

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
SOUTHERN ZONE, CHENNAI**

O.A. No. 268 OF 2017 (SZ)

REPORT

**PRESENTED BY JUSTICE A.V.RAMAKRISHNA PILLAI
(FORMER JUDGE, HIGH COURT OF KERALA)
CHAIRMAN, STATE LEVEL MONITORING COMMITTEE, KERALA
(FOR AND ON BEHALF OF THE AFORESAID COMMITTEE)
REGARDING THE ALLEGED ENCROACHMENT INTO THE
CHERUTHONY RIVER AND THE NEARBY FOREST AREA
IN IDUKKI DISTRICT**

PRESENTED ON : 26.09.2020

COMPLIANCE: ORDER DATED 19.06.2020

DATE OF POSTING: 30.09.2020

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REPORT

The alleged encroachment into the Cheruthony River through various means including the construction of a check dam across the river as well as the encroachment into an ecologically fragile construction free zone in the forest area in Idukki district and making unauthorised construction therein is the subject matter in issue in the present original application. Allegations regarding illegal constructions of crusher units near Cheruthony – Thadiyampad area and discharge of septage and sewage from commercial establishments causing pollution to the river, are also made in the original application.

As per orders dated 28.1.2020, a joint committee consisting of the District Collector, Idukki, the Chief Conservator of Forest, Vazhuthakkad, the Superintending Engineer of the Kerala State Electricity Board, a representative of the Kerala State Pollution Control Board, a senior officer from the Regional Office, Ministry of Environment, Forest, Bangalore and the Executive Engineer, PWD (Roads), Idukki was constituted by this Hon'ble Tribunal to inspect the area in question and to submit a report touching the allegations made mention of in the original application. Certain actions were also proposed against the violators, for protecting the river.

Cheruthony river located in Idukki District is a tributary of Periyar river which originates from Sivagiri hills in Western Ghats. Periyar river which joints with Mullapperiyar dam flows down to Vandiperiyar and reaches Idukki – Cheruthony – Kulamav dam systems. Idukki dam is constructed across river Periyar and it has no shutters to release excess water. Instead, the excess water in the dam site is released through the shutters of Cheruthony dam from where the Cheruthony river originates and flows down to join river Periyar at Vellakkayam. River Periyar practically does not exist at a certain length between Idukki dam and Vellakkayam as Idukki dam has no shutters. During peak summer season, Cheruthony river is almost barren near Cheruthony town. However, the seeping from Cheruthony dam makes lean flow during summer.

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Due to the recent increase in the spread of Covid-19 in the State and also due to the adverse climatic conditions I could not personally go and inspect the site before making this report. However, an inspection was caused to conducted by the District Office, KSPCB, through the Member Secretary, SLMC. Accordingly, the Environmental Engineer of the KSPCB, Idukki District conducted a site inspection on 14.9.2020. Certain screen shots of different locations of the site were also caused to be taken. The contents of this report is mainly based on the information supplied by the Environmental Engineer of the KSPCB.

The following are the pieces of information supplied by the District Office, Idukki of KSPCB.

1. There are small restaurants, lodges, commercial establishments and residential apartments on one bank of the Cheruthony river. The other bank is almost a free land.
2. A non-perennial stream flows through Cheruthony town and it joins at Cheruthony river.
3. In all the commercial as well as residential establishments, septic tanks with soak pit system are seen provided. However, these are located on the bank of the river itself.
4. All most all restaurants have leach ate collecting pits. These are for collecting wash water.

Reportedly, inspection was conducted in all establishments to verify their system of waste water disposal. The details are given in **Annexure-A1** schedule appended. It was also reported that, due land constrains and due the presence of vegetation at the banks of the river, a detailed verification could not be conducted for ascertaining whether there is unauthorised discharge of waste water into the river.

5. When the samples of water collected from the river were subjected to analysis, it was revealed that there was slight contamination of the river water by the domestic waste water.
6. Pollution due to the throw of plastic wastes into the river was noticed.

7. The check dam made mention of in original application was seen practically destroyed due to the flood in 2018.
8. The pay and park area and the toilet made mention of in the original application are not existing now. However, a public toilet exist near the bus stand at present. There a soak pit attached to the septic tank was seen provided for disposal of black water.
9. A crusher unit by name CMJ granite is situated at a distance from the river. However, it is not functioning now.

