

**BEFORE THE HONOURABLE HIGH COURT OF KERALA AT
ERNAKULAM**

^{Civil}
Writ Petition [~~PIL~~] No. 15940 of 2022

Friends of Bharathapuzha
Represented by E.Sreedharan
President FOB : Petitioner
Vs.
The State of Kerala & others : Respondents

**MEMORANDUM OF WRIT PETITION (PIL) FILED UNDER
ARTICLE 226 OF THE CONSTITUTION OF INDIA**

REMA SMRITHI.V.K (R-512 K-1352/1998)
SANDESH RAJA.K. (S-944 K-1380/1998)
&
SHANKAR V. (S-1611 K-151/2002)
NGN Associates
Anagha, Diwans Road,
Ernakulam, Kochi – 682 016
9445782946

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Represented by E.Sreedharan

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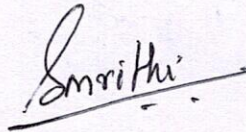
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Dated this the 11th day of May, 2022



Counsel for the Petitioner

A

**BEFORE THE HONOURABLE HIGH COURT OF KERALA AT
ERNAKULAM**

Writ Petition [Civil] [PIL] No. _____ of 2022

Friends of Bharathapuzha

Represented by E.Sreedharan

President FOB

: Petitioner

Vs.

The State of Kerala & others

: Respondents

Synopsis and dates of events

The Petitioners are members of registered society, Friends of Bharathapuzha who striving through various interventions to save the once majestic river from pollution and exploitation amongst other things. The Government of Kerala through the 2nd respondent has decided to build a regulator across the Bharathapuzha at Koottakadavu in Anakkara Panchayat. The construction of the impugned regulator commenced in 2016 and is 70% complete. But during the floods of 2018 and more so in August, 2019 due to the obstruction caused by the partially build regulator a large area near the regulator got completely submerged. The flooding was seen even around 10 kms from the site. The Petitioner society which consists of world renowned engineers and experts amongst themselves, thereafter undertook a detailed study of the causes of this extreme flooding and came to the understanding that the root cause was the location and design of the Koottakadavu regulator. The regulator it was found was located less than 500mtrs from the confluence

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of the Bharathapuzha and one of its biggest tributaries Thuthapuzha. The location of the impugned regulator is at a constricted area which may prove economically beneficial for the government but is disastrous for the people and area around the location. The Authorities had not taken into account the volume and width of the waters of both the rivers coming together and hence did not account for the resultant rise in water levels at the impugned site which naturally caused the extreme flooding when the river is at spate. The Bharathapuzha which has a width of 400 mtrs and the Thuthapuzha which has a width of 100 mtrs join about 500 mtrs away from the regulator site and the length of the regulator is only around 234 mtrs. The Petitioners thereafter approached the Hon'ble Minister for Irrigation and held a meeting with him on 9.10.2019 wherein it was decided to set up a team of experts to study the changes needed to the design and location of the impugned regulator. The Authorities did not follow up on this decision and so the Petitioners thereafter send letters to the present Hon'ble Minister Roshy Augustin on 4.7.2021 and later on 26.7.2021 when they came to know through newspaper reports that the regulator work is going to continue without any changes as suggested by the Petitioners and also by various other reports before the Government. The fact that there are obstructions built on the Bharathapuzha every few kilometres without following any rule or logic by the 2nd respondent has resulted in the slow death of the river. The same has been noted by the 5th Report of the Committee on Environment way back in 2017. But till date there has been no study nor any mitigative action initiated by the Government to restore the damage done to the river. The High Court of

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Uttarakhand and High Court of Madras(Madurai Bench) have followed the steps of the international community and emerging environmental principle of giving nature/rivers legal sanctity by declaring them as "legal entity" conferring all rights that maybe onto them. Though "*sustainable development*" is the key word in the instant case development is only causing injury to both the river as well as to the settlements near it. If the people and the river is to be protected and "*intergenerational equity*" is to be sustained such reckless and badly designed constructions have to be stopped and if any construction that is unavoidable is to be taken up then the same should be after consultation with the experts on river management.

