

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE THE CHIEF JUSTICE MR. SOUMEN SEN
&
THE HONOURABLE MR. JUSTICE SYAM KUMAR V.M.

Thursday, the 19th day of February 2026 / 30th Magha, 1947
WP(C) NO. 9445 OF 2025(S)

PETITIONERS:

1. SAROVARAM PRAKRITHI SAMRAKSHANA SAMITI, REGISTRATION NO. KKD/CA/628/2024, REPRESENTED BY ITS SECRETARY, ALEX K.P, CIVIL STATION P.O, KOZHIKODE, PIN - 673 020.
2. AJAYLAL K, AGED 58 YEARS, PRESIDENT, SAROVARAM PRAKRATI SAMRAKSHANA SAMITI, S/O KUNJIKELLU, AJITHA NIVAS, CIVIL STATION P.O, KOZHIKODE, PIN - 673 020.
3. ALEX K.P, AGED 53 YEARS, S/O PAULOSE, KUTTIYAKKAL HOUSE, CIVIL STATION P.O, KOZHIKODE, PIN - 673 020.

RESPONDENTS:

1. MINISTRY OF ENVIRONMENT AND FORESTS AND CLIMATE CHANGE, REPRESENTED BY ITS SECRETARY, INDIRA PARYAVARAN BHAWAN, CGO COMPLEX, JOR BAGH, NEW DELHI, PIN - 110 003.
2. THE STATE OF KERALA, REPRESENTED BY THE CHIEF SECRETARY, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, KERALA, PIN - 695 001.
3. KERALA STATE WETLAND AUTHORITY, REPRESENTED BY THE SECRETARY OF DIRECTORATE OF ENVIRONMENT AND CLIMATE CHANGE, 4TH FLOOR, KSRTC BUS TERMINAL COMPLEX, THAMPANOR, THIRUVANANTHAPURAM, KERALA, PIN - 695 001.
4. KERALA COASTAL ZONE MANAGEMENT AUTHORITY, REPRESENTED BY IT'S MEMBER SECRETARY, 4TH FLOOR, KSRTC BUS TERMINAL, THAMPANOR, THIRUVANANTHAPURAM, PIN - 695 001.
5. KERALA POLLUTION CONTROL BOARD, REPRESENTED BY THE MEMBER SECRETARY, PLAMOODU, PATTOM P.O, THIRUVANANTHAPURAM, KERALA, PIN - 695 004.
6. DIVISIONAL FOREST OFFICER, 6TH FLOOR, B BLOCK, SH29, ERANHIPPALAM, KOZHIKODE, KERALA, PIN - 673 020.
7. KOZHIKODE MUNICIPAL CORPORATION, REPRESENTED BY ITS SECRETARY, CALICUT BEACH P.O, KOZHIKODE, KERALA, PIN - 673 032.
8. DISTRICT COLLECTOR OF KOZHIKODE, DISTRICT COLLECTOR OFFICE, KOZHIKODE COLLECTORATE, CIVIL STATION P.O, KOZHIKODE, PIN - 673 020.
9. REVENUE DIVISIONS OFFICE, REPRESENTED BY REVENUE DIVISIONS OFFICER, KOZHIKODE COLLECTORATE, CIVIL STATION P.O, KOZHIKODE, PIN - 673 020.
10. VILLAGE OFFICE, VENGARI, REPRESENTED BY VILLAGE OFFICER, GROUND FLOOR, B BLOCK, CIVIL STATION, KOZHIKODE, KERALA, PIN - 673 020.
11. DISTRICT POLICE CHIEF, KOZHIKODE, PAVAMANI RD, TAZHEKKOD, KERALA, PIN - 673 004.
12. M/S GREEN METRO DEVELOPERS AND BUILDERS PVT. LTD., REPRESENTED BY ITS MANAGING DIRECTOR NIJESH PUTHALATH, NEAR SAROVARAM BIO PARK,

ERANJIPALAM, KOZHIKODE P.O, PIN - 673 006.

