

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION (L) NO.3246 OF 2004

The Bombay Environmental Action Group & Anr. : Petitioners
V/s.

The State of Maharashtra & Ors. : Respondents

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

Mr.A. A. Sayyad, Assistant Government Pleader for respondent
No.1.

Ms P. A. Purandare for B.M. C.

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

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WITH

WRIT PETITION NO.2208 OF 2004

Maharashtra Manav Seva Sangh : Petitioner
V/s.

The Tahasildar, Borivali (West) & Ors. : Respondents

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Mr.H. S.S. Murthy for the petitioner.

Ms Geeta Shastri, Assistant Government Pleader for the State.

Mr.Yogesh Adhia for respondent No.6.

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**CORAM : DALVEER BHANDARI, C.J. &
S.A. BOBDE, J.**

DATE : APRIL 12, 2005.

P.C.:

1. These Writ Petitions have been filed seeking urgent measures for the protection and preservation of the fast depleting mangrove forests which line the coast of Greater Mumbai. The petitioners state that 720 km. long coastline of Maharashtra is

indented by numerous rivers, estuaries, creeks, small bays, headlands, rocky shores, sand and muddy beaches. All such geomorphologic structures act as a habitat for different kinds of eco-systems which are essential for the protection of the coastline from the encroaching sea. The petitioners state that there are about 18 major estuaries along the coastline of Maharashtra harboring some of the biologically richest patches of mangroves along the entire western coast of India. All 52 creeks along the coast of the State are covered by mangroves to a certain extent.

2. The main concern of the petitioners is the destruction of mangroves in various ways. The petitioners have relied upon a number of articles contributed by well-known authors to depict that after the Tsunami, the scientific verdict has been unanimous— damage is greatest where beaches have been built on, dunes flattened, where ground water was pumped out and coral reefs killed. There seems to be unanimity amongst all counsel appearing for different parties that mangroves play an important role in eco-systems and mangroves have to be preserved at any cost. The learned Assistant Government

Pleader appearing for the State of Maharashtra has submitted that a high level Committee has been constituted by the Government of Maharashtra chaired by the Chief Conservator of Forests and it is planning to survey and identify the mangroves in the entire State of Maharashtra. There is also a move to declare mangroves of the Mumbai region as a protected area.

3. The petitioners in the petition have incorporated that they have received a number of complaints from the citizens about the systematic destruction of mangroves in various localities by land grabbers and encroachers. The petitioners have identified five areas where indiscriminate destruction of mangroves is taking place. Those areas are:

- (i) Seven Bungalows, Andheri;
- (ii) Kanjurmarg;
- (iii) Link Road, Goregaon;
- (iv) Gorai; and
- (v) Malvani village, Malad.

4. The petitioners have prayed that pending further hearing of these petitions, it is absolutely imperative that the

respondents are restrained from destructing or denuding of mangroves by dumping, obstructing water supply, cutting of mangroves or by any other method. The prayer of the petitioners is reasonable and in the larger interest of all concerned, we pass the following order:-

ORDER

- (i) We direct the respondents to forthwith stop any destruction or denudation of the mangroves in the aforesaid area.
- (ii) We also direct the Coastal Zone Management Authority to carry out a detailed satellite study of the mangrove protection area of the entire State of Maharashtra. This exercise should be carried out within two weeks from today. We would like the Coastal Zone Management Authority to repeat this exercise by 15th May, 2005 because thereafter, it would not be possible for few months, in view of the rainy season.
- (iii) We also direct the State of Maharashtra and the Union of India to account for the application of funds received by the 1st respondent from the 2nd respondent's National Committee on Mangroves & Coral Reefs for the

preservation of mangroves in Maharashtra.

(iv) We direct the State not to sanction any further developmental activity in the five areas which will destruct or denude the mangroves without the permission of the Court.

(v) We direct that a senior Officer of the State of Maharashtra shall file an affidavit indicating whether the directions issued have been complied with by the State.

(vi) We also direct the Coastal Zone Management Authority to file an affidavit regarding the satellite study.

5. List these petitions again on 14.6.2005.

Sd/-
CHIEF JUSTICE
Sd/-
S.A. BOBDE, J.