

**IN THE HIGH COURT OF KERALA AT ERNAKULAM  
PRESENT  
THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN**

Wednesday, the 17<sup>th</sup> day of July 2024 / 26th Ashadha, 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 03/06/2024 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 MATHAI, JOSON MANAVALAN, KURYAN THOMAS, PAULOSE C. ABRAHAM, RAJA KANNAN, JAI MOHAN, 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.SUNILJACOB JOSE, SRI.GOVIND PADMANABHAN and SRI.A.G.SUNIL KUMAR, AMICI CURIAE, the court passed the following:



**DEVAN RAMACHANDRAN, J.**

---

**WP(C) Nos.23911/2018, 24027/2021, 17185/2022 &  
15987/2023**

---

Dated this the 17<sup>h</sup> day of July, 2024

**O R D E R**

Sri.Sunil Jacob, Sri.Sunil Kumar and Sri.Govind Padmanaabhan – learned Amici Curiae, mentioned this matter today, impressing upon me that the latest incident in Trivandrum ought to be an eye-opener.

No doubt, this Court is not concerned about the clearance of garbage or waste, since it is being handled by another learned Bench; but when it comes to the rejuvenation and maintenance of the water canals and drainage system in Kochi, certainly, the earlier orders of this Court will have to be fully implemented.

The situation in Kochi has improved over the years; but much more remains to be done.

This Court has been issuing orders for the last more than five or six years now and since the Authorities are also

complying with them, the situation is not bad as what was seen in Trivandrum; but any amount of callousness could turn the tables very easily.

The learned Amici Curiae cited lack of coordination as one of the reasons why the larger issues remain unanswered; as also the tendencies of the citizens and other vested interests, in violating their civil responsibilities, solely for personal gains.

A city like Kochi, which is below the sea level, requires to be handled with very careful gloves. The water channels, including the 'Thevara – Perandoor Canal', are its life lines; and if they are blocked, the city will submerge. It is because these canals have been cleaned up, at least substantially, in the last few years under the orders of this Court, that Kochi has been relieved of large-scale inundation, though certain low-lying areas and such other are still prone to it.

A High-level Committee has already been constituted under the orders of this Court, which is chaired by the District Collector, in which all stakeholders are members.

One peculiar feature of Kochi is the traversing of Railway Lines virtually dividing it, which also contain structures like culverts and such other, not easy to access. These culverts have also been cleaned periodically under the orders of this Court; and am told that this has been managed without any manual scavenging and less physical effort. Most of the culverts have been jetted using high-speed water; and cleaning has been managed – this Court is so told by the learned Standing Counsel for the Corporation – through mechanised processes and a Sucker-cum-Jetting Machine.

That being said, this Court is also told that there is only one Sucker-cum-Jetting Machine, which is under tremendous demand from various parts of the City. I record the submissions of Sri.Janardhana Shenoy – learned Standing Counsel for the Kochi Corporation, that they are in the process of acquiring more such machines; and that he will inform this Court about it in the days to come.

As I have indicated above, the learned Amici Curiae complains about lack of co-ordination, but in my view, this is no longer relevant because of the Committee that has been constituted. Certainly, the said Committee has to now pull up its socks and ensure that necessary steps are taken without any delay.

Sri.T.C.Krishna – learned Deputy Solicitor General of India in Charge, submitted that the Railways have cooperated with the High Level Committee fully and that all culverts have already been jetted and kept ready to receive even large amounts of water through it. He pointed out that, however, in many of those areas, even after the cleaning is done by the Railways, the resultant debris remain on the banks of the canals, without being removed and hence that it falls back into it, causing a deleterious sequence of events thereafter. He concluded his submissions saying that the competent Authority of his client is willing to sit with the Committee and to take necessary decisions with respect to the culverts; adding that as

far as the 'Kammattipadam' area is concerned, the culvert therein will be reconstructed, for which a 'General Arrangement Drawing' has already been settled, awaiting approval, with a work estimate of Rs.3.84 Crores being approved. He added that this work will be commenced within 6 to 8 weeks, with the contract being finalised.

No doubt, the recent events in Trivandrum must guide us for future reference.

The loss of life there is extremely saddening; but the heroism of the persons who were involved in the rescue operations require to be commended.

One can only hope that such incidents never happen anywhere again, particularly in Kochi, with all the orders this Court has passed and with the cooperation of the stakeholders.

But as I have already said above, this is not sufficient. It is too early for us to declare success because the war is yet to be won.

Before I close this order, the learned Amici Curiae has brought to my notice that, as per the orders of this Court, the Government has passed an order bearing No.34/2019/DMD dated 05.11.2019, banning deposit of garbage and draining of sewage into the 'Thevara-Perandoor Canal'. The learned Amici Curiae pleaded that such an order be ordered to be issued by the Government for all the Canals in Kochi. They, however, rued that, in spite of all such efforts, garbage and other wastes still find their way to the canal, choking it and imperiling the lives of citizens.

No doubt, the officers concerned have a role to play, as also the systems put in place; but the culture of the citizenry must also change. Whatever be the provocation or justification, dumping of articles in public places, which finally find its way into the drainage system, will have to be notified to them to be unacceptable and liable of attracting very severe penal consequences. Though many areas of the 'Thevara-Perandoor Canal' have been fenced, it is ineffable how so much of debris



still find a way into it, which requires cleaning on a regular basis, with tons being removed, only to be substituted with fresh load, a few days or weeks thereafter.

Something is wrong somewhere. There can be no doubt about it. In fact, all the learned counsel for the parties also agree to this.

Obviously, therefore, we require to ensure that the water bodies are kept clean to the extent possible. The Government and the Corporation, as also other agencies, must now set out on a drive to ensure that the canals are kept clean, without anyone being allowed to deposit anything into it in violation of the earlier orders of this Court; and a periodical inspection in this regard shall be maintained, lest what we saw in Trivandrum replicate itself in Kochi.

No doubt, the situation in Kochi, as said above, is much different and better now; but this is only on account of the orders that have been issued.

The Committee constituted by this Court is hereby notified and reminded that they are in charge of this inviolable task; and that its constitution is reflective of the factum of all stakeholders being involved, whose responsibility individually is also very vital.

The learned Senior Government Pleader – Sri.S.Kannan, submitted that the Committee is having its meeting regularly; and that they will do so within a week's time, so as to involve the Railways also, for the purpose of the suggestions now placed before this Court by Sri.T.C.Krishna.

The monsoons are now gathering its force and hence the responsibility of the stakeholders, and even that of this Court, is now very high. We can never be oblivious to this.

I have recorded this long order only as a manner of reminding the Authorities and of reflecting the great angst of citizens in the incident happened at Trivandrum.

Post these cases for further consideration on 31.07.2024.

After I dictated this part of the order, the learned Amici Curiae pointed out that it is now futile to pretend that the woes of the city as large as Kochi can be left to the nature to take care of itself. They added that necessary modern techniques of waste control is required and that the Corporation had been ordered by this Court earlier to file a report on this.

The Corporation will certainly report to such extent.



Sd/-

**DEVAN RAMACHANDRAN,  
JUDGE**

RR