Annexure-B series contains the google map of the area and the photographs of different views of the river. Reportedly, group I of Annexure-B series, are the photographs taken on 22.5.2018 and group II are the photographs taken on 14.9.2020. Group III is the photograph shows joining point of Cheruthony and Periyar river.

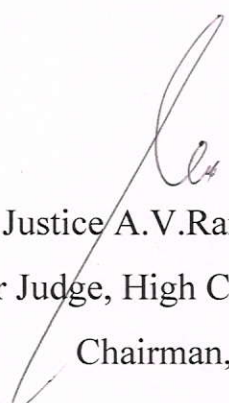
CONCLUSION

It is a natural phenomenon that water will find its path and level. The flood occurred in the year 2018 in Kerala illustrates the aforesaid principle. The Cheruthony town and its outskirts were worst affected during the flood of 2018. The unprecedented rainfall resulting in incessant flow of excess water from the dam site, coupled with the constriction of the river on account of encroachments made the river to flow across the Cheruthony town in 2018. Allegedly, the bus station at Cheruthony is located over a portion of the river. Certain structures as well as the check dam made mention of in the original application were practically washed away in the flood. Nature could achieve restoration which the authorities are the incapable of doing.

Evidently, there is real threat to the existence of the river. The remnants of the check dam across the river is the evidence of the encroachment. There is evidence of pollution of river water on account of dumping a plastic wastes and also on account of waste water from the nearby establishments. It is absolutely within the responsibility of the local body to curb the dumping of waste into the

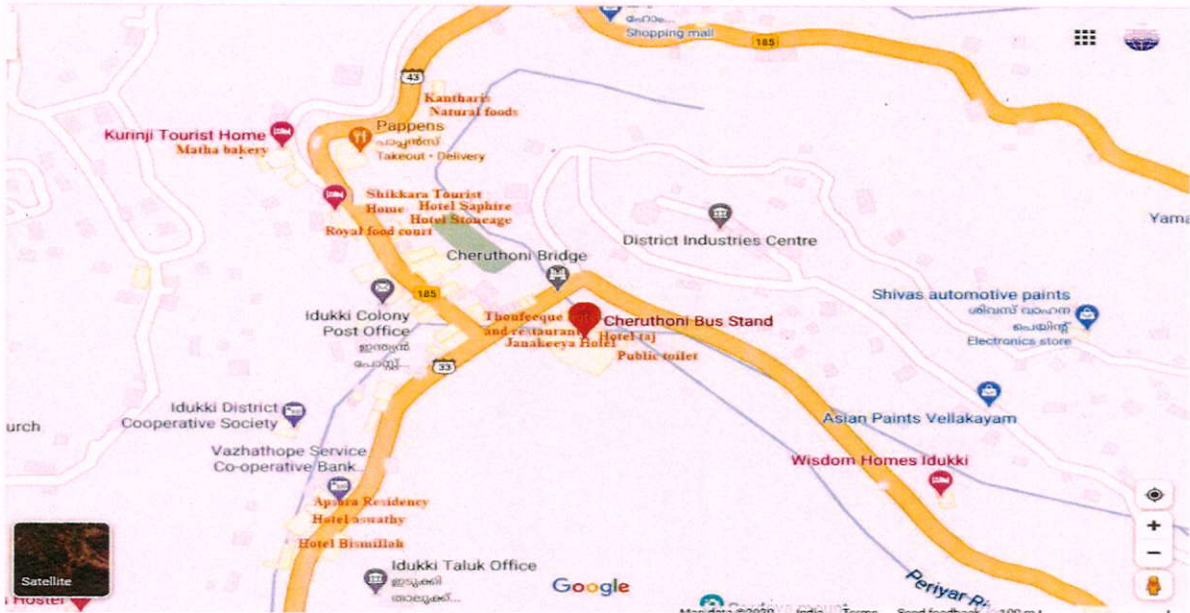
river. The irrigation department is duty bound to see that the river is not encroached upon by riparian owners. The forest department is legally bound to protect the forest area from illegal encroachments and constructions. Unless there is earnest effort on the part of the authorities concerned, the very existence of our natural resources will be at peril.

Dated this the 26th day of September, 2020.



Justice A.V. Ramakrishna Pillai
(Former Judge, High Court of Kerala)
Chairman, SLMC, Kerala.

