



SAI SINDHU INTERNATIONAL JOURNAL OF RESEARCH (SSIJR)

www.ssijsr.org

**JUSTICE FLOWS HERE: A PIL FOR RECLAIMING VAIGAI RIVER'S
LEGACY THROUGH ENVIRONMENTAL JURISPRUDENCE
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ABSTRACT

The Vaigai River faces an unprecedented environmental catastrophe, with water quality degraded to 'E-grade' classification which is the lowest category suitable only for industrial use. This Public Interest Litigation, filed by Recycle Rangers which is an NGO that contributes to environmental well-being, presents a paradigmatic case for environmental justice in the Context of the Vaigai River crisis in Tamil Nadu, India. This petition challenges the systematic degradation of a vital water resource that serves over 2 million people across five districts, thereby causing the transformation from a lifeline into a source of environmental injustice and constitutional violation. The crisis arises from the discharge of untreated sewage at 177 locations, failure of sewerage infrastructure achieving only 40-50% treatment capacity and a discriminatory water release policy that prioritizes festival celebrations over fundamental human needs. This violates Articles 14, 21, 47, and 48A of the Constitution of India, creating a typical case for the enforcement of the Right to clean drinking water and sanitation as integral components of the Right to life. This petition argues on the grounds, primarily establishing that clean water and sanitation as enforceable fundamental rights under Article 21. Secondly, that the State's failure to discharge constitutional duties under Articles 47 and 48A and statutory obligations under various environmental protection laws are evident in the ineffective sewage treatment and persistent gaps in sewerage infrastructure. This petition further challenges arbitrary water allocation policies leaving communities without potable water for most of the year, violates Article 14 which guarantees equality. It is further argued

applying the Public Trust Doctrine to address riverbank encroachments while ensuring humanitarian rehabilitation and invoking the doctrine of continuous mandamus to address administrative inaction despite repeated judicial interventions. The PIL essentially integrates recent precedents on sanitation rights with river pollution thereby routing for a transformative constitutional framework linking individual dignity with collective environmental and public welfare. The petition relies upon the Uttarakhand High Court's decision and establishment of rivers as juristic persons and the rights possessed by such entities against inadvertent pollution. The petition challenges the constitutional validity of festival- based and seasonal water allocation policies presenting an unprecedented constitutional critique of cultural priorities versus fundamental rights thereby creating a paradigm transformation of the approach towards environmental jurisprudence. This petition represents a strategic convergence of environmental law, fundamental rights jurisprudence, and social justice principles, positioning itself as a potential landmark case that would reshape India's approach to River Conservation, Urban Sanitation, and the constitutional Right to clean water. The comprehensive factual foundation, supported by extensive scientific studies and documented governmental failures, provides the Supreme Court with a robust platform for delivering transformative environmental justice. This petition seeks comprehensive relief including mandatory sewage treatment infrastructure completion, establishment of year-round environmental flow, humane rehabilitation of riverbank settlements, and constituting an independent monitoring committee under Supreme Court supervision.

Key Words – Environmental Justice, Right to clean Water, Public Trust Doctrine, Sewage Infrastructure and Constitutional Violations.

BEFORE THE HONORABLE SUPREME COURT OF INDIA

**UNDER ARTICLE 32 OF THE CONSTITUTION
IN THE MATTER OF**

W.P. (PIL) No. _____/2025

RECYCLE RANGERS

.....PETITIONER

VERSUS

UNIONOF INDIA&ORS

.....RESPONDENT

**UPON SUBMISSION TO THE HON’BLE CHIEF JUSTICE AND HIS
LORDSHIP’S
COMPANION JUSTICES OF THE SUPREME COURT OF INDIA**

WRITTEN SUBMISSION ON BEHALF OF THE PETITIONER

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P	Paragraph
&	And
PP	Paragraphs
§	Section
§§	Sections
AIR	All India Reporter
Art.	Article
CJI	Chief Justice of India
Const.	Constitution
J	Justice(s)
IRBA	Inter-state River Basin Authorities
NGO	Non-Governmental Organisation
NGT	National Green Tribunal
PIL	Public Interest Litigation
r/w	Read with
s/d	Signed
SCC	Supreme Court Cases
UOI	Union Of India
UNO	United Nations Organisation
v.	Versus
WP	Writ petition

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6.	<i>N. Muthuramalingam v. Venkata Krishnan</i>
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13.	<i>M. C. Mehta v. Kamal Nath</i>
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The Hon'ble Supreme Court of India has the inherent jurisdiction to try, entertain and dispose of the present case under -

Special Original Jurisdiction

W.P.(PIL)No._____/2025

RECYCLE RANGERS.....v. *UNION OF INDIA & ORS.*

The Recycle Rangers, an NGO which contributes to Environmental well-being, has filed respective petition before the Hon'ble Supreme Court of India Under Article 32 of the Indian Constitution, 1950¹

IN THE SUPREME COURT OF INDIA
(Civil Original Jurisdiction)

¹ 32. Remedies for enforcement of rights conferred by this Part (1) The right to move the Supreme Court by appropriate proceedings for the enforcement of the rights conferred by this Part is guaranteed. (2) The Supreme Court shall have power to issue directions or orders or writs, including writs in the nature of habeas corpus, mandamus, prohibition, quo warrant and certiorari, whichever may be appropriate, for the enforcement of any of the rights conferred by this Part. (3) Without prejudice to the powers conferred on the Supreme Court by clauses (1) and (2), Parliament may by law empower any other court to exercise within the local limits of its jurisdiction all or any of the powers exercisable by the Supreme Court under clause (2). (4) The right guaranteed by this article shall not be suspended except as otherwise provided for by this Constitution.

