

**IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE THE CHIEF JUSTICE MR. NITIN JAMDAR
&
THE HONOURABLE MR.JUSTICE BASANT BALAJI**

**Tuesday, the 10th day of June 2025 / 20th Jyaishta, 1947
WP(C) NO. 18400 OF 2024(S)**

PETITIONER:

1. **ADV.BORIS PAUL, AGED 53 YEARS,
RESIDING AT ASHTAMUDI LAW CHAMBERS,
NORTH OF CIVIL STATION, THEVALLY(P.O), KOLLAM,
PIN - 691 009.**

***ADDITIONAL P2 IMPLEADED**

2. **HELP FOUNDATION, REPRESENTED BY ITS CEO,
KAYAVIL JUNCTION, MAYYANAD P. O, KOLLAM - 691 303.**

***ADDL.P2 IS IMPLEADED AS PER ORDER DATED 05/12/2024 IN IA 2/2024 IN WP(C)**

RESPONDENTS:

1. **UNION OF INDIA, REPRESENTED BY THE SECRETARY, MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE, INDIRA PARYAVARAN BHAWAN, JORBAGH ROAD, NEW DELHI, PIN - 110 003.**
2. **STATE OF KERALA, REPRESENTED BY ADDITIONAL CHIEF SECRETARY, FORESTS AND WILDLIFE DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695 001.**
3. **WATER RESOURCES DEPARTMENT, REPRESENTED BY ITS PRINCIPAL SECRETARY , GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695 001.**
4. **DISTRICT COLLECTOR, COLLECTORATE, CIVIL STATION (S.O), KOLLAM, PIN - 691 013.**
5. **SUB COLLECTOR & REVENUE DIVISIONAL OFFICER, COLLECTORATE, CIVIL STATION (S.O), KOLLAM, PIN - 691 013.**
6. **TAHSILDAR, TALUK OFFICE, KOLLAM, PIN - 691 001.**
7. **TAHSILDAR, TALUK OFFICE, KARUNAGAPPALLY, KOLLAM, PIN - 690 518.**
8. **KERALA STATE POLLUTION CONTROL BOARD, REPRESENTED BY ITS SECRETARY HEAD OFFICE, PATTOM (P.O), THIRUVANANTHAPURAM, PIN - 695 004.**
9. **KOLLAM MUNICIPAL CORPORATION, REPRESENTED BY ITS SECRETARY, KOLLAM (P.O), PIN - 691 001.**
10. **PERAYAM GRAMA PANCHAYATH, REPRESENTED BY ITS SECRETARY, MULAVANA(P.O), PARAYAM, KOLLAM, PIN - 691 503.**
11. **WEST KALLADA GRAMA PANCHAYAT, REPRESENTED BY ITS SECRETARY, VILANTHARA (P.O), WEST KALLADA, KOLLAM, PIN - 690 521.**
12. **EAST KALLADA GRAMA PANCHAYAT, REPRESENTED BY ITS SECRETARY, EAST KALLADA (P.O), KOLLAM, PIN - 691 502.**

13. MUNDROTHURUTHU GRAMA PANCHAYATH, REPRESENTED BY ITS SECRETARY, MUNDROTHURUTHU, KOLLAM, PIN - 691 502.
14. PANAYAM GRAMA PANCHAYATH, REPRESENTED BY ITS SECRETARY, THANNIKKAMUKK, PANAYAM, KOLLAM, PIN - 691 601.
15. PERINAD GRAMA PANCHAYAT, REPRESENTED BY ITS SECRETARY, CHEMMAKKAD(P.O), PERINAD, KOLLAM, PIN - 691 601.
16. THRIKKARUVA GRAMA PANCHAYAT, REPRESENTED BY ITS SECRETARY, KANJAVELI(P.O), THRIKKARUVA, KOLLAM, PIN - 691 602.
17. THEVALAKKARA GRAMA PANCHAYAT, REPRESENTED BY ITS SECRETARY, THEVALAKKARA(P.O), KOLLAM, PIN - 690 524.
18. THEKKUMBHAGOM GRAMA PANCHAYAT, REPRESENTED BY ITS SECRETARY, CHAVARA SOUTH(P.O), KOLLAM, PIN - 691 584.
19. CHAVARA GRAMA PANCHAYAT, REPRESENTED BY ITS SECRETARY, CHAVARA, KOLLAM, PIN - 691 583.
20. NEENDAKARA GRAMA PANCHAYAT, REPRESENTED BY ITS SECRETARY, PARIMANAM, NEENDAKARA, KOLLAM, PIN - 691 584.
21. KUNDARA GRAMA PANCHAYAT, REPRESENTED BY ITS SECRETARY, KUNDARA(P.O), KOLLAM, PIN - 691 503.

