

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

WRIT PETITION NO.74 OF 2024

Maharashtra Maritime Board, Mumbai	]	.. Petitioner
<i>Versus</i>		
1. Union of India,	]	
Through Ministry of Environment, Forest	]	
& Climate Change, Mumbai.	]	
2. Maharashtra Coastal Zone Management	]	
Authority, Mumbai.	]	
3. State of Maharashtra,	]	
Through the Environment Department	]	
4. Chief Conservator of Forest	]	
(Mangrove Cell), Mumbai.	]	
5. State Level Environment Impact	]	
Assessment Authority, Mumbai.	]	
6. Bombay Environment Action Group, Mumbai	]	.. Respondents

Mr. Saket Mone, with Ms. Anchita Nair and Mr. Devansh Shah, i/by Vidhii Partners, for the Petitioner.

Mr. Devang Vyas, ASG, with Mr. D.P. Singh, for Respondent No.1-UOI.

Ms. Jaya Bagwe for Respondent No.2-MCZMA and for Respondent No.5-SLEIAA.

Mr. P.P. Kakade, Govt. Pleader, with Ms. Kavita N. Solunke, AGP, for Respondent No.3-State.

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

DATE : 4TH JANUARY, 2024.

ORAL JUDGMENT : { Per A.S. Chandurkar, J. }

1. RULE. Rule made returnable forthwith and heard learned counsel for the parties.

2. By the present writ petition, the petitioner seeks leave to undertake the work pertaining to coastal protection under the Maharashtra

Sustainable Climate Resilient Coastal Protection and Management Investment Programme at Devbaug, Taluka Malvan, District Sindhudurg. In view of the directions issued by this Court in O.O.C.J. Public Interest Litigation No.87 of 2006 (*Bombay Environmental Action Group and Anr. Vs. The State of Maharashtra and Ors.*), along with connected matters, vide Judgment dated 17th September 2018 and especially paragraph 83(viii) thereof, leave of the Court has been sought.

3. The learned counsel for the petitioner submits that all requisite approvals from the competent Authorities have been obtained. The project in question is for public benefit and also in public interest. It is submitted that in its 162nd meeting held on 7th December 2022, the respondent no.2-MCZMA has recommended the proposal for being considered by the respondent no.5-SEIAA. He has also referred to the Minutes of the meeting held on 10th March 2023 by the SEIAA, Mumbai. After due deliberations, the said Authority resolved to grant CRZ Clearance subject to conditions stipulated by the MCZMA.

4. The aforesaid factual aspects are not disputed by the learned counsel appearing for the respondents.

5. It is thus seen from the record that after obtaining due approval of respondent nos.2 and 5, the petitioner intends to undertake the work of the project which pertains to coastal protection. The object of the project is to slow down the process of erosion at Devbaug beach which is in larger public interest. Since it is indicated that all relevant approvals have been obtained and the learned counsel for the respondents do not contend otherwise, we are inclined to grant necessary approval in terms of paragraph 83(viii) of the O.O.C.J. Public Interest Litigation No.87 of 2006.

Accordingly, the writ petition is allowed in terms of prayer clause (A), which reads as under :-

“(A).This Hon’ble Court be pleased to issue a Writ of Mandamus or any other appropriate writ or order or direction in the nature of mandamus under Article 226 of the Constitution of India, thereby directing the Respondent Authorities to permit the Petitioner to carry out the work of its proposed project, viz. Coastal Protection work under the Maharashtra Sustainable Climate Resilient Coastal Protection and Management Investment Program at Devbaug, Taluka Malvan, District Sindhudurg’, by granting leave as contemplated in paragraph 83(viii) of the Judgment and Order dated 17th September 2018 in PIL No.87 of 2006.”

6. Rule is disposed of in the aforesaid terms with no order as to costs.

[JITENDRA JAIN, J.]

[A.S. CHANDURKAR, J.]