Writ Petition (Civil) No.____ of 2025

IN THE MATTER OF:

Recycle Rangers, a registered non-governmental organisation having its registered office at No.____, **Madurai, Tamil Nadu**, working for the cause of environmental well-being and sustainable development in Madurai District, through its authorised representative

.....Petitioner

VERSUS

Union of India & Ors

.....Respondent

AFFIDAVIT

I, **XXX**, aged about aa years, [Designation], resident of **YYY**, being duly authorised on behalf of the Petitioner “Recycle Rangers”, do hereby solemnly affirm and state as follows:

1. That the Petitioner is a public-spirited, non-profit NGO based in Madurai, actively engaged in environmental and social welfare for the district and its residents.
2. That this Writ Petition is being filed purely in the **public interest**, without any personal interest, private motive, or indirect benefit, solely for upholding the rights of citizens and protection of the environment.
3. That the factual statements made in the petition are based on government records, public reports, field investigations, and published sources, all of which are true and correct to my knowledge and belief.
4. That to the best of my knowledge, the Petitioner has not filed any other petition seeking substantially similar relief before this Hon’ble Court or any other Court, and the cause of action herein is bona fide and urgent.
5. That the annexures filed with this petition are true copies of their respective originals.
6. That all legal submissions are based on advice received and believed to be correct, and that all procedural requirements for a bona fide public interest litigant have been complied with.

DEPONENT

VERIFICATION

I, the above-named deponent, do hereby verify that the contents of this affidavit-cum-

declaration are true and correct to my knowledge and belief, no part of it is false, and nothing material has been concealed therefrom.

Verified at Madurai on this____ day of , 2025.

DEPONENT

(Signed in the presence of Notary/Advocate)

I STATEMENT OF FACTS

1. GEOGRAPHICAL AND

CONSTITUTIONAL

CONTEXT

- 1.1. The Vaigai River, originating from the Varusanadu Hills in the Western Ghats, flows through five districts of Tamil Nadu - Theni, Dindigul, Madurai, Sivagangai, and Ramanathapuram - spanning 258 kilometers before emptying into the Palk Bay.
- 1.2. The river serves as a lifeline for over 2 million people across these districts, providing water for irrigation, domestic consumption, and cultural-religious activities, making it a vital natural resource protected under Articles 48A and 51A(g) of the Constitution of India.

2. SEVERE WATER POLLUTION AND QUALITY DEGRADATION

- 2.1. A comprehensive study conducted by the Madurai Nature Cultural Foundation in 2024 revealed that domestic, industrial, and medical wastes from five districts are being discharged into the Vaigai River at 177 locations through 197 pipes and canals across a 260-kilometer stretch.
- 2.2. Water samples collected from 36 locations along the river showed alarming contamination levels, with 28 samples classified as 'E-grade' (the lowest water quality classification) and 8 samples as 'D-grade,' rendering

the water unfit for human consumption and barely suitable for industrial use.

- 2.3. The pollution sources specifically include:
 - Untreated sewage from Madurai Corporation (41 discharge points within city limits alone)
 - Industrial waste from SIPCOT and SIDCO industrial estates
 - Medical waste from hospitals across five districts
 - Waste from 40 shrimp farms in Madapam Panchayat of Ramanathapuram district.

3. INFRASTRUCTURE FAILURES AND SEWAGE TREATMENT CRISIS

- 3.1. Despite having two Sewage Treatment Plants (STPs) in Madurai with a combined capacity of 170 MLD (Avaniyapuram: 125 MLD, Sakkimangalam: 45 MLD), only 40-50% of the city's sewage reaches these plants due to severe leaks in the Underground Drainage (UGD) system.
- 3.2. The Madurai Corporation's own records reveal that approximately 100 MLD of sewage is generated daily, but more than half leaks into the ground or flows directly into the Vaigai River due to broken pumping mains and under-capacity motors.

3.3. The Underground Sewerage System project, sanctioned at Rs. 275.82 crores to cover 308 km of sewer mains and connect 44,857 houses, has achieved only 17% physical progress despite being initiated years ago.

3.4. In a shocking development, an existing 2 MLD STP near Panthalkudi canal was dismantled in April 2025 for flyover construction, causing approximately 8 MLD of untreated sewage to flow directly into the Vaigai River during the culturally significant Chithirai Festival period.

4. RIVERBED ENCROACHMENTS AND SANITATION CRISIS

4.1. Unauthorized constructions and slum settlements have encroached upon more than 30% of the Vaigai riverbanks, reducing the river's width and flood-carrying capacity while creating sanitation nightmares.

4.2. These riverbed settlements, housing thousands of families, lack access to proper sanitation facilities, forcing residents to discharge human waste directly into the river, further contaminating the water source.

4.3. The Madurai Corporation issued notices to 363 buildings in 2017 for directly discharging sewage into the Vaigai River, yet the practice continues unabated.

5. FESTIVAL-BASED WATER RELEASE POLICY VS. HUMAN NEEDS

5.1. The State's water release policy prioritizes cultural and agricultural activities over fundamental human rights, with water being released from Vaigai Dam primarily during:

- The Chithirai Festival for Lord Kallazhagar's ceremonial river entry
- Limited irrigation windows (18 days during northeast monsoon)

5.2. This leaves the river dry for 9-10 months annually, denying riverbed communities and downstream populations access to clean water while maintaining sufficient reserves in upstream dams.