13. NIJESH PUTHALATH, AGED 37 YEARS, S/O MANOHARAN P, PUTHALATH HOUSE, MUTUVANATHARA P.O, PANTHEERANKAVU, KOZHIKODE, PIN - 673 006.
14. CALICUT TRADE CENTRE, REPRESENTED BY ITS OWNER, P.V MOHAMMAD ABDUL KAREEM FAIZAL, MINI BYPASS RD, NEAR SAROVARAM BIO PARK, ERANHIPPALAM, KOZHIKODE, KERALA, PIN - 673 020.

ADDITIONAL R15 TO R17 IMPEADED

15. THE SOIL SURVEY & SOIL CONSERVATION DEPARTMENT, PLAZA BUILDING, VAZHUTHACADU, THYCAUD PO, THIRUVANANTHAPURAM – 695 014.
16. THE KERALA WATER AUTHORITY, DISTRIBUTION SUB DIVISION NO II, SAROVARAM BIOPARK ROAD, KOTTOOLI, KOZHIKODE, KERALA 673 017.
17. VILLAGE OFFICER, CHEVAYUR VILLAGE, VELLIMADUKUNNU, MARYKUNNU P.O, KOZHIKODE - 673 017.

ADDL.R15 TO R17 ARE IMPEADED AS PER ORDER DATED 12/08/2025 IN IA 4/2025 IN WP(C) 9445/2025.

ADDITIONAL R18 TO R22 IMPEADED

18. MARKAZ INTERNATIONAL SCHOOL, REPRESENTED BY ITS MANAGER, DREAM CITY, ERANHIPAALAM, CIVIL STATION P.O, KOZHIKODE, 673020.
19. GALAXY BUILDING (ELEE MAISON), REPRESENTED BY THE FOUNDER/ CHAIRMAN OF GALAXY BUILDERS, SAROVARAM BIO PARK ROAD, ERANHIPAALAM, KOZHIKODE, 673020.
20. EAST ASIA DEVELOPERS PVT. LTD., REPRESENTED BY ITS MANAGING DIRECTOR, ERANHIPAALAM, KOZHIKODE P.O., 673020.
21. PRIME SPACE PROJECTS PVT. LTD., REPRESENTED BY ITS FOUNDER, 1ST FLOOR, U.B.SPACE, K.T.GOPALAN ROAD, KOTTOOLI, CALICUT 673016.
22. CONFIDENT GROUP BUILDINGS, REPRESENTED BY ITS MANAGING DIRECTOR, EXOTICA APARTMENTS, SAROVARAM BIO PARK, MAVOOR RD, NEAR SAROVARAM ROAD, KOTTOOLI, KOZHIKODE, KERALA 673016.

ADDL. R18 TO R22 ARE IMPEADED AS PER ORDER DATED 16/10/2025
IA IA 2/2025 IN WP(C) 9445/2025.

P.T.O.

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 issue orders directing the Respondents 3, 4, 7 & 10 to take immediate steps to stay all the ongoing construction, reclamation, conduct of public functions etc. which are being carried out by the Respondents 12 to 14 in the Kottuli wetlands and in the Calicut Trade Centre therein, pending disposal of this writ petition.

This petition again coming on for admission upon perusing the petition and the affidavit filed in support of WP(C), this Court's order dated 05/02/2026 and upon hearing the arguments of M/S. K.M.GEORGE, CHITHRA P.GEORGE, MATHEWS P.GEORGE & EMILY ANNA GEORGE, Advocates for the petitioners, SMT. O.M.SHALINA, DEPUTY SOLICITOR GENERAL OF INDIA & MS.LAKSHMI MEENAKSHI P, Advocate for R1, SRI.M.P.PRAKASH, STANDING COUNSEL for R3 & R4, SRI.G.SANTHOSH KUMAR, Advocate for R7, SRI.NAGARAJ NARAYANAN, SPECIAL GOVERNMENT PLEADER (FORESTS) for R2, R6, R8 to R11, Addl.R15 & Addl.R17, M/S. PRAVEEN HARIHARAN, G.HARIHARAN, K.S.SMITHA, AMAL DEV D., E.SILPA, ABHIJITH E.R. & SNEHA M.S., Advocates for R12 & R13, SRI. PRAVEEN H., Advocate for R14, SRI. GEORGIE JOHNY, STANDING COUNSEL for R16, M/S. K.M. FIROZ & JAMEEL AHAMMED M.S., Advocates for R19, M/S. N.L.BITTO & MITHUL T ANT0, Advocates for R21 and of M/S. S.SHANAVAS KHAN, S.INDU & GOVIND H. NAIR, Advocates for R22, the court passed the following:

P.T.O.

