

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (LODGING) NO. 3246 OF 2004

The Bombay Environmental Action Group and Anr. ...Petitioners

Versus

The State of Maharashtra and Ors. ...Respondents.

Mr. N.H. Seervai, Senior Advocate, with Mr. Gautam Patel, Mrs. Madhavi Diwan, and Mr. Sharan Jagtiani, instructed by M/s. M.V. Jaykar & Co., for the petitioners.

Mr. Ravi Kadam, Advocate General, with Mr. Amjad Syed, Assistant Government Pleader, for respondent Nos. 1, 5 and 6.

Ms. Naveenakumari for Respondent No. 2

Mr. R.V. Govilkar for Respondent No.3

Mr. K.K. Singhvi, Senior Advocate, for Respondent No. 4

Mr. R.M. Sawant, Government Pleader, for Respondent No. 7

Mr. M.S. Siodia instructed by M/s. Rustomji & Ginwala for the Applicants

Mr. Chirag Balsara with Mr. J.A. Saluja instructed by M/s. M.V. Kini & Co. for the Applicants in Notice of Motion No. 68 of 2006.

**CORAM: KSHITIJ R. VYAS, C.J. &
DR. D.Y. CHANDRACHUD, J.**

DATE: APRIL 4, 2006

P.C.

1. Today when the matter is called out, the learned counsel for the petitioners has made the allegation that there is further destruction of mangroves since the date when the matter was adjourned. The learned counsel for the Municipal Corporation, while denying the allegation, seeks time to file reply-affidavit. In view of the allegations and counter-allegations, it is difficult to find out the true position.

2. In the circumstances, we issue the following directions:-

(1) We appoint a Committee consisting of -

(a) Mr. S.S. Deshmukh,
Registrar (Personnel), of this Court

(b) Dr. Sham Asolekar,
Professor, I.I.T., Powai

(c) Dr. Sanjay Deshmukh,
Professor, Mumbai University.

Mr. S.S. Deshmukh shall head the Committee. The Committee members shall be accompanied on their situ visits by (1) the Divisional Commissioner, Konkan Division - designated as the Competent Authority for monitoring compliance with the orders passed by this Court - (2) the Chief Engineer (Solid Waste

management), Mumbai Municipal Corporation, and (3) two representatives of the petitioners, and shall visit the following sites:-

(i) Kanjur Marg Dumping Ground

and

(ii) Bandra Kurla Complex

on a convenient date and time that may be fixed by Mr. S.S. Deshmukh. The Committee shall inquire and submit a report to this Court before the 17th April, 2006 whether dumping on mangroves has taken place at the above sites, as per the allegations made in the affidavits. Copies of the report be made available to the parties by 15th April, 2006.

(2)The learned Advocate General places before this Court the Monthly Reports regarding Protection and Conservation of Mangroves in implementation of this Court's order dated 6th October, 2005 for preservation of mangroves. The same are taken on record.

(3)The learned Advocate General shall state the steps to be taken by the State and the Municipal Corporation to ensure the preservation and protection of mangroves so as to comply with

the implementation of this Court's order on the next date of hearing.

(4) The Director, Maharashtra Remote Sensing Application Centre, Nagpur, shall remain present in Court on 17th April, 2006 at 3 p.m. and keep on record the steps taken pursuant to the directions contained in the earlier orders of this Court, in regard to the mapping of mangroves.

3. Delay in filing reports of November and December, 2005 by the Divisional Commissioner, Konkan Division, is condoned.

4. This matter is adjourned to 17th April, 2006 at 3 p.m.

CHIEF JUSTICE

DR. D.Y. CHANDRACHUD, J.