

Varsha

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
PUBLIC INTEREST LITIGATION NO. 87 OF 2013**

Vanashakti Public Trust & Ors ...Petitioners
Versus
Union of India & Ors ...Respondents

**WITH
CHAMBER SUMMONS(L) NO. 148 OF 2018
IN
PUBLIC INTEREST LITIGATION NO. 87 OF 2013
WITH
NOTICE OF MOTION(L) NO. 219 OF 2018
IN
PUBLIC INTEREST LITIGATION NO. 87 OF 2013**

Mahendra Singh Thakur ... Applicant
In the matter between
Vanashakti Public Trust & Ors ...Petitioners
Versus
Union of India & Ors ...Respondents

**WITH
NOTICE OF MOTION(L) NO. 220 OF 2018
IN
PUBLIC INTEREST LITIGATION NO. 87 OF 2013**

Surekha Parsuram Patil ... Applicant

IN THE MATTER BETWEEN

Vanashakti Public Trust & Ors

...Petitioners

Versus

Union of India & Ors

...Respondents

WITH

NOTICE OF MOTION(L) NO. 221 OF 2018

IN

PUBLIC INTEREST LITIGATION NO. 87 OF 2013

Rakesh Sukhdev Kansule

... Applicant

In the matter between

Vanashakti Public Trust & Ors

...Petitioners

Versus

Union of India & Ors

...Respondents

WITH

NOTICE OF MOTION(L) NO. 222 OF 2018

IN

PUBLIC INTEREST LITIGATION NO. 87 OF 2013

Usha Subhash Mishra

... Applicant

IN THE MATTER BETWEEN

Vanashakti Public Trust & Ors

...Petitioners

Versus

Union of India & Ors

...Respondents

WITH

NOTICE OF MOTION(L) NO. 224 OF 2018

IN

PUBLIC INTEREST LITIGATION NO. 87 OF 2013

Shankar Sukhdev Kansule	... Applicant
<i>In the matter between</i>	
Vanashakti Public Trust & Ors	...Petitioners
<i>Versus</i>	
Union of India & Ors	...Respondents

WITH
NOTICE OF MOTION(L) NO. 273 OF 2018
IN
PUBLIC INTEREST LITIGATION NO. 87 OF 2013

Arunachalam Vishwanath Das	... Applicant
<i>In the matter between</i>	
Vanashakti Public Trust & Ors	...Petitioners
<i>Versus</i>	
Union of India & Ors	...Respondents

WITH
NOTICE OF MOTION(L) NO. 274 OF 2018
IN
PUBLIC INTEREST LITIGATION NO. 87 OF 2013

Nagesh Kausaya Naspuri	... Applicant
<i>In the matter between</i>	
Vanashakti Public Trust & Ors	...Petitioners
<i>Versus</i>	
Union of India & Ors	...Respondents

WITH
NOTICE OF MOTION(L) NO. 275 OF 2018
IN
PUBLIC INTEREST LITIGATION NO. 87 OF 2013

Parvati Ramchandra Nivate	... Applicant
<i>In the matter between</i>	
Vanashakti Public Trust & Ors	...Petitioners
<i>Versus</i>	
Union of India & Ors	...Respondents

WITH
NOTICE OF MOTION(L) NO. 276 OF 2018
IN
PUBLIC INTEREST LITIGATION NO. 87 OF 2013

Sunanda Dilip Ingole	... Applicant
<i>In the matter between</i>	
Vanashakti Public Trust & Ors	...Petitioners
<i>Versus</i>	
Union of India & Ors	...Respondents

WITH
NOTICE OF MOTION(L) NO. 277 OF 2018
IN
PUBLIC INTEREST LITIGATION NO. 87 OF 2013

Rekha Kailash Raut	... Applicant
<i>In the matter between</i>	
Vanashakti Public Trust & Ors	...Petitioners
<i>Versus</i>	
Union of India & Ors	...Respondents

WITH
NOTICE OF MOTION(L) NO. 278 OF 2018
IN

PUBLIC INTEREST LITIGATION NO. 87 OF 2013

Ranlakhn Budhiram Kahar	... Applicant
<i>In the matter between</i>	
Vanashakti Public Trust & Ors	...Petitioners
<i>Versus</i>	
Union of India & Ors	...Respondents

WITH

NOTICE OF MOTION(L) NO. 279 OF 2018

IN

PUBLIC INTEREST LITIGATION NO. 87 OF 2013

Asha Anand Raut	... Applicant
<i>In the matter between</i>	
Vanashakti Public Trust & Ors	...Petitioners
<i>Versus</i>	
Union of India & Ors	...Respondents

