

**IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR**

CJ Court

PIL No.345/2006

Kashmir Environmental Protection ...Petitioner(s)/Appellants.

Through: Mr. Nadeem Qadri, Amicus Curiae.

Vs.

State of J&K and others.Respondent(s)

Through: Mr. B. A. Dar, Sr. AAG.
Ms. Rehana Qayoom, Advocate, vice
Mr. T. M. Shamsi, ASGL.

**CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE VINOD CHATTERJI KOUL, JUDGE**

**ORDER
23.09.2021**

1. Heard Mr. Nadeem Qadri, learned Amicus Curiae and Mr. B. A. Dar, Sr.AAG.
2. This public interest writ petition is with regard to conservation and management of the Wular Lake. On the last occasion, the court had noted that about 640 Kanals of Wular lake has been encroached upon and the encroachments are required to be removed. This apart, it has been recorded that the Union Government has pumped in Rs. 200 crores for conservation and management of the Wular lake and, therefore, the respondents were asked to inform the court the manner in which it proposes to spent the said amount for the conservation and management of the lake.
3. In response to the above, an action taken report has been filed by the Chief Executive Director, Wular Conservation and Management

Authority. The said report states that the Wular Lake has been fully demarcated with geo-tagged and concrete boundary pillars have been fixed all over the periphery of the Lake. It further states that the net area of the Wular Lake at present is 130 Square Kilometers and that 642 Kanals 01 Marla of land (around 0.3 sqkm) was encroached upon. Out of the said encroached land about 261 kanals 10 marlas have been retrieved and that the authority is in the process of retrieving the balance of 380 kanals 11 marlas (0.19 sqkm).

4. The Director in his report has not specified as to the time frame within which the remaining encroachments shall be removed. In that view of the matter, we direct the authority to come clean with the time schedule within which the remaining encroachments shall be removed and lake would be made encroachment free.

5. In regard to Rs. 200 crores, which have been provided for the conservation and management of the Wular Lake, the report states that according to the Wular Action Plan, about 124.825 crores have already been spent on survey & demarcation, catchment area treatment, water management, biodiversity conservation, ecotourism development and institutional development.

6. Learned Amicus Curiae disputes the above action and submits that under certain heads nothing has been done by the respondents so far, as such, there is no question of spending any money under these heads. He further submits that there are about 33 villages around the said lake and that the authority has not taken any steps to ensure that no garbage from all the said villages is dumped into the lake area. He also states that despite

huge amount of Rs. 200 crores having been provided, the authority has not engaged full time officials/ officers for the conservation and preservation of the lake.

7. In view of the aforesaid facts and circumstances, we permit the learned Amicus Curiae to file his objections/ response to the aforesaid action taken report and putforth his suggestions separately for the improvement of the lake.

8. The matter be listed again on 10th November, 2021.

9. In the meantime, Mr. B. A. Dar, Sr. AAG, may file a further report clearly showing the sanctioned strength of the staff of the Wular Conservation and Management Authority and number of persons employed to show that the authority is really interested in taking effective steps for conservation and preservation of the Wular lake.

10. The Registry is directed to provide a digital copy of the complete order sheet of this PIL to Mr. Nadeem Qadiri, Amicus Curiae, and Mr. B. A. Dar, Sr.AAG.

11. The action taken report filed today is taken on record.

(VINOD CHATTERJI KOUL)
JUDGE

(PANKAJ MITHAL)
CHIEF JUSTICE

Srinagar
23.09.2021
Abdul Qayoom, PS