

IN THE HIGH COURT OF KERALA AT ERNAKULAM  
PRESENT  
THE HONOURABLE THE ACTING CHIEF JUSTICE MR. A.MUHAMED MUSTAQUE  
&  
THE HONOURABLE MR. JUSTICE S.MANU

Tuesday, the 23<sup>rd</sup> day of July 2024 / 1st Sravana, 1946  
WP(C) NO. 18400 OF 2024(S)

**PETITIONER:**

1. ADV.BORIS PAUL, AGED 53 YEARS, RESIDING AT ASHTAMUDI LAW CHAMBERS, NORTH OF CIVIL STATION, THEVALLY(P.O), KOLLAM, PIN - 691 009.

**RESPONDENTS:**

1. UNION OF INDIA, REPRESENTED BY THE SECRETARY, MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE, INDIRA PARYAVARAN BHAWAN, JORBAGH ROAD, NEW DELHI, PIN - 110 003.
2. STATE OF KERALA, REPRESENTED BY ADDITIONAL CHIEF SECRETARY, FORESTS AND WILDLIFE DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695 001.
3. WATER RESOURCES DEPARTMENT, REPRESENTED BY ITS PRINCIPAL SECRETARY , GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695 001.
4. DISTRICT COLLECTOR, COLLECTORATE, CIVIL STATION (S.O), KOLLAM, PIN - 691 013.
5. SUB COLLECTOR & REVENUE DIVISIONAL OFFICER, COLLECTORATE, CIVIL STATION (S.O), KOLLAM, PIN - 691 013.
6. TAHSILDAR, TALUK OFFICE, KOLLAM, PIN - 691 001.
7. TAHSILDAR, TALUK OFFICE, KARUNAGAPPALLY, KOLLAM, PIN - 690 518.
8. KERALA STATE POLLUTION CONTROL BOARD, REPRESENTED BY ITS SECRETARY HEAD OFFICE, PATTOM (P.O), THIRUVANANTHAPURAM, PIN - 695 004.
9. KOLLAM MUNICIPAL CORPORATION, REPRESENTED BY ITS SECRETARY, KOLLAM (P.O), PIN - 691 001.
10. PERAYAM GRAMA PANCHAYATH, REPRESENTED BY ITS SECRETARY, MULAVANA(P.O), PARAYAM, KOLLAM, PIN - 691 503.
11. WEST KALLADA GRAMA PANCHAYAT, REPRESENTED BY ITS SECRETARY, VILANTHARA (P.O), WEST KALLADA, KOLLAM, PIN - 690 521.
12. EAST KALLADA GRAMA PANCHAYAT, REPRESENTED BY ITS SECRETARY, EAST KALLADA (P.O), KOLLAM, PIN - 691 502.
13. MUNDROTHURUTHU GRAMA PANCHAYATH, REPRESENTED BY ITS SECRETARY, MUNDROTHURUTHU, KOLLAM, PIN - 691 502.
14. PANAYAM GRAMA PANCHAYATH, REPRESENTED BY ITS SECRETARY, THANNIKKAMUKK, PANAYAM, KOLLAM, PIN - 691 601.
15. PERINAD GRAMA PANCHAYAT, REPRESENTED BY ITS SECRETARY, CHEMMAKKAD(P.O), PERINAD, KOLLAM, PIN - 691 601.
16. THRIKKARUVA GRAMA PANCHAYAT, REPRESENTED BY ITS SECRETARY, KANJAVELI(P.O), THRIKKARUVA, KOLLAM, PIN - 691 602.
17. THEVALAKKARA GRAMA PANCHAYAT, REPRESENTED BY ITS SECRETARY, THEVALAKKARA(P.O), KOLLAM, PIN - 690 524.
18. THEKKUMBHAGOM GRAMA PANCHAYAT, REPRESENTED BY ITS SECRETARY, CHAVARA SOUTH(P.O), KOLLAM, PIN - 691 584.

19. CHAVARA GRAMA PANCHAYAT, REPRESENTED BY ITS SECRETARY, CHAVARA, KOLLAM, PIN - 691 583.
20. NEENDAKARA GRAMA PANCHAYAT, REPRESENTED BY ITS SECRETARY, PARIMANAM, NEENDAKARA, KOLLAM, PIN - 691 584.
21. KUNDARA GRAMA PANCHAYAT, REPRESENTED BY ITS SECRETARY, KUNDARA(P.O), KOLLAM, PIN - 691 503.

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 pass an interim order directing the respondents to consider and take appropriate action on Exhibit P3 pending disposal of the Writ Petition.

This petition coming on for orders upon perusing the petition and the affidavit filed in support of WP(C), this Court's order dated 31/05/2024 and upon hearing the arguments of M/S. AJMAL A., DHANUSH C.A., PRIYANKA SHARMA M.R. & ANANYA M.G., Advocates for the petitioner, CENTRAL GOVERNMENT COUNSEL for R1, SENIOR GOVERNMENT PLEADER for R2 to R7, STANDING COUNSEL for R8, SRI. M.R SASITH for R10, R12 & R19, SRI. SIJU KAMALSANAN, STANDING COUNSEL for R11, SRI.VINOY VARGHESE KALLUMMOOTTIL, Advocate for R13, M/S. K.V ANIL KUMAR & RADHIKA S. ANIL, Advocate for R14, SRI.MANOJ RAMASWAMY, Standing Counsel for R15 & R21 and of SRI. BIJITH S KHAN, STANDING COUNSEL for R17, the court passed the following:

P.T.0

**A. Muhamed Mustaque, Acg. C.J.**

**&**

**S. Manu, J.**

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**W.P.(C)No.18400 of 2024-S**

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**Dated this the 23<sup>rd</sup> day of July, 2024**

**ORDER**

**A. Muhamed Mustaque, Acg. C.J.**

This writ petition was filed by an Advocate of Kollam Bar. He sought for a relief to clean up the Ashtamudi lake and restore its water quality. He also sought for a direction to implement proper sewage treatment facilities to remove the waste from the Ashtamudi lake. He also prayed for removal of encroachment in and around the Ashtamudi lake.

2. Based on our direction, the learned Senior Government Pleader placed before us the list of encroachers identified in Ashtamudi lake. It is astonished to know that it is not a small parcel of land but a large extent of land that have been encroached. It is high time that we need to secure this kayal puramboke for future generation and also ensure free

flow of water in the Ashtamudi lake.

3. The learned counsel for the petitioner points out that the effluents are allowed to pass to the lake and that there is no sewage treatment plant by the Kollam Corporation.

4. We, therefore, direct the Secretary of the Kollam Corporation as well as the Secretaries of other local authorities to place before this Court as to what action have been taken to prevent the passing of waste to the lake. Strict action shall be taken by the Secretary to prevent passing of waste and other effluents to the lake, in the light of the Government Orders dated 2/3/2024 for dumping waste in public places. Necessary orders shall be passed by the Secretary and place the same before this Court by next posting.

5. We also direct the Sub Collector, Kollam to initiate proceedings to remove encroachers within a period of six months after duly following the procedure under the Land Conservancy Act. The Sub Collector, Kollam is also directed to update before this Court the progress of the action taken from

time to time, at least once in a month till conclusion of the entire proceedings.

6. The District Police Chief is directed to give assistance to implement the orders passed under the Land Conservancy Act for removal of encroachers by deploying necessary police personnel.

The list of encroachers placed before us is appended along with this order and it will form part of this order.

Post on 06.08.2024.

(Handover)



Sd/-

**A. Muhamed Mustaque,  
Acting Chief Justice**

Sd/-

**S. Manu  
Judge**

**vpv**