Relevant Acts & Rules

Constitution of India, Article 21

Environmental Protection Act, 1986, Section 3

National Disaster Management Act, 2005

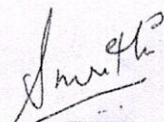
Decision relied upon

Lalit Miglani v State of Uttarakhand, 2017 SCC OnLineUtt 392

A.Periakaruppan v Principal Secretary, TN & ors

WP(MD)No.1836 of 2013

Dated this the 1st day of May, 2022


Counsel for the Petitioner

**BEFORE THE HONOURABLE HIGH COURT OF KERALA AT
ERNAKULAM**

Writ Petition [Civil] No.

of 2022

Petitioner:

Friends of Bharathapuzha, Reg.No. PKD/CA/391/2019

Represented by its President, Dr. E. Sreedharan,

having registered office at Govardhan,

Nhangatiri.P.O,Pattambi Taluk,

Palakkad District, Kerala State.

PIN – 679 303

Address for service of notice of the Petitioner may be served on
his Counsel V.K.Rema Smrithi, Sandesh Raja & Shankar V,
Advocates, Anagha, Diwans Road, Kochi -682 016

Respondents:

1. The State of Kerala

Represented by its Chief Secretary,
Government Secretariat,
Thiruvananthapuram,
PIN – 695001.

2. Union of India,

Represented by Secretary,Ministry of Environment,Forests
and Climate change,
Indira Paryavaran Bhawan
Jorbagh Road New Delhi – 110 003

3. The Central Water Commission,

Represented by the Secretary,
3rd Floor (South), Sewa Bhawan,



R.K. Puram, Sector-1

New Delhi – 110066

4. Irrigation & Water Resources Department,
Represented by Secretary,
Government of Kerala, Government Secretariat,
Thiruvananthapuram, PIN – 695001
5. Public Works Department,
Represented by Secretary
Public Office Complex, Museum P.O
Thiruvananthapuram-695033
6. District Disaster Management Authority,
Represented by Chairperson, District Collector Palakkad,
Kenathuparambu, Kunathurmedu,
Palakkad-678013
7. District Collector, Palakkad
Kenathuparambu, Kunathurmedu,
Palakkad-678013
8. Centre for Water Resource Development and Management,
Represented by Chairman, Kunnamangalam, Kozhikode,
Kerala, PIN – 673 571
9. Superintendent ^{ing} ~~ent~~ Engineer, (officer in charge) Irrigation
Department, Malampuzha Irrigation Division Office,
Malampuzha SP Line Road, Palakkad. PIN – 678 651



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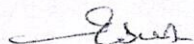
- ✓ 10. Department of Environment and Climate Change,
Represented by Secretary, Directorate of Environment &
Climate Change (DoECC), 4th Floor, K.S.R.T.C Bus
Terminal, Thampanoor, Thiruvananthapuram – 695001.
- ✓ 11. Development Standing Committee, 13th Working
Group on Environment Protection, Disaster Management,
Climate Change and Biodiversity,
Represented by Chairman,
Anakkara Panchayat, Anakkara-676551

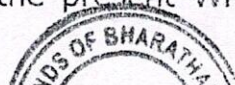
Address for service of notice of Respondents may be served on
their respective address as shown above

**MEMORANDUM OF WRIT PETITION (PIL) FILED UNDER
ARTICLE 226 OF THE CONSTITUTION OF INDIA**

STATEMENT OF FACTS

1. The petitioner, Friends of Bharathapuzha (FOB), is a Society registered under the Societies Registration Act, 1860, bearing registration no. PKD/CA/391/2019, by the Registrar of Societies, Government of Kerala. The society is represented by its President, Dr. E. Sreedharan formerly Managing Director, Delhi Metro, who is duly authorized to file the present Writ Petition on behalf of





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the petitioner society. Copy of the Bye-laws and registration details is produced herewith as **Exhibit P1**.