WP(C) Nos.9445/2025 & conn. Cases

1

Soumen Sen, C.J.
&
Syam Kumar V.M., J.
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W.P(C)Nos.9445 & 444 of 2025

and

W.P(PIL)No.136 of 2025

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Dated this the 19th day of February, 2026

Appearance:

For the Petitioners : Mr.K.M.George

For the Respondents: Mr.Prakash.M.P., SC

Mr.Praveen.H

Mr.K.M.Firoz

Ms.Lakshmi Meenakshi.P

representing Ms.O.M.Shalina, DSGI.

ORDER

Syam Kumar V.M., J.

Pursuant to the direction of this Court dated 27.10.2025, a statement has been filed by the 2nd respondent, *inter alia*, pointing out that steps are presently underway for the purpose of declaring the relevant area as a 'Ramsar Site' and that certain procedural requirements involving various authorities are required to be completed before such declaration is effected. The

WP(C) Nos.9445/2025 & conn. Cases

:4:

steps towards obtaining Ramsar designation have also been enumerated in the statement.

2. A reply affidavit dated 18.02.2026 has been filed by the petitioners to the report filed by the Kozhikode Municipal Corporation. The same is taken on record. The Kozhikode Municipal Corporation shall file a response, if any, to the said reply affidavit.

3. It is pointed out by the petitioners that since steps in the above respect are presently underway, any construction activity within the prohibited area, as envisaged under the Wetlands (Conservation and Management) Rules, 2017 in the meanwhile, would detrimentally impact the area thus rendering the declaration otiose.

4. We find merit in the submission. New constructions, if undertaken while the process is underway, would defeat the ultimate objective, as envisaged under the Wetlands (Conservation and Management) Rules, 2017 as well as the 'Ramsar site Convention'.

5. In furtherance of the process to designate Kotttooli

WP(C) Nos.9445/2025 & conn. Cases

3

wetlands as a Ramsar Site, the draft offline Ramsar Information Sheet (RIS) has been updated and approved by the Technical Committee and further by the authority in the meeting of State Wetland Authority Kerala (SWAK) held on 08.10.2025.

6. The proposal for designating Kottoli wetlands as a Ramsar Site is thus being processed to be forwarded to the Wetlands Division, Ministry of Environment, Forest and Climate Change (MoEF&CC), Government of India, Ramsar Administrative Authority responsible for overseeing Ramsar sites within the country, through the State Government of Kerala.

7. We have been given to understand that the matter is sent for active consideration of the Ministry of Environment, Forest and Climate Change, along with all requisite documents pertaining to new wetlands, including the procured wetlands. We expect that the Ministry will take a decision at the earliest to safeguard and preserve these wetlands, which are imminently required for the sustenance and well-being of the ecology and for maintaining ecological balance.

8. We hereby direct the District Collector as well as the

WP(C) Nos.9445/2025 & conn. Cases

:4:

Kozhikode Corporation to ensure that no new constructions are carried out within the prohibited area falling under the Wetlands (Conservation and Management) Rules, 2017. As regards the existing buildings, the questions regarding their legality and the period of construction will be considered later. Any construction already made shall be subject to the result of the final disposal of these writ petitions.

9. Adequate publicity to the above direction shall be given by the Corporation, so as to ensure that the general public are duly informed of the restrictions imposed with respect to any construction activity within the relevant area.

10. As regards the procedures that are underway for obtaining a declaration of the Kottooli Wetlands as a 'Ramsar Site', we note its imperative that the same are carried out and completed within a specified time period. Hence, we direct that the concerned authorities to expedite the process in this regard and complete the same within a period of three months. We also request the Union of India to co-ordinate the said activities so as to ensure that all steps to be completed from the part of the State and the

WP(C) Nos.9445/2025 & conn. Cases

5

Union towards securing the designation of Kottooli wetlands as a Ramsar Site are completed within the aforesaid period of three months.

11. Post on 21.05.2026.

**Sd/-
Soumen Sen,
Chief Justice**

vgd



**Sd/-
Syam Kumar V.M.,
Judge**