WITH

CONTEMPT PETITION NO. 01 OF 2015

IN

PUBLIC INTEREST LITIGATION NO. 87 OF 2013

Dayanand Stalin	...Petitioner
<i>Versus</i>	
Ashok Lavasa and Ors	...Respondents

WITH

CHAMBER SUMMONS(L) NO. 37 OF 2016

IN

PUBLIC INTEREST LITIGATION NO. 87 OF 2013

CIDCO ... Applicant
In the matter between
Vanashakti Public Trust & Ors ...Petitioners
Versus
Union of India & Ors ...Respondents

WITH
NOTICE OF MOTION(L) NO. 259 OF 2017
IN
PUBLIC INTEREST LITIGATION NO. 87 OF 2013

Mira Bhayander Municipal Corporation ... Applicant
In the matter between
Vanashakti Public Trust & Ors ...Petitioners
Versus
Union of India & Ors ...Respondents

WITH
NOTICE OF MOTION(L) NO. 140 OF 2017
IN
PUBLIC INTEREST LITIGATION NO. 87 OF 2013

JNPT ... Applicant
In the matter between
Vanashakti Public Trust & Ors ...Petitioners
Versus
Union of India & Ors ...Respondents

WITH
NOTICE OF MOTION(L) NO. 151 OF 2017
IN

PUBLIC INTEREST LITIGATION NO. 87 OF 2013

Karma Developers	... Applicant
<i>In the matter between</i>	
Vanashakti Public Trust & Ors	...Petitioners
<i>Versus</i>	
Union of India & Ors	...Respondents

WITH

CHAMBER SUMMONS NO. 194 OF 2019

IN

PUBLIC INTEREST LITIGATION NO. 87 OF 2013

Prakash Dataram Bhandari	... Applicant
<i>In the matter between</i>	
Vanashakti Public Trust & Ors	...Petitioners
<i>Versus</i>	
Union of India & Ors	...Respondents

WITH

NOTICE OF MOTION(L) NO. 344 OF 2018

IN

PUBLIC INTEREST LITIGATION NO. 87 OF 2013

Vanashakti	... Applicant
<i>In the matter between</i>	
Vanashakti Public Trust & Ors	...Petitioners
<i>Versus</i>	
Union of India & Ors	...Respondents

WITH

NOTICE OF MOTION(L) NO. 740 OF 2015

IN

PUBLIC INTEREST LITIGATION NO. 87 OF 2013

Narendra Krishna Mhatre	... Applicant
<i>In the matter between</i>	
Vanashakti Public Trust & Ors	...Petitioners
<i>Versus</i>	
Union of India & Ors	...Respondents

WITH

INTERIM APPLICATION(L) NO. 22449 OF 2022

IN

PUBLIC INTEREST LITIGATION NO. 87 OF 2013

Vanashakti Public Trust & Ors	...Applicants
<i>Versus</i>	
Stalin Dayanand &Ors	...Respondents

WITH

CONTEMPT PETITION(L) NO. 2 OF 2018

IN

PUBLIC INTEREST LITIGATION NO. 87 OF 2013

Brijesh Haushilaprasad Sharma & Ors	...Petitioners
<i>Versus</i>	
The State of Maharashtra & Ors	... Respondents

Mr Zaman Ali, *for the Appellant in PIL/87/2013 & PIL/106/2021.*
Ms Jaya Bagwe, *for the Respondent No.10 (MPCB)*
Mr PP Kakade, GP, *with MM Pable, AGP, for the Respondent-State*
in PIL/106/2021.
Mrs Jyoti Chavan, *AGP for State in PIL/87/2013.*

Mr YR Mishra, *with Dashrath Dubey with Upendra, for the Respondent-Union of India in PIL/87/2013.*
Ms Swati Sagnekar, *for Vasai -Virar City Municipal Corporation.*
Mr Milan Bhise, *with Amit Bhawe for Respondent No.11 in PIL/87/2013.*
Mr. G S Hegde, *with Pinky Bhansali, for CIDCO in PIL/106/2021 & in PIL/87/2013.*
Mr Darshit Jain, *i/b Divya D Jain, for Applicant in IA/783/2020.*
Mr Rajesh S Datar, *for the Applicant in NMWL/151/2017.*
Dr Milind Sathe, Senior Advocate *with Saket More, Rubin Vakil, Amey Nabar, Ketan Dave & Swati Jain, i/b AS Dayal & Associate, for Respondent No.9 in PIL No. 106/2021.*
Mr Parag Vyas, *with Karuna Yadav, i/b AA Ansari, for Respondent No.11, Union of India in PIL/106/2021.*