Name of Establishment	Activity	Waste disposal facility
Hotel Taj	Restaurant	Seen closed
Thoufeeq Hotel and restaurant	Restaurant with 56 seats	Underground tank was seen provided within the building. Wash water finally percolates to soil. Septic tank soak pit was seen provided for black water.
Hotel Stone Age	Hotel	Sewage Treatment Plant and soak pit were seen provided. Hotel is under renovation works.
Hotel Sapphire	Restaurant with 24 seats	Underground collection tank was seen provided.
Pappens hotel	Restaurant	Seen closed
Natural foods	Chicken stall	Underground tank was seen provided for wash water.
Uppum Mulakum – Kantahris	Restaurant with 10 seats	Underground tank was seen provided.
Kurinji Tourist Home	No Restaurant, 7 rooms	Septic tank and soak pit were seen provided.
Shikkara Tourist Home	No Restaurant, Tourist Home 24 rooms	Septic tank and soak pit were seen provided.
Central Hotel	Restaurant with 24 seats	Collection tank was seen provided
Janakeeya Hotel	Restaurant with less than 5 seats	No facility for wash water disposal.
Apsara Residency	No Restaurant, Tourist Home with 13 rooms	Septic tank and soak pit were seen provided.
Hotel Aswathy	Restaurant with 26 seats	Underground collection tank was seen provided.
Hotel Bismilla	Restaurant with 28 seats	Underground collection tank was seen provided.



Google map view

GROUP I





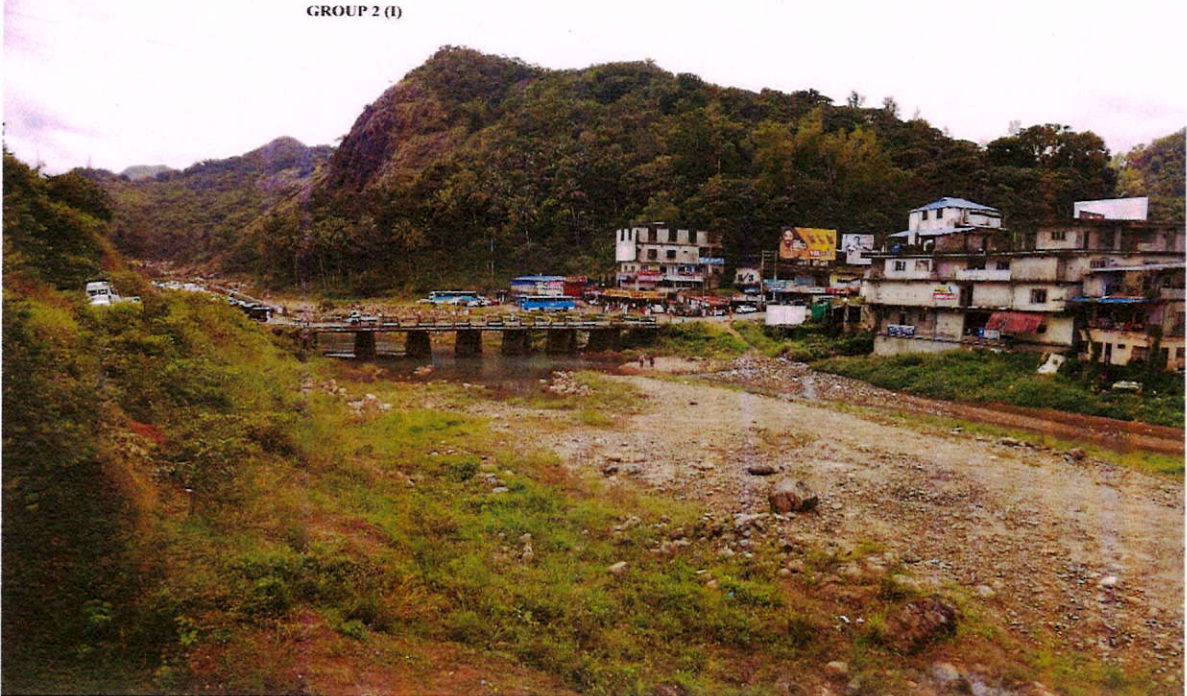
GROUP II



View of Cheruthoni River (Upstream side)