6. GOVERNMENT MEASURES AND THEIR INEFFICACIOUS IMPLEMENTATION

6.1. 10-Year Restoration Plan (2024): The Tamil Nadu River Retrieval Movement (TNRM), in collaboration with NGOs and PWD, initiated a decade-long restoration plan in March 2024, but the project has made minimal progress beyond removing invasive plants from a small stretch near Puttuthoppu.

6.2. Judicial Interventions and

Administrative Failures:

The Madurai bench of Madras High Court took *Suo motu* cognizance in December 2024, directing authorities to file comprehensive action plans. Despite court orders dating back to February 2020 directing formation of district-level committees for river preservation, not a single meeting has been convened by the committee as of February 2025. The court granted additional time until March 6, 2025, expressing dissatisfaction with the "inaction" of the constituted committee.

- 6.3. **Tamil Nadu Water Resources Conservation and Rivers Restoration Corporation:** Formed in 2019, this corporation has shown no tangible progress in Vaigai restoration, with no meetings or action plans implemented.
- 6.4. **Mass Cleaning Drives:** A 25,000-people cleaning drive was organized in 2017, but the effort was not sustained, and waste dumping continued immediately after the event.
- 6.5. **Smart Cities Mission:** Madurai was allocated funds under the Smart Cities Mission in 2018 for Vaigai restoration, but no significant infrastructure development or pollution control measures have been implemented.

7. HEALTH AND ENVIRONMENTAL**CONSEQUENCES**

- 7.1. Groundwater contamination has reached alarming levels, with nitrate concentrations increasing significantly near the river, affecting drinking water sources for surrounding communities.
- 7.2. There has been a 40% decline in aquatic biodiversity over two decades, with loss of native fish species, otters, and storks, indicating ecological collapse.
- 7.3. The river's pollution has caused water logging and flooding in urban areas due to reduced width and blockages from waste dumping.

8. VIOLATION OF FUNDAMENTAL RIGHTS AND CONSTITUTIONAL OBLIGATIONS

- 8.1. The state's failure to provide clean drinking water and basic sanitation violates Article 21 (Right to Life), which has been consistently interpreted by the Supreme Court to include the right to a clean and healthy environment.
- 8.2. The discharge of untreated sewage and industrial waste violates the State's constitutional obligation under Article 47 (duty to improve public health) and Article 48A (protection and improvement of environment).
- 8.3. The prioritization of festival water releases over human drinking water needs demonstrates arbitrary state

action violating the equality principle under Article 14.

9. STATUTORY AND REGULATORY VIOLATIONS

- 9.1. The continuous discharge of pollutants violates the Water (Prevention and Control of Pollution) Act, 1974, and the Environment Protection Act, 1986.
- 9.2. The encroachments violate the Tamil Nadu Land Encroachment Act, 1905, and various municipal regulations.
- 9.3. The failure to implement sewage treatment infrastructure violates the National River Conservation Programme guidelines and National Water Policy mandates.

10. URGENCY AND PUBLIC INTEREST

- 10.1. The crisis affects over 2 million people across five districts, with immediate health risks during festival gatherings when thousands of devotees enter the contaminated river water.
- 10.2. The Madras High Court's repeated interventions and expressions of dissatisfaction with the government inaction demonstrate the failure of executive machinery, necessitating Supreme Court intervention under Article 32.
- 10.3. The seasonal nature of the crisis,

with complete water scarcity for 9-10 months and sudden contaminated releases during festivals, creates an ongoing violation of fundamental rights requiring immediate judicial intervention.

WHEREFORE, the Petitioner submits that the aforesaid facts constitute a clear violation of fundamental rights guaranteed under Articles 14, 21, 47, and 48A of the Constitution of India, warranting immediate intervention by this Hon'ble Court under Article 32.

II STATEMENT OF ISSUES

1. Whether the continued discharge of untreated sewage and industrial effluents into the Vaigai River, and the failure to prevent river pollution and ensure basic sanitation, violates the fundamental right to life under Article 21 of the Constitution, which includes the right to clean drinking water and a healthy environment?
2. Whether the persistent failure of State and local authorities to implement effective sewerage infrastructure, regularize riverbed settlements, and enforce environmental norms amounts to a violation of their constitutional duties under Articles 47, 48A, and statutory obligations under the Water

(Prevention and Control of Pollution) Act, 1974, and the Environment Protection Act, 1986?

3. Whether the prioritization of water releases from Vaigai Dam for festival and agricultural purposes, leaving communities without access to potable water for most of the year, constitutes arbitrary State action violative of Article 14 (Right to Equality) and the principle of fair and reasonable administration?
4. Whether the encroachment of riverbanks, leading to loss of river width, flood risks, and aggravated sanitation and health hazards, warrants judicial direction for removal and/or rehabilitation of such settlements in accordance with law and humanitarian principles?
5. Whether the inefficacious implementation of government restoration plans, Smart Cities Mission funds, judicial directives, and corporation action plans amounts to administrative inaction justifying intervention by this Hon'ble Court under Article 32 to secure the fundamental rights of affected

inhabitants?

III ARGUMENTS ADVANCED

ISSUE I: Whether the continued discharge of untreated sewage and industrial effluents into the Vaigai River, and the failure to prevent river pollution and ensure basic sanitation, violates the fundamental right to life under Article 21 of the Constitution, which includes the right to clean drinking water and a healthy environment?

The petitioner humbly submits before this Hon'ble Supreme Court that the Article 21 of the Constitution of India and thereby the Fundamental right has been violated.

