

IN THE HONOURABLE NATIONAL GREEN
TRIBUNAL PUNE BENCH, AT PUNE

(Under Sections 14 and 15 r/ w section 18 of the National Green
Tribunal Act, 2010)

ORIGINAL APPLICATION NO. 2 OF 2023

IN THE MATTER OF

1.. SUNIL S. MULYE & Anr... Applicants

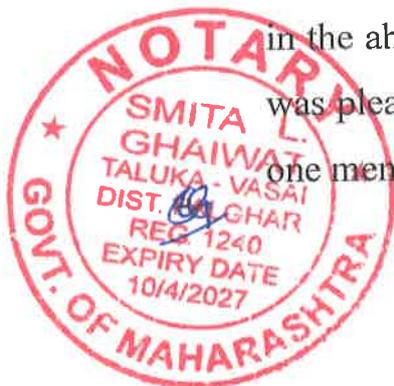
Versus

1.. UNION OF INDIA, Through the Secretary Ministry of
Environment & Forests (MoEF) & Ors....Respondents

I, SUNIL S. MULYE, the Applicant no. 1 above named,
Age 45 years, occupation business, resident of 103, Jiten
Apartments, Nav Yug Nagar, Diwanman, Taluka Vasai, Dist.
Palghar, do hereby solemnly declare and state on solemn
affirmation as under:

1. In the above matter, the Respondent No. 4, Maharashtra
Pollution Control Board, Thane, filed affidavit dated
16.05.2023 and Director of Environment & Climate Change
Department, Government of India (Member Secretary of the
Respondent No. 1) filed an affidavit dated 17.07.2023. In
this context, I beg to file affidavit cum rejoinder to the said
reply as under:

2. I repeat and reiterate the contents of the Petition. I say that
in the above matter, on 18.05.2023, this Honourable Court
was pleased to constitute a Joint Committee comprising of
one member each of



A handwritten signature in blue ink, appearing to be 'Sunil S. Mulye', written over the text of the affidavit.

- (1) Member/ Secretary, State Wet Lands Authority,
- (2) Member/ Secretary, Maharashtra Coastal Zone Management Authority (MCZMA),
- (3) The District Collector, Palghar,
- (4) Chief Engineer, Education Department,
- (5) Commissioner, Vasai Virar Municipal Corporation.

MCZMA will be a nodal agency of the Committee. This Honourable Tribunal was pleased to give directions to the Committee to visit the spot, after giving notice to the applicants and the terms of reference was also mentioned. The Guidelines of the Wet Lands as per the Wet Lands Certification and Management Rules, 2017 to be followed. The report of the Committee was to be submitted by the MCZMA (Nodal Agency) to this Honourable Tribunal. In this context, I respectfully submit that I am not in a position to get the copy of the report submitted before this Honourable Tribunal. I pray this Honourable Court to furnish the copy of the report and may be further pleased to allow me to file my affidavit to the supplementary affidavit, if required. I submit that at the time of inspection I was personally present and I have furnished relevant information which I was having and referred in the Petition.

3. I say that I have taken photographs of the site on 20.07.2023 at 1.23 PM. The aforesaid photograph shows the condition of the land in question, which is surrounded by water and practically the said property is submerged in water. I say that the aforesaid news items were also published in the local newspapers also. I crave leave to refer to and rely



upon the newspaper cutting when produced. The photograph of the site, taken on 20.07.2023 is annexed hereto and marked as Exhibit "A". The position of the said property will speak for itself. I respectfully submit that in accordance with the guidelines, the said property falls within the definition of Wet Lands. I say that the affidavit of the Respondent No. 4, Maharashtra Pollution Control Board, Thane, is a cryptic affidavit and in terms, mentioned that no permission is issued by the Respondent No. 4, Maharashtra Pollution Control Board, Thane, and further it was pointed out that Maharashtra Pollution Control Board is not the Competent Authority to issue permission for burial ground. It was further contended that the Board is not necessary party.

4. I say that the Respondent No. 3, on behalf of the Respondent No. 1, filed affidavit, and also mentioned that the Committee visited the site. On the basis of records, furnished by Vasai Virar Municipal Corporation, it is contended that the plot under reference falls in Extended Proposal (EP 103) and reserved for burial ground with public amenities as per Urban Development Notification dated 09.02.2002 and sanctioned in 2012. It is further mentioned that VVMC relied upon CRZ Notification, 2011, approved by MoES and CC, New Delhi, and it was mentioned that the site under reference is situated outside the CRZ area. The VVMC submitted the extract of the said approved CZMP Plan showing the size.