**CORAM: G.S. Patel &
Gauri Godse, JJ.**
DATED: 25th July 2022

PC:-

1. Public Interest Litigation No. 87 of 2013 is specially assigned to this Court. It is filed by Vanashakti Public Trust and Others. This is an NGO that works to protect forest, wetlands, etc.
2. In this PIL, there are several Interim Applications of one kind or another as also some Contempt Petitions. Not all of these need to be kept pending. Some have been disposed of but the records have not been updated.
3. Mr Zaman Ali, learned Advocate for the Petitioner tenders a list of the matters in PIL No. 87 of 2013. We take this on record and mark as 'Z-1' for identification with today's date.

4. We will now take up these matters one by one.

CONTEMPT PETITION NO. 01 OF 2015:

5. This is a Contempt Petition filed by Vanashakti. The subject matter may be covered by later Interim Application. There is no need to have two Petitions or Interim Applications covering the same subject matter.

6. Contempt Petition No.1 of 2015 is disposed of as infructuous.

CHAMBER SUMMONS (L)NO. 148 OF 2018:

7. This is a Contempt Petition filed by one Mahendra Singh Thakur, seeking impleadment. The Applicant is represented by an Advocate. The allegations seems to be that some local politicians and Corporators have prepared some documents in respect of some property to which the applicant lays claim and which he says he holds on ownership basis. Apart from the fact that none appears for the Applicant, intervention and impleadment at the instance of a private entity to pursue a private dispute is inappropriate in this PIL.

8. The Applicant is at liberty to adopt appropriate proceedings.

9. All contentions are left open.

10. The Chamber Summons is dismissed with these observations.

NOTICE OF MOTION (L)NO. 219 OF 2018:

11. This is a Motion filed by same Mahendra Singh Thakur. It is based on same set of allegations and, therefore, must receive the same order.

12. Notice of Motion is dismissed in similar terms.

NOTICE OF MOTION (L) NO. 220 OF 2018:

13. The Applicant is one Surekha Parshuram Patil. The case is that the Petitioner is in possession of certain premises, said to be on private land. The Applicant complains that some Municipal Respondents are threatening this possession. This has nothing to do with the subject matter of the PIL. The Applicant may pursue the remedy independently.

14. All contentions are kept open.

15. The Notice of Motion is dismissed.

NOTICE OF MOTION (L) NO. 221 OF 2018:

16. The Applicant is one Rakesh Sukhdev Kansule. This is identical to the previous Notice of Motion except for the description of the premises of the Applicant, Surekha Parshuram Patil.

17. For the same reasons, it is also dismissed with the same remedy.

NOTICE OF MOTION (L) NO. 222 OF 2018:

18. This Notice of Motion, too, is virtually identical to the Motion filed by Surekha Parshuram Patil.

19. It is dismissed for the same reasons.

NOTICE OF MOTION (L) NO. 224 OF 2018:

20. Notice of Motion (L) No. 224 of 2018 is filed by Shankar Sukhdev Kansule. It is also identical to the Motion filed by Surekha Parshuram Patil and is dismissed in the same terms.

NOTICE OF MOTION (L) NO. 273 OF 2018: (filed by Arunachalam Vishwanath Das); NOTICE OF MOTION (L) NO. 274 OF 2018: (filed by one Nagesh Kausaya Naspuri); NOTICE OF MOTION (L) NO. 275 OF 2018: (filed by one Parvati Ramchandra Nivate); NOTICE OF MOTION(L) NO. 276 OF 2018: (filed by one Sunanda Dilip Ingole):

21. These Motions by Das, Naspuri, Nivate, Ingole, Rauts and Kahar are all applications seeking protection of structures from demolition. They are directed against eviction notices of 2017 issued by District Collector, MSD. That notice makes no reference to the present PIL. These Motions are, therefore, misconceived. They

cannot be filed in this PIL. Each of the Applicants are at liberty to adopt appropriate proceedings. The Notices of Motion are all dismissed.

NOTICE OF MOTION(L) NO. 277 OF 2018: (filed by one Rekha Kailash Raut); NOTICE OF MOTION(L) NO. 278 OF 2018: (filed by one Ranlakhyan Budhbir Kahar); NOTICE OF MOTION(L) NO. 279 OF 2018: (filed by one Asha Anand Raut):

22. These three Motions by Rekha Raut, Kahar and Asha Raut have not been served. But they are of a class similar to the previous ones and are dismissed on the same terms.