1.1 CONSTITUTIONAL

FOUNDATION: RIGHT TO LIFE UNDER ARTICLE 21 INCLUDES RIGHT TO CLEAN WATER AND SANITATION

The Supreme Court of India has consistently interpreted the right to life under Article 21 to encompass not only mere animal existence but a dignified life with access to basic necessities including clean drinking water and sanitation. In *Bandhua Mukti Morcha v. Union of India*²(1984), the Court recognized clean and safe drinking water as integral to the

² Bandhua Mukti Morcha v. Union of India, (1984)

3 SCC 161

right to life.

The decision in **Subhash Kumar v. State of Bihar**³(1991) further cemented that the right to life includes the right to enjoy pollution-free air and water, stating that environmental pollution that deprives people of clean water amounts to a violation of Article 21.

7. Article 32 is designed for the enforcement of Fundamental Rights of a citizen by the Apex Court. It provides for an extraordinary procedure to safeguard the Fundamental Rights of a citizen. Right to live is a fundamental right under Article 21 of the Constitution and it includes the right of enjoyment of pollution-free water and air for full enjoyment of life. If anything endangers or impairs that quality of life in derogation of laws, a citizen has right to have recourse to Article 32 of the Constitution for removing the pollution of water or air which may be detrimental to the quality of life

In **M.C. Mehta v. Union of India**⁴, the Supreme Court enforced the duty of the state to take appropriate steps to prevent

pollution of rivers, explicitly holding that the right to life includes the right to a pollution-free environment, including water bodies.

Thus, the failure of the State to prevent contamination of Vaigai River deprives millions of citizens of their constitutional right to clean water and sanitation, infringing the right to life with dignity.

1.2 STATE'S POSITIVE DUTY TO PROTECT AND PROVIDE ACCESS TO CLEAN WATER

Article 21 imposes both a negative and positive obligation on the State. The State is not only barred from arbitrary deprivation but must take proactive measures to protect essential environmental resources including water bodies from pollution. In **A.P. Pollution Control Board v. Prof. M.V. Nayudu**⁵ it was held that, any act of the State that permits pollution of water bodies must be treated as arbitrary and violative of Article 21.

The discharge of untreated sewage and industrial effluents into Vaigai through 177 illegal points, with water quality at 'E' grade (unfit for human consumption), reflects an egregious failure to fulfill this constitutional duty. Additionally, the

³ Subhash Kumar v. State of Bihar, 1991 AIR 420

⁴ M.C. Mehta v. Union of India, 1988 AIR SC 1037

⁵ A.P. Pollution Control Board v. Prof. M.V. Nayudu, AIR 1999 SUPREME COURT 812

neglect of sewage infrastructure with only partial sewage treatment and leakage rates around 50% compounds the breach⁶.

1.3 RIGHT TO CLEAN WATER LINKED TO PUBLIC HEALTH

Scientific studies and research data demonstrate a direct link between contaminated water and several waterborne diseases including diarrhea, cholera, dysentery, and hepatitis, disproportionately affecting vulnerable populations around Vaigai River. According to the India Water Portal⁷, over 37 million Indians are afflicted annually with waterborne diseases, with over 1.5 million child deaths related to diarrheal diseases, underscoring the criticality of clean water as a public health imperative. The State's failure to contain industrial and municipal pollution in Vaigai exacerbates public health crises, intensifying the constitutional violation of Article 21.

1.4 AGAINST ENVIRONMENTAL JURISPRUDENCE

The **Public Trust Doctrine** compels the State to hold water bodies like Vaigai in

trust for public use and to protect them from harmful actions. The government has the broad authority to give priority to development initiatives that benefit the general population, such as producing hydroelectric electricity and controlling flooding. Governments are permitted to work on projects that might conflict with certain interests in the name of the greater good under the "public interest" premise.

The Supreme Court of India upheld the public trust doctrine in the case of **T.N. Godavarman v. Union of India and Ors**⁸ holding that the State has a duty to act as the trustee of natural resources for the benefit of the public and determine how these resources should be used by the citizens in a sustainable manner.

- **THE STATE SERVING AS A TRUSTEE:**

The trustee is in charge of making sure that trust property is properly cared for. According to the public trust doctrine, the state protects natural resources for the rightful and reasonable use of the state's citizens, acting as a trustee in the process.

⁶ Waste from 5 districts found polluting Vaigai (2024) at: http://timesofindia.indiatimes.com/articleshow/115229446.cms?utm_source=contentofinterest&utm_medium=text&utm_campaign=cppst

⁷ Aarti Kelkar Khambete, When water kills; India Water Portal (2019)

[https://www.indiawaterportal.org/faqs/when-water-kills#:~:text=Waterborne%20diseases%20in%20India%20Annually%20about%2037.7,economic%20burden%20of%20\\$600%20million%20a%20year.](https://www.indiawaterportal.org/faqs/when-water-kills#:~:text=Waterborne%20diseases%20in%20India%20Annually%20about%2037.7,economic%20burden%20of%20$600%20million%20a%20year.)

⁸ T.N. Godavarman Thirumulpad v. Union of India & Ors., (2002) 10 SCC 606

- **THE BENEFICIARIES
ARE THE CITIZENS:**

The State's residents are the ones who benefit from these natural resources by using them sustainably so that future generations can also enjoy them. Ensuring the recipient has enjoyment of the trust assets is the trustee's main duty.

In accordance to the **Precautionary Principle doctrine**, as emphasized by this court in **A.P. Pollution Control Board v. Prof. M.V. Nayudu**⁹, mandates preventive action against damage to water bodies even without conclusive scientific proof of harm, reinforcing the State's obligation to prevent pollution.

The *Polluter Pays Principle* is relevant where industry and municipalities causing pollution must bear responsibility for remediation, reinforcing the right to clean water¹⁰

The *Principle of Sustainable Development* reinforces that economic or other state activities must not jeopardize ecological resources essential for life, including water.

