



2025:UHC:10891-DB

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

THE HON'BLE CHIEF JUSTICE MR. G. NARENDAR

AND

THE HON'BLE JUSTICE MR. SUBHASH UPADHYAY

Writ Petition (PIL) No.19 of 2022

8 December, 2025

Suo Motu PIL: In The Matter of Preservation of Sukhatal Lake and to Stop Concretization

--Petitioner

Versus

State of Uttarakhand and Others

--Respondents

Presence:-

Mr. Dr. K.H. Gupta, learned *Amicus Curiae* for the petitioner.

Mr. B.S. Parihar, learned Addl. C.S.C. for the State of Uttarakhand.

Mr. Shobhit Saharia, learned counsel for the KMVN.

Ms. Annanya Jain, learned counsel holding brief of Mr. Sandeep Kothari, learned counsel for the District Level Development Authority Nainital.

Dr. Aman Rab, learned counsel for the SEIAA and State Wetlands Authority.

JUDGMENT: (per Subhash Upadhyay, J.)

The present suo motu PIL was registered on a letter dated 16.12.2021 sent by Dr. Anil Bisht, Professor (Retd.), Kumaon University. The said letter was supported by the signatures of 104 persons regarding preservation of Sukhatal Lake and to stop concretization and other unscientific activities in Sukhatal Lake. A Co-ordinate Bench of this Court vide order dated 21.08.2023 directed all the District Magistrates to respond to the communication issued by



the Wetlands Authority and in pursuance to the said directions all the District Magistrates filed their status report. Paragraph no.3 and 4 of the said status report reads as under:-

“3 That it is submitted that the present Writ Petition (PIL) was lastly listed before the Hon'ble Court on 21-8-2023 and the Hon'ble Court after hearing the parties at length was pleased to direct the State to file the status report on the aspect-whether the District Magistrates have responded to the communications issued by the State Wetlands Authority dated 21-11-2020, 18-2-2021 and 2-8-2021, which are addressed to the Chairpersons of the District Level Technical Committee, of with the District Magistrate is the Chairperson.

4. That in compliance of the aforesaid direction of this Hon'ble Court, the reports as provided by the District Magistrates of the State of Uttarakhand are collectively being filed herewith for the kind consideration of this Hon'ble Court, the details of which is given in a tabular form as under:-

S. No.	District	Report
1	Almora	<i>There are three wetlands in District Almora, namely (1)-Bhaludam; (2)-Ranijheel, (3)-Tadagtaal. The information in relation Ranijheel to and a Tadagtaal is received in prescribed format, but in relation letter dated 14-9-2023 that the Bhaludam is situated under the Category A-1 land under the ownership of the Army, therefore, letter has been sent to the ADAM Commandant KRC Ranikhet for providing the information in a prescribed format. Besides this, directions have been issued to all the concerned to submit the report before the Committee if any other wetland will be found.</i>
2	Bageshwar	<i>As per the report submitted by the District Magistrate,</i>



		<i>Bageshwar there is no wetland except forest area in District Bageshwar.</i>
3	<i>Chamoli</i>	<i>As per the report submitted by the District Magistrate, Chamoli there is no wetland in the revenue area of District Chamoli, whereas there are 24 wetlands under the unreserved forest and reserved forest of District Chamoli.</i>
4	<i>Champawat</i>	<i>As per the report submitted by the District Magistrate, Champawat there is 01 wetland at Shayamlatal area in Tehsil Purnagiri.</i>
5	<i>Dehradun</i>	<i>As per the report submitted by the District Magistrate, Dehradun there are different wetlands situated in the area of (1)-Asan Barrage (Dhalipur Lake) and (2)- Nadi Asan (river Asan).</i>
6	<i>Haridwar</i>	<i>A per the report of District Magistrate, Haridwar there are total 31 wetlands out of which 04 are situated in the forest area and 27 are marked in the revenue area of the District.</i>
7	<i>Nainital</i>	<i>As per the report of the District Magistrate, Nainital there are 02 wetlands namely (1)-Sukhataal and (2)-Dakshini Pataakote, Kaksha Sankya-2Aa, Ramnagar, District Nainital.</i>
8	<i>Pithoragarh</i>	<i>As per the report of the District Magistrate, Pithoragarh there are 07 wetlands namely (1)-Thamrikund; (2)-Chiplakund; (3)-Gaurikund; (4)-Parvatikund; (5)-Hardevalkund; (6)-Asurkund and (7)-Patotikund.</i>