2. It is submitted that the petitioner herein is a non-profit society, functioning as a non-governmental organization. The petitioner society was founded by eminent and responsible citizens and residents of Kerala with the specific purpose to rejuvenate, protect and preserve Kerala's second largest river Bharathapuzha. The main aim of the Petitioner society is to rejuvenate Bharathapuzha, which was a pride of the State and which had contributed significantly to the cultural, literary and economic growth of the State, and to bring it back to its glory by way of interventions both on an advisory level as well as giving technical support to mitigate the consequences of rampant man-made activities causing the decay of the once flourishing river. The petitioner society works relentlessly to protect Bharathapuzha, ensure the minimum environmental flow needed for its sustenance, prevent floods and consequent miseries to the people in the river basin and mobilize Governmental and public support for preservation of the river.
3. It is submitted that out of 148 Kms length of this river, 100 kms lie in Kerala enriching 3 districts of Palakkad, Thrissur and Malappuram. There are 141 Panchayats and 8 municipalities in this river basin. Large number of dams have been built on the Bharathapuzha river and its tributaries and several ill-planned regulators and check dams have completely distorted and disturbed the flow of the river. The once majestic and perennial river is almost

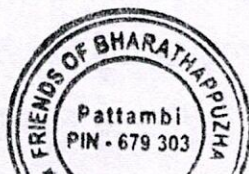


dry during summer months and has been highly polluted due to unmitigated discharge of pollutants into the river. The rampant sand mining has further reduced the flow of the waters and in some place we see mere treacle of the once bountiful waters. The river has lost its glorious wealth of flora and fauna and presents a miserable sight of huge sand mounts with shrubs, grass and even trees blocking its flow. This writ petition seeks to bring to the attention the menace created on the flow of the river due to the unscientific and ill thought out constructions being made on the river in particular the Koottakadavu regulator which is being build very close to the confluence of the Bharathapuzha and its tributary Thoothapuzha which is also known as Kunthi puzha.

4. It is submitted that during the unprecedented and disastrous floods between 10th and 30th August 2018 and again in August of 2019 either side of the Bharathapuzha in particular on either side of Thrithala and Ponnani situated in Palghat and Malappuram Districts respectively witnessed heavy flooding near the location of the newly half constructed regulator at Koottakadavu. The river bank along this area also saw erosion to a large extent and a lot of people having small areas of land near the river bank saw the river taking away their land and homes. Google earth image of the area where the regulator is being built is attached to herewith as **Exhibit**

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5. It is submitted that Koottakadavu regulator is being built under the aegis of the 4th and 5th Respondents with in a unscientific manner causing much harm and hardship rather than any much needed solace to the residents or farmers of Pattambi. The site for the regulator is about 500m downstream of the junction where Thuthapuzha joins Bharathapuzha. ***At this location there is a constricted neck in the river. Bharathapuzha in this location has a width of around 350 mtrs and Thuthapuzha has a width of about 60 mtrs before they combine. The volume and flow of the combined waters is therefore much large and forceful.*** Photograph taken of the half constructed regulator showing the confluence of the Bharathapuzha and the Thuthapuzha as **Exhibit P 3.**

6. It is submitted that the regulator has been designed to have 21 Nos of piers of which 19 piers of 1 ½ metres have already been build. The two piers coming up on the side are yet to be build. There are 18 gaps between the piers with 12 metre shutters to be fitted between them. The fabricated shutters have also been made and left by the banks of the river at present. All the measurements have been taken by the Petitioners themselves at the site of the impugned construction site. ***It is to be taken note of that the total water way provided in the regulator is only 234 meters (2x9.1m + 18x12m). This is the physical width but during floods, piers which are 1.5m in width cause a further squeeze of to 1.5m in each span due to water velocity within***



the span. This means the effective vent way width available for the flood waters is only about 200m.

7. It is submitted that any hydraulic engineer will certify that this reduced vent way of 200 meters cannot evacuate the combined floods of Bharathapuzha and Thuthapuzha with the result flood waters will head up and over flow the left bank which exactly what happened in 2018 and 2019. This has been recorded by the Authorities as well. Presently this regulator construction has reached about 70% progress with all piers and abutment 80% completed.
8. It is submitted that the Petitioner society has seen first-hand the disaster that has occurred due to the construction of the Kootakadavu regulator and the Petitioner society had informed the concerned authorities about the same on several occasions.
9. It is submitted that the according to the flood inundation maps of District Disaster Management Authority, Palghat the impugned area around the Kootakadvu regulator is high risk area and the 100 year predictions therein say the same. The added influence of the regulator therefore will only aggravate the flooding and cause greater damage than what is already predicted by the DMA. The copy of the flood inundation maps by the DMA are produced herewith as **Exhibit P 4**.
10. It is submitted that around 5 Km upstream of the Kootakadavu regulator, Velliamkallu regulator has been built on the Bharathapuzha. During the floods of 2019 the shutters of the said regulator could not be opened but



