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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**NOTICE OF MOTION NO. 261 OF 2017
IN
PUBLIC INTEREST LITIGATION NO. 87 OF 2006**

Bombay Environmental Action Group and Anr.	... Petitioners
<i>Versus</i>	
The State of Maharashtra & Ors.	... Respondent
<i>And</i>	
Mira Bhayander Municipal Corporation	... Applicants

Mr. N.R. Bubna, for the Applicant.
Ms. Shreya Parikh, i/b. M/s. M.V. Jayakar & Co. for the Petitioner.
Ms. Shital Mane, for the Respondent – BMC.
Ms. Geeta Shastri, AGP for Respondent – BMC.

**CORAM: A.S. OKA AND
 RIYAZ I. CHAGLA, JJ.**
DATED: 3RD MAY, 2018.

PC:-

1. Not on board. Taken on board.
2. Heard the learned counsel appearing for the Applicant Mira Bhayander Municipal Corporation. Perused prayer clause (b). Grant of permission in terms of prayer clause (b) will amount to permitting destruction of mangroves. The learned counsel appearing for Applicant – Municipal Corporation tenders an additional Affidavit. He relies upon communication dated 4th August, 2017 issued by Government of India. The said communication itself shows that the stage 2 approval under the

Forest (Conservation) Act, 1980 has not been granted. It is not the case made out by the Applicant that stage 2 approval has been granted as of today.

3. Unless stage 2 approval is granted, no relief can be granted in this Notice of Motion and accordingly, the Notice of Motion is dismissed.

4. We grant liberty to the Applicant to file a fresh Notice of Motion, after grant of stage 2 approval.

(RIYAZ I. CHAGLA J.)

(A.S. OKA, J)