

VERDICTUM.IN

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

Friday, the 31st day of May 2024 / 10th Jyaishta, 1946
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 IMPLEADED

7. THE ADDITIONAL CHIEF SECRETARY,
LOCAL SELF GOVERNMENT DEPARTMENT, GOVERNMENT OF KERALA.

ADDL. R7 IS SUO MOTU IMPLEADED AS PER ORDER
DATED 07/03/2023 IN WPC

ADDL. R8 IMPLEADED

8. KERALA STATE ELECTRICITY BOARD,
REPRESENTED BY ITS CHAIRMAN & MANAGING DIRECTOR,
VYDUTHI BHAVAN, PATTOM-695 004.

ADDL. R8 IS SUO MOTU IMPLEADED AS PER ORDER
DATED 10/03/2023 IN WPC.

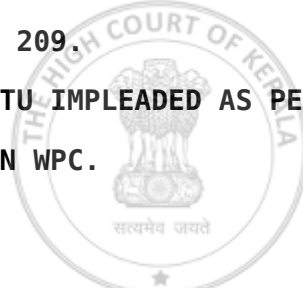
P.T.O

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 09/04/2024 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, ADDITIONAL SOLICITOR GENERAL-IN-CHARGE 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 31st day of May, 2024

ORDER

Bechu Kurian Thomas, J.

We have heard the learned Special Government Pleader, learned Standing Counsel for the Kochi Corporation, the Additional Solicitor General-in-Charge, and the learned Amici Curiae. The Additional Chief Secretary of Kerala appeared online, while the Secretary of Kochi Corporation was present in court.

2. The learned Standing Counsel for the Corporation and the Secretary of Kochi Corporation narrated the progress achieved in the bio-mining of legacy waste at Brahmapuram and informed that despite the onset of monsoon, the work is going on, though the pace has slowed down marginally. It was informed that about 4 lakh tonnes of legacy waste have been stabilized and around 2.72 lakh tonnes processed.

3. The first respondent has provided the details of cases registered in the State relating to dumping of waste on public property. It was also informed that around 36,000 Plastic Bottle

Collection Booths have already been set up in various parts of the State, including the tourist destinations. We record our appreciation for the efforts taken in the above regard and expect the same to be carried forward to reach every part of the State.

4. On our query regarding the steps to be adopted for sensitizing the public about desisting from dumping waste onto public properties, especially from school level onwards, it was informed by the Addl. Chief Secretary that orders have already been issued to the General Education Department in that regard and steps have been initiated to impart such awareness campaigns. The Additional Chief Secretary assured that from this Academic year 2024-25, such awareness sessions will be imparted at the school level.

5. Since reports indicate that the waste removed from the drains in Kochi are stocked and accumulated on the side of the drains itself, without its further removal, the Kochi Corporation shall file a report regarding the steps taken to clear such waste from the sides and the persons responsible for carrying out the work. This Court also expressed its view regarding the failure to remove the silt and waste accumulated at the outlets of the canals that run through the length and breadth of Kochi city. It was felt that proper removal of

waste accumulated at the outlets of the Canals, especially near Thevara and even on the sides of the backwaters near the Mattanchery Bridge, in Ernakulam could perhaps reduce flooding in the City.

6. Having regard to the submissions made, the following directions are issued:

- (i) The Local Authorities under the first respondent shall be instructed to identify and set up Plastic Bottle Collection Booths wherever required.
- (ii) The first respondent shall place on record the details of the mode of removal of plastic from the collection booths and the flow-chart of disposal of plastic from the collection booths till its disposal.
- (iii) The first respondent shall also place on record the steps initiated by the Government to sensitize school students to avoid dumping waste in public places.
- (iv) The report of the first respondent shall also include the facilities for waste disposal presently available in the six Corporations and other districts in the State.
- (v) The Kochi Corporation shall explore and identify measures to remove the silt accumulating at the outlets of Thevara-Perandoor Canal and report on the steps initiated in that regard.
- (vi) The Kochi Corporation shall also report on the steps initiated to clear the waste from the Canals in Kochi

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and from its sides, including the persons responsible for carrying out such works. The report shall also include the steps initiated to prevent waste from being dumped into the canals and backwaters by commercial and residential complexes.

Post on 14.06.2024.

Sd/-

**BECHU KURIAN THOMAS
JUDGE**



**Sd/-
GOPINATH P.
JUDGE**

vps