inspite of the considerable less flow the flooding did not just happen in the immediate vicinity of the Koottakadavu regulator site on the Bharathapuzha part but to places much remote from the scene such as Thiruvegappura, Kodumudi in Irumpiliyam and so forth on the upstream of the Thootha River.

11. It is submitted that in a detailed analysis report prepared by Sri Venugopalan Nair, an Engineer with over fifty plus years of experience and who lives in the area at Thrithala which was affected by the floods of 2018 and 2019 explains scientifically the causes of the heavy flooding in the affected area as being caused due to the unmitigated constructions on the river without any proper plans. The report goes into details on how such constructions causes disturbances in the flow pattern in the river and since no methods to reduce or mitigate the consequent rise in water level is provided each time there is heavy rains or rise in river levels consequently the nearby areas gets heavily inundated. The report specifically talks about the Koottakadavu regulator and the consequent floods that happened due to its construction during the heavy rains in 2018-19. The said report is attached to herewith as **Exhibit P 5**.

12. It is submitted that the in the 5th Report placed before the Legislative Assembly on 23rd August, 2017, by the Committee on Environment (2017-2019) severe criticism was placed on the unmitigated check dams build across the Bharathapuzha. The environment committee in their findings concluded that part of the steep decline of



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the river was due to the unchecked constructions across and on the river banks. The committee then took notice of the fact that world over the outlook is to look at the flow pattern of the river and study the number of dams, check dams etc that need to be constructed or not and how it may affect the river and its flow and mainly how best to make sure that the river is allowed to breath and live fully just like how a human being has the right to live freely. The committee took note of how the New Zealand Assembly had passed a resolution to remove all the dams built on the Whanganui river and give it a fresh lease of life. The said environmental committee report and the translations are attached herewith as **Exhibit P 6**.

13. It is submitted that true to the above report the constructions on the river are placed in the narrowest parts of the river without any foresight on how such constructions will effect the flow and consequent flooding during extreme weather conditions like in 2018-2019.

14. It is submitted that the President of the Petitioner society is a world renowned engineer who has been involved in most of India's mega infrastructure projects and is an established expert in his field. Shri E Sreedharan also visited the impugned site where the regulator is situated along with the concerned government officials and found that the design and the location of the regulator has been a major cause for the flooding in the nearby area during the time of the floods in 2018 and 2019. Copy of the newspaper report published by the

E. Sreedharan



Hindu dated July 16th, 2021 is attached herewith as **Exhibit P 7.**

15. It is submitted that following the floods of 2018 and 2019, the petitioner society through its President, E Sreedharan approached the Hon'ble Minister for irrigation and water resources Shri. Krishnankutty, to convene a meeting which was later held in his chamber in Trivandrum on 9.10.2019. At the meeting which was attended by the concerned officers of the various departments involved in the design and building of the regulator and dams on the Bharathapuzha, the Petitioner elaborated on the consequences of the half built regulator had on the nearby areas and pointed out the faults in the design and other technical aspects of the Koottakadavu regulator. After taking into account the suggestions made by the Petitioner society a decision was taken in the meeting to set up a team of experts to study the changes needed to the Koottakadavu regulator then under construction to prevent further flooding during heavy rains or any such events. The minutes of the meeting along with the translation is attached to herewith as **Exhibit P 8.**

16. It is submitted that there were reports from various sources including newspapers that the impugned regulator scheme was going to be replaced with a check dam. This the Petitioners know will lead to more disasters and hence they send a letter to the Hon'ble Irrigation Minister dated 4.7.2021 detailing the consequences for

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such a plan. The said letter is attached to herewith as **Exhibit P 9.**

