

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V
&
THE HONOURABLE MR. JUSTICE K. V. JAYAKUMAR

Tuesday, the 27th day of October 2026 / 5th Karthika, 1948
WP(PIL) NO. 50 OF 2025(S)

PETITIONER:

MR. T.N. PRATHAPAN, AGED 65 YEARS, FORMER MEMBER OF PARLIAMENT,
CHAIRMAN, KERALA FISHERMEN COORDINATION COMMITTEE,
RESIDING AT THOTTUNGAL HOUSE, PO. TALIKULAM, THRISSUR,
KERALA, PIN - 680 569.

RESPONDENTS:

1. UNION OF INDIA, REPRESENTED BY THE SECRETARY, MINISTRY OF SHIPPING, NEW DELHI, PIN - 110 001.
2. MINISTRY OF DEFENCE, REPRESENTED BY ITS SECRETARY, ROOM NO.305, B WING, SENA BHAWAN, NEW DELHI, PIN - 110 001.
3. THE DIRECTOR GENERAL OF SHIPPING, JAHAZ BHAVAN, BALLARD ESTATE, MUMBAI, PIN - 400 001.
4. INDIAN COAST GUARD, REPRESENTED BY THE DIRECTOR GENERAL, HEADQUARTERS, NATIONAL STADIUM COMPLEX, PURANA QUILA ROAD, NEW DELHI, PIN - 110 001.
5. DIRECTOR, DIRECTORATE OF FISHERIES AND ENVIRONMENT, COAST GUARD HEADQUARTERS, NEW DELHI, PIN - 110 001.
6. STATE OF KERALA, REPRESENTED BY THE CHIEF SECRETARY, SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695 001.
7. KERALA STATE POLLUTION CONTROL BOARD, REPRESENTED BY ITS MEMBER SECRETARY, PATTOM P.O, THIRUVANANTHAPURAM, PIN - 695 004.
8. STATE DISASTER MANAGEMENT AUTHORITY, REPRESENTED BY ITS MEMBER SECRETARY, VIKAS BHAVAN, P.O, OBSERVATORY HILLS, OPPOSITE KANAKAKKUNNU PALACE, NANTHANCODU, THIRUVANANTHAPURAM, PIN - 695 033.
9. DIRECTOR, DEPARTMENT OF FISHERIES, DIRECTORATE OF FISHERIES, THIRUVANANTHAPURAM, PIN - 695 033.
10. INSPECTOR GENERAL OF POLICE, KERALA COASTAL POLICE, KERALA COASTAL POLICE HEADQUARTERS, SHANMUGHAM ROAD, MARINE DRIVE, ERNAKULAM, PIN - 682 031.
11. VIZHINJAM INTERNATIONAL SEAPORT LTD., (*AMENDED) REPRESENTED BY ITS MANAGING DIRECTOR, LEVEL 5, 3RD FLOOR TRANS TOWERS, VAZHUTHACAUD, THIRUVANANTHAPURAM, PIN - 695 014.
*R11 IS AMENDED AS : "ADANI VIZHINJAM PORT PVT LIMITED, HAVING ITS REGISTERED OFFICE AT ADANI CORPORATE HOUSE, SHANTIGRAM, NR. VAISHNO DEVI CIRCLE, S.G HIGHWAY, KHODIYAR, AHMEDABAD, GUJARAT - 382 421 AND BRANCH OFFICE PORT OPERATION BUILDING, MULLUR ROAD, MULLUR, THIRUVANANTHAPURAM, KERALA - 695 521, REPRESENTED BY ITS CEO, PRADEEP JAYARAMAN" AS PER ORDER DATED 02/07/2025 IN IA 3/2025 IN WP(PIL) 50/2025.
12. MEDITERRANEAN SHIPPING COMPANY, THROUGH ITS AUTHORIZED NODAL OFFICER -

MR. JACOB GEORGE, MSC HOUSE, ANDHERI – KURLA ROAD, ANDHERI EAST,
MUMBAI, MAHARASHTRA, INDIA. EMAIL:comm@mscindia.com, PIN - 400 059.

