
(2019) 12 MAN CK 0004

In the Manipur High Court

Case No : Public Interest Litigation No. 51 Of 2019

Ningthoujam Ranjit Singh And Others

APPELLANT

Vs

Union Of India & Ors

RESPONDENT

Date of Decision : 03-12-2019

Acts Referred:

Citation : (2019) 12 MAN CK 0004

Hon'ble Judges : Ramalingam Sudhakar, CJ; Lanusungkum Jamir, J

Bench : Division Bench

Advocate : H.Nabachandra, P.Tamphamani, Sh.Vijayanand Sharma

Final Decision : Disposed Of

Judgement

Ramalingam Sudhakar, CJ

[1] Heard Mr. H.Nabachandra, learned counsel for the petitioners and Mr. P.Tamphamani, learned Junior Advocate to learned AG for the State respondents. Also heard Mr.Sh.Vijayanand Sharma, CGC for Union.

[2] This Public Interest Litigation has been filed to preserve the wetlands of Manipur, more particularly, Khoidum lake, Lamjao lake, Waithou lake, Ikop lake, Kharung lake, Awangsoi lake, Haokum lake, Kakyai lake, Pumlén lake, Loktak lake, etc. of Manipur.

[3] The grievance of the petitioners appears to be as follows:-

The petitioners No.1 to 5 are residing in different parts of Manipur, more particularly, Kakching District and their residences are adjacent to different water bodies or lakes of Manipur. While they are eking out their livelihood by catching fishes, the grievance appears to be that the lakes, namely, Khoidum lake, Lamjao lake, Waithou lake, Kakyai lake, Pumlén lake, Loktak lake, etc. have become very shallow and total extent of the lakes are shrunk primarily due to growth of heterogeneous floating solid vegetation "Phumdis". In respect of different lakes and water bodies, the uncontrolled growth of heterogeneous floating solid

vegetation "Phumdis" has made it difficult for the water bodies to retain water, resultantly, marine life has affected and the livelihood of the petitioners as fishermen has also affected. Yet, another factor which is pointed out by the petitioners is the encroachment by individuals into the water bodies and therefore, there is a great danger of pollution to the water bodies due to human habitation and discharge of waste and effluents which will render the water bodies polluted and caused ecological imbalance.

[4] The petitioners' referred to the provisions of the Manipur Loktak Lake (Protection) Act, 2006 and they also relied upon the Environment Protection Act to safeguard the wetlands, water bodies, etc. If the ecology is preserved and quality and extent of water body will be improved, it will result in restoring the ecological balance and provide livelihood for the people living near the water bodies. The petitioners have indicated in general terms the uncontrolled growth of heterogeneous floating solid vegetation "Phumdis" and also allege that there are encroachment by individuals. These are facts to be verified. There is no proof or material relied upon.

[5] The first aspect relating to growth of "Phumdis", it is a matter for the authority to analyse on a scientific basis as to how the lakes and water bodies should be preserved and protected for which there are laws enacted both by the Union Government and State Government. It clearly provides for protection of water bodies, lakes, etc. That has to be done by the respondent No.1 to 4 in the manner prescribed by law. The petitioners are given liberty to make a detailed representation setting out all the damages alleged to have been caused to the various lakes, water bodies as stated in their petition. The authorities shall verify the statement so made and take a decision based on an Environment Impact Assessment and on the basis of laws that provides for management and protection of environment including water bodies.

Besides, the provisions of Manipur Loktak Lake (Protection) Act, 2006 will be also taken into consideration for taking appropriate decision in so far as the Loktak Lake is concerned. Primarily, it is the duty of the authorities to protect wetlands, water bodies, etc. and contain all forms of environmental damages. They will have to take appropriate remedial measures for protection and preserving the water bodies, lakes, etc.

[6] In so far as the second aspect relating to encroachment is concerned, the respondents authority have to proceed in accordance with law against the encroachers. Respondent Nos. 2, 3 and 4 are duly authorised by law to proceed in accordance with rules, guidelines to remove any form of encroachment. They have to follow the procedure prescribed by law and take actions against the encroachers. In so far as encroachment is concerned, whether it is in city, town, a water body or any other public places, the authority is authorised as per law to protect and improve the quality of the place or the water body. It goes without saying that it is the duty of the officials to act in accordance with law and not await orders of the Court to do their official duties. The law enjoins upon all

authorities specified in the Act to exercise their powers lawfully and do all acts in furtherance to the enactment. Dereliction of their duties will be visited with serious repercussions.

[7] With the above observation, we dispose of the writ petition giving liberty to the petitioners to make a detail representation, if required. Even otherwise, the authority shall take into consideration the nature of issues raised in the present Public Interest Litigation and take appropriate remedial measures as prescribed by law immediately.