17. It is submitted that though the Government had already taken a decision to appoint an expert committee to weed out the problems caused by the impugned regulator, newspaper reports came out that work was going to commence on the regulator based on the existing plan itself. The newspapers reported this as being the outcome of the deliberations after a joint visit of the site Mr. Roshy Augustine, Minister for Water Resources had with Shri. M. B. Rajesh, Hon. Speaker, Mr. Mammi Kutty, MLA and the officials of the Irrigation Department. Copy of one such the newspaper report dated 16.7.2021 Malayala Manorama (Palghat edition) are attached herewith as **Exhibit P 10.**

18. It is submitted that the Petitioner Society further send a letter after seeing the Exhibit P 10 report to the Hon'ble Irrigation Minister on 26.7.2021 as also there was no response from the Minister on the Exhibit P 9 letter. Vide this letter the Petitioner society suggested to the Authorities to increase the length of the regulator by another 3 or 4 vent ways on the on the left bank so as avoid the flooding like in 2018/19. A copy of the said letter is attached to herewith as **Exhibit P 11.**

19. It is submitted that the Petitioners have learnt from the newspapers a few days ago that the stalled



Koottakadavu Regulator Project across Bharathapuzha at Kudallur would now be taken up for completion. Further, there was also the mention that fears of the local people with regard to the recurrence of the floods in the region would be allayed by construction of embankment walls in the vicinity of the project. Copy of the newspaper report is attached to herewith as **Exhibit P 12**.

20. It is submitted that the Petitioners have serious apprehension that, the regulator project would now be completed as per the original plans, without the bottleneck that clearly exists at the site being eased. The Petitioners who have renowned experts as members like to reiterate their stand communicated earlier to the authorities that recurrence of floods upstream of the site is a certainty if the site is not expanded to give it a clear width of flow matching with the natural state as was prior to the erection of the piers on the river bed.

21. It is submitted that the with the imminent onset of monsoon in the Kerala and the unpredictable weather conditions prevailing and the Authorities not paying any heed to the suggestions put forward by the Petitioner society and the local people who were severely affected by the floods it is imperative that work should resume on the regulator only after making detailed study and suitable design changes otherwise it is but certain that the flood situation like before will affect the area and cause undue damage.



22. In the above circumstances the Petitioners have no other alternate remedy but to approach this Hon'ble Court under Article 226 of the Constitution of India on the following amongst other

GROUND

- A. The upstream of Kootakadavu was flooded in both August 2018 and August 2019 on both the Bharathapuzha and Thoothapuzha(Kunthipuzha) parts. Of these the flooding that happened in August 2019, is most significant since at that time 12 of the 27 shutters of the Velliankallu Regulator, 5 Km upstream on the Bharathapuzha part had stayed inoperably shut, reducing the discharge rate from the Bharathapuzha segment to Kootakadavu very considerably but inspite of this there was heavy flooding which went Thiruvegappura, Kodumudi in Irumpiliyam and so forth on the upstream of the Thootha River.
- B. The piers erected at Kootakadavu site shows 18 vent ways each of 12m width and two end spans of 9.1m each giving a total width for free discharge as 234 meters. The Velliankallu Regulator, 5 Km upstream on Bharathapuzha part has 27 vent ways each of 9 meters giving 243 meters as its effective width for free discharge. The width for free discharge at Kootakadavu site is 27 meters less than that of the Velliankallu Regulator. At the same time Kootakadavu site has to accommodate a far higher discharge rate as it has to take in the whole flow out of Velliankallu Regulator and those from two streams joining



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the Bharathapuzha segment in between and the whole flow of the Thootha River. A severe bottleneck is thus most evident at Koottakadavu as of now.

- C. With the average elevation of just 4.5 meters at Koottakadavu for a further course of 28 Kms to the sea and with the discharge rate of the River in this section being the maximum, the River is in no position here to assume fast flows to clear off flood waters. And should the peak phase of a flood coincides with a high tide in the sea and in particular the high phase of a spring tide the elevation difference would drop to perhaps 3 meters between Koottakadavu and the sea reducing the capacity of the River to clear off the waters yet further.
- D. The Azhimukham at Ponnani having been constructed to an apparent width of 250 meters from the River's natural width of approach to the confluence of over 900 meters, by way of making a Fishing Harbor there, and with the Tirur Puzha too joining at this point as the last tributary would cause the River to swell here which has the effect of reducing the elevation drop between Koottakadavu and the Azhimukham further. And this will retard the flow between Koottakadavu and Azhimukham yet again and would work to worsen the flood.
- E. There exists a natural bottleneck at Ummathur, Kumbidi 3.3 Kms downstream of Koottakadavu regulator site where the width of the River gets constricted to just 240 meters. But in this stretch of 3.3 Kms the River shows a maximum width of 900 meters in between. This very significant expansion followed by an equally dramatic



convergence to a constriction would have the effect of creating a swell in the River in this short stretch which again would have the effect of constraining the flow out of the Koottakadavu regulator site.