ADDITIONAL R13 IMPEADED

13. SHO, FORT KOCHI COASTAL POLICE STATION, FORTKOCHI P.O, KOCHI - 682 001.

*ADDL.R13 IS IMPEADED AS PER ORDER DATED 02/07/2025 IN IA 1/2025 IN
WP(PIL) 50/2025

ADDITIONAL R14 TO R17 IMPEADED

14. WAN HAI LINES LTD, 10TH FLOOR, 136, SUNG CHIANG ROAD, TAIPEI, TAIWAN
REPRESENTED BY ITS PRESIDENT.

15. WAN HAI LINES (SINGAPORE) PTE LTD, 9 ANSON ROAD, #10-01 SINGAPORE
079906, REPRESENTED BY ITS AUTHORIZED OFFICER.

16. WAN HAI LINES (INDIA) PVT. LTD., A-102 AND 103, THE QUBE, NEAR TO
INTERNATIONAL AIRPORT, MAROL VILLAGE, ANDHERI EAST, MUMBAI - 400059,
REPRESENTED BY ITS AUTHORIZED OFFICER

17. MERCANTILE MARINE DEPARTMENT, WILLINGDON ISLAND, KOCHI, KERALA 682009,
REPRESENTED BY ITS PRINCIPAL OFFICER.

ADDL.R14 TO R17 ARE IMPEADED AS PER ORDER DATED 02/07/2025 IN IA
4/2025 IN WP(PIL) 50/2025.

ADDITIONAL R18 IMPEADED

18. UNION OF INDIA, THROUGH THE SECRETARY,
MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE,
INDIRA PARYAVARAN BHAWAN, JORBAGH, NEW DELHI – 110003

ADDL. R18 IS SUO MOTU IMPEADED AS PER ORDER
DATED 16/06/2026 IN WP(PIL)

Writ petition (Public Interest Litigation) praying inter alia that
in the circumstances stated in the affidavit filed along with the
WP(PIL) the High Court be pleased to

A) direct the Respondents No.1, 3 and 6 to release interim
financial assistance to the fishermen victims

B) direct the Respondents No. 4, 6 and 7 to take steps to remove
all the wastes, chemicals and parts of the ship and clean up the
environment without any further delay.

In accordance with law after affording an opportunity of being
heard, in the interest of justice, equity and good conscience.

P.T.O.

This petition coming again on for orders upon perusing the petition and the affidavit filed in support of WP(PIL), this Court's orders dated 19/06/2025, 06/10/2026 & 07/10/2026 and upon hearing the arguments of advocates along with ADV.SRI.ARJUN SREEDHAR, AMICUS CURIAE, the court passed the following:

P.T.0



TUESDAY, THE 27TH DAY OF OCTOBER 2026

WP(PIL) No. 50 of 2025

MR. T.N. PRATHAPAN

VS

UNION OF INDIA & OTHERS

ADVS FOR PETITIONER/S:

SHRI.HARISH VASUDEVAN, SRI.C.R.REKHESH SHARMA,
SRI.RAJAN VISHNURAJ

ADVS FOR RESPONDENT/S:

DEPUTY SOLICITOR GENERAL OF INDIA, GOVERNMENT PLEADER,
SC, KERALA STATE POLLUTION CONTROL BOARD,
SRI.ROSHEN.D.ALEXANDER, SRI.PRANOY K.KOTTARAM,
ADDITIONAL SOLICITOR GENERAL OF INDIA, STATE ATTORNEY,
ADVOCATE GENERAL, SHRI.SIVARAMAN P.L, SHRI.ATHUL BABU,
SHRI.SREENAND UDAYAN, SHRI.SANTHOSH MATHEW (SR.) ,
SMT.PARVATHY KOTTOL, SRI.JIKKU SEBAN GEORGE,
SMT.DEEPTI SUSAN GEORGE, SMT.SHRUTHI BALAKRISHNAN,
SMT.TINA ALEX THOMAS, SHRI.HARIMOHAN, SMT.KOCHURANI
JAMES, CGC, ADDL.ADVOCATE GENERAL, SMT.ANNA LINDA EDEN

TUESDAY, THE 27TH DAY OF OCTOBER 2026

WP(PIL) No. 60 of 2025

UMMER OTTUMMAL

VS

UNION OF INDIA & OTHERS

ADVS FOR PETITIONER/S:

SRI.ANIL THOMAS (T) , SMT.K.V.RASHMI, SMT.LAKSHMI,
SHRI.RAHUL ANIL

ADVS FOR RESPONDENT/S:

DEPUTY SOLICITOR GENERAL OF INDIA, ADDITIONAL
SOLICITOR GENERAL OF INDIA, GOVERNMENT PLEADER,
SRI.PRANOY K.KOTTARAM, SRI.ROSHEN.D.ALEXANDER,
SRI.JIKKU SEBAN GEORGE, SMT.TINA ALEX THOMAS,
SHRI.HARIMOHAN, SMT.KOCHURANI JAMES, ADVOCATE GENERAL,
STATE ATTORNEY, SHRI.SIVARAMAN P.L, SHRI.ATHUL BABU,
SMT.CISLY GRASHIOUS, SHRI.SREENAND UDAYAN,
SMT.PARVATHY KOTTOL, SMT.DEEPTI SUSAN GEORGE,
SMT.SHRUTHI BALAKRISHNAN

TUESDAY, THE 27TH DAY OF OCTOBER 2026

WP(PIL) No. 70 of 2025

CHARLES GEORGE

VS

UNION OF INDIA & OTHERS

ADVS FOR PETITIONER/S:

SHRI.K.JAYESH MOHANKUMAR, SRI.PUSHPARAJAN KODOTH,
SMT.VANDANA MENON, SRI.VIMAL VIJAY, SMT.DONA MATHEW

ADVS FOR RESPONDENT/S:

DEPUTY SOLICITOR GENERAL OF INDIA, ADDITIONAL
SOLICITOR GENERAL OF INDIA, SRI.PRANROY K.KOTTARAM,
SRI.ROSHEN.D.ALEXANDER, SRI.R.HARISHANKAR, SMT.TINA
ALEX THOMAS, SHRI.HARIMOHAN, SMT.KOCHURANI JAMES,
SHRI.SIVARAMAN P.L, SHRI.ATHUL BABU, SHRI.SREENAND
UDAYAN, ADDITIONAL STANDING COUNSEL, CENTRAL BOARD OF
INDIRECT TAXES AND CUSTOMS (ERSTWHILE CENTRAL BOARD OF
EXCISE AND CUSTOMS)

**RAJA VIJAYARAGHAVAN V.,
&
K.V. JAYAKUMAR, JJ.**

WP(PIL) Nos. 50, 60, 70 of 2025

Dated this the 27th day of October, 2026

ORDER

Raja Vijayaraghavan V, J.

Today, when the matter was taken up for consideration, the learned Additional Solicitor General of India submitted that meetings were held on 17.10.2026 and 20.10.2026 at the instance of the 3rd respondent. It was submitted that a decision had been taken to entrust the conduct of the multibeam survey to C-Track Surveys, at the cost and responsibility of the owner of the vessel.

2. In our order dated 06.10.2026, we had recorded the submission made by the learned counsel appearing for the 12th respondent that the scope of work for the multibeam survey should be jointly formulated and furnished to C-Track Surveys, so that the data collected during the survey could be made available to both respondents for further analysis and necessary action.

3. The learned Additional Solicitor General of India submitted that the 3rd respondent would act as the monitoring authority and that any stakeholder desirous of furnishing inputs regarding the scope of work could submit the

requisite details to the 3rd respondent within one week from today. The inputs so received shall be duly considered and consolidated before being forwarded to C-Track Surveys. The learned Additional Advocate General submitted that the Special Secretary, Environmental Department, would furnish the scope of work on behalf of the State Government.

4. It was pointed out by the learned Additional Solicitor General of India that the representative of the Kerala State Pollution Control Board was not present at the meeting held on 20.10.2026.

5. Having regard to the responsibilities entrusted to the Pollution Control Board in matters concerning environmental protection and assessment of environmental damage, we direct the Kerala State Pollution Control Board also to furnish its inputs regarding the scope of work to the 3rd respondent.

6. The 3rd respondent shall consider and consolidate the inputs received from all concerned and forward the scope of work to C-Track Surveys for the purpose of conducting the multibeam survey.

7. We expect the petitioners and all other stakeholders, including the State Government and the Kerala State Pollution Control Board, to furnish their respective inputs to the 3rd respondent without fail within one week from today, so that the survey can proceed without any further delay.

8. Before us, the learned counsel appearing for the 12th respondent submitted that steps were proposed to be taken in Admiralty Suit No. 14 of 2025,

which is pending in connection with a claim for limitation of liability under the provisions of the Merchant Shipping Act. It was further submitted that the 12th respondent would also be entitled to claim the costs and expenses incurred by it in connection with the multibeam survey. We are of the view that these are matters to be considered by the court concerned in the pending proceedings, in accordance with law.

9. I.A. No. 5 of 2026 has been filed by the petitioner in W.P. (PIL) No. 50 of 2025, seeking modification of paragraph 6 of the order passed by this Court on 19.06.2025, to the limited extent of permitting the Committee constituted pursuant to Ext. P14 to resume and continue its functions, including negotiations with M/s. MSC for the assessment and negotiation of damages, costs and compensation arising from the environmental damage, the restoration and remediation measures required, and the other economic losses suffered by the State, its environment and the fishing community. The petitioner had also sought permission for the committee constituted as per G.O. (Rt.) No. 366/2025/DMD dated 30.05.2025 to undertake such negotiations and related assessment processes in parallel with the pending proceedings, subject to the express condition that no final settlement, compromise, binding agreement or final determination of the quantum of compensation would be concluded.

10. The learned counsel appearing for the petitioner submitted that the circumstances prevailing at the time when this Court passed the order dated

19.06.2025 have substantially changed. It was pointed out that the State Government has instituted admiralty proceedings in Admiralty Suit No. 12 of 2025 and that the said proceedings are pending consideration. It was further submitted that, after a preliminary hearing, the learned Single Judge directed the shipping company to furnish a bank guarantee for a sum of Rs. 1,227.62 crore and that the company has already furnished the bank guarantee in compliance with the said direction. The learned counsel also pointed out that, notwithstanding the lapse of more than a year, the environmental restoration works have not yet commenced.

11. The learned counsel for the petitioner contended that permitting the Committee constituted pursuant to Ext. P14 to resume its functions would not conflict with or prejudice the admiralty proceedings pending before the competent court. On the contrary, it was submitted that allowing the Committee to function in accordance with the objectives for which it was constituted would facilitate the continued assessment of environmental damage and the necessary negotiations concerning the damages, costs and compensation payable, as well as the restoration and remediation measures required to address the environmental consequences.

12. The learned Additional Advocate General submitted that, in view of the decision to undertake the multibeam survey and the requirement to finalise its scope of work, it would be just and proper to proceed with the assessment after receipt of the survey report. It was further submitted that the State Government

has no serious objection in modifying the order dated 19.06.2025 so as to permit the Committee constituted pursuant to Ext. P14 to resume and continue its functions.

13. We find that the circumstances which had persuaded this Court to defer the functioning of the Committee constituted pursuant to Ext. P14, as recorded in the order dated 19.06.2025, no longer exists in the same manner. While constituting the Committee, the Government had taken note of the immediate necessity of engaging with M/s. MSC to put in place an institutional arrangement for developing a financial package to enable the State Government to undertake risk and damage assessment, manage remedial measures and address the issue of compensation. It was following consultations and negotiations with the shipping company that the Committee was constituted with the officers named in the relevant Government Order. The order also designated the Member Secretary of the Kerala State Disaster Management Authority as the single nodal point for all communications with the shipping company, M/s. MSC.

14. We further find that the objective behind the constitution of the Committee was to ensure effective oversight and coordination in developing a rapid as well as long term assessment of the damage caused and identifying appropriate remediation measures. The Committee was thus intended to facilitate a coordinated response to the environmental damage and enable the State Government to pursue the necessary assessment, restoration and remediation

measures without undue delay.

15. In view of the subsequent developments, particularly the decision to undertake the multibeam survey and the stand taken by the State Government before us that it has no serious objection to the Committee resuming its functions, we are of the view that the restraint imposed by this Court in the order dated 19.06.2025, insofar as it deferred negotiations by the Special Committee of Government Officers, can be recalled. The Committee may resume and continue its functions in accordance with the objectives for which it was constituted and the applicable Government orders.

Post on 24.11.2026.



Sd/-
RAJA VIJAYARAGHAVAN V.,
JUDGE

Sd/-
K.V. JAYAKUMAR,
JUDGE

msh

APPENDIX OF WP(PIL) 50/2025

Exhibit P14

**TRUE COPY OF ORDER BEARING NUMBER G.O.(RT)
NO.366/2025/DMD DATED 30.05.2025 ISSUED BY THE 8TH
RESPONDENT/DISASTER MANAGEMENT (A) DEPARTMENT, STATE OF
KERALA**

