

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE MR.JUSTICE DEVAN RAMACHANDRAN
&
THE HONOURABLE MR.JUSTICE T.R.RAVI
FRIDAY, THE 24th DAY OF APRIL, 2020 /4th VAISAKHA, 1942
W.P. (C) . Tmp. NO.164 OF 2020

PETITIONER:

K.S.R.Menon, aged 66 years, S/o Late G.K. Nair residing at: A1 A7,
Periyar Hermitage Companipadi, Aluva, Ernakulam PIN - 683016,
Kerala.

BY ADVS:

Dr. Mathew A Kuzhalanadan (K/1609/2001)

V.Shyamohan (K/824/2006)

K.R.Arun Krishnan (K/617/2011)

Sudeep Aravind Panicker (K/517/2018)

RESPONDENTS:

- 1.State of Kerala,
Represented by Chief Secretary,
Thiruvananthapuram,
Pin – 695 001.

- 2.The District Collector, Ernakulam
Having office at District Collectorate,
First Floor-Civil Station, Kakkanad
Ernakulam,

PIN – 682 030

3. Kerala State Pollution Control Board

Rep. by It's Chairman
Head Office, Pattom.P.O,
Thiruvananthapuram,
PIN – 695 004.

4. Chief Environmental Engineer

Kerala State Pollution Control Board
Ernakulam
Having office at MIG & HIG Colony
Gandhi Nagar, Elamkulam
Ernakulam, PIN – 682 020.

5. Aluva Municipality

Rep. by its Secretary
Office at PWD quarters,
Periyar Nagar, Aluva
Ernakulam, PIN – 683 101.

**THIS WRIT PETITION HAVING COME UP FOR ADMISSION ON 24/04/2020,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:-**

ORDER

Devan Ramachandran, J.

We have heard Dr.Mathew S.Kuzhalanadan, learned counsel for the petitioner, who brings to our notice extremely grave concerns regarding the river Periyar. We, therefore, are of the view that this writ petition deserves to be admitted and we do so. We record that learned Government Pleader takes notice for respondents 1 and 2; while Shri T.Navin, learned Standing Counsel takes notice for respondents 3 and 4 and that the learned Standing Counsel for the Aluva Municipality takes notice for the fifth respondent.

2. Shri Mathew A.Kuzhalanadan submits that since the defilement of river Periyar is going on unabated, an independent investigation has to be conducted and he prays that this Court pass necessary orders for this purpose today itself. However, we are of the view that it is premature for this Court to pass any such orders at this stage without hearing the response of the respondents.

3. We, therefore, adjourn this matter to 5/5/2020, to be heard along with Sua Motu WPC 9500/2020, within which time, the respondents will file their response to the allegations in the writ petition.

4. Shri T.Navin, learned Standing Counsel for the Pollution Control Board submits, on the request of Shri Mathew A.Kuzhalanadan, that they are willing to share the reports with respect to the suo motu proceedings with the petitioner in this case and that it shall be made available to them through email within the next 4 or 5 days. This is recorded.

List on 5/5/2020.

**DEVAN RAMACHANDRAN
JUDGE**

**T.R.RAVI,
JUDGE**

ms/dsn

Appendix

Petitioners Exhibits

Exhibit-P1- A true copy of the news report published in the news paper "Times of India dated 19-04-2020

Exhibit-P2- A true copy of the news paper report published in "Indian Express" dated 21-04-2020

Exhibit-P3- A true copy of the news paper report published in "Indian Express" dated 21-04-2020

Exhibit-P4- A true copy of news paper report in Malayala Manorama daily dated 21-06-2017

Exhibit-P5- A true copy of e mail communication sent by the petitioner to the Central Pollution control board dated nil

Exhibit-P6- A true copy of communication from the Member Secretary of 3rd respondent to the 4th respondent dated 28-09-2017