F. There are five major resistance features acting in a series between Koottakadavu Regulator site and the Azhimukham.

- The Koottakadavu site itself
- Absence of Gradient and possible tidal effect on it.
- The natural Constriction at Ummathur
- The Constriction at the Azhimukham by way of the Fishing Harbor
- Tirur Puzha adding to the water mass just ahead of the final discharge

Each of these resistances would respond causing a gain of height of the level of the River in its upstream and the cumulative effect of all these will manifest at Koottakadavu causing immense flooding.

G. As per the calculations made by the Petitioner society the upstream of Koottakadavu site is certain to face submergence as the velocity of the flow of the two rivers combined exceeds 3 Meter/Sec. The corresponding discharge rate of the two rivers combined would be around 6000 Cumecc(cubic meter per second). Discharge rates beyond 6000 Cumecc would certainly worsen the floods.

H. The SOP given by the District Disaster Management Authority to the Superintendent of Irrigation Department



includes direction to rectify the defects noticed in the regulators during the time of disasters and in the present case the floods of 2018 and 2019. No such rectification of the plan to the Koottakadavu regulator has been made till date.

- I. Sustainable development is the key concept that the policy makers should uphold while doing projects and that is the underlying principle that the Hon'ble Courts have time and again emphasized. While executing a developmental project study has to be necessarily conducted to ascertain whether the said activity affects the people and the environment. In the instant case it is already proven that the half constructed regulator is causing more damage than any useful purpose.
- J. The right of the river to flow freely is a right that has been recognized by various judicial pronouncements both in India and abroad. This flows from the right conferred on rivers to be treated as a legal entity. The High Court of Uttarakhand in Lalit Miglani v State of Uttarakhand, **2017 SCC OnLine Utt 392** has recognized this right over the rivers Ganga and Yamuna. The Hon'ble Madras High Court (Madurai Bench) in A. Periyakaruppan v Principle Secretary & ors WP 18636 OF 2013 has declared "mother nature" as a legal entity following the judgement of the Uttarakhand High Court cited above after invoking "*parens patriae jurisdiction*". In Bangladesh the river is recognized as a legal entity which has all the rights to live freely. New Zealand, Canada and United States of America amongst various other nations also recognize the



right of rivers and their right to flow freely. Republic of Ecuador constitution has ingrained the right for the nature to exist *as is*. Restrictions upon rivers should not be at the peril of the river or the people living near them. The Bharathapuzha has the maximum number of dams and regulators made on it every five six kilometer or so according to reports attached herein. The frequent constructions on the river along with encroachments, excessive sand mining and unabated pollution has caused massive destruction on the river. There are innumerable studies on the present state of Bharathapuzha and it also forms part of the national rejuvenation of rivers projects undertaken by the monitoring committee of the Supreme Court and the National Green Tribunal. In spite of this the river is being exploited unabashedly without any application of mind by the Authorities.

- K. The river needs to be protected as it is a source of water for over four districts and is an inter- state river. *Inter-generational equity* which is a cornerstone of environmental protection and which is guaranteed under Article 21 of the Constitution of India has to be protected by the state while indulging in such rampant developmental works without proper consultation
- L. Article 21 of the Constitution provides for protection from acts that cause harm and injury to the citizen. Here in spite of the first-hand knowledge of the destruction caused by the unscientific design of the Koottakadavu regulator during the massive floods of 2017 and 2018 the Authorities are continuing to build the regulator with the

same old design that caused the unprecedented floods. People living in the area upto 10 kms away from the regulator were affected by the flooding, leave alone people living in the watershed area of the river.

