

IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
BENCH AT AURANGABAD.

WRIT PETITION NO. 6939 OF 2018

Bajrang S/o. Bhausahab Limbore & Ors. Petitioners

Versus

The State of Maharashtra & Ors. Respondents

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Shri. B. L. Sagar - Killarikar, Advocate for the petitioners
Shri. P. S. Patil, AGP for respondent/State
Shri. Sanjeev B. Deshpande, ASGI for respondent No. 5
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**CORAM : S. V. GANGAPURWALA &
A. M. DHAVAL, JJ.**

DATE : 13TH MARCH, 2019

ORAL ORDER:

1. The petitioner basically seeks directions against the respondents to regulate the Fishing Right of Kahar Community by framing appropriate scheme as relates to Nath-Sagar, Jayakwadi, Tq.Paithan, Dist. Aurangabad. The activity of on-going agriculture and horticulture practices by local community along with dairies, dairy farming, aquaculture and fisheries is under regulated activities as prescribed under Notification dt. 12.07.2017. Sub-clauses (3) & (4) of Clause 6 of the said Notification read thus:

6(3) The activities that are covered in the Schedule to the notification of the Government of India in the erstwhile

Ministry of Environment and Forests number S.O. 1533 (E), dated the 14th September, 2006 and are falling in the Eco-sensitive Zone, except for the prohibited activities as specified in the Table under paragraph 4 thereof shall be scrutinized by the Monitoring Committee based on the actual site-specific conditions and referred to the Central Government in the Ministry of Environment, Forests and Climate Change for prior environmental clearances under the provisions of the said notification.

6(4) The activities that are not covered in the Schedule to the notification of the Government of India in the erstwhile Ministry of Environment and Forests number S.O. 1533 (E), dated the 14th September, 2006 and are falling in the Eco-sensitive Zone, except for the prohibited activities as specified in the Table under paragraph 4 thereof, shall be scrutinized by the Monitoring Committee based on the actual site-specific conditions and referred to the concerned Regulatory Authorities.

2. The petitioner seeks Fishing Right at Nathsagar, Jayakwadi, Tq. Paithan, Dist. Aurangabad, which even according to respondents is also a Birds Sanctuary.

3. As per sub-clause (3) & (4) of Clause 6 of the Notification, it is for the Monitoring Committee to consider the applications of the petitioners.

4. It is submitted that the petitioner has already approached the authority. The District Collector has, in para 10 of its affidavit-in-reply, averred that he is ready to conduct the meeting of the Monitoring Committee from time to time to frame comprehensive

policy to regulate the fishing activity as per the provisions of the Notification dt. 12.07.2017.

5. In fact, for enforcing the provisions of the Notification, the District Collector does not require the permission of the Court. The District Collector is the Chairman of the Monitoring Committee for Aurangabad district. The Monitoring Committee of which the District Collector is the Chairman shall conduct the meeting and consider sub-clause (3) and (4) of Clause 6 of the Notification dt. 12.07.2017 and shall take effective steps so also consider the application of the petitioners herein. The same shall be done expeditiously. It is almost one and half year the notification has been issued. The steps ought to have been taken by now. We expect the Monitoring Committee would take effective steps as observed supra within a period of two months.

6. The Writ Petition is accordingly disposed of. No costs.

[A. M. DHAVAL]
JUDGE

[S. V. GANGAPURWALA]
JUDGE