ADDITIONAL R22 IMPEADED

22. THE SPECIAL SECRETARY, ENVIRONMENT DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM - 695 001.

ADDL.R22 IS IMPEADED AS PER ORDER DATED 30.05.2025

IN WP(C) 18400/2024

ADDITIONAL R23 IMPEADED

23. THE STATE WETLAND AUTHORITY KERALA (SWAK), REPRESENTED BY ITS MEMBER SECRETARY, 4TH FLOOR, KSRTC BUS TERMINAL COMPLEX, THAMPANOR, THIRUVANANTHAPURAM - 695 001.

ADDL.R23 IS SUO MOTU IMPEADED AS PER ORDER DATED 10/06/2025

IN WP(C) 18400/2024

Writ Petition (Civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to pass an interim order directing the respondents to consider and take appropriate action on Exhibit P3 pending disposal of the Writ Petition.

P.T.O.

This petition again coming on for orders upon perusing the petition and the affidavit filed in support of WP(C), this Court's order dated 30/05/2025 and upon hearing the arguments of M/S. AJMAL A., DHANUSH C.A., PRIYANKA SHARMA M.R. & ANANYA M.G., Advocates for the petitioner, CENTRAL GOVERNMENT COUNSEL for R1, SRI. TEKCHAND, SENIOR GOVERNMENT PLEADER for R2 to R7, SRI.T.NAVEEN, Standing Counsel & SRI.ABHISHEK V.S., Advocate for R8, SRI. S.SREEKUMAR (KOLLAM), Standing Counsel for R9, SRI.M.R SASITH, STANDING COUNSEL & SMT. HASNA JABIT, Advocate for R10, R12, R16 & R19, SRI. SIJU KAMALASANAN, Standing Counsel for R11, SRI.VINOY VARGHESE KALLUMMOOTTIL, Advocate for R13 & R18, M/S. K.V ANIL KUMAR & RADHIKA S. ANIL, Advocate for R14, SRI.MANOJ RAMASWAMY, Standing Counsel & SMT. JOLIMA GEORGE, Advocate for R15 & R21, SRI.BIJITH S.KHAN, STANDING COUNSEL & SRI.AMEER SALIM, Advocate for R17, SRI. V.PREMCHAND, Standing Counsel for R20, the court passed the following:

P.T.0



NITIN JAMDAR, C.J.

&

BASANT BALAJI, J.

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W.P(C)No.18400 of 2024
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Dated this the 10th day of June, 2025

ORDER

Nitin Jamdar, C.J.

This Public Interest Litigation (PIL) concerns Ashtamudi wetland which was notified as a Ramsar site in the year 2002. The Petitioner seeks to highlight the depletion and deterioration of the Ashtamudi wetlands caused due to various factors such as, pollution from drainage discharge, encroachment, etc.

2. We have heard Mr. Ajmal A., learned counsel for the Petitioner, Mr. Abhishek V.S representing Mr. T. Naveen, learned Standing Counsel for the Pollution Control Board, Mr. V. Tekchand, learned Senior Government Pleader appearing for the State, Ms. Hasna Jabit representing Mr. M.R. Sasith, learned counsel for Respondent Nos.10, 12, 16 & 19, Ms. Jolima George representing Mr. Manoj Ramaswamy, learned counsel for Respondent Nos.15 & 21, Mr. K.V. Anil Kumar, learned counsel for Respondent No.14 and Mr. Ameer Salim representing Mr. Bijith S.Khan, learned counsel for Respondent No.17.

3. The learned counsel for the Petitioner contends that a specific Ashtamudi Authority to oversee the conservation and protection of the wetland be constituted. The learned Senior Government Pleader submitted that since a statutory Wetland Authority is already established under the Wetlands (Conservation and Management) Rules, 2017, the constitution of a separate Authority may not be necessary.

4. Having been notified as a Ramsar site, the wetland falls within the ambit of the Wetlands (Conservation and Management) Rules, 2017 (Rules of 2017) framed under Sections 3 and 5 of the Environment (Protection) Act, 1986 (Act 29 of 1986). Rule 3(a) of the Rules of 2017 makes the rules applicable to wetlands recognized under the Ramsar Convention. The Ramsar Convention emphasizes that wetlands being dynamic areas open to influence from natural and human factors, in order to maintain their biological diversity and productivity, management planning process is necessary. The management plan has to be part of a continuing management planning process. The plan should be reviewed periodically and adjusted to take into account the monitoring process, changing priorities, and emerging issues. The Ramsar Convention emphasizes that an authority should be designated to implement the management planning process, and this authority should be clearly identified and communicated to all stakeholders. Such an authority is particularly important in the case of a large wetland (such as Ashtamudi), where there is a need to take into account all interests, user groups, and

pressures on the wetland, in a complex ownership and management situation. Thus, the Ramsar Convention emphasizes site specific management plan and an authority to oversee its implementation.

