

IN THE HIGH COURT OF KERALA  
At Ernakulam

V.K.Bali, C.J. & P.R.Raman, J.

Monday, the 22<sup>nd</sup> day of January, 2207/2<sup>nd</sup> Magha 1928.

I.A.No.....1 6 2 8 2.....of 2006

in

W.P.(C)No..26304..of 2006–S

Dejo Kappan.....Petitioner

Vs

Corporation of Cochin and another.....Respondents

**ORDER**

This order be read in continuation of the various orders passed by this Court from time to time and particularly the orders dated 10<sup>th</sup> November, 2006 and 5<sup>th</sup> January, 2007. Learned counsel appearing for the petitioner in tune with the observation made by us on 5<sup>th</sup> January, 2007 has placed on record some suggestions which may go a long way in solving the problem under consideration. The same read thus:-

- a. The Cochin Corporation shall see that establishment of Waste Disposal Plant at Brahamapuram should be expedited and the Secretary , of the Cochin Corporation shall file an affidavit before this Hon'ble Court about the progress of the work on the 1<sup>st</sup> of the month. The first report shall be filed on 1<sup>st</sup> February, 2007.
- b. The copy of the said report filed by the Cochin Corporation shall also be given to Sri. P.B.Sahasranaman, Advocate Commissioner , who shall inspect the genuiness of the said report and file a report before the 10<sup>th</sup> of every month. The petitioner submits that , he may be paid for the same, in view of his earlier works.
- c. Till a permanent waste disposal plant is established and made functional at Brahampuram, the said land hall be used for dumping or storage of wastes The District Collector, the Commissioner of Police , and other

Government officials at Ernakulam shall see that no hurdles are caused to the said activities of the Cochin Corporation by any persons;

- d. If the Cochin Corporation finds that the dumping at Brahmapuram causes any pollution or nuisances , they shall take proper steps to abate such difficulties caused to the public ;
- e. To make the city clean, the Cochin Corporation shall be see that that waste from the bins are removed within a fixed time, preferably during night, between 10PM and 6.AM. . People should be allowed to dump wastes in such bins only, after 7.P.M or at any time , within one or two hours from the commencement of the removal of the said wastes from the bins;
- f. The Health Officer of the Cochin Corporation shall be depute adequate staff to oversee that the removal and dumping in the said bins and he shall take proper action for the proper management of the said bins. The schedule of time of removal and the name of the Health Inspector of the area, along with his phone number in which he is available, shall be notified in the bins or in such other places, so that people can make complaints about it to them their grievances. All such complaints should be attended, at any rate within 24 hours from the receipt of it.
- g. No person shall be allowed to dump in public roads or canals , and action should be taken against the violators in accordance with law;
- h. The Corporation shall keep a complaint redressal cell (or assistance) to receive all the complaints from the public through all modes, a toll free number, an e-mail address and a postal address, and remedial action should be taken immediately at any rate within three days from the receipt of such complaints;
- i. If the Cochin Corporations fails to discharge its duties as contemplated under the Kerala Municipality Act, 1994, the Government of Kerala shall take appropriate action under Sec.64 (2) of the Act ;
- j. If any of the parties or any public have any grievances that are not attended or the authorities refused to take action, they are can file interim application (IA) in this case so as re-open;
- k. In view to the non removal of garbage, Mosquitoes are looming large in the Cochin Corporation. To eradicate the same, directions may be issued

to pump-out saltwater in the drainage canals. Further to make fogging and use insecticide to eradicate the same.”

2. Mr.M.K.Chandramohan Das, learned counsel appearing for the Cochin Corporation states that all suggestions but for the one enumerated as item L would be acceptable to the Corporation. We record appreciation of the parties who have arrived at consensus for solving a serious problem of garbage removal. The proposal enumerated at item I does not appear to be necessary in the facts and circumstances of the case. We thus order that all steps enumerated in the proposal reproduced above shall be carried out in letter and spirit except the one enumerated at item I. Smt.Pinku H.Thaliyath, learned counsel representing respondents 6 and 7 however states that some problems are likely to arise from the proposals mentioned above. We may only comment by saying that if any problem may arise emanating from the suggestions as mentioned above, it will be open for any party to this petition to move a miscellaneous application. Mr.M.P.Madhavankutty, learned counsel representing the Vadavukode Puthencruz Grama Panchayat states that the area at Brahmapuram is waterlogged as reported by the Ombudsman and it may not be possible to dump garbage at that place. The contention raised by the learned counsel does not appear to be correct. The local Commissioner who has visited the spot has recommended Brahmapuram as an ideal place for dumping the garbage. We have already mentioned in one of our orders that the waterlogged area shall be reclaimed.
3. Learned counsel representing the Corporation stated that they will take some time to make walls to prevent water pollution as four walls have to be constructed. We only comment/observe that the Corporation may take such time as may be necessary to do the needful. The order passed by us would be meticulously complied with by all concerned. We leave it open to the parties to move a miscellaneous application in case any problem may arise. Before we may part with this order we would like to mention that the Corporation may think of steps other than mentioned above to eradicate the problem of garbage dumping.

Sd/-

V.K.Bali, Chief Justice.

Sd/-

P.R.Raman, Judge.

True Copy

Sd/-

Assistant Registrar.