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

**NOTICE OF MOTION NO.145 OF 2018 IN
PUBLIC INTEREST LITIGATION NO.87 OF 2006**

Thane Municipal Corporation, Thane

... Applicant

In the matter between

The Bombay Environmental Action Group and Anr.

... Petitioners

Vs.

The State of Maharashtra and Ors.

... Respondents

Mr. Zal Andhyarujina a/w Mr. Kunal Chheda I/by Mr. N.R. Bubna for the Applicant.

Ms. Vandana Mahadik for the Respondent – BMC.

Ms. Geeta Shastri, Additional Government Pleader for the Respondent – State.

Mr. Rui Rodrigues and Mr. N.R. Prajapati for the Respondent No.2 – UOI.

Ms. Jaya Bagwe I/by Ms. Sharmila Deshmukh for the Respondent No.3.

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

DATE : 25th JUNE 2018

P.C.

1 Heard the learned counsel appearing for the applicant which is the Municipal Corporation of City of Thane. We have heard the learned counsel appearing for the PIL petitioners and the learned counsel representing other parties. Prayer clause (b) is for grant of permission to the applicant to carry out diversion of 0.274 Hectares mangroves land for construction of a new creek bridge more particularly described in the affidavit in support.

2 Our attention is invited to environmental clearance granted by State Level Environmental Impact Assessment Authority (SEIAA) by communication dated 18th April 2016 subject to terms and conditions incorporated therein. Stage I clearance was granted by the Ministry of Environment, Forests and Climate Change by a communication dated 4th August 2017 which is already placed on record along with an affidavit in support of notice of motion. The applicant has tendered an additional affidavit to which is a copy of Stage II clearance issued on 5th June 2018 (wrongly typed on first page as 5th June 2017) by the Ministry of Environment Forest and Climate Change has been annexed.

3 In view of the aforesaid clearances and considering the fact that the applicant wants to carry out diversion of mangrove forest for construction of a bridge, a permission as prayed deserves to be granted by modifying the interim order.

4 Accordingly, the applicant is permitted to carry out diversion of 0.274 hectares of forest land more particularly described in clearance granted on 18th April 2016 by State Level Environment Impact Assessment Authority. The permission is granted subject to condition of the applicant strictly abiding by the conditions imposed in clearance dated 18th April 2016 as well as stage – I and stage – II clearance granted by the Government of India.

5 Notice of Motion is disposed of accordingly.

(RIYAZ I. CHAGLA, J)

(A.S. OKA, J)