5. I say that the Respondent No. 3 also submitted that Vasai Virar Municipal Corporation should obtain the necessary permission from the Government and issued a letter dated 18.07.2019 to VVMC. The said letter dated 18.07.2019 is annexed as Exhibit "B" to the said affidavit. In this context, the orders passed by this Honourable Tribunal on 10.04.2017, 08.05.2017, 24.10.2017, 20.11.2017, 18.12.2017, 22.12.2017, 10.01.2018, 15.03.2018, 05.04.2018, 19.04.2018, 02.05.2018 and affidavit of the Commissioner of VVMC dated 26.04.2018 has not at all been considered. I submit that no such permission is issued by the State Government, and relevant documents show that the property is a wet land and no permission for burial ground be granted.
6. I say that on 01.11.2022, I have addressed letter to the Commissioner, VVMC, inter alia, referring to the Wet Lands Map prepared by Government of Maharashtra and also orders passed by the Honourable High Court dated 14.10.2013, 19.03.2014 and 15.01.2020. The copy of the orders dated 14.10.2013, 19.03.2014 and 15.01.2020 are annexed hereto and marked as Exhibit "C". "D" and "E" respectively. The copy of the Wet Land map is annexed hereto and marked as Exhibit "F". The order passed by the Honourable High Court dated 15.01.2020 refers to various orders and also observed that the Honourable High Court directed the Additional Commissioner and Collector to prepare brief documents of Wet Land area within 15 days time, failing which they will be solely responsible for delay.



On 24.12.2019, all the concerned officers of Konkan Division, District Collector office remained present before the Honourable High Court. So far as Raigad and Palghar District were prepared, directions were to prepare brief documents within 15 days from the date of the order (Para 7 of the order). The matter was adjourned to 29.01.2020.

7. Urban Development department, Government of Maharashtra, published Government Gazette dated 18.12.2013, published in Maharashtra Government Gazette Part I dated 02.01.2019. By the said circular, pursuant to orders of the Honourable High Court, State Government directed that no Municipal Corporation, Municipal Council, Nagar Panchayat, Zilla Parishad or Planning Authority shall permit, reclamation of land and any kind of construction, which have been identified as Wet Land areas in Wet Land Atlas prepared by the government without permission of the Honourable High Court. Hereto annexed and marked as **Exhibit "G"** is the copy of the Government Gazette dated 18.12.2013.
8. I say that the Respondents willfully flouted (a) the orders of the Honourable High Court as well as this Honourable Court, (b) directions of State Government and (c) orders of this Honourable Court and guidelines for implementation of Wet Land Rules, 2017.
9. I therefore pray that my Petition be allowed and drastic actions be taken against the concerned persons.



Solemnly affirmed at Mumbai

Dated this _____ day of August 2023

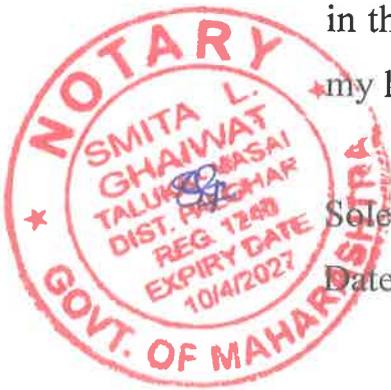
Advocate for Applicants

Applicant No. 1



VERIFICATION

I, SUNIL S. MULYE, the Applicant no. 1 above named, Age 45 years, occupation business, resident of 103, Jiten Apartments, Nav Yug Nagar, Diwanman, Taluka Vasai, Dist. Palghar, do hereby solemnly declare and state that what is stated in the foregoing paragraphs of this affidavit is true to the best of my knowledge and belief and I believe the same to be true.

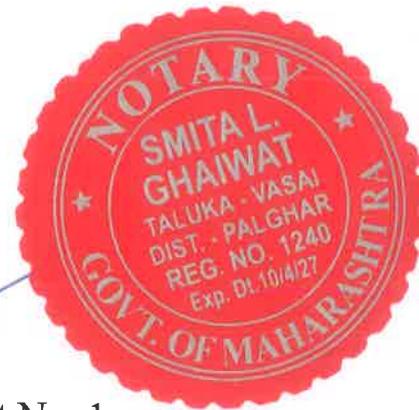


Solemnly declared at Mumbai

Dated this _____ day of August 2023

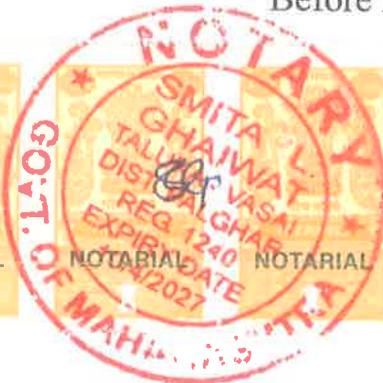
Interpreted by me

Advocate for Applicants



Applicant No. 1

Before me



I, the deponent appeared before me and voluntarily affirmed and signed / acknowledged the signature/s in my presence at Vasai and has been identified to me from aadhar card / by one Bipin Joshi Adv. Bipin Joshi personally know to me. The Notarial Act was registered at Serial No. 370 on Date 24th of August 2023 At Vasai