1.5. FAILURE DESPITE EXISTING STATUTES AND JUDICIAL DIRECTIVES

The persistent pollution despite the Water (Prevention & Control of Pollution) Act, 1974 and Environment Protection Act, 1986, and multiple judicial orders such as in, **N. Muthuramalingam v. Venkata Krishnan (2023)**¹¹, the High Court of Madras gave directions for the removal of encroachments along the Vaigai river as such encroachments are violative of the Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007 and wherein Madurai bench of Madras High Court initiated Suo moto proceedings to address the pollution in River Vaigai, highlight not mere negligence but systemic administrative failure. The State's failure to implement court-ordered pollution control measures and infrastructure development further deepens the violation of the citizens' right to clean water.

The maxim "**Salus populi suprema lex esto**" ("The welfare of the people shall be the supreme law") emphasizes State's responsibility in safeguarding life and health through environmental protection. Further the legal maxim, "**Nemo debet esse locupletatus ex aliena iactura**" ("No one shall be enriched by the loss of another") supports actions against polluters damaging public water sources.

⁹ *Supra* note 5

¹⁰ *Supra* note 4

¹¹ N.Muthuramalingam v. Venkata Krishnan, CONT P(MD).262/2019

It is humbly submitted that this Hon'ble Supreme court in the case of **Indian Council for Enviro-Legal Action v. Union of India**¹², stated that:

“While economic development should not be allowed to take place at the cost of ecology or by causing widespread environmental destruction and violation; at the same time the necessity to preserve ecology and environment should not hamper economic and other developments. Both development and environment must go hand in hand, in other words, there should not be development at the cost of the environment and vice versa, but there should be development while taking due care and ensuring the protection of the environment.”

1.6 RIVER IS A LIVING ENTITY/JURISTIC PERSON

In **Mohd. Salim v. State of Uttarakhand**¹³, the Court observed that an emergent situation had arisen since the rivers Ganga and Yamuna were losing their very existence. This Hon'ble Court further observed that the situation required exemplary measures to be taken to preserve and conserve the rivers. Looking at the

gravity of the situation, the Court applied the concept of Juristic Person to rivers. This Court held that to protect the recognition and the faith of society, rivers Ganga and Yamuna are required to be declared as legal persons/living persons. While declaring these rivers as living entities having the status of a legal person, the Court held that the rivers should have all corresponding rights, duties, and liabilities of a living person in order to preserve and conserve river Ganga and Yamuna. This landmark case is an important development in the path towards river rejuvenation. Now that rivers have been declared as living entities, if any conservation activity or river management project is undertaken by the Inter-state River Basin Authorities IRBA, and if such activity/project is vital to the maintenance of the life of a river, then such a circumstance allows the activity/project to be implemented even without the prior approval of the government. Hence it is evident that the formation of an efficient committee for the management of Vaigai river is essential considering the fact that it is a Juristic person and also has the right to be preserved.

ISSUE II: Whether the persistent failure of State and local authorities to implement effective sewerage

¹² Indian Council for Enviro-Legal Action v. Union of India, 1996 SCC (3) 212

¹³ Mohd. Salim v. State of Uttarakhand(2016), WPPIL—126/2014

infrastructure, regularize riverbed settlements, and enforce environmental norms amounts to a violation of their constitutional duties under Articles 47, 48A, and statutory obligations under the Water (Prevention and Control of Pollution) Act, 1974, and the Environment Protection Act, 1986?

2.1 CONSTITUTIONAL DUTIES OF THE STATE UNDER DIRECTIVE PRINCIPLES OF STATE POLICY

The petitioner submits that, Articles 47 and 48A impose fundamental duties and directive principles that bind the State to improve public health and protect the environment. Article 47 mandates the State to raise the level of nutrition and standard of living and to improve public health, while Article 48A directs the State to protect and improve the environment and safeguard forests and wildlife. These Articles confer a non-negotiable duty on the State machinery to ensure basic sanitation and prevent environmental degradation that threatens the health and wellbeing of its citizens. Failure to act effectively on sewage treatment and sanitation infrastructure constitutes a breach of these constitutionally mandated responsibilities.

2.2 STATUTORY OBLIGATIONS UNDER ENVIRONMENTAL LAWS

The Water (Prevention and Control of Pollution) Act, 1974, empowers State Pollution Control Boards to regulate discharges of pollutants into water bodies and enforce standards for effluent quality. Its violation through untreated sewage discharge into the Vaigai River is an explicit statutory breach.

The Environment Protection Act, 1986, mandates comprehensive environmental management, pollution control measures, and protection of natural resources. Non-compliance by State authorities with these statutory requirements exposes the Government to judicial scrutiny for non-performance.

The failure to provide functional sewage treatment plants at adequate capacity (with only 40- 50% of sewage treated), dilapidated underground drainage systems, and broken pumping mains aggravates statutory violations and threatens river health.¹⁴

Other Acts violated include, Protection Of Human Rights Act 1993, National Environment Appellate Authority Act

¹⁴ Vaigai water contaminated, unfit for human consumption: Study
<https://www.newindianexpress.com/states/tamil->

nadu/2024/Nov/13/vaigai-water-contaminated-unfit-for-human- consumption-study

1997, Section 10 National Environment Tribunal Act 1995, Environment Protection Act 1986, National Environmental Appellate Authority Act, 1997, Section 28 of the Water Act, Section 28 of the Water Act, 1974, Section 28 of the Water (Prevention and Control of Pollution) Act, 1974, Section 31 of the Air (Prevention and Control of Pollution) Act, 1981, under Rule 12, Section 3(3) of the Environment (Protection) Act, 1986.