- M. Climate change is a reality and the state has to endeavor to protect its citizens from the effect of the severe climatic conditions. By ignoring the effect the new regulator has caused and refusing to alter the design the Authorities are only bringing more harm onto its citizens.
- N. Judicial precedents have all directed the State to act in the best interests of the people while undertaking developmental works. Works that have proven to be causing more harm have to be shelved or improvements have to be made through consultative process.
- O. Respondents are duty bound under the Constitution and the law of the land to do all things possible to ensure that floods of a similar nature do not happen in the future at Koottakadavu site. In the light of the facts and circumstances outlined in the present writ petition, the petitioner herein respectfully prays that this Hon'ble Court may kindly be pleased to grant the following.

RELIEFS

- i. Issue a writ of mandamus or appropriate writ , order or direction to the Respondents to stop the construction of the Koottakadavu regulator at the present location where the Bharathapuzha and the Thoothapuzha converge,
- ii. In the alternate, issue a direction to the Respondents to make appropriate changes to the design of the impugned



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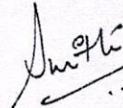
regulator so as to facilitate the smooth flow of the river causing minimum effect to the river banks and consequently to the people living in the towns and villages near them

- iii. Declare that the Bharathapuzha and its tributaries are legal entities and they have a right to flow and live without being exploited and illegal activities committed upon by the State or its agencies or by any other person.
- iv. Pass such other order or orders as this Hon'ble Court may deem fit in the facts and circumstances of the case.

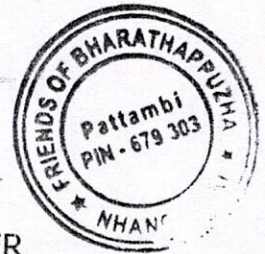
Dated this the 4th Day of May, 2022



PETITIONER



COUNSEL FOR PETITIONER



INTERIM RELIEF

20

For the reasons stated in the Writ Petition and the accompanying affidavit, it is most respectfully prayed that this Honourable Court be pleased to:

1. To appoint a high level technical committee consisting of the following members to study the feasibility and technicality and impact of the impugned regulator:
 - a. Two or three eminent engineers with atleast the Chairman or one or more member from outside the State of Kerala.
2. Pass an order, directing the respondents to forthwith stop all construction activities on the Koottakadavu regulator till the technical committee report is submitted before this Hon'ble Court and till disposal of the writ petition.

Dated this the 4th day of May, 2022



[Signature]
Petitioner

[Signature]
Counsel for the Petitioner.

**BEFORE THE HONOURABLE HIGH COURT OF KERALA AT
ERNAKULAM**

Writ Petition [Civil] No.

of 2022

Friends of Bharathapuzha

Represented by E.Sreedharan

President FOB

: Petitioner

Vs.

The State of Kerala & others

: Respondents

AFFIDAVIT

I, E. Sreedharan, S/o K.Neelakantan Moosad aged 89 years, presently residing at Perumbayil House, Kuttikkad Road, Ponani Malappuram District, PIN – 679 577, do solemnly affirm and state as follows:

1. I am the President of the petitioner in the above Writ Petition. I am conversant with the facts of this case.
2. The accompanying public interest litigation is prepared by my counsel on my instructions. The petitioner is espousing in public cause and he has no personal or private interest other than the public have. There is no authoritative pronouncement by the Supreme Court or the High Court on the question raised and the result of the litigation shall not lead to any undue gain to himself or to anyone associated with him. I have gone through the petition and state that the facts stated therein are true and correct to the best of my knowledge and belief. I also declare that I have not filed any petition seeking similar relief's in respect



of this cause of action. I have not filed any other Public Interest Litigation case before this court or any other court.

3. This Exhibits produced along with the writ petition are true copies which have been provided by me to my counsel. If the interim prayer as prayed for it not granted petitioner will be put to irreparable loss and injury.

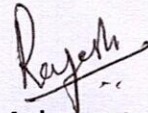
What is stated above are true and correct to the best of my knowledge, information and belief.

Dated this the 4th day of May 2022



DEPONENT

Solemnly affirmed and signed before me by the deponent at Ponnani on this the 4th day of May, 2022.



Advocate

(Rajesh)