

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 Gautam Patel, Ms. Madhavi Diwan, and Mr. S. 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.

Mr. K.K. Singhvi, Senior Advocate, with Mrs. Shobha Ajitkumar for the B.M.C.

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

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

DATE: MARCH 29, 2006

P.C.

An activist of the petitioners, Mr. Manish M. Moghe, has filed an affidavit today wherein he has made a grievance that in spite of the orders dated 6th October, 2005, and 30th November, 2005 passed by this Court, there is destruction of mangroves in and around Mumbai. He has also mentioned that large scale dumping of silt has been noticed behind

the M.M.R.D.A. Office at Bandra-Kurla Complex and the Kanjur Mangrove site.

2. We have heard Mr. N.H. Seervai, learned counsel for the petitioners, Mr. K.K. Singhvi, learned counsel for the Municipal Corporation of Greater Mumbai and Mr. Ravi Kadam, learned Advocate General, for the State of Maharashtra.

3. The learned Advocate General for the State has submitted that what is stated in the above affidavit may not be accepted and they be given time to file reply to controvert the allegations made in the affidavit.

4. It may be mentioned that this Court by previous orders specifically directed that there shall be a total freeze on the destruction and cutting of mangroves in the entire State of Maharashtra. The learned counsel for the petitioners submitted that a direction be issued to the respondents not to dump the silt removed from the Mithi river on the mangrove areas.

6. Mr. Singhvi, learned counsel for the Municipal Corporation,

has stated that Mumbai Municipal Corporation would not dump any garbage in the mangrove area in the Kanjur Marg dumping ground. In addition to the directions already given by this court, we also direct the respondents that the silt which is being removed from the Mithi river shall not be dumped in the mangrove areas.

7. Put up this matter on 4th April, 2006 at 3.00 p.m.

CHIEF JUSTICE

DR. D.Y. CHANDRACHUD, J.