

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI**

Application No.312 of 2013(SZ)

(W.P.No.19569 of 2013 on the file of High Court of Kerala)

In the matter of

1. K.K.Somasekharan Pillai
Aradhana House, Mannankarachira
Thiruvalla, Pathanamthitta District
2. Ramesh Kumar,
Sreerangam, Mannankarachira, Thiruvalla.
(Secretary, Mythri Residents Association) Applicants

Vs

1. State of Kerala – represented by the
Chief Secretary to Government,
Secretariat, Thiruvananthapuram
2. The Department of Irrigation,
Government of Kerala, represented by its
Special Secretary, Irrigation Department,
Secretariat, Thiruvananthapuram
3. The Chief Engineer,
Department of Irrigation, Thiruvananthapuram
4. The Thiruvalla Municipality, represented by its
Secretary, Thiruvalla
5. Sri Anto Antony M.P.
Pathanamthitta
6. Adv.Mathew T.Thomas M.L.A.
Office of the M.L.A.
Kacheripady, ThiruvallaRespondents

Counsel appearing for the applicant:

M/s. TASURS Associates

Counsel appearing for the Respondents:

Mrs.Suvitha A.S for R1 to R3
Mr.K.R.Harin for R4
Mr.Anto Antony for R5
Mr.Mathew T.Thomas for R6

ORDER

Present

Hon'ble Shri Justice Dr.P. Jyothimani, Judicial Member

Hon'ble Shri P.S.Rao, Expert Member

7th April, 2016

The application, which was originally filed as writ petition in W.P.No.19569 of 2013 before the Hon'ble High Court of Kerala, stood transferred to this Tribunal.

2. In the prayer, the applicant has prayed for a direction against the respondents to take immediate action for cleaning and maintenance of rivulet starting from the joining point of Pampa and Manimala rivers leading to Panamkuzhi Reach- II which is admittedly within the 4th respondent Municipal limits. Even though the applicant has not chosen to give detailed particulars about the nature of pollution, it is seen from the affidavit that the applicants are mostly concerned about the weeds, bushes and shrubs which are grown in the rivulet.

