

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

Friday, the 24th day of May 2024 / 3rd Jyaishta, 1946

WP(C) NO. 23911 OF 2018(L)

PETITIONERS:

- 1. TREASA K.J., AGED 40 YEARS, D/O. JOSEPH K.V., PALLIPARAMBIL HOUSE, HOUSE NO. 48, KARITHALA COLONY, GANDHINAGAR, KOCHI - 682 020.**

AND ANOTHER

RESPONDENTS:

- 1. STATE OF KERALA REPRESENTED BY ITS CHIEF SECRETARY, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM - 695 001.**

AND 35 OTHERS

Writ petition (civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to direct the 3rd respondent to take urgent measures to remove the solid waste and aquatic plants from the perandoor canal, to ensure free flow of water, in the stretch covering Division No.63 of the Kochi Municipal Corporation, during the pendency of the writ petition.

This petition again coming on for orders upon perusing the petition and the affidavit filed in support of WP(C) and this court's order dated 21/05/2024 in IA 1/2024 and upon hearing the arguments of M/S DR.K.P.PRADEEP, T.T.BIJU, K.P.KESAVAN NAIR, NEENA ARIMBOOR, SANAND RAMAKRISHNAN, T.THASMI Advocates for the petitioners, SRI.S.KANNAN, SENIOR GOVERNMENT PLEADER for R1 to R5, Addl.R17, Addl.R26, Addl.R27, Addl.R32 & R33, SRI.K.JANARDHANA SHENOY, STANDING COUNSEL for R6, M/S. RASHMI.K.V. & DEEPTI CHANDRA MOULI , Advocates for Addl. R7 to Addl.R9, M/S.M.GOPIKRISHNAN NAMBIAR, K.JOHN MATHAI, KURYAN THOMAS, PAULOSE C.ABRAHAM, Advocates for Addl. R10, SRI.T.C.KRISHNA, DEPUTY SOLICITOR GENERAL OF INDIA and SRI GIREESH KUMAR, CENTRAL GOVERNMENT COUNSEL for Addl. R11 and Addl.R12, SMT. V.A.MINI, SRI.SANTHOSH MATHEW, STANDING COUNSEL for Addl. R13, M/S. N.SATHEESH and NIRMAL.S, Advocates for Addl.R14, SRI.V.V.JOSHY and SRI. P.BENJAMIN PAUL, STANDING COUNSEL for Addl. R15, M/S. VIPIN P.VARGHESE, ADARSH MATHEW, MERLINE MATHEW, CELINE JOHN, MEHNAZ P. MOHAMMED, ANIRUDH G. KAMATH, Advocates for the Addl. R16, M/S. D. AJITH KUMAR, T.MANASY, HARSHA S. NAIR, Advocates for Addl.R18, SRI.JAJU BABU(SENIOR ADVOCATE) along with M/S. M.U.VIJAYALAKSHMI and PRIYA CAROL, STANDING COUNSEL for Addl. R19 and R29, M/S. JOHNSON MANAYANI and JEEVAN MATHEW MANAYANI, Advocates for R20 and R21, M/S. K.S. BHARATAN, ABEL ANTONY and CHRISTINE MATHEW, Advocates for R23 and R25, SRI.M.RAMESH CHANDER (SENIOR ADVOCATE) along with SRI.BALU TOM and SRI.BONNY BENNY, Advocate for Addl.R30, M/S. ASHA CHERIAN, M.A.THOMAS KUTTY AND CHERIAN CHACKO MANAYATH, Advocates for Addl R31, M/S. GOPIKRISHNAN NAMBIAR, K.JOHN

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MATHAI, JOSON MANAVALAN, KURYAN THOMAS, PAULOSE ABRAHAM, RAJA KANNAN, JAI MOHAN and IZHAR MOHAMMED, Advocates for Addl.R34, SRI.REKHESH SHARMA, Advocate for Addl.R35, M/S. ANOOP V.NAIR, AVANTHIKA R., TANOOSHA PAUL, ROHITH C. Advocates for Addl.R36 and of SRI.SUNIL JACOB JOSE, SRI.GOVIND PADMANABHAN and SRI.A.G.SUNIL KUMAR, AMICI CURIAE, the court passed the following:



DEVAN RAMACHANDRAN, J.

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&

15987/2023.

Dated this the 24th day of May, 2024

O R D E R

After the last order, the city witnessed heavy rains for a couple of days, as in the case of various other parts of the State.

2. This is a trailer of sorts, which exposed many of the weaknesses of the drainage system.

3. Some parts of the city were inundated, but at most times, water receded after rain subsided. True, some portions remain flooded, and these have been identified broadly as being 15 hot spots.

4. It is unfortunate that this Court has to intervene every year because every time

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this matter is taken, it is done at the hope that a systemic change will happen.

5. As recorded in the earlier order, the sucker-cum-suction machine was reported to be defective and under repair, but it is today reported that a substitute has been pressed to service.

6. To add to this, there are areas which have been identified - one such being the junction between M.G.Road and Banerji Road at the 'PNVM junction', where water does not flow and requires motors to pump from drain the former to the latter, literally as a bye pass. This evidently exposes the defects in the drainage mapping, and though this Court has been attempting to rectify this in the last couple of years,

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not much change has happened. Thus, the city faces inundation every time heavy rains hit it.

7. Monsoons are expected in a few days, but as we have seen in the last couple of years, it is certainly possible to save the city from severe flooding. This requires the drains to be kept clean to the extent possible. The cooperation of the citizens is also *sine qua non*, as also that of all institutions and entities, particularly those who install boards, flags etc. for self-promotion and such other. This is because, all these finally end up in the public disposal system, thus overwhelming it; and this causes a public nuisance, which is not confined to one person or one

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section, but to the whole community.

8. I must, however, have a word of appreciation for the District Collector, the Secretary of the Corporation and the learned *amici curiae*, who were physically at the various spots when the city was inundated, a day before. But this, of course, is a Pavlovian reaction, since, as I have already said above, it is for the system to work efficiently, without requiring intervention every time.

9. I do not know why this is too much to ask, particularly for a city which is rapidly moving forward.

10. The High Powered Committee constituted by this Court surely must look into all these aspects and ensure the

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cleaning of the drains, using the "sucker machine" and the clearing of debris from the areas identified as hotspots on an imperative basis.

11. To add to this, jetting of the culverts, as this Court has already emphasised in the last order, is something that has to be done immediately; for which, the learned Senior Central Government Panel Counsel, Sri.T.C.Krishna, assures full cooperation from the Railways.

12. In the last order, this Court specified certain issues, including pending works near the High Court, the Vivekananda Road area, as also the Mullassery Canal. Sri.S.Kannan - learned Senior Government Pleader, submitted that the District

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Collector and other Authorities are looking into these aspects; but that they were inevitably distracted only because of the rains for the last few days. He sought another few days time for this purpose.

13. List this matter, therefore, on 27.05.2024; within which time, the Committee headed by the District Collector, will ensure that the Corporation clears all the drains, with the assistance of the "sucker machine" and such other facilities, and that water flow is smooth in all the hotspots already been identified.

14. As regards the Mullasserri Canal, since the work is not over, every necessary measure and step will be put in place to ensure that there is no obstruction to the

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flow of water through it, and these temporary measures will be kept in place at least for these monsoons. The time lines for completion of the same are being modulated and controlled by this Court, subject to the further orders to be issued.

Show the name of Sri.T.C.Krishna in the cause lists.



Sd/-

DEVAN RAMACHANDRAN

JUDGE

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