

**HIGH COURT OF JAMMU AND KASHMIR**  
AT SRINAGAR

PIL No.159/2002 c/w  
PIL No.345/2006

Date of order: 11.07.2017

Syed Tahir Iqbal Geelani

...**Petitioner.**

**V.**

State of J&K and others.

...**Respondents.**

**Coram:**

**Hon'ble Mr. Justice Badar Durrez Ahmed, Chief Justice**

**Hon'ble Mr. Justice Ali Mohammad Magrey, Judge**

**Appearing counsel:**

For the appellant(s) : Mr. Z. A. Shah, Amicus Curiae, with  
Mr. Sajad A. Mir, A. Amicus Curiae.  
Mr. Mir Naveed Gul, A. Amicus Curiae.

For the respondent(s) : Mr. Manzoor A. Beigh, AAG.  
Mr. Thaseen Mustafa, Vice Chairman, LAWDA.

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| i)  | Whether to be reported in<br>Press/Media.    | Yes/No  |
| ii) | Whether to be reported in<br>Digest/Journal. | Yes/No. |

**01.** A booklet prepared by Er. Basharat J. Kawoosa, entitled '*Dal Lake, the Myth, Perceptions and the Realities (Area & Weeds)*' has been handed over to us by the learned counsel for the J&K Lakes and Waterways Development Authority, Srinagar. The same is taken on record. The booklet comprises of maps of the Dal Lake area from 1859-60 till date. As per the different maps and the ultimate satellite image taken in the year 2013, it appears that the total water and watery surface has remained more or less the same. The total area covered by the Dal Lake which also includes the plantations, roads, built-up areas, vacant land, cultivated land and water

supply plants has been shown to be 24.789 SqKms as per the satellite image of 2013. As per the calculations done of the land use of Dal Lake on the digitized image of 1924, the total area of the Dal Lake has been calculated to be 24.465 SqKms, out of which the water bodies account for 12.436 SqKms and wetlands/ floating gardens are to the extent of 7.869 SqKms. It, therefore, appears that, in so far as the water/ watery surface is concerned, it has not altered much over the years. This is, however, subject to any contrary scientific analysis which may be presented by the learned Amicus Curiae.

**02.** In order to document the volume of water in the Lake, it would be necessary to have a detailed 3D contouring of the floor/ bed of the lake. Consequently, we direct the LAWDA to carry out such an exercise using latest scientific techniques. A status report be submitted with regard to the proposal for conducting such an exercise. This would enable us to at least document the bed of the lake so that future comparisons would indicate as to whether there is any alteration in the bed of the lake and consequently the depth of water at various points of the lake which would ultimately enable us to ascertain whether the volume of water in the lake is altering because of silt and other deposits.

**03.** One of the major concerns with regard to the Dal Lake is the deteriorating water quality. We have already indicated in our previous orders that approximately 50 million litres per day of sewage is generated within and the peripheral regions of the Dal lake, out of which 30 million

litres per day is treated at 5 STPs at Hazratbal, Laam, Habak, Nala Amir Khan and Brari Nambal. However, 20 million litres per day of sewage which is dumped into the Dal lake is untreated. We are informed that IIT Roorkee has been assigned the job for preparing the DPR for a 30 million litres per day STP to cater to the current 20 million litres per day as also the future increase of sewage. A status report indicating the stage at which the DPR preparation has reached and specific time line which has been prescribed for preparation of DPR and, ultimately, for making the STP operational should be indicated in the status report.

**04.** By virtue of this court's order two committees have been established. One of them is the Monitoring Committee which is headed by the Chief Secretary. This was constituted by virtue of Government order dated 27.04.2016. The other committee is the Scientific Advisory Committee which was constituted on 28.11.2016. Both these committees have been assigned specific jobs through directions of this court. We, however, find that the output of these committees is not satisfactory. The monitoring committee shall file a status report indicating the number of meetings held, the agenda of the meetings, resolutions passed and action taken on the resolutions. A similar exercise shall be done by the Scientific Advisory Committee before the next date of hearing.

**05.** In so far as the presence of a small quantum of coliform in the Cheshmashahi water is concerned, we are informed that it is perhaps due to the fact that visitors to the Chashmashahi are washing their feet in the

Cheshmashahi waters just next to the source. This practice has to stop and appropriate measures should be taken. The Floriculture Department shall come out with the proposal to the effect that the said practice is stopped so that the purity of the water at Cheshmashahi is maintained inasmuch as people come from all parts of the country and abroad and drink water at Cheshmashahi.

**06.** With regard to the response to Mr. Sajad A. Mir's report, we find that since there are divergent views, it is appropriate that Mr. Sajad A. Mir shall accompany a team of officers of the LAWDA headed by a Superintending Engineer so that they can visit the sites which have been pointed by Mr. Sajad A. Mir. The said visit shall be arranged on 17.07.2017 at 4 PM.

**07.** Another concern with regard to Dal Lake is the overgrowth of water lilies and weeds. The progress made in the removal of water lilies from the Dal Lake and de-weeding that has been done till date is indicated in the status report along with specific details. It appears that the water lilies have outgrown into the Dal Lake area from the private areas next to the Kabootar Khana. A request may be made by LAWDA authorities for containment of the water lilies in the private areas.

**08.** We are informed that the last date for receipt of expression of interest for the DPR for management of Nigeen, Gilsar, Khushalsar and Anchar lakes/ water bodies is today i.e., 11.07.2017. Apart from this, we would also like the LAWDA to carry out similar exercise which has been done with regard to Dal Lake for Nigeen, Gilsar, Khushalsar and Anchar lakes.

**09.** The report of the court commissioners dated 07.07.2017 is taken on record. The respondents shall file a response to the same before the next date of hearing.

**10.** Re-notify on 08.08.2017.

**(Ali Mohammad Magrey)**  
**Judge**

**(Badar Durrez Ahmed)**  
**Chief Justice**

**Srinagar**

11.07.2017

Abdul Qayoom, PS