

PRACHI
PRANESH
NANDIWADEKAR

Digitally signed by
PRACHI
PRANESH
NANDIWADEKAR
Date: 2024.04.18
15:37:17 +0530

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

WRIT PETITION NO.5448 OF 2024

City and Industrial Development
Corporation of Maharashtra Ltd.,
CIDCO Bhavan, C.B.D. Belapur,
Navi Mumbai - 400 0614.

.. Petitioner

Versus

1. The State of Maharashtra
Through the office of Government Pleader,
High Court, Mumbai.
 2. The Union of India through the
Ministry of Environment and Forests (MOEF)
Parayanvaran Bhavan,
CGO Complex Lodi Estates,
New Delhi – 110 003.
 3. The Coastal Zone Management Authority
Having its office at Kalpataru Point,
Sion Circle, Sion (E),
Mumbai – 400 022.
 4. Chief Conservator of Forest (Wildlife)
Secretary of State Level Steering Committee
for Management of Mangroves & Coral refers
having his office at Dr.B.R. Ambedkar Bhavan,
MECL, Seminary Hills, Civil Lines,
Nagpur – 440 001.
- .. Respondents

Mr.G.S. Hegde, Senior Advocate i/by Ms.Pinky M. Bhansali for the
petitioner-CIDCO.
Mr.N.C. Walimbe, Addl. G.P. a/w Ms. Tanu M. Bhatia, AGP for
respondent no.1-State.
Ms.Sakshee P. Chavan for respondent no.2-UOI.
Ms.Jaya Bagwe for respondent no.3-MCZMA.

***CORAM : A.S. CHANDURKAR &
JITENDRA JAIN, JJ.***

DATE : 17th April 2024

judgment (Per Jitendra Jain, J.) :-

. Rule. Mr.Walimbe, learned Additional Government Pleader waives service of notice for respondent no.1-State. Ms.Chavan, learned counsel waives service of notice for respondent no.2-UOI and Ms.Bagwe, learned counsel waives service of notice for respondent no.3-MCZMA. By consent of the parties, the petition is heard finally.

2. By this petition under Article 226 of the Constitution of India, the petitioner seeks permission of this Court to construct compound wall at Sector-10A, Airoli, Navi Mumbai pursuant to the directions passed in PIL No.87 of 2006.

3. The petitioner is a Government Company and is appointed as development authority for Navi Mumbai under Section 113 of the Maharashtra Regional Town Planning Act, 1966.

4. The petitioner proposes, in view of its duty to carry out plan for development of the Navi Mumbai City, to construct 200 mm compound wall at Sector-10A, Navi Mumbai. The object of such

construction is to protect the site from illegal dumping and encroachment. The petitioner also apprehends that due to its proximity to the Thane creek, there would be encroachment leading to CRZ violation and to avoid dumping on mangroves which are in immediate vicinity of boundary of this site it is proposed to demarcate the entire sector by constructing the said compound wall along peripheral boundary of the plot. The permission is being sought because the compound wall falls within Buffer zone.

5. The petitioner has stated in paragraph 8 of the petition that there would be no mangrove cutting for the said project and during the course of the construction, they would take utmost care to ensure that there would be no damage to mangrove.

6. The petitioner made an application to respondent no.3-Maharashtra Coastal Zone Management Authority (MCZMA) seeking CRZ clearance for the said project by giving various details. On 18th May 2023, respondent no.3-MCZMA in its meeting deliberated on the proposal of the petitioner and recommended the same to State Level Environment Impact Assessment Authority (SEIAA) subject to the conditions specified therein. In the said meeting of the MCZMA, it is

mentioned that since the project is of less than 20,000 sqm. of built up area, permission from respondent no.2-MOEF & CC would not be required.

7. On 26th September 2023, SEIAA granted permission to the petitioner for the aforesaid project and agreed to CRZ clearance subject to specific and general conditions specified therein. SEIAA had discussed the said project in its 264th meeting held on 8th and 9th August 2023 along with other proposals. In the said meeting, in-principal approval was granted.

8. In our view, the project as stated above is in the public interest and since there would be no destruction of mangrove and further there is no objection of any of the respondents, we deem fit to grant permission to construct compound wall subject to an undertaking being given by the responsible Officer of the petitioner that the terms and conditions specified in the permissions granted which are referred to hereinabove would be strictly complied with. The said undertaking is to be filed within a period of four weeks from the date of uploading the order. The present permission would be effective from the date of filing such an undertaking.

9. The writ petition is allowed in terms of prayer clause (a)

which reads thus :-

“a. That this Hon’ble Court be pleased to permit the Petitioners to construct 200 mm thick block masonry Compound wall at Sector-10A, Airoli, Navi Mumbai in accordance with the permission granted by MCZMA and SEIAA.”

10. Rule is made absolute in aforesaid terms. No order as to costs.

JITENDRA JAIN, J.

A.S. CHANDURKAR, J.