2.3 JUDICIAL PRECEDENTS ON STATE'S OBLIGATORY ROLE IN INFRASTRUCTURE AND SANITATION

In *Shri Sachidanand Pandey v. State of West Bengal (1987)*¹⁵, the Supreme Court held that the State must take all necessary measures to ensure environmental protection and clean water supply as part of its duties. The judgement quotes a response of the wise Indian Chief of Seattle” to the offer of “the great White Chief in Washington” to buy their land dated back to 1854 which is the first ever understanding statement on environment and is worth mentioning.

How can you buy or sell the sky, the warmth of the land? The idea is strange to us If we

do not own the freshness of the air and the sparkle of the water, how can you buy them?... The rivers are our brothers, they quench our thirst. The rivers carry our canoes, and feed our children. If we sell you our land, you must remember, and teach your children, that the rivers are our brothers, and yours and you must henceforth give the kindness you would give any brother

This Hon'ble Court in *Subhash Kumar v. State of Bihar*¹⁶ and the Rajasthan High court in *L.K. Koolwal vs State of Rajasthan*¹⁷ recognized the right to pollution-free water as part of Article 21, and directed States to implement pollution control measures effectively.

2.4 FAILURE TO REGULARIZE RIVERBED SETTLEMENTS AND ENFORCE ENVIRONMENTAL NORMS

Unauthorized encroachments and settlements on riverbanks contribute directly to pollution through indiscriminate sewage discharge, reduction of river width, and obstruction in flow, which the State has failed to prevent or remediate. Urban local bodies like Madurai Corporation have issued notices but have not enforced

¹⁵ Shri Sachidanand Pandey v. State of West Bengal 1987 AIR SC 1109

¹⁶ *Supra* note 3

¹⁷ L.K. Koolwal vs State of Rajasthan, Civil Writ Petn. No. 121 of 1986

compliance or devised long-term rehabilitation plans, demonstrating administrative inertia. The State is under a continuing obligation to balance environmental protection with human rights, ensuring no forced evictions without due rehabilitation, but also cannot abdicate responsibility to control environmentally harmful encroachments.

2.5 IMPACT OF ADMINISTRATIVE INACTION AND CORRUPTION ON PUBLICINTEREST

The available data on incomplete infrastructure works (only 17% progress on underground sewerage over several years) and dismantling of existing STP during flyover construction without alternative arrangements highlights systemic administrative failures. Continual court interventions and government promises with little result reflect poor governance and neglect of fundamental rights. Public health, ecological sustainability, and constitutional governance are compromised, justifying judicial intervention to compel State compliance.

2.6 PRINCIPLES OF ACCOUNTABILITY AND RULE

OF LAW

“Suum cuique tribuere” (“To render to everyone his due”) underscores the State’s obligation to provide sanitation and clean water to all citizens. The State and municipal bodies cannot claim immunity from accountability for failing to comply with environmental laws and constitutional mandates. The principles of accountability, transparency, and participatory governance require the State to actively respond to pollution challenges, develop sustainable infrastructure, and enforce norm compliance. Judicial supervision and intervention is warranted as per *M.C. Mehta v. Union of India*¹⁸ to ensure implementation and protection of Public Trust assets like rivers.

ISSUE III: Whether the prioritization of water releases from Vaigai Dam for festival and agricultural purposes, leaving communities without access to potable water foremost of the year, constitutes arbitrary State action violative of Article 14 (Right to Equality) and the principle of fair and reasonable administration?

3.1 ARTICLE 14 AND VIOLATION OF THE LAW OF EQUALITY

¹⁸ *Supra* note 4

The petitioner most humbly submits that Article 14 of the Constitution has been violated due to non-uniform water release. Article 14 of the Constitution guarantees that *the State shall not deny to any person equality before the law or the equal protection of the laws*. This provision prohibits arbitrary, discriminatory, or unreasonable State actions. The selective release of water solely for festival rituals and limited agricultural irrigation-while denying access to clean water for riverbed communities and downstream populations during most of the year-constitutes a manifest violation of the equality principle. The State's water policy is thereby arbitrary, based on non-transparent criteria favoring cultural events and economic interests over fundamental human needs and rights.

3.2 RIGHT TO WATER AS A FUNDAMENTAL COMPONENT OF RIGHT TO LIFE AND EQUALITY

The Supreme Court has incorporated the right to clean water as an essential facet of the right to life under Article 21. Equality in access to basic resources like water is intrinsic to Article 14. The preferential allocation of water for festivals and plantations without regard to human consumption needs or public health

endangers vulnerable populations and breaches constitutional fairness. This differential treatment based on arbitrary classification between festival-time, flood, or irrigation benefit and perennial human water requirement lacks any rational basis or intelligible differentia and fails the test of reasonableness under Article 14. Hence it is submitted that such an action by the state is arbitrary and illegal in the eyes of law.

3.3 PRINCIPLES OF REASONABLENESS, NON-ARBITRARINESS, AND PROPORTIONALITY IN ADMINISTRATIVE ACTION

This Hon'ble court has laid down in the case *Maneka Gandhi v. Union of India*¹⁹ that, Administrative actions must conform to the principles of reasonableness and non-arbitrariness. Similarly, the scope of Article 14 was drastically increased by this Court by including the executive discretion under its ambit in the case of *E.P. Royappa v. State of Tamil Nadu*²⁰, wherein this Hon'ble Supreme Court said that Article 14 gives a guarantee against the arbitrary actions of the State and that "Arbitrariness is anti-thesis to the law of Equality".

