

**DEVAN RAMACHANDRAN, J.**

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**WP(C)No.23911/2018**  
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Dated this the 4<sup>th</sup> day of August, 2022

**O R D E R**

It was in sheer desperation that this Court listed this matter on 01.08.2022, when the city of Kochi was once again flooded with water. Complaints were pouring from all sources, particularly right thinking citizens, about the sorry state of affairs which led to the inundation.

2. Pursuant to the orders of this Court on that date, cleaning of the drains and canals began in full swing and the difference is for all of us to see today, when the city received almost the same amount of rainfall. The difference is obvious, since no part of the city was flooded the manner it was on 01.08.2022, though they have been minor instances. This is not to say that low lying areas in the city and its peripheral areas are not being effected; but what this Court means to say is that,

with sufficient effort, it is possible to avert a flood like situation in Kochi even though it is on par or below the Seawater level.

3. Sri.S.Kannan – learned Government Pleader, submitted that, in obedience of the orders of this Court dated 01.08.2022, the Mayor of the Corporation of Kochi, MLA, Officers of the PWD Roads Division, Irrigation Department, Police Fire and Rescue Departments, Cochin Smart Mission Limited, Electricity Board, Water Authority and others, under the stewardship of the District Collector, had inspected the problem sites in the city; leading to the cleaning and desilting of drains to be completed, to the extent possible, in two days. He added that the Corporation, PWD, Cochin Smart Mission Limited and the Irrigation Department, as also the Southern Railway, have been instructed by the District Collector to desilt and clear the drains in specified areas and that the same has been completed, if not are nearing completion. He added that a Committee of all the departments have been formed, to prepare a formal project, to be assisted and approved by the

Disaster Management Authority.

4. One issue that this Court has been grappling with for sometime now is the renovation of Mullassery Canal. Though certain amounts were paid by the Corporation, on account of escalation of the cost of materials, the Water Authority took the stand that more than Rs.2.54 crores was additionally necessary. I am pleased that the Government has now come out with an order shouldering the said responsibility. Therefore, the work of Mullassery Canal must now start and be completed soon.

5. Sri.V.V.Joshy – learned Standing Counsel for the Kerala Water Authority, submitted that since the Government has now shouldered the additional financial responsibility, the tendering process for removing the water pipes from the Mullassery Canal will begin on 06.08.2022 and will be completed by 16.08.2022. He submitted that if tenderers participate, then the work can begin without any avoidable delay thereafter.

6. As regards the jetting of culverts under the railway

line at the 'Kammattipadom' area is concerned, Smt.S.Krishna – learned Central Government Counsel, representing the Assistant Solicitor General of India, submitted that an officer has been nominated for such works and an intimation sent to the District Collector. She handed over across the Bar a copy of the same dated 02.08.2022. which shows the name of the person, as also his contact number. Indubitably therefore, the work of jetting of culverts must begin without any further delay.

7. Though it is too early to call victory, the change that the city has seen today certainly demonstrates that, with proper resolve, citizens can be spared of inundation every year. We cannot take the nature for granted any further and we must expect that such events will happen, for which everyone has to be ready, not at the time of monsoons alone, but even much earlier.

8. Though the canals were kept ready this year, the drainage system appears to have been clogged and its opening up in the last two days have worked miracles. Irrefragably,

therefore, the Corporation is now enjoined to keep the drainage system clean on a periodical basis, and not through an annual exercise alone.

9. That said, since the Kerala Water Authority seeks time to 16.08.2022, I deem it appropriate adjourn this matter to 17.08.2022.

In the meanwhile, I issue the following directions:

a) The Kochi Corporation will ensure, on a continuous basis, that all the drains are kept clean and debris removed to designated places without delay.

b) Since the flow of water from the roads into the drainage is impeded on account of the vegetation growing in between, the same shall be cleared on a war-footing; and if possible, materials like cements and such other, shall be used to ensure that such vegetation do not come back in future. This is essential because, otherwise, as we are seeing, on account of monsoons, the weeds and plants grow back in days and not in weeks. A report in this regard shall be placed before this Court

by the Corporation by the next posting date.

c) The competent Authorities, including the Police and the Corporation, will ensure that there is no dumping of waste into drainage systems by anyone, including commercial establishments, hotels, residential houses, complexes etc.; and a continuous vigil/watch shall be maintained in this regard. Any person who is found violating these orders shall be dealt with under the full warrant of law, including by initiating prosecution. The competent Authorities will ensure that these directions are made known to citizens through appropriate proceedings, so that they will also adjust their behaviour accordingly.

d) The gratings and such other installations over the holes on the roads, intended for flow of water into the drains, shall be reinstalled and repaired by the Corporation of Kochi, Cochin Smart Mission Ltd and such other agencies, who are in charge of various roads in the city; and I direct the Commissioner of Police, Kochi City, to ensure that they are

well-protected through apposite means as are necessary. For this purpose, he will be at liberty to get inputs from the stakeholders as to how such installations can be protected from anti-social elements, who seem to be engaging in pilferage.

e) The afore directions will not be construed by the Corporation or other agencies as a one time measure and they will continue to do so every 3 or 4 months, as per requirement; and I notify them that this will be monitored by this Court through the learned Amicus Curiae. As and when such cleanings are done, the Corporation will file periodical reports before this Court, after serving a copy of same on the learned Amicus Curiae.

f) The District Collector, Ernakulam, is directed to keep an overall supervision and control over the afore activities and report before this Court if any further orders or directions are required.

Dumping of septic and other toxic waste in city

The learned Amicus Curiae – Sri.Sunil Jacob Jose, pointed

out that a video is circulating in the social media – which, he says, has been made available to the learned Government Pleader also – relating to a lorry which appears to be depositing septic waste into roads while in motion, by keeping its valves open. He added that the problem of dumping of waste in Kochi City has gained epic proportions and that if this is not controlled, epidemics are only waiting to happen.

The afore input of the learned Amicus Curiae certainly is of great concern and am certain that the Commissioner of Police and the District Collector must take cognizance of same and take necessary action in the said regard and also suggest measures and means to avoid this. In future the collection of waste from various parts of the city will have to be ramped by the Corporation and any person found dumping it illegally or carelessly, taken to task. This Court is aware that citizens sometimes do this under the impression that they will not be apprehended, but they have to be aware that their one action puts the entire citizenry to peril, should diseases and epidemics



arise out of it, which is not merely a probability but a certain possibility, if things proceed the way it is presently going.

Therefore, in addition to the afore directions, I direct the Corporation of Kochi to ensure that removal of waste from various parts of Kochi Corporation is streamlined and effectively implemented; and the District Collector, in her capacity as the Head of the Disaster Management Authority, will oversee this and file a report before this Court on this issue by the next posting date.

I also record the submission of Sri.Janardhana Shenoy – learned Standing Counsel for the Corporation of Kochi, that night squads have been already constituted to avert dumping of waste in public places and that stringent action is also to be taken.

However, it has to be borne in mind that, in spite of this, the deleterious tendencies of citizens have not changed. Obviously, the Police must also keep a watch on this and give every assistance to the squads of the Corporation. This Court

will certainly issue further orders after the report of the District Collector is obtained in this regard.

Post on 17.08.2022.

Sd/-

SAS/RR/04.08.2022

**DEVAN RAMACHANDRAN,**  
**JUDGE**