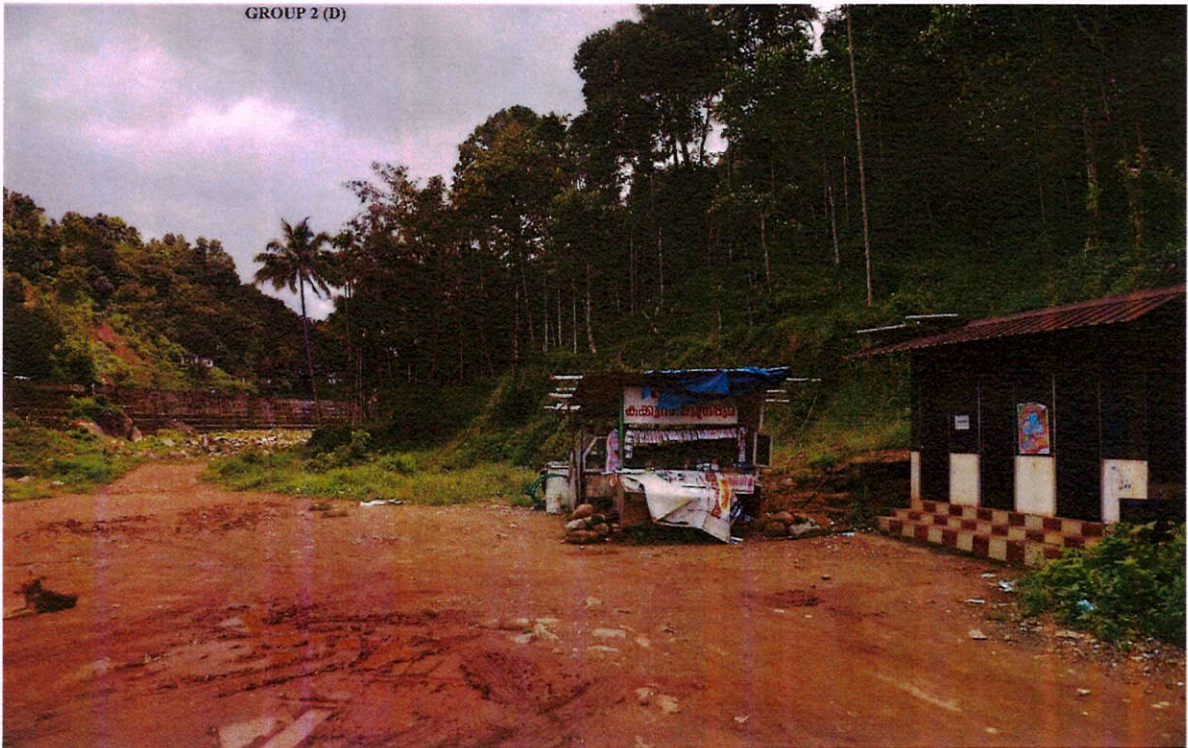
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GROUP 2 (I)



View of Cheruthoni River(Downstream side)

GROUP 2 (D)

