

Urmila Ingale

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO. 446 OF 2018
IN
PUBLIC INTEREST LITIGATION NO. 87 OF 2006

Mumbai Railway Vikas Corporation .. Applicant

In the matter between

The Bombay Environment Action Group and anr. .. Petitioners
Vs.

The State of Maharashtra and ors. .. Respondents

Mr.Jai Chhabria I/b M.V.Jayakar & Co., for the Petitioners.

Ms.Kiran Baghalia, for Applicant.

Ms.Geeta Shastri, Addl. GP for State.

Mr.S.S.Pakale a/w Mr.H.C.Pimple, for MCGM.

Mr.Rui Rodrigues a/w Mr.M.R.Prajapati & Mr.Y.R.Mishra, for
Union of India.

Ms.Jaya Bagwe I/b Mr.S.Deshmukh, for Respondent No.3.

**CORAM : NARESH H. PATIL, CHIEF JUSTICE &
M.S.KARNIK, J.**

DATE : 21st NOVEMBER, 2018

P.C. :

. The Applicant prays for the following reliefs in the
Notice of Motion filed on 11/10/2018.

“(a) The Hon'ble Court be pleased to grant leave to the Applicant, Mumbai Railway Vikas Corporation Ministry of Railways for carrying out construction of 5th & 6th lines between Thane and Diva Station of Central Railway in the area of about 0.38 hectare land at Village Mumbra by removal of about 37 Mangroves in accordance with the permission in principle granted by the Ministry of Environment and Forest dated 28th August, 2018.

(b) For such other and further orders as the Hon'ble Court may deem just and necessary.”

2. In respect of this, judgment is delivered by Division Bench of this Court in Public Interest Litigation No. 87 of 2006 with Writ Petition No. 2741 of 2017 with Writ Petition No. 2208 of 2004 (Coram: A.S.Oka and Riyaz I. Chagla, JJ.) on 17/09/2018.

3. Learned Counsel appearing for the Petitioners and learned AGP both have placed on record copy of the order passed by the Division Bench of this Court (Coram: Naresh H.Patel, C.J. & G.S.Kulkarni, J.) dated 02/11/2018.

4. We have perused the said order.

5. In the facts, considering the grounds raised and the issues emerging out of Notice of Motion, we find it appropriate to observe that in case the Applicant desires, it may file a fresh Petition independently raising issues for consideration of this Court. As and when such a Petition is filed, the same would be considered on its own merits.

6. All issues on merits are kept open.

7. The Notice of Motion stands disposed of accordingly.

(M.S.KARNIK, J.)

(CHIEF JUSTICE)