SERIAL NO. 370
DATE 24/08/2023

Sworned and examined before me on 24/08/2023

Smita L. Ghaiwat
SMITA L. GHAIWAT
ADVOCATE & NOTARY
Ambedkar Chowk, Varchi Alley,
Gokhivare, Vasai (East),
Tal. Vasai, Dist. Palghar-401208



IN THE HONOURABLE
NATIONAL GREEN
TRIBUNAL PUNE BENCH, AT
PUNE

ORIGINAL APPLICATION NO.
2 OF 2023

IN THE MATTER OF

1.. SUNIL S. MULYE & Anr....
Applicants

Versus

1.. UNION OF INDIA & Ors....
Respondents



AFFIDAVIT OF APPLICANT
NO. 1

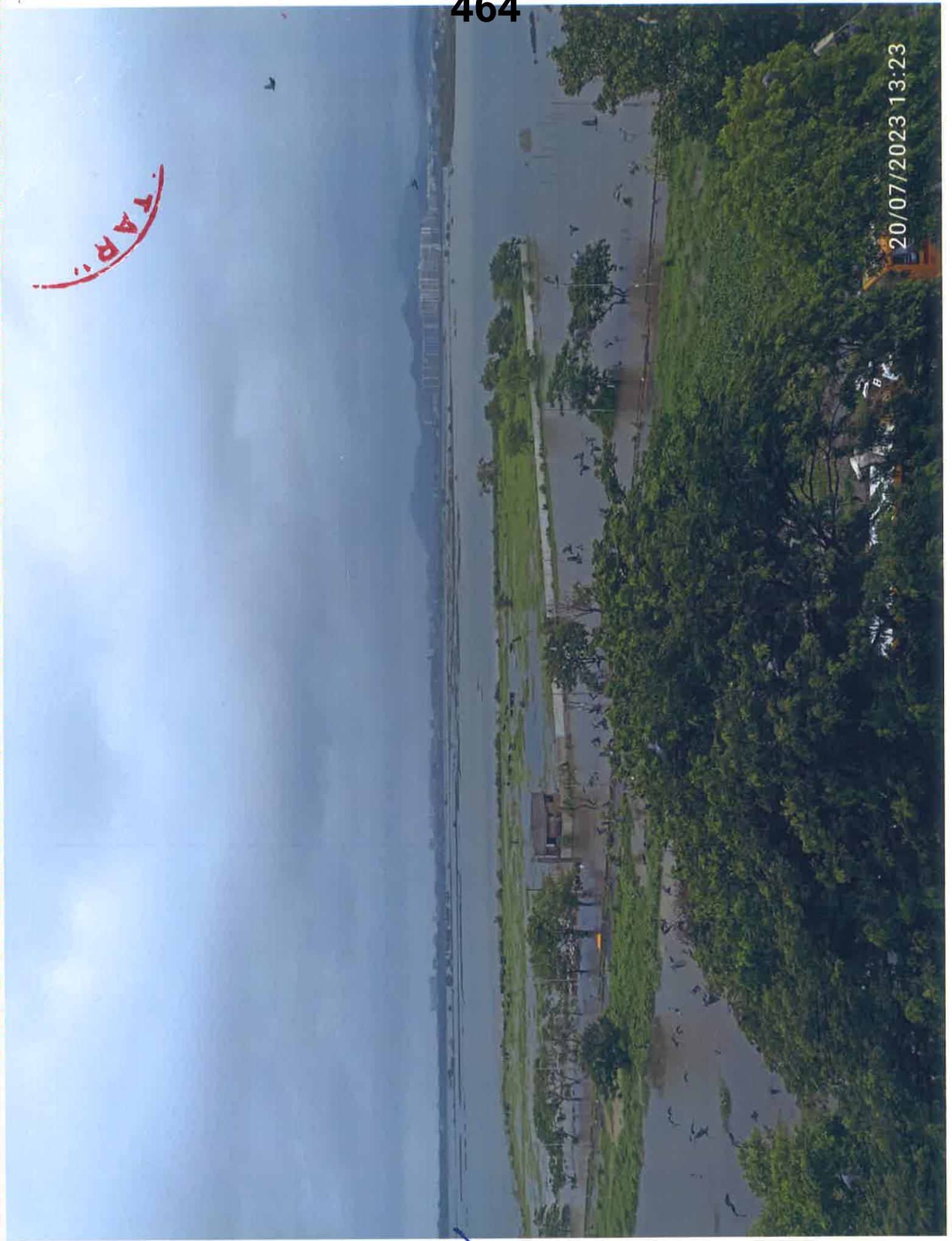
Mumbai, dated _____ day of
August 2023

BIPIN JOSHI,
Advocate for Applicants
1 & 2, Riddhi Siddhi Apartments,
Tilak Road, Ghatkopar (East),
Mumbai – 400 077.

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100 Ft Sun City



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17/7/23
ANNEXURE - B
468
MAHARASHTRA COASTAL ZONE MANAGEMENT AUTHORITY

Tel. No. : 2202 9