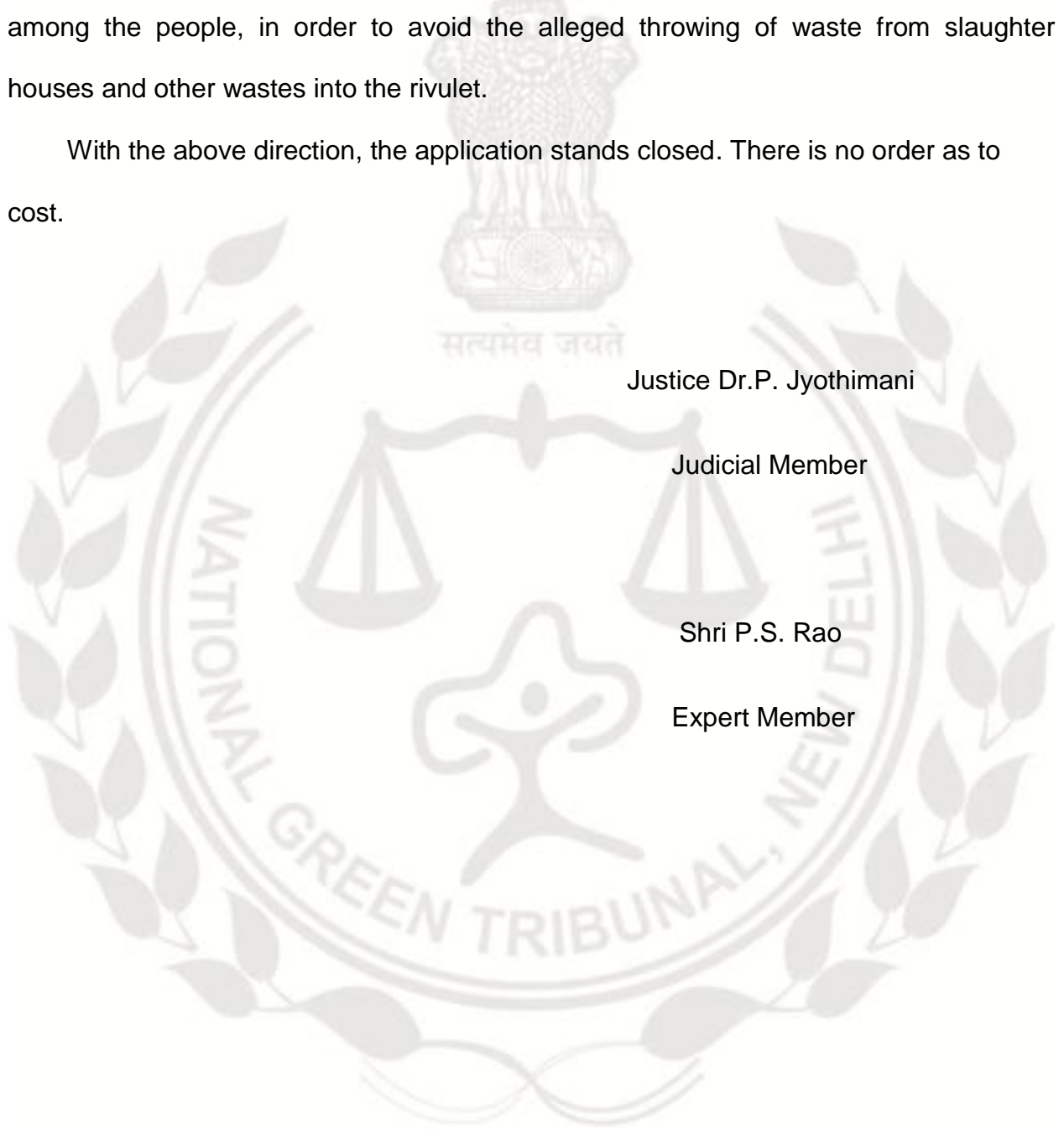
3. Admittedly, the maintenance of the rivulet is within the jurisdiction of 3rd respondent viz., the Department of Irrigation. The 3rd respondent, in their reply dated 18.03.2016, has stated that the main stretch of the rivulet having a length of approximately 5 km, flows through Ward Nos.26, 33, 34 & 39 of Thiruvalla Municipality and finally discharges into Manimala river, near the confluence of Manimala and Pampa rivers at Pulikeezhu. It is also stated by the 3rd respondent that at present many portions of the rivulet are covered with aquatic weeds, shrubs and vegetation and thus accumulation of silt and earth have taken place. During the year 2010-11, from the starting point of the rivulet, for a distance of one kilometre from Pallipalam, cleaning efforts were made by 3rd respondent by spending Rs.10 lakhs and again in the year 2011-12, cleaning was effected in the rivulet called Chanthathodu (Market Canal) for a length of 1.5 km at the cost of Rs.15 lakhs. For cleaning the remaining portion of the rivulet by removal of aquatic weeds etc., the expenditure is estimated at Rs.1 Crore and the same is expected to be sanctioned in the financial year 2016-17. It is also stated by the 3rd respondent that immediately on sanctioning of the said amount, the remaining work of removal of weeds will be taken up and completed fully during financial year 2016-17.

4. In view of the categorical statement made by the 3rd respondent, we are of the view that no further orders are required, except directing the 3rd respondent viz.,

Department of Irrigation to complete the process of removal of weeds and water plants in the rivulet within the period of 2016-17.

5. We also incidentally direct the 4th respondent, Thiruvalla Municipality to take all steps which the municipality is bound to take under the statute, by imparting civic sense among the people, in order to avoid the alleged throwing of waste from slaughter houses and other wastes into the rivulet.

With the above direction, the application stands closed. There is no order as to cost.



Justice Dr.P. Jyothimani

Judicial Member

Shri P.S. Rao

Expert Member

NGT