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ENVIRONMENTAL JUSTICE AND THE RIGHT TO CLEAN WATER: A PIL CONCERNING THIRUVATTAR'S ECOLOGICAL CRISIS

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ABSTRACT

The present Public Interest Litigation, filed under Article 32 of the Constitution by the petitioner team Green Avenger, seeks judicial intervention to address the alarming degradation of water resources in the Thiruvattar region of Tamil Nadu. Thiruvattar, historically sustained by the confluence of the Kothai, Parazhiyar, and Thamirabarani rivers, now faces severe water contamination and scarcity due to administrative negligence and industrial pollution. The petition highlights how this environmental crisis threatens the residents' livelihood, health, and agricultural stability, amounting to a violation of their fundamental right to life under Article 21 of the Constitution.

The petitioner contends that the matter qualifies as a genuine Public Interest Litigation, as it represents the collective suffering of a vulnerable agrarian community lacking the means to seek redress individually. It calls upon the Hon'ble Supreme Court to exercise its jurisdiction and issue a writ of mandamus compelling the Union of India, the State of Tamil Nadu, and the relevant Pollution Control Boards to implement immediate and long-term measures for water purification and sustainable management.

Drawing upon precedents such as M.C. Mehta v. Union of India, Subhash Kumar v. State of Bihar, and A.P. Pollution Control Board v. M.V. Nayudu, the petitioner asserts that the right to clean water is inseparable from the right to life and human dignity. The PIL thus emphasizes

the constitutional duty of the State under Articles 14, 21, 48A, and 51A(g) to safeguard environmental health and ensure access to safe drinking water.

In essence, this memorial embodies a call for environmental justice, urging judicial recognition that the denial of clean water constitutes a systemic human rights violation and demanding policy-driven reform to protect the ecological and constitutional integrity of the Thiruvattar region.

KEYWORDS- *Article 32, Livelihood, Health, Agricultural Stability, etc.,*

BEFORE THE HON'BLE SUPREME COURT OF INDIA

PUBLIC INTEREST LITIGATION

WRIT PETITION NO..... OF 2025

**A PUBLIC INTEREST LITIGATION FILED UNDER ART 32 OF THE
CONSTITUTION OF INDIA ,1950**

.....IN THE MATTER BETWEEN.....

Green Avenger

...Petitioner

Vs

- 1. The Union of India. Through its Secretary, Ministry of Jal shakti.**
- 2. The State of Tamil Nadu. Through its Chief Secretary**
- 3. The Principal Secretary to Government, Municipal Administration and
Water Supply, Government of Tamil Nadu**
- 4. The Central Pollution Control Board (CPCB). Through its chairman**
- 5. The State Pollution Control Board (SPCB), State of Tamil Nadu.
Through its Chairman.**

...Respondents

**WRITTEN SUBMISSIONS ON BEHALF OF THE PETITIONER
COUNSEL FOR PETITIONERS**

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LIST OF ABBREVIATIONS

S.NO	ABBREVIATION
1.	St – State
2.	UP - Uttar Pradesh
3.	Ors - Others
4.	AIR - All India Report
5.	SCC - Supreme Court Cases
6.	Art - Article
7.	PIL - Public Interest Litigation
8.	Vs - Versus

1. STATEMENT OF JURISDICTION

The Petitioners have approached this Hon'ble Supreme Court of India under Art 32 of the India Constitution, 1950, through a Public Interest Litigation.

2. STATEMENT OF FACTS

2.1 GEOGRAPHY AND DEMOGRAPHY

Thiruvattar is situated in the western part of the Kanyakumari district, a region known for its lush greenery and proximity to the Western Ghats. The town's name itself, "Thiruvattar,"¹ is derived from its unique geographical feature: it is surrounded on three sides by the confluence of rivers. The rivers Kothai, Parazhiyar, and Thamirabarani converge in this area, creating a fertile river valley. This geography makes the region highly dependent on river water for agriculture and daily life. The town is located in a midland area characterized by laterite soil with an admixture of gravel and sand, which is a common soil type in the region.