9	<i>Pauri Garhwal</i>	<i>As reveals from the report of the District Magistrate, Pauri Garhwal there exist 19 wetlands in forest areas of the District.</i>
10	<i>Rudraprayag</i>	<i>As per the report of the District Magistrate, Rudraprayag there are 29 wetlands, out of which for 01 wetland situated at Badhanitaal the proposal/ record has been sent to the Uttarakhand State Level Authority for its notification under the Wetland Conservation & Management Rules, 2017.</i>
11	<i>Tehri Garhwal</i>	<i>As per the report of the District Magistrate, Tehri Garhwal the information about the wetlands is 'NIL' except the report of Tehri Forest Division which reveals that there are 05 wetlands.</i>
12	<i>Udham Singh Nagar</i>	<i>As reveals from the report of the District Magistrate, Udham Singh Nagar there are 35 wetlands, out of which 21 wetlands are situated in the forest area and 14 wetlands areas are situated in the revenue areas of the District.</i>
13	<i>Uttarkashi</i>	<i>As per the report of the District Magistrate, Uttarkashi there are 25 wetlands which are situated in the reserve forest and conserve forest areas of District Uttarkashi and there is no wetland in the revenue areas of District Uttarkashi"</i>

2. Co-ordinate Bench of this Court vide order dated 25.09.2023 has passed the following order:-

"7. In Paragraph No.4 of the status report, he states that the District Magistrates of all the 13 districts have



submitted their respective reports being Chairpersons of the District Level Technical Committee to the State Wetlands Authority.

8. Dr. Rab states that now the State Level Technical Committee shall examine the proposal, and after such examination, it may recommend to the Government for declaration of the Wetlands by the State of the concerned area.

9. Insofar as the Sukhatal and Dakshini Pataakote, Kaksha Sankya-2Aa, Ramnagar, District Nainital, are concerned, the District Magistrate Nainital has submitted a report recommending that they be declared the Wetlands.

10. Let the State Level Technical Committee examine the reports submitted by the District Level Technical Committee within one month, as prayed for.

11. Recommendations of the State Level Technical Committee be forwarded to the State Government, which shall, thereafter, consider the reports and recommendations and proceed in accordance with law.

12. Keeping in view the fact that the District Level Technical Committee has recommended the declaration of Sukhatal and Dakshini Pataakote, Kaksha Sankya-2Aa, Ramnagar, District Nainital, as Wetlands, we are inclined to direct their preservation in the same manner, in which Wetlands are required to be maintained, and preserved under the Wetlands (Conservation and Management) Rules, 2017, and in particular, in accordance with Rule 4 thereof.

13. We, accordingly, direct the State to ensure compliance of Rule 4 in relation to Sukhatal and Dakshini Pataakote, Kaksha Sankya-2Aa, Ramnagar, District Nainital, in the meantime."

3. Further on 30.04.2024, the following order



was passed by Co-ordinate Bench of this Court. Paragraph no.6 of the said order reads as under:-

“6. Learned counsel for the respondent-DLDA will file a supplementary affidavit within four weeks explaining therein as to how to preserve this lake under the Wetlands (Conservation and Management) Rules, 2017, in accordance with Rule 4 thereof, and how this lake can be beautified.”

4. On 07.11.2025, this Court directed the District Level Development Authority (DLDA) to file status report with regard to the beautification of the Sukhatal Lake as directed by the Court vide order dated 30.04.2024. In compliance of the said order, a status report has been filed by the District Level Development Authority wherein it has been stated that the construction work has been completed and the process of handing over the project (beautification of the Sukhatal Lake) is under consideration.

5. Learned counsel for the respondent (DLDA) as such would submit that as the beautification work of the Sukhatal Lake has been carried out as such the present PIL can be closed. It has further been submitted that so far as the directions issued by the Court on 25.09.2023 for the preservation of the wetland under the Wetlands (Conservation and Management) Rules 2017, more particularly, Rule 4 is concerned, the District Level Committees have already submitted the report to the State Level Technical Committee and the recommendation of the State Level Technical Committee can be considered by the State Government and the State Government can be directed



to take a decision on the said recommendations.

6. Learned counsel for the petitioner and counsel for the other respondents also have no objection to the said submission made by learned counsel for the respondent (DLDA).

7. Having heard learned counsel for the parties, this Court is of the considered view that the present PIL can be disposed of with the following directions:-

1. The State Level Technical Committee shall examine the report submitted by the District Level Technical Committee(s) and the recommendation shall be forwarded to the State Government within four weeks from today.

2. The State Government shall consider the report submitted by the State Level Technical Committee and take a decision as per the Wetlands (Conservation and Management) Rules 2017, more particularly, in accordance with Rule 4 thereof, for entire State within a period of six weeks thereafter.

3. The respondent authority (DLDA) shall take further necessary steps for the proper maintenance of the work done for the beautification of the Sukhatal Lake and shall ensure that no encroachment takes place near or on the constructed side at the Sukhatal Lake.

4. The District Administration and the



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respondent authorities shall take necessary steps for developing the Sukhatal Lake so that the public at large, which visits Nainital, can be diverted from the main city towards the Sukhatal Lake.

8. With the above directions, the present writ petition stands disposed of.

(G. NARENDAR, C.J.)

(SUBHASH UPADHAYA, J.)

Dated: 08.12.2025
Sukhbant

**SUKHBANT
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