

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Writ Petition No.4549 of 2009

Mrs. Kirti Atul Nipankar and others
Versus
State of Maharashtra and others

Office Notes, Memoranda of Coram,
appearances, Court's orders or directions Court's or Judge's orders
and Registrar's order

Shri Anand Parchure, Advocate for Petitioners.

Smt. Ketki S. Joshi, Government Pleader, with
Shri D.P. Thakre, Additional Government Pleader for
Respondent Nos.1, 4 and 5.

Shri Santoksing Sokhi, Advocate, holding for
Shri U.M. Aurangabadkar, ASGI, for Respondent Nos.2 and 3.

Shri K.V. Deshmukh, Advocate for Respondent Nos.14 to 18.

Shri S. Sanyal, Advocate for Intervener.

Shri Praveen Srivastav, Principal Chief Conservator of Forests
and Member-Secretary, Maharashtra State Biodiversity
Board, Nagpur.

**CORAM : SUNIL B. SHUKRE &
ANIL L. PANSARE, JJ.**

DATE : 6th JANUARY, 2022

1. Heard.
2. Since the plan of action has already been submitted,
we do not find it necessary to pass any specific order on Civil
Application No.56 of 2022 filed by the State for extension of

time to submit the plan of action.

3. We have perused the plan. It is seen that this plan does not take into consideration the need of setting up of Research Laboratory, which, according to us, is necessary if any plan made for conservation of Lonar Crater Lake is to be comprehensive. In fact, in some of the orders passed by this Court in the past, this Court had emphasized the need for setting up of Research Laboratory and this is also the opinion of several Experts, who have given their reports and input to this Court from time to time.

4. Today, Shri Praveen Srivastav, Principal Chief Conservator of Forests and Member-Secretary, Maharashtra State Biodiversity Board, Nagpur, is personally present before this Court and he has also given some important and valuable input to this Court. According to him, a comprehensive plan is required to be prepared in such a manner as would restore and preserve the original ecology of Lonar Crater Lake and if that is to be done, it would be necessary that accordingly study and analysis of various reports of the Experts is to be made and steps necessary for implementing the suggestions given by these Experts can also be included in the plan which is to be prepared. Except for the deficiency regarding setting up of Research Laboratory, the plan so submitted before us is satisfactory and it answers almost all the concerns expressed so far about the future of Lonar Crater Lake.

5. At this stage, Shri Sanyal, the learned counsel, who is also assisting this Court, points out that on one side of Lonar Crater Lake, there is a slum area and the inhabitants of the slum have now been provided with alternate accommodation

when tenements were constructed under “Gharkul Scheme”, but these slum dwellers have still not shifted to the alternate accommodation made available to them.

Shri Parchure, the learned counsel for the petitioner, submits that this issue was discussed in the meeting of the Committee, but, it was pointed out by the officers of the Municipal Council, Lonar, that the slum dwellers are adamant and saying that unless and until bigger tenements are provided to them, they would not shift to the alternate accommodation, as their families are bigger. If this is so, we do not think that it would be right on the part of the Municipal Council, Lonar, to not take any coercive action against the slum dwellers. If the alternate accommodation has been made available to the slum dwellers, the slum dwellers, who are basically encroachers on the public land, cannot refuse to accept the alternate accommodation on the specious ground that the accommodation is not suitable for a bigger family.

6. In these circumstances, we are constrained to direct the Municipal Council, Lonar, to take immediate steps for removal of the slums and for rehabilitation of the slum dwellers at the alternate site within six weeks from the date of the order. We also direct the Chief Officer, Municipal Council, Lonar, to submit his compliance report to this Court.

7. Shri Praveen Srivastav, Principal Chief Conservator of Forests and Member-Secretary, Maharashtra State Biodiversity Board, Nagpur, has also pointed out that there is a Wetland Authority established under the Wetlands (Conservation and Management) Rules, 2017, whose duties and functions are to identify the eligible water bodies as wetlands and notify them so and once the Lonar Crater Lake

is notified as wetland, all necessary regulations will follow and that could go a long way in the efforts being made for preservation and conservation and also sustainable management of the Lonar Crater Lake.

8. We direct the Committee to consider the suggestions so given by Shri Shrivastav and move the concerned Authority for notification of the Lonar Crater Lake as wetland, if it has not been notified so as yet. We request the Committee to take into consideration the suggestions given by the Bio-diversity Board through its Chairman or Member-Secretary regarding making of a plan for conservation and preservation of the Lonar Crater Lake. We also request that the Member-Secretary of the Bio-diversity Board, Nagpur, may be invited in the next meeting as a Consultee Expert.

9. We, therefore, direct the Committee to modify the plan on the lines suggested by this Court and after incorporating the suggestions given hereinabove and also the suggestions given by the Principal Chief Conservator of Forests and Member-Secretary, Maharashtra State Bio-diversity Board, Nagpur, send the same to the State Government for its approval. The whole exercise of modification of the plan, its submission to the State Government and sanction being accorded by the State Government shall be completed within a period of four months from the date of the order.

10. We also direct that after receipt of the approval from the State Government, the implementation of the plan shall be started within two weeks from the date of receipt of the

sanction from the State Government and its implementation shall be completed, insofar as various works proposed thereunder are concerned, within a period stipulated in the plan.

11. With these directions, we are of the view that the first phase of efforts taken for preservation and conservation of the Lonar Crater Lake is over. Now the efforts would enter the second phase after approval is accorded by the State Government. Therefore and accordingly, **this petition is disposed of** and for the next phase of the efforts, we say that suo motu cognizance of the same is taken by us and accordingly we direct the Registry to prepare a fresh petition regarding the implementation of the plan and such further directions as may be necessary in the matter.

12. Shri Sanyal, the learned counsel, is appointed as Amicus Curiae in the fresh petition which would be prepared and placed before this Court by the Registry.

13. We place on record our appreciation deservingly due to Shri Anand Parchure, the learned counsel for the petitioners; the original petitioners themselves; Shri C.S. Kaptan, learned Senior Advocate; Smt. Ketki Joshi, the learned Government Pleader; Shri D.P. Thakre, the learned Additional Government Pleader, Shri Sanyal, the learned counsel for the intervener; all the officials of the Government, including of the Forests Department; and all others who have been directly or indirectly associated with this petition, for their invaluable

assistance rendered in the cause of environment and public interest.

JUDGE

JUDGE

Lanjewar