The principle of proportionality demands

¹⁹ Maneka Gandhi v. Union of India 1978 AIR 597

²⁰ E.P. Royappa v. State of Tamil Nadu, 1974 AIR

that the State balance competing interests reasonably, giving due weight to human rights claims of clean water access over cultural or agricultural preferences. In this case, the year-round denial of potable water access despite water being available and deliberately withheld except for festivals is neither reasonable nor proportionate. The classification between festival/agricultural water use and human consumption water use is neither reasonable nor based on intelligent distinctions, failing constitutional muster. Marginalized riverbed communities, often economically vulnerable, are disproportionately affected by this policy.

3.4 PRECEDENT ON ALLOCATION AND DISTRIBUTION OF PUBLIC RESOURCES

This Hon'ble Court in emphasized that public resources allocated by the State must be distributed fairly and equitably, especially when fundamental rights are implicated.²¹ Similarly, in *M.C. Mehta v. Kamal Nath*²², the Court underscored that developmental or cultural activities cannot override environmental and human rights protections. Thus, the water release policy that unduly privileges cultural festivities

over environmental justice and potable water access violates settled principles of constitutional governance.

According to the Tamil Nadu Pollution Control Board's Annual report in 2024, the Vaigai river remains dry for 9-10 months except during festivals or exceptional rainfall, forcing communities to rely on unsafe or inadequate water sources. During festivals like Chithirai, water is released for ritualistic purposes attracting thousands, but this practice does not translate into sustained access to clean and drinking water or sanitation facilities for the population at large.²³

ISSUE IV: Whether the encroachment of riverbanks, leading to loss of river width, flood risks, and aggravated sanitation and health hazards, warrants judicial direction for removal and/or rehabilitation of such settlements in accordance with law and humanitarian principles?

4.1 PROHIBITION OF ENCROACHMENT AND

²¹F.K Hussain v. Union of India and Others, 1990 AIR KER 321

²² M.C. Mehta v. Kamal Nath (1997) 1 SCC 388

²³ TNPCB, *Annual Water Monitoring report from*

Jan 2024 to Dec 2024

<https://tnpcb.gov.in/waterquality.php#pdfCollapse2024>

PROTECTION OF RIPARIAN LAND

Riverbanks and floodplains are classified as public trust property held by the State for the benefit of the community at large. Encroachment upon these lands-whether by unauthorized constructions, slum settlements, or commercial establishments-is expressly prohibited by the Tamil Nadu Land Encroachment Act, 1905, municipal zoning laws, the Water (Prevention and Control of Pollution) Act, 1974, and norms set by the National River Conservation Directorate.

The Public Trust Doctrine, as recognized in *M.C. Mehta v. Kamal Nath*²⁴, lays down the principle that natural resources like rivers, riverbeds and their floodplains cannot be subject to private appropriation or encroachment, and must be preserved for public use and ecological balance.

4.2 JUDICIAL MANDATE FOR REMOVAL OF

ENCROACHMENTS WITH PROCEDURE ESTABLISHED BY LAW

The Supreme Court and various High Courts have repeatedly directed the identification and removal of illegal encroachments on riverbanks, lakes, and waterbodies, especially when such acts contribute to pollution or impede flood flows²⁵. However, the Courts have also underscored the need to comply with procedure established by law (Article 21) and to ensure that no person is deprived of shelter or livelihood arbitrarily. Judicial precedents require that rehabilitation and alternative accommodation be provided before evictions such as iterated in the case of *Olga Tellis v. Bombay Municipal Corporation*²⁶. Hence it is the ardent duty of the State to not only remove illegal encroachments but also to make proper alternative arrangements and shelter for the slum settlements.

4.3 IMPACT ON RIVER HEALTH, SANITATION, AND PUBLIC SAFETY

Encroachments have directly led to a 30% reduction in Vaigai's width, drastic decline in its flood-carrying capacity, and a

²⁴ *Supra* Note 22

²⁵ Delhi Development Authority v. Kenneth Builders and Developers Private Limited and Others, 2016 SCC ONLINE

SC 627

²⁶ *Olga Tellis And Others v. Bombay Municipal Corporation and Others*, 1985 INSC 151

dangerous aggravation of urban flooding and waterlogging.²⁷

Riverbank settlements often lack basic sanitation. Studies show that thousands of families living in these encroachments routinely discharge untreated human waste directly into the river, exacerbating water contamination and public health risks. These conditions violate the right to a clean environment and endanger both the health and safety of the encroaching inhabitants and the wider population dependent on the river.

4.4 CONSTITUTIONAL AND STATUTORY DUTIES

The State has a dual responsibility: to uphold the right of all citizens to a clean environment (Article 21, Article 48A) and to ensure protection of vulnerable populations (right to life with dignity under Article 21, international obligations under UN-Habitat and Sustainable Development Goals).

The Water (Prevention and Control of Pollution) Act, 1974, and the Environment Protection Act, 1986 mandate the prevention of pollution sources, including

human settlements without sewage treatment on riverbanks.

4.5 PRINCIPLE OF “BALANCING RIGHTS” AND PROPORTIONALITY

Courts are required to strike a balance between environmental protection and social welfare. This involves: Taking steps to remove/relocate illegal encroachments that threaten public resources as held by the National Green Tribunal.²⁸ Ensuring rehabilitation and alternative housing for slum dwellers as per state and central schemes (e.g., PMAY, Rajiv Awas Yojana). Prohibiting future encroachments through administrative vigilance, fencing, and riverfront management plans.