CONTEMPT PETITION (L) NO. 2 OF 2018:

23. This is filed by four residents of Mira Road and Bhayander complaining that Seven Eleven Constructions Pvt. Ltd and Seven Eleven Hotels Pvt. Ltd have carried out illegal constructions on Survey No. 265/2, 4, 266/1 and 267/2, at village Navghar within the jurisdiction of the Mira Bhayander Municipal Corporation and are therefore in Contempt of Orders of this Court. It is difficult to see how persons who are not the Petitioners can maintain such a Contempt Petition. This is especially so, since the parent proceedings is a PIL.

24. The Contempt Petitioner claims to have moved in the public interest. If the Petitioners have a grievance, they are at liberty to file their own PIL.

25. The Contempt Petition is dismissed.

CHAMBER SUMMON (L) NO. 37 OF 2016:

26. This Chamber Summons has been allowed on 29th January 2016. It does not survive.

NOTICE OF MOTION NO. 259 OF 2017:

27. This is a Motion we propose to hear because the Mira Bhyander Municipal Corporation seeks quashing of an order passed by the Sub-Divisional Officer, Thane (“**SDO**”). He directed the removal unauthorised construction carried out by Municipal Corporation itself in wetlands at various places. This seems to us prima facie to be an extraordinary situation where a SDO says there is unauthorised activity on wetland and that this is being done by the Municipal Corporation itself, the very body that is supposed to hold such lands in public trust. Then the Municipal Corporation approaches the PIL Court seeking quashing of the order of SDO, a functionary of the State Government. As we said: extraordinary.

28. List on 25th August 2022 at 2.30 pm.

NOTICE OF MOTION(L) NO. 140 OF 2017:

29. This is a motion by the Jawaharlal Nehru Port Trust (“JNPT”) seeking permission to carry out reclamation and development works on certain Survey Nos. in Uran Taluka in Raigad District. Apparently, the SDO, Panvel has said that these lands, Survey Nos. 155 & 158A, are wetlands. JNPT is said to have unlawfully changed the land use and has been directed to restore the degraded wetlands. The Motion will have to be heard on the next date.

30. List on 25th August 2022 at 2.30 pm.

NOTICE OF MOTION(L) NO. 151 OF 2017:

31. This Notice of Motion has been unconditionally withdrawn on 6th December 2021.

CHAMBER SUMMONS NO. 194 OF 2017:

32. This Chamber Summons has not been served. That itself is a reason to dismiss it.

33. The Chamber Summons is dismissed.

CHAMBER SUMMONS NO. 194 OF 2017:

34. The Applicant, Prakash Dattaram Bhandari, seeks intervention on the basis that the Applicant need urgent relief. What that urgent relief is has not been stated anywhere. This is apart from the fact that the Chamber summons has not been served in all this time. It was filed in July 2019, so even the pandemic cannot be an excuse.

35. The Chamber Summons is dismissed.

NOTICE OF MOTION NO. 344 OF 2019:

36. This Notice of Motion is filed by the Petitioners and will have to be heard.

37. List on 25th August 2022 at 2.30 pm.

NOTICE OF MOTION (L)NO. 740 OF 2015:

38. The Applicant is the partner of a developer firm. He seeks leave to carry on construction on the new Survey No. 348/1A, piece of land 158.07 sq. mtrs in Taluka Vasai. These lands have been declared as wetlands by the learned Additional Commission, Konkan Division.

39. List on 25th August 2022 at 2.30 pm.

40. The Registry and the Associate are directed to update CIS. Update the CIS records accordingly, so that the matters that have

been disposed of either earlier or today are shown as such. Papers in the disposed of matters are not to be circulated.

41. The only pending matters are Sr Nos. 17, 18, 21 and 22 from the chart marked Z-1. All these will be listed on 25th August 2022 at 2.30 pm.

42. We are told that the Petitioners have filed a fresh Interim Application (L) No. 23449 of 2022 said to consolidate many of the reliefs earlier sought. The service of the new Interim Application is to be completed. So far copies have been sent only by email. Hard copies will need to be served.

INTERIM APPLICATION (L) NO. 23449 OF 2022:

43. Affidavits in Reply are to be filed and served by 22nd August 2022.

44. List this matter on 25th August 2022 at 2.30 pm along with other matters.

(Gauri Godse, J)

(G. S. Patel, J)