

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO.34 OF 2018
IN
PUBLIC INTEREST LITIGATION NO.87 OF 2006**

The Maharashtra Maritime Board ..Applicant.

IN THE MATTER BETWEEN :

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

v.

The State of Maharashtra & Ors. ..Respondents.

Ms.Gulnar Mistry i/by M/s. Jayakark & Co. for the Petitioners.
Mr.Ishwar Nankani alonwith M/s.Nankani & Associates for the Applicant.
Mr.Rui Rodrigues and Mr.N.R. Prajapati for respondent-UOI.
Ms.Gita Shastri, Addl. GP for respondent/State.
Ms.Sharmila Deshmukh for respondent SRA.
Ms.K.H. Mastakar for respondent/MMC.

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

DATE : 25th APRIL, 2018

P.C.

1 Heard the learned counsel appearing for the applicant, the learned counsel appearing for PIL petitioners, the learned counsel appearing for the 3rd respondent in the PIL petition and the learned AGP for the State.

2 The learned counsel appearing for the applicant states that the

prayer made in this Notice of Motion is restricted only to the construction of jetty at Narangi. He states that the proposal which was placed before the Maharashtra Coastal Zone Management Authority was a composite proposal which involved cutting of Mangroves. He states that for the construction of jetty which is to be carried out in buffer zone, the applicant is not required to remove any Mangroves as there are no Mangroves on the site of the proposed jetty. He invited our attention to averments made in paragraph 6 and 16 of the Affidavit in support.

3 In view of the aforesaid statement and in view of the clearance granted by the State Level Environment Impact Assessment Authority to the applicant, permission deserves to be granted. Considering the conditions in the Resolution dated 5th and 6th April 2017 passed by the Maharashtra Coastal Zone Management Authority, additional condition will have to be imposed. Accordingly, we pass the following order :

ORDER

1 Notwithstanding the order in the PIL, it will be open for the applicant to construct a jetty at Narangi subject to condition of filing an Undertaking in this Court within a period of 3 weeks from today stating therein that on the site of the proposed construction of jetty, there are no Mangroves and that while constructing the jetty, no damage will be caused by the applicant to the Mangroves, if any.

2 Notice of Motion is disposed of on above terms.

(RIYAZ .I.CHAGLA, J)

(A.S. OKA, J)