4.6 INEFFECTICACY AND INACTION DESPITE JUDICIAL ORDERS

The persistent failure of the Madurai Corporation to enforce prior removal notices (over 363 buildings), court orders regarding floodplain protection, and non-implementation of river restoration or relocation schemes underscores administrative inertia and disregard for binding environmental mandates.

²⁷ Shravan Kumar, Ambala, *Proposed river linking canals of Cauvery to Vaigai basins and their impact on environment a geospatial approach*, <http://hdl.handle.net/10603/383340>

²⁸ Almitra H. Patel v. Union of India, 2022 SCC ONLINE NGT 33

ISSUE V: Whether the inefficacious implementation of government restoration plans, Smart Cities Mission funds, judicial directives, and corporation action plans amounts to administrative inaction justifying intervention by this Hon'ble Court under Article 32 to secure the fundamental rights of affected inhabitants?

5.1 INACTION AS A BREACH OF CONSTITUTIONAL AND STATUTORY DUTY

The repeated failure of State and municipal authorities to implement restoration and pollution- control measures reflects a breach of their duties under Articles 21, 47, and 48A of the Constitution, as well as under statutory frameworks such as the Water (Prevention and Control of Pollution) Act, 1974 and the Environment Protection Act, 1986. The Supreme Court has held that prolonged administrative paralysis or non-implementation of policies or court directives constitutes a violation of the right to life with dignity and the right to a healthy environment²⁹

5.1 DOCTRINE OF “CONTINUOUS MANDAMUS” AND JUDICIAL OVERSIGHT

In matters of systemic failure or sustained executive inaction, the “Continuous Mandamus” doctrine allows courts to maintain on-going supervision until compliance is achieved.³⁰

The Supreme Court has regularly appointed monitoring committees in environmental cases to track implementation and ensure accountability (**M.C. Mehta v. Union of India** - Ganga and Yamuna pollution cases). The failure to convene even a meeting of the District Committee on Vaigai's restoration, laxity in utilizing Smart Cities Mission funds, and “paper plans” with negligible physical progress (only 17% on underground drainage, and removal of invasive plants in only a fraction of proposed stretches) are classic triggers for such judicial management.

5.2 INEFFICACIOUS USE OF STATUTORY SCHEMES AND PUBLIC FUNDS

The ineffective execution of projects sanctioned under central and state schemes, such as the Rs. 275.82 crore sewerage project and Smart Cities Mission revamp plans, not only undermines statutory mandates but also constitutes wasteful expenditure of public funds. This Supreme Court has repeatedly intervened to ensure that state inaction or misuse of public

Another, 1996 INSC 147.

²⁹ *Supra* Note 4

³⁰ Vineet Narain and Others v. Union of India and

resources does not defeat the constitutional promise of good governance and effective service delivery)³¹.

5.3 FAILURE OF EXECUTIVE MACHINERY DESPITE JUDICIAL WARNINGS

Multiple Suo motu and petition-based orders from the Madras High Court (2020-2025) have gone unimplemented. The statutory bodies entrusted with river restoration and pollution control have exhibited persistent administrative lethargy and disregard for judicial authority. The formation of State or District committees have failed in actually enforcing the measures and implementing any directions provided. Hence it is submitted that the formation of a special committee for the conservation and preservation of specific rivers and water bodies such as Vaigai that require the attention of this Judiciary is necessary and essential. The Supreme Court has held that open non-compliance with court directives—especially in environmental and public health matters—warrants direct judicial intervention and the issuance of structural or continuing remedy orders *T.N. Godavarman Thirumulpad v. Union of India*³².

³¹ Common Cause v. Union of India, 1996 AIR 1619
³² *Supra* Note 8

5.4 JUSTICIABILITY AND ENFORCEABILITY OF FUNDAMENTAL RIGHTS THROUGH ARTICLE 32

When action or omission by State authorities results in a continuing violation of fundamental rights, especially affecting marginalized populations lacking the resources or capacity to seek repeated redress, Article 32 is the most efficacious remedy. The non implementation of even well-intentioned plans and funds translates the constitutional guarantee of fundamental rights into an empty promise, unless remedied by the judiciary.

The Supreme Court, as the “*sentinel on the qui vive*,” is empowered and obligated to safeguard these rights by stepping in where persistent inertia frustrates or nullifies them.³³

IV PRAYER

Wherefore in the lights of the Facts stated, Issues raised, Arguments advanced and Authorities cited, it is most humbly and respectfully prayed that this Hon’ble Supreme Court of India be pleased to:

- a. Declare that the right to clean drinking

³³ Sunil Batra v. Delhi Administration and Others, 1978 INSC 147

water and basic sanitation forms an inseparable part of the right to life under Article 21 of the Constitution, and that pollution or mismanagement of a public river amounts to a violation thereof;

b. Issue appropriate writs, orders or directions to the Respondents to take immediate, time-bound and monitored steps to

- (i) Prevent discharge of untreated sewage and industrial effluents in to the Vaigai River;
- (ii) Complete all sewage treatment and underground drainage works within a fixed schedule;
- (iii) ensure a minimum year-round environmental flow prioritising drinking water and sanitation needs; and identify and lawfully remove/rehabilitate riverbank encroachments contributing to pollution, with due process and

humane relocation;

c. Consider constituting an independent expert-cum-citizen committee under the supervision of this Hon'ble Court to oversee river restoration, sanitation infrastructure, and transparent utilisation of allocated public funds, especially for River Vaigai.

AND / OR

d. Pass any order it may deem fit in the interests of justice, equity and good conscience.

AND FOR THIS ACT OF KINDNESS,
THE PETITIONER SHALL, AS IN DUTY
BOUND, EVER PRAY.

Counsel for the Petitioner
(All of which is humbly submitted) S/d
