

Sumedh

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 6113 OF 2024

Shakeel Kasam Solkar

...Petitioner

Versus

State of Maharashtra & Ors

...Respondents

Mr Pramod Kathane, *for the Petitioner.*

Ms SS Bhende, AGP, *for Respondents Nos. 1 to 5-State.*

**CORAM M.S. Sonak &
 Kamal Khata, JJ.**

DATED: 31st July 2024

PC:-

1. Heard Mr Kathane for the Petitioner and Ms Bhende, learned AGP for Respondents Nos. 1 to 5.
2. Issue notices to Respondents Nos. 6 to 12 returnable on 14th August 2024. The notices to indicate that this Petition will be disposed of finally at the admission stage.
3. From the record we find that the Tehsildar vide notice dated 11/01/2024 has directed Respondents Nos. 9 to 12 to stop the construction of the Survey No. 61, Hissa No. 18, Village Manche, Taluka Deogad, District Sindhudurg because such construction falls within 24 meters from Manche Creek and consequently, as affected by the CRZ notification.

4. Similarly, the Gram Panchayat of Manche by notice dated 04/01/2024 has also directed the 9th Respondent to stop the construction until further orders.

5. The Petitioner complains that despite the above two orders, the Respondents Nos. 9 to 12 are continuing with an RCC construction in the area affected by the CRZ notification.

6. Accordingly, we restrain Respondents Nos. 9 to 12 from proceeding with the construction. The 5th Respondent and 8th Respondent should enforce their stop work orders, if necessary, by taking police protection. Concerned police officials should render all assistance to ensure that Respondents Nos. 9 to 12 do not proceed with the construction because CRZ area is highly eco-sensitive area.

7. Leave is granted to amend the cause title regards 8th Respondent. Amendment to be carried out forthwith. Reverification is dispensed with.

8. The Petitioner to take steps to serve the remaining Respondents and file an affidavit of service by the next date.

9. All concerned to act on authenticated copy of this order.

(Kamal Khata, J)

(M.S. Sonak, J)