

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE THE CHIEF JUSTICE MR. NITIN JAMDAR
&
THE HONOURABLE MR.JUSTICE BASANT BALAJI

Thursday, the 5th day of June 2025 / 15th Jyaishtha, 1947
WP(C) NO. 10964 OF 2021(S)

PETITIONERS:

1. DALFINE T.A AGED 48, S/O. AUGUSTINE, THEKKEALUMKAL HOUSE,
CHELLANAM P.O. KOCHI 682 008.
2. GEORGE K.S, AGED 57, S/O. XAVIER, KALIPARAMBIL HOUSE,
CHELLANAM P.O. KOCHI 682 008.
3. DENNIS V.R. @ GINSON, AGED 42, S/O V.G. RAPHAEL,
VELUTHAMANNUKAL HOUSE, MARUVAKKAD, CHELLANAM P.O.,
KOCHI 682 008.

RESPONDENTS:

1. *STATE OF KERALA, REPRESENTED BY THE CHIEF SECRETARY,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM 695001 (DELETED)
*RESPONDENT NO. 1 IS DELETED AS PER ORDER
DATED 03/12/2021 IN WPC.
2. THE CHIEF ENGINEER, IRRIGATION AND ADMINISTRATION,
IRRIGATION DEPARTMENT, MUSEUM P.O. THIRUVANANTHAPURAM, 695 033.
3. DIRECTOR, DIRECTORATE OF FISHERIES DEPARTMENT,
VIKAS BHAVAN, THIRUVANANTHAPURAM, 33.
4. THE DISTRICT COLLECTOR, COLLECTORATE,
KAKKANAD, ERNAKULAM, 682 030.
5. THE SUPERINTENDING ENGINEER, IRRIGATION CENTRAL CIRCLE,
CHEMPUKKAVU, THRISSUR, 20.
6. THE EXECUTIVE ENGINEER, HARBOUR ENGINEERING DEPARTMENT,
ERNAKULAM-683 515.
7. THE EXECUTIVE ENGINEER, OFFICE OF THE EXECUTIVE ENGINEER,
IRRIGATION SUB DIVISION, CIVIL STATION, KAKKANAD,
ERNAKULAM- 682 030.

8. THE ASSISTANT EXECUTIVE ENGINEER,
OFFICE OF THE EXECUTIVE ENGINEER, IRRIGATION SUB DIVISION,
CIVIL STATION, KAKKANAD, ERNAKULAM-682 030.
9. ASSISTANT ENGINEER, IRRIGATION DEPARTMENT, MANASSERY,
CIVIL STATION, KAKKANAD, ERNAKULAM- 682 030.
10. CHELLANAM GRAMA PANCHAYATH, REPRESENTED BY ITS SECRETARY,
CHELLANAM- 682 008.
11. UNION OF INDIA, REPRESENTED BY SECRETARY TO
MINISTRY OF ENVIRONMENT, FORESTS AND CLIMATE CHANGE,
INDIRA PARYAVARAN BHAVAN, JOR BAGH ROAD, NEW DELHI-110 003.
12. COCHIN PORT TRUST, WILLINGDON ISLAND, KOCHI,
KERALA- 682 003, REPRESENTED BY ITS CHAIRMAN.

ADDL.R13 IMPEADED

13. THE CHAIRMAN, LEGAL SERVICES AUTHORITY, COURT COMPLEX,
BANERJI ROAD, KALOOR, ERNAKULAM-682018
ADDL. R13 IS IMPEADED AS PER ORDER DATED 03/12/2021 IN
I.A.1/2021 IN WPC.

Writ petition (civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to direct the 4th respondent to:

(i) Report the steps taken to avail relief for the people in Chellanam -Fortkochi Coastal stretch in the event of sea attack in coming monsoon.

(ii) Report the availability of buildings/rented residences, considering the covid pandemic, for evacuating the people aforesaid in the event of sea attack.

(iii) Establish an SPV or any special team to monitor the ongoing work and tendering of the Reformation works.

(iv) To submit periodical report regarding the follow up action and status of work to this Honourable Court till the completion of work in connection with the reformation of Sea Wall at Chellanam during the pendency of the case.

P.T.O.

(v) To direct the respondents 1 to 6 to propose appropriate action for coastal protection measures to each coastal terrain and got it vetted from the national agencies like IITs or NIOT by taking account of Exhibit P7 proposal within a time frame.

(vi) To direct the respondents 1 to 6 to report the reason for not implementing projects for the protection of Kerala Coastal area on the basis of different study report of IIT and NIOT.

This petition again coming on for orders upon perusing the petition and the affidavit filed in support of WP(C), this Court's order dated 02/06/2025 and upon hearing the arguments of M/S SHERRY J.THOMAS & JOEMON ANTONY, Advocates for the petitioners, SMT.JASMIN M. M., GOVERNMENT PLEADER for R2 to R9, M/S.DINESH R.SHENOY, EBIN MATHEW, P.ROHIT PREMANANDAN SHENOY, SILESH S. PRABHU & KRIPA ELIZABETH MATHEW, Advocates for R10, DEPUTY SOLICITOR GENERAL OF INDIA & SRI.S.VAIDYANATHAN, CENTRAL GOVERNMENT COUNSEL for R11 and of SMT.LATHA ANAND, STANDING COUNSEL & S.VISHNU, Advocate for R12 and of SRI.B.G. HARINDRANATH, Senior Advocate for Addl. R13, the court passed the following:



P.T.O.

NITIN JAMDAR, C. J. & BASANT BALAJI, J.

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W. P. (C) Nos. 10964 & 10189 of 2021

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Dated this the 5th day of June, 2025

ORDER

Heard Mr. Sherry J. Thomas and Mr. P. Chandrasekhar, learned counsel for the Petitioners, Mr. Dinesh R. Shenoy, learned counsel for the Respondent Panchayat, Mr. Vishnu R., learned counsel representing Ms. Latha Anand, learned counsel for the Cochin Port Trust and Ms. Jasmin M. M., learned Government Pleader.

2. We have perused the memo filed by the learned Government Pleader placing on record the report of the District Collector in respect of the measures taken regarding the erosion of the Chellanam coast and the impact on the coastal settlement due to tidal waves most prominently during the monsoon season. The report gives the steps taken so far, regarding which there is no debate before us.

3. On 2 June 2025, we adjourned the proceedings to today so as to enable the Respondents to inform the Court regarding the short-term temporary measures that can be taken during the current monsoon season. The report only refers to the facility of emergency shelters. There is a reference of geobag based coastal protection for the period 2023-2024 and 2024-2025. For the year 2025-2026, it is stated that 961 meters of temporary protection using geobags is at the planning stage. Learned Government Pleader on instructions submits that it

would take at least two months for implementing the same.

4. While the long-term measures can go on, it is expected that at least temporary measures would be initiated in advance. The learned Government Pleader seeks time till 10 June 2025 to take further instructions as to how the work of placing the geobags / geotubes can be expedited. Learned counsel for the Respondent Panchayat states that suggestions have also been given by the Panchayat to the State Government. The learned Government Pleader will take instructions on the same by the next date.

5. Post on 10 June 2025.



**Sd/-
NITIN JAMDAR
CHIEF JUSTICE**

**Sd/-
BASANT BALAJI
JUDGE**

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