5. Apart from the Convention, the statutory Rules of 2017 also recognize the need for focused attention on a particular wetland and the formulation of management plan. Under Rule 2(e) of Rules of 2017, an 'integrated management plan' is defined to mean a document which describes strategies and actions for achieving wise use of the wetland. This plan will include objectives of site management; management actions required to achieve the objectives; factors that affect, or may affect, the various site features; monitoring requirements for detecting changes in ecological character and for measuring the effectiveness of management; and resources for management implementation. The State Wetland Authority, constituted under Rule 5 of Rules of 2017, is entrusted with the supervision in respect of wetlands within the State and is also responsible for developing an integrated management plan for each of the notified wetlands and identified mechanism for implementation of the management plan and for coordinating the implementation of the integrated management plan.

6. The State Wetland Authority under Rule 5(4) of the Rules of 2017 apart from preparing a list of wetlands in the State, must also review the integrated management plan for each notified wetland and identify mechanisms for its implementation.

7. Further, the condition of Ashtamudi land is admittedly a matter of concern. This wetland is under threat from pollution and degradation. The Petitioner has brought to our notice the indiscriminate discharge of sewage and solid waste from residential areas and commercial establishments. It is stated that sewage and biomedical waste are flowing into the lake and that encroachments have led to the destruction of mangrove forests and in the year 2023, the National Green Tribunal (NGT) had imposed penalty of ₹10 Crores on the Government for failing to protect the Ashtamudi lake and others. Thus, considering that both, Ramsar Convention and the Rules of 2017 emphasize the importance of a management plan for large wetland such as Ashtamudi wetland, for the effective implementation of such management plan, it would be appropriate that a specific authority/committee is constituted. Apart from general supervision by the State Wetland Authority, specific attention through an authority/committee for Ashtamudi wetland is necessary. This Ashtamudi committee/authority could function under the supervision of the State Wetland Authority and comprise representatives from various departments and domain experts on the similar lines as State Wetland Authority, but with a specific focus on the Ashtamudi lake.

8. However, before we proceed further, certain factual information arising from the statutory provisions needs to be placed before us by the State and the State Wetland Authority. The notification constituting the

State Wetland Authority, dated 28 December 2017, includes *ex officio* members and states that experts in each field of wetland ecology, hydrology, fisheries, landscape planning and socio-economics by the State Government and two members from the field of wetland management are to be nominated. The Respondent – State will inform as to whether this was done and whether the State Wetland Authority is fully functional with all the *ex officio* and nominated members. Secondly, whether any integrated management plan has been prepared for Ashtamudi wetland, as envisaged under the Rules of 2017, and the guidelines of the Ramsar Convention. If yes, copy thereof will be placed on record. Thirdly, whether the integrated management plan has been prepared by the technical committee as per the Rules of 2017.

9. Considering the necessity of a specific agency for the implementation of the management plan for Ashtamudi lake, we propose to constitute Ashtamudi Local Wetland Authority/sub-committee for the protection and conservation of Ashtamudi wetland to work under the supervision of the State Wetland Authority. The members of the Ashtamudi Wetland Authority/sub-committee can be drawn from different departments, on similar lines as indicated in the notification dated 28 December 2017, i.e., Department of Environment, Department of Forests, Department of Urban Development, Department of Rural Development, Department of Water Resources, Department of Fisheries, Department of Irrigation and Flood Control, Department of Tourism,

and Department of Revenue. As regards the representatives for the Ashtamudi Wetland Authority/sub-committee, the Collector can be in-charge of the Ashtamudi Wetland Authority/Committee, which can include the Secretary of the Municipal Corporation; Joint Director of the Local Self Government Department; Executive Engineer, Irrigation Department, Kollam; Deputy Director, Department of Fisheries, Kollam; Executive Engineer, Inland Navigation Division, Kollam; Deputy Director, District Tourism, Department of Tourism, Kollam; Environment Engineer, Kerala State Pollution Control Board, Kollam; Member Secretary of the State Biodiversity Board; Director, Kerala State Remote Sensing & Environment Centre, Vikas Bhavan, Thiruvananthapuram; Chief Conservator of Forests, Southern Circle, Kollam; and one expert from the field of State Wetland Authority.

10. The Principal Secretary, Environment Department can finalize the composition of the Committee and also recommend one expert each from wetland ecology, hydrology, fisheries, landscape planning and socio-economics, and two experts from wetland management, preferably having expertise relating to the Ashtamudi wetland. The Principal Secretary will also indicate in the affidavit to be filed the procedure by which the Authority/sub-committee will function, the manner in which it will report to the State Wetland Authority.

11. The State Wetland Authority Kerala (SWAK) represented by its Member Secretary, 4th Floor, KSRTC Bus Terminal Complex,

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Thampanoor, Thiruvananthapuram – 695 001, is *suo motu* impleaded as additional Respondent No.23. The Petitioner will serve a copy of the writ petition along with a copy of this order to the learned Standing Counsel for the State Wetland Authority.

12. Post on 1 July 2025.

Sd/-
NITIN JAMDAR,
CHIEF JUSTICE

Sd/-
BASANT BALAJI,
JUDGE

vgd/11.06.25



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P.A. TO C.J.