

IN THE HIGH COURT OF BOMBAY AT GOA***WRIT PETITION NO. 238 OF 2019***

Madhav Prabhu Konkar, Thr. His
POA, Damodar Madhav Konkar.,

... Petitioner

Versus

Union of India, Thr. Its Ministry
of Environment, Forest and Climate
Change, New Delhi and 2 ors.

... Respondents

Mr. D.J.Pangam, Advocate for the Petitioner.

Mr. Dattaprasad Lawande, Advocate General with Mr. Pradosh
Dangui, Government Advocate for respondent nos. 1 and 2.

Ms. Norma Alvares, Advocate for respondent no.3.

Coram : M.S. Sonak &
Prithviraj K. Chavan, JJ.

Date : 25th February 2019.

P.C. :

Heard Mr. D.J.Pangam, learned counsel for the petitioner, Mr.
D. Lawande learned Advocate General for respondent nos. 1 and 2
and Ms. Norma Alvares learned counsel for respondent no.3.

2. The operative portion of the order dated 24.08.2018 which is

challenged in the present petition reads thus:-

"13. In view of the above, we dispose of this application permitting the republication of the draft notification dated 27.02.2017 which is said to be expiring on 26.08.2018. The matter may thereafter be finalized at the earliest but positively within six months. The draft of the republished notification may be placed on the record of this Tribunal.

14. In view of the fact that any alteration in the draft notification dated 27.02.2017 may seriously affect the environment and especially in view of recent incidents in Kerala, we direct that no changes be made to reduce the area of Eco-Sensitive Zone in terms of notification dated 27.02.2017, without the same being considered by this Tribunal. As already directed vide order dated 25.09.2014 referred to in para 5 above, no environmental clearance be granted and no activity adversely impacting eco-sensitive areas be permitted in the area covered by draft notification dated 27.02.2017 till the matter is finalized."

3. From the aforesaid, it is quite clear that the direction is to republishing the draft notification dated 27.02.2017 without making any changes to reduce the area of the Eco-Sensitive Zone, without the same being considered by the National Green Tribunal (NGT). This means that what is permitted to be republished is only draft notification dated 27.02.2017, without reducing the area of the Eco-sensitive zone.

4. Mr. D.J.Pangam, learned counsel for the petitioners states that the draft notification has already been published on 03.10.2018. On perusal, we note that this draft notification itself states that any person interested in making any objections or suggestions on the proposal contained in the draft notification may forward the same in writing, for consideration of the Central Government within the period so specified to the Secretary, Ministry of Environment, Forest and Climate Change or the indicated email.

5. The petitioners, thus, have the liberty to make their objections or suggestions to the proposal contained in the draft notification. We have no doubt that the authority will take the same into consideration alongwith all objections or suggestion that may be received.

6. Ms. Alvares the learned counsel for respondent no. 3 states that even respondent no. 3 will file objections or make suggestions to the proposal contained in draft notification. We have no doubt that such objections or suggestions will be also considered by the appropriate authority.

7. Taking into consideration the position that the impugned order

has only permitted the publication of draft notification, in our opinion, there is no necessity to entertain the present petition, as both the petitioner as well as respondent no. 3 have opportunity to make their objections or give their suggestions to the draft notification. Since we are not entertaining this petition, we clarify that all contentions of all parties are kept open for consideration by appropriate authority.

8. With clarification and liberties as aforesaid, we dispose of this petition.

PRITHVIRAJ K. CHAVAN, J.

M.S. SONAK, J.

MF/-