2.2 HISTORICAL SIGNIFICANCE

Thiruvattar has deep historical connections to the princely state of Travancore. It was a key part of the Venad kingdom and later the Travancore state, with the nearby town of Padmanabhapuram serving as the capital for a period. The town's most prominent

landmark, the Adikesava Perumal Temple, is one of the 108 Divya Desams (holy sites of Hindu Vaishnavism) and is believed to be over 2,500 years old². The temple's architecture, including its intricate wood carvings and granite pillars, reflects a blend of Tamil and Kerala styles. The historical importance of Thiruvattar is also evident in its connection to the Thiruvattar Ammaveedu, a family closely associated with the Travancore royal lineage.

2.3 STATUS QUO

The economy of Thiruvattar and the surrounding areas is predominantly agrarian, with agriculture heavily dependent on the water resources provided by the rivers and local irrigation tanks. Historically, Thiruvattar block relied on tanks as a primary source of irrigation. The region's agroclimatic conditions are suitable for a variety of crops, including rice, tapioca, and bananas.

However, the very water resources that sustain the region's economy are facing significant challenges. As a part of the broader Kanyakumari district, Thiruvattar is vulnerable to environmental issues such as:

Groundwater Contamination: Studies have shown that groundwater quality in the district is deteriorating.

Water Scarcity and Quality: While Thiruvattar is located near rivers, mismanagement of water resources and pollution can lead to both scarcity and a

¹ <https://www.shynecastle.org/tourist>

² <https://www.scribd.com/document/730454772/Sri-Adikeshava-Temple-at-Thiruvattar>

decline in water quality, impacting both drinking water supply and agricultural productivity

In essence, Thiruvattar is a region with a rich historical and geographical identity, but its present and future are intricately linked to the sustainable management of its critical river and groundwater resources.

3. STATEMENT OF ISSUES

1. WHETHER THE INSTANT PUBLIC INTEREST LITIGATION IS MAINTAINABLE BEFORE THIS HON'BLE COURT?

2. WHETHER THE HON'BLE COURT SHOULD INTERVENE TO COMPEL THE RESPONDENTS TO IMPLEMENT IMMEDIATE AND LONG-TERM MEASURES FOR THE PURIFICATION AND SUSTAINABLE MANAGEMENT OF WATER RESOURCES IN THE THIRUVATTAR REGION?

4. SUMMARY OF THE ARGUMENTS

1. WHETHER THIS INSTANT PUBLIC INTEREST LITIGATION IS MAINTAINABLE BEFORE THIS HON'BLE COURT?

The instant Public Interest Litigation is maintainable as it satisfies all the key requirements for a valid PIL. It addresses a clear violation of the fundamental right to

life under Art 21, and also 14, 48A, 51A(g)³ which includes the right to clean water, for the community of Thiruvattar. The petitioner, as a public-spirited citizen, has the necessary locus standi to represent the affected residents. This case focuses on a genuine public harm caused by government and industrial inaction⁴, and it seeks a collective remedy, not a personal one.

2. WHETHER THE HON'BLE COURT SHOULD INTERVENE TO COMPEL THE RESPONDENTS TO IMPLEMENT IMMEDIATE AND LONG-TERM MEASURES FOR THE PURIFICATION AND SUSTAINABLE MANAGEMENT OF WATER RESOURCES IN THE THIRUVATTAR REGION?

The Hon'ble Court has not only the power but also a constitutional obligation to intervene in this matter. Citing the principle of judicial activism, under Art 32⁵ the court can issue a writ of mandamus to compel the government to act. Numerous precedents, including those from the M.C. Mehta cases⁶, have established that courts can and must provide specific directions to state authorities for the protection of environmental and public health. Therefore, the court should intervene to ensure the resident's right to life is upheld, as the state's failure to manage water resources necessitates a firm judicial direction for both immediate relief and long-term sustainability.

³ The Constitution of India, arts 14, 21, 48A, 51A(g).

