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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

PUBLIC INTEREST LITIGATION NO.12 OF 2018

Shri. Vinayak Hari Kulkarni ... Petitioner

Vs.

Union of India and Ors. ... Respondents

Mr. Ranjit D. Shinde for the Petitioner.

Ms. Nisha Mehra, AGP for the Respondent Nos.3 to 6.

**CORAM : A.S. OKA &
RIYAZ I. CHAGLA, JJ.**

DATE : 25th JUNE 2018

P.C.

1 Heard the learned counsel appearing for the petitioner and the learned AGP for the State. The grievance of the petitioner in this PIL is that construction activities have been commenced in the land bearing Gat No.17 situated at village Navli, Taluka Mahabaleshwar, District Satara by unidentified persons. The contention in the petition is that though such illegal activities have been started in eco-sensitive zone, no action is being taken.

2 One Ms. Asmita More, Sub-Divisional Officer, Wai, District Satara, on behalf of the Collector, District Satara has filed an affidavit. In paragraphs 5 and 6 of the said affidavit, he has stated thus :-

“5. I say that the Circle Officer, Panchgani, Tal. Mahabaleshwar, has conducted a site visit on 16th March, 2018 and drawn panchanama in the presence of the witnesses living in the vicinity. I say that the Panchananam dated 16th March, 2018 clearly mentions that there was no construction activity found at Survey

No.17, Village Navali, Tal. Mahabaleshwar, Dist. Satara. I say that the said panchnama also mentions that there was no sign of any construction activity or presence of the construction material at the said site. Hereto annexed and marked as Exhibit 'A' is a copy of the Panchnama dated 16th March, 2018 drawn by the Circle Officer, Panchgani and Talathi of Village Navali, Tal. Mahabaleshwar.

6. I say that the Tehsildar, Mahabaleshwar and the Range Forest Officer, Mahabaleshwar has jointly conducted a site visit on 7th May, 2018 and drawn panchnama. I say that the construction activity was not found at Survey No.17, Village Navali, Tal. Mahabaleshwar, Dist. Satara. I say that the panchnama drawn in the joint inspection reveals that there is no sign of removal of the trees of shrubs at the said site and the construction material was not present for any potential development activity. Hereto annexed and marked as Exhibit 'B' is copy of the panchnama dated 7th May, 2018 drawn during the joint inspection by the Tehsildar, Mahabaleshwar and Range Forest Officer Mahabaleshwar.”

3 Paragraph 7 notes that the result of the site visit has been informed to the petitioner by a letter dated 11th May 2018 by sending the same by R.P.A.D.

4 In the petition, the grievance is specifically as regards Gat No.17. We accept the statements made in paragraphs 5 and 6 of the affidavit. In view of the statements, as there is no construction activity found on the said land, it is not necessary to entertain this PIL. Accordingly, PIL is disposed of.

(RIYAZ I. CHAGLA, J)

(A.S. OKA, J)