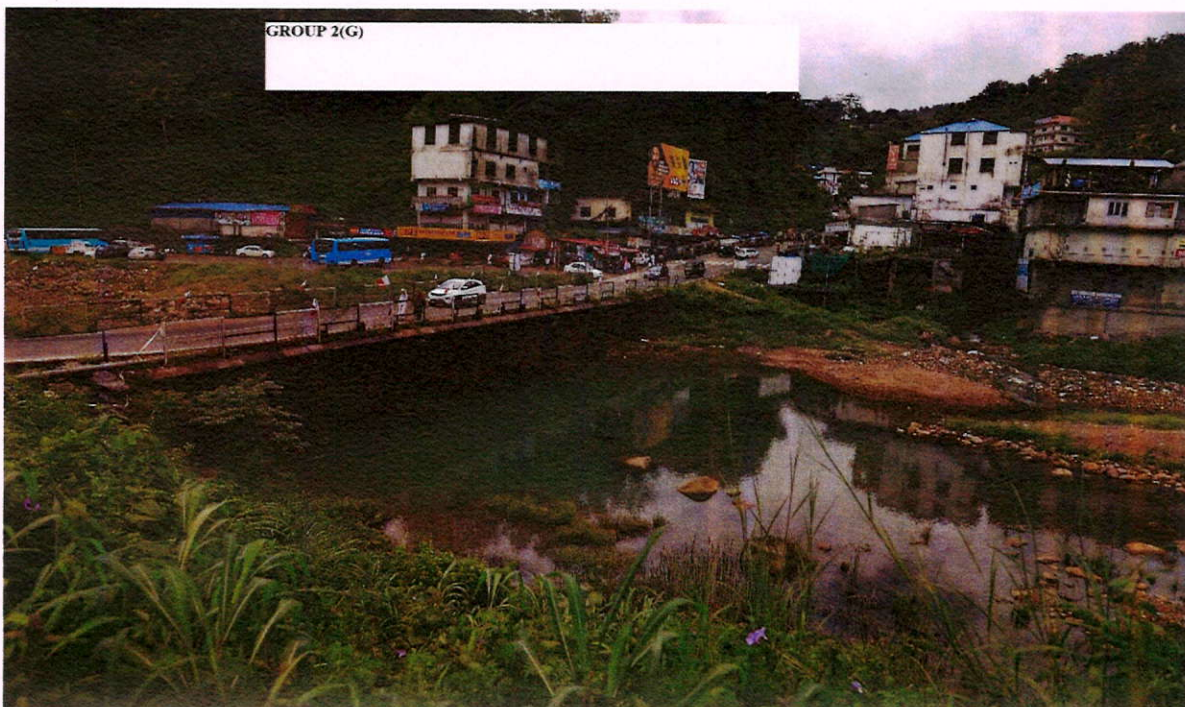


Public toilet near bus stand

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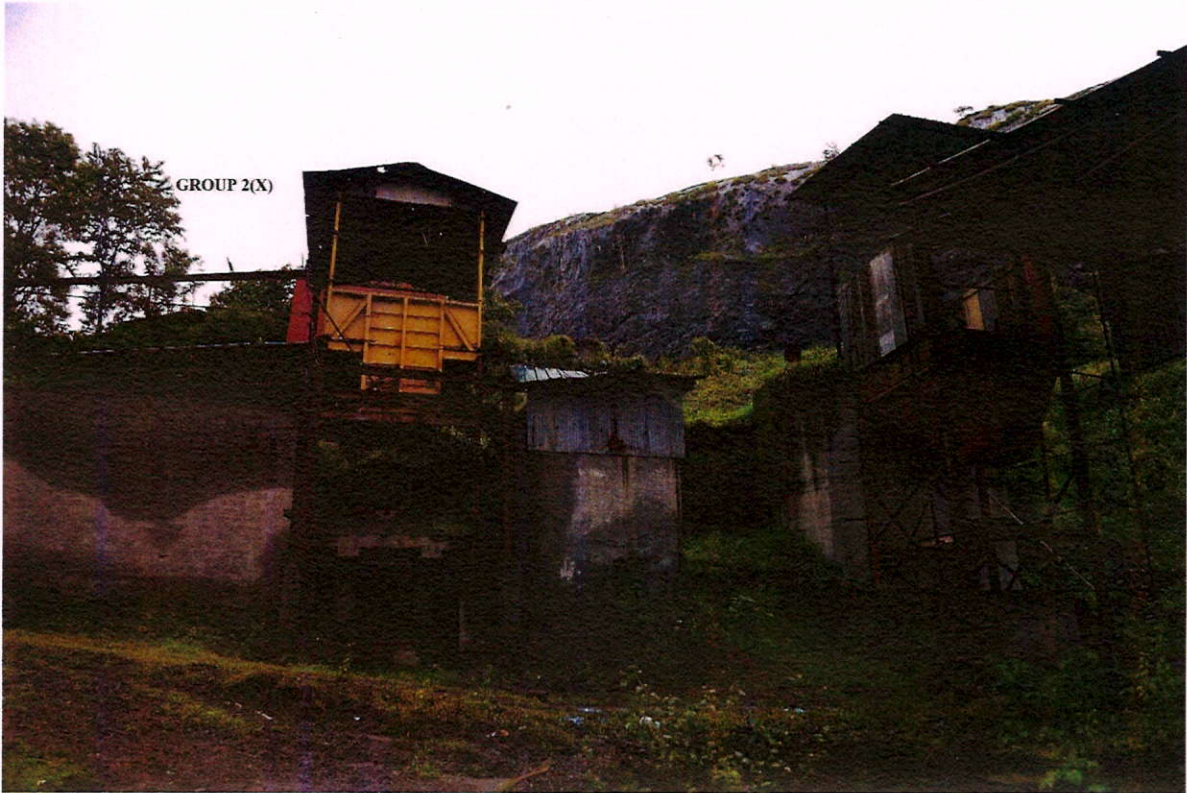


Buildings situated on the bank of Cheruthoni river



Cheruthoni Bridge

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View of CMJ granites Crusher unit

GROUP III



Periyar and cheruthoni River Joining point