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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION No. 552 OF 2016

Naresh Ranchhod Tandel & Anr. ... Petitioners
Vs.
The Hon'ble Administrator, & Anr. ... Respondents

WITH
WRIT PETITION No. 816 OF 2016

Naresh Ranchhod Tandel & Anr. ... Petitioners
Vs.
The Collector,
Daman Office of the Collector & Anr. ... Respondents

Mr. Bhavesh Parmar i/b Devmani Shukla, for the Petitioners.
Mr. Shrihailya Deshmukh a/w S. V. Chougule, for Respondent
Nos. 1 and 2.

CORAM : V. M. KANADE, &
M. S. SONAK, JJ.

DATE : JULY 19, 2016

PC.

1. The learned counsel appearing on behalf of the Respondent Nos. 1 and 2 has raised a preliminary objection regarding maintainability of the petitions. It is submitted that since the

impugned order in terms states that the directions have been given under Rule 5 of the Environment (Protection) Act, 1986. It is further submitted that an order passed under Rule 5 of the said Act is appealable under Section 16 of the National Green Tribunal Act, 2010.

2. We have perused the relevant provisions, and it is apparent that Petitioner has an alternate efficacious remedy of filing the appeal before the National Green Tribunal. Hence, both the writ petition are disposed of, reserving the right of the Petitioner to file an appeal under Section 16 of the National Green Tribunal Act, 2010. It is clarified that if such an appeal is filed within 4 weeks, the National Green Tribunal shall hear and decide the appeal on merits and in accordance with law. All contentions of the Petitioners and Respondents are kept open.

Sd/-
[M. S. SONAK, J.]

Sd/-
[V. M. KANADE, J.]

Vinayak Halemth