

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/WRIT PETITION (PIL) (WRIT PETITION (PIL)) NO. 5 of 2025

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SUO MOTU
Versus
STATE OF GUJARAT & ORS.

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Appearance:
MR HAMESH C NAIDU(5335) for the Applicant(s) No. 1
ASSISTANT GOVERNMENT PLEADER for the Opponent(s) No. 1,2
KSHITIJ M AMIN(7572) for the Opponent(s) No. 3

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CORAM: **HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE
SUNITA AGARWAL**
and
HONOURABLE MR. JUSTICE D.N. RAY

Date : 12/12/2025

ORAL ORDER
**(PER : HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE SUNITA
AGARWAL)**

1. The present Public Interest Litigation has been registered suo moto on the directions issued by the Hon'ble Apex Court in the judgment and order dated 11.12.2024 in the Writ Petition (s) (Civil) No. (s) 304 of 2018.
2. The issue came for consideration before the Apex Court was with regard to the maintenance of wetlands in India as per the Wetlands (Conservation and Management) Rules, 2017 (for short "the Rules, 2017"). It is noted by the Apex Court in the judgment and order dated 11.12.2024 that as per the guidelines issued in the Rules,

2017, the next step after identification of such wetlands is what is called Ground truthing, which is the term given to the actual inspection of these wetlands by a team constituted by the State for that purpose. It is noted by the Apex Court that this step, has, however, been neglected by almost all the States. As regards the demarcation of the wetlands, all States have done almost nothing at all. It is further observed by the Apex Court that the ground truthing and the demarcation of wetland boundary is a statutory function which has been assigned to the State Wetlands Authorities under the Rules.

3. The direction, has thus, been issued to each of the State/UT Wetland Authorities to complete the ground truthing as well as the demarcation of wetland boundaries of each of the Wetland, identified for their State by Space Application Center Atlas (SAC Atlas), 2021. It is also directed therein that each of the State/UT Wetland Authorities shall complete this work, as expeditiously as possible, but definitely within a period of three months from the date of the order. The Apex Court has also noted that an order dated 03.04.2017 passed in the Writ Petition

(C) No. 230 of 2001 wherein directions have been issued regarding protection of Ramsar Convention Sites (of wetlands) to be monitored by each of the concerned High Court. The relevant portion of the order dated 03.04.2017 noted in the order of the Apex Court dated 11.12.2024 is to be extracted hereinunder:-

"We have put it to learned counsel for the petitioner that insofar as the Ramsar Convention sites are concerned, since they are matters of international heritage, it might be more appropriate if the concerned High Courts monitor the management of these sites at least till there is some visible improvement. Learned counsel for the petitioner says that he has no objection to this.

Under the circumstances, we direct the Registry of this Court to make photocopies of the affidavit filed by the Union of India by Dr. A. Duraisamy, Scientist 'F' and Member Secretary, Central Wetland Regulatory Authority and send it to the following High Courts: High Court of Judicature at Hyderabad for the States of Telangana and Andhra Pradesh, Gauhati High Court, Gujarat High Court, Himachal Pradesh High Court, J&K High Court, Kerala High Court, Madhya Pradesh High Court, Manipur High Court, Orissa High Court, Punjab and Haryana High Court, Rajasthan High Court, Madras High Court, Tripura High Court, Allahabad High Court and High Court at Calcutta. The affidavit be sent to the Registrar General of all the aforementioned High Courts within two weeks from today. A copy of all the orders passed by this Court from 10th September, 2014 till today shall also be sent to the concerned High Courts along with the affidavit. We request Hon'ble the Chief Justice of the concerned High Court to treat the affidavit as a suo motu public interest petition and, if necessary, appoint an amicus to assist the court so as to ensure that the Ramsar Convention sites within their jurisdiction are properly maintained. The affidavit by the Union of India should

be filed within six weeks. List the matter on 12th July, 2017"

4. The Apex Court has further noted that the list of updated Ramsar sites for each of the State, which included four Ramsar Sites from the State of Gujarat namely 1. Nal Sarovar; 2. Wadhvana Wetland; 3. Thol Lake Wildlife Sanctuary and 4. Khijada Wildlife Sanctuary.
5. Having said that the directions have been issued by the Apex Court, in the following manner:-

"The Registrar General of this Court is directed to send the complete list to all the High Courts, including the 5 High Courts which are mentioned above, and the High Courts are requested to treat the affidavit as a Suo Moto Public Interest Litigation where an Amicus be appointed, if necessary, to assist the Court and ensure that the RAMSAR Sites within their jurisdiction are properly maintained. We say this only as a continuation of our order dated 03.04.2017."

6. It may be pertinent to note that a Writ Petition (PIL) suo moto was registered in the year 2017 pertaining to the same issue but the same had been disposed of vide judgment and order dated 18.07.2019 with certain directions.
7. Be that as it may, the present writ petition has been registered under the directions of the Apex Court in the

judgment and order dated 11.12.2024 wherein categorical directions have been given to each of the High Court including the Gujarat High Court to register a suo moto public interest litigation and to monitor and ensure that the Ramsar sites within their jurisdictions are properly maintained. It may be noted that the writ petition wherein the order dated 11.12.2024 was passed, is pending before the Apex Court.

8. After registration of the present petition, by the order dated 29.01.2025, we have issued the following directions:-

“Mr. Joshi would submit that apart from the 4 Wetlands mentioned in the order of the Apex Court, there is one more Wetland which is named as Nadabet-Kachchh District towards Pakistan border, as per the National Wetlands Atlas- Gujarat prepared by Ministry of Environment and Forest, Government of India.

Mr. Joshi volunteers to visit these Wetlands in order to have a first hand experience of the manner in which they are being maintained.”

9. Pursuant to the said directions, two reports pertaining to the wetlands namely Nal Sarovar and Thol Wildlife Sanctuary in District : Ahmedabad, Nadabet Wetlands located in the Ran of Kutch, District : Banaskantha in the State of Gujarat, have been placed before us.

10. In the report of the Nadabet wetland located in the North Eastern part of the Rann of the Kutch in District : Banaskantha. This wetland is partly shared by the neighboring country Pakistan. However, the major portion of the wetland is lying in India. The contention is that, atleast, 5 lakhs migratory birds visit this land in a single migratory season. As of now, the wetland has no human habitation. However, it is noted that several parcels of lands within the area of wetland, are being allotted to industries for the establishment of Solar farms and some of them have already been installed.

11. It is contended that this situation has arisen on account of non-recognition of the Nadabet wetland as protected site or Ramsar site, whereas a small portion of it which is in the neighboring country has already been declared as Ramsar Site in the year 2002. The contention is that the Nadabet wetland provides critical habitat for Avifauna and wildlife, in addition to the flood control. Nadabet Wetland is situated in the Luni River Basin in the North-eastern part of the Rann of Kutch and it is the largest natural wetland in the State of Gujarat. It is also stated that the

Nadabet significantly contributes to groundwater recharge, which is invaluable in a fragile desert landscape where water scarcity is acute. In case of any encroachment/intervention in its natural habitat, with the installation of solar panels on platforms which are spread over thousands of hectares, it would bound to obstruct the natural inflow of water, which is the lifeline of this wetland. Serious impact on the ecological character of Nadabet Wetland, eventually leading to its desiccation and destruction of habitat for migratory birds and wildlife will be the ultimate consequence.

12. It is contended in the report that out of total area of about 13,60,718 hectares, the area of Nadabet wetland is about more than one lakh hectares. It is, thus, a very crucial site to be protected and maintained as the wetland being the Ramsar Site.

13. With regard to the Nalsarovar and Thol Wildlife Sanctuary, in a separate report submitted by the learned advocate for the High Court dated 14.11.2025, it is stated that Nalsarovar is a natural freshwater lake and wetland in Gujarat and has been designated as a Ramsar Site in

the year 2012. It serves as a crucial stopover for migratory birds, a refuge for vulnerable species like the Sarus crane and provides vital water resource for local communities and an endangered population of the Indian Wild Ass. The Nalsarovar Bird Sanctuary is known for its large population of water birds and is a significant site for bird-watching, particularly during the winter months.

14. The Thol Wetland situated in the Mehsana District, Gujarat encompasses an area of approximately 699 hectares and constitutes a vital freshwater ecosystem within the semi-arid biogeographic zone of Western India. For its ecological significance and avian diversity, it was notified as Thol Wildlife Sanctuary by the Government Notification dated 18.11.1988 and is recognized as an Important Bird Area (IBA) and also holds the status of a Ramsar Site of International importance.

15. As per the observation made in the report, there is a misconception growing on that the Nalsarovar is a water body and should always be filled with water and should not be dried out, which is completely contrary to the concept of wetlands (Ramsar Sites). The contention is that

as per the requirement of maintenance of the wetland, the wetland is to be periodically dried naturally once in 4 to 5 years. However, with the excessive inflow of Narmada water into the adjoining areas, which eventually drains into Nalsarovar, its natural habitat namely the natural drying process of the lake has been adversely impacted. It is contended in the report that Nalsarovar had completely dried up lastly in the year 2003 and in the year 2019. It is contended that though fishing is completely banned in Nalsarovar but there has been encroachment by the locals and fishing is still continuing in some of the area of the Nalsarovar site.

16. Major concern has been expressed with regard to the dumping of plastic waste in Thol, at the Thol Site. It is also contended in the report that as per the 2013 - 11th report of the task force, 100 armed SRP (State Reserve Police)/ BWHG (Border Wing Home Guards) personnel were to be deployed at the Nalsarovar for taking action under the Wildlife Protection Act, 1972, but the said suggestion has not been culminated into any fruitful results. The factories near to Thol area, which are involved in discharge of the

chemical effluents have seriously affected the flora and fauna of the site. Besides that there is no demarcation of the wetlands by affixing proper pillars at all locations which has lead to encroachment by the locals and industries. Fishnets are misused to track birds and a photograph of undertaking such kind of activities is also appended with the report.

17. It is contended that strict measures are to be implemented to prevent the entry of plastic materials into National Parks and Wildlife Sanctuaries i.e. Thol and Nalsarovar which have been observed during the visit. Immediate steps are required to be taken to ensure the removal of such waste from extensive dumping of plastic waste in the Thol area. There is a requirement of close coordination between the Forest Department and Sardar Sarovar Narmada Nigam Limited (SSNNL) to stop excessive flow of Narmada water into Ramsar sites such as Nalsarovar, which is resulting into adversely affecting the wetland areas.

18. All these assertions made in the report are required to be answered by the State - respondents.

19. It may not be out of place to note here that in the order dated 18.07.2019 passed by this Court in the suo moto Writ Petition (PIL) No. 127 of 2017, it was noted that a High Level meeting of the concerned secretaries had been convened by the Chief Secretary to discuss regarding the formation of the Task Force for Nalsarovar on 26.06.2019. An order to restrict entry of local people into Nalsarovar, to stop poaching and other illegal activities had also been issued by the Chief Wildlife Warden, Gujarat State. The said writ petition, was, however, disposed of, taking note of the above stand of the State Officers.

20. On a query of the Court, it is contended that the Ramsar sites are under the direct supervision and management of the Forest Environment Department of the State. The Secretary of the concerned department is, therefore, directed to make an inquiry into the assertions made in the report of violation of the Rules, 2017 and submit his report alongwith the affidavit of a gazetted officer from his office. The Principal Chief Conservator of Forest is also directed to file a separate affidavit to answer the assertions made in two reports.

21. As regards the concern shown by the learned Advocate in the report about Nadabet Wetland, having not been declared as Ramsar site or protected wetland so far, the Secretary, Forest and Environment Department, the State of Gujarat is required to submit his response by filing his affidavit, separately.

22. We post this matter on 30.01.2026. For the remaining two Ramsar sites, the reports are required to be submitted after visits by the learned advocates.

(SUNITA AGARWAL, CJ)

(D.N.RAY,J)

VARSHA DESAI