomplish this.

14. The CSML will make an inspection of all the roads that they have rejuvenated and file a report before this Court as to whether the drainage inlets require to be modified – so as to allow more water to flow in; or will have to be protected by sufficient gratings and such other.

15. The Corporation of Kochi, through their competent Authorities, will cause constant monitoring of the various parts of the city which faced inundation today and adopt remedial measures, as and when it becomes necessary, on an emergent basis; and the report in this regard will be placed before this Court by the next posting date.

16. The District Collector in her capacity as the Chairperson of the District Disaster Management Authority, will

keep an overview of the entire situation and ensure that sufficient personnel are deployed and deputed wherever it requires, so as to avoid the situation which we saw today. She shall also file a report before this Court, based on the experience of the next few days and will be also free to suggest remedial measures.

17. The "Operation Breakthrough Team" headed by the Superintending Engineer of the Minor Irrigation is, under the orders of this Court, entrusted, along with the Corporation, to keep the Perandoor and other Canals within the city clear and open. The learned Government Pleader – Sri.S.Kannan on his behalf, submitted that even though the canals are clean, there are certain culverts, particularly those belonging to the Railway or running next to it, which are blocked and which creates a problem, especially in the Kammattipadam and the Mullassery Canal areas. He submitted that said Authority will also file a report suggesting the measures that are now necessary, taking into account the experience of not merely this day, but the last

couple of years when the flood waters were tackled more effectively.

18. Though I do not propose to make any further orders at this time, taking note of the gravity of the situation that everybody is facing and so as to allow every stakeholder to be at the ground level, I am sure that the situation must be kept under control and that the Authorities of Corporation, as also that of the District Disaster Management Authority, must devote time and attention on an hour-to-hour basis.

19. I propose to list this matter in a couple of days time, so as to verify the progress in this matter; but clarify that the reports as ordered above, need be filed only after a week from the next posting date.

20. Before I close, I must also direct the learned Assistant Solicitor General of India (ASGI) appearing for the Railways, to instruct a competent Officer to work in tandem with the District Collector and the Corporation, to ensure that all the culverts are kept free, as was done in the last couple of years, including by

jetting it. The progress in this regard shall be told to this Court on the next posting date.

21. Needless to say, the Corporation will be at liberty, as has been done in the last couple of years, to liaise with the Railways to have the jetting done.

List this matter for further verification and compliance on 04/08/2022 at 1.45 p.m.

Sd/-

**DEVAN RAMACHANDRAN
JUDGE**

H/o

ANB