⁴ Rural Litigation and Entitled Kendra Dehradun & Ors Vs St of U.P & Ors 1985 AIR 652

⁵ The Constitution of India, arts 32

⁶ M.C. Mehta Vs Union of India (Ganga Pollution case) (1987) 1 SCC 395

5. ARGUMENTS ADVANCED

1. WHETHER THIS INSTANT PUBLIC INTEREST LITIGATION IS MAINTAINABLE BEFORE THIS HON'BLE COURT?

This Public Interest Litigation is maintainable as it meets all key requirements. It addresses a fundamental right violation—the right to clean water—for the Thiruvattar community⁷. The petitioner has the necessary standing as a public-spirited citizen to represent the affected residents. The case is based on a genuine public harm caused by government and industrial inaction, seeking a collective, not personal, remedy.

1.1 All ingredients of a PIL stand satisfied.

This petition stands on firm ground as the petitioner, a concerned and public-spirited citizen, has the necessary locus standi to represent the affected residents. The principle of relaxed locus standi is particularly applicable here, given that the people of Thiruvattar are a community that is socially and economically vulnerable, and thus often lack the means and resources to approach the highest court for a remedy. Therefore, the petitioner is acting as a necessary voice for the voiceless, fulfilling the constitutional mandate of ensuring access to justice for all. The petition is not a malicious or frivolous action; rather, it is a good-faith effort to seek a collective remedy for a public wrong that has been neglected by

the relevant state and municipal authorities. The petition's objective is to compel the state to perform its constitutional duty and rectify a public harm caused by its inaction⁸. By demonstrating a direct link between the government's failure to act and the widespread health risks faced by the community, this PIL meets all the essential criteria to be entertained by this Hon'ble Court, thereby setting the stage for a judicial review of a matter of significant public interest.

1.2 Petitioner has locus standi to file this PIL

It is humbly submitted that the petitioner, as a public-spirited and concerned individual, has the requisite locus standi to file the instant Public Interest Litigation. Unlike conventional litigation where the aggrieved party must be the one to approach the court, the very essence of a PIL is the relaxation of this traditional rule. This jurisprudential evolution, born out of judicial activism, allows any citizen to seek judicial recourse on behalf of a large, disadvantaged, or vulnerable community whose fundamental rights are being violated and who may lack the means to approach the court themselves.

In this specific case, the petitioner is acting as a representative of the residents of Thiruvattar, who are suffering from a deprivation of their fundamental right to life, which includes the right to clean drinking water. The harm caused by polluted water is not an individual wrong

⁷ L. K. Koolwal Vs St of Rajasthan 1987(1) WLN134

⁸ Subhash Kumar Vs St of Bihar and ORS 1991 AIR 420

but a public injury affecting the health, well-being, and dignity of an entire community. The petitioner's action is rooted in a bona fide intention to remedy this public wrong and compel the State to perform its constitutional duties. The absence of any personal gain or ulterior motive on the part of the petitioner further solidifies their standing before this Hon'ble Court. Therefore, in the interests of justice and to uphold the constitutional guarantee of the right to life, the locus standi of the petitioner cannot be questioned.

1.3 Involvement of PIL.

The Public Interest Litigation in this case is of paramount importance because it addresses a matter of genuine public harm and injury. The pollution of the rivers and groundwater directly affects the health, environment, and livelihoods of the entire community of Thiruvattar, not just a single individual. This case therefore aligns perfectly with the core purpose of a PIL, which is to provide a platform for judicial intervention where state action or inaction infringes upon the fundamental rights of a large, often marginalized, section of society.

The litigation serves as a critical mechanism to hold government bodies and other respondents accountable for their failure to fulfill their constitutional and statutory duties⁹ to protect the environment and public health. By bringing this matter to the forefront, the PIL seeks to enforce the principles of public trust and sustainable development, compelling

authorities to implement both immediate remediation measures and long-term policies for water resource management. Without such litigation, a public health crisis of this magnitude might continue to be ignored, perpetuating the violation of fundamental rights.

2. WHETHER THE HON'BLE COURT SHOULD INTERVENE TO COMPEL THE RESPONDENTS TO IMPLEMENT IMMEDIATE AND LONG-TERM MEASURES FOR THE PURIFICATION AND SUSTAINABLE MANAGEMENT OF WATER RESOURCES IN THE THIRUVATTAR REGION?

The Hon'ble Court has both the authority and the constitutional duty to intervene. Drawing on the principle of judicial activism, the court can issue a writ of mandamus, compelling the government to take action. This approach is supported by multiple precedents, such as the M.C. Mehta cases, which confirm the court's power to issue specific directives to protect environmental and public health. Consequently, the court's intervention is not only justified but necessary to uphold the right to life and compel the state to address its failure in water resource management.

2.1 Vulnerable Community: The residents of Thiruvattar are at specific risk due to their dependence on polluted water for survival and farming. This makes them a uniquely vulnerable community needing judicial protection.

⁹ M.C. Mehta Vs Kamal Nath & Ors AIR ONLINE 1996 SC 711

The community of Thiruvattar is exceptionally vulnerable, making it a compelling case for judicial intervention. Their unique reliance on the Kothai, Paraliyar, and Thamirabarani rivers for drinking water, agriculture, and daily life places them at a specific and heightened risk from pollution. This dependence means that any contamination of these water bodies has a direct and immediate impact on their health, food security, and economic survival. The lack of clean water is not just an inconvenience; it is a direct threat to their very existence. This unique vulnerability necessitates judicial protection to safeguard their fundamental rights¹⁰ and ensure they are not left to suffer due to the inaction of state and industrial actors.

2.2 Right to Life Violation: The government's failure to provide safe drinking water is a clear and sustained violation of the fundamental right to life and health under Article 21 of the Constitution.

The government's persistent failure to provide safe drinking water to the residents of Thiruvattar constitutes a direct and undeniable violation of the fundamental right to life and health enshrined in Article 21 of the Constitution¹¹. The Supreme Court has repeatedly expanded the scope of Article 21 to include the right to a clean and pollutionfree environment, of which the right to safe drinking water is a core component. The continued exposure of the community to contaminated water, filled with industrial pollutants and harmful

pathogens, is a clear assault on their physical well-being and dignity. This inaction by the state is not a mere administrative lapse but a breach of its constitutional obligation to protect the lives of its citizens. Therefore, this situation falls squarely within the judicial purview as a sustained transgression of a fundamental right.

2.3 Constitutional Dependence: The community's overall well-being, including their ability to live and work, is entirely contingent upon the government upholding their constitutional right to a clean environment.

The overall well-being of the Thiruvattar community is undeniably contingent on the government's fulfillment of its constitutional duty to provide a clean environment. For the residents, access to clean water is not merely an abstract right but a foundational necessity that underpins their ability to live, work, and sustain themselves. When the government fails to protect water sources from pollution, it effectively undermines the entire fabric of the community's existence. The ability to farm, maintain public health, and ensure the economic stability of the region is directly tied to the availability of safe water. Thus, the community's constitutional rights are not just being violated in a single instance, but are being systematically eroded, leaving them in a state of continuous vulnerability. This dependence on constitutional protection for their very way of life is why a judicial

¹⁰ A.P. Pollution Control Board Vs Prof M.V. Nayudu & Ors 1999(2) SCC 718

¹¹ Virendra Gaur Vs St of Haryana 1995 2 SCC 577

order compelling the government to act is so essential.

6. PRAYER

Wherefore in the lights of the issues raised, arguments advanced and authorities cited it is most humbly and respectfully prayed before this Hon'ble Court that it may be pleased to adjudge and declare that:

i. The persistent failure of the respondents to prevent the pollution of the Kothai, Paraliyar, and Thamirabarani rivers and provide safe drinking water constitutes a gross dereliction of their constitutional duties.

ii. The residents of the Thiruvattar community are entitled to the fundamental right to life, health, and a clean environment as protected by Article 21 of the Indian Constitution.

iii. Immediate and sustained measures for the purification and protection of water resources in the Thiruvattar region must be implemented to safeguard the health and well-being of the community. And pass any other orders as this Hon'ble Court deems fit and proper in the circumstances of the given case and in the light of Justice, Equity and Good Conscience and thus renders justice.

These, the Counsels for the petitioner shall duty bound, forever pray

Solemnly affirmed at New Delhi Before Me, On the 29th day of July 2025 GREEN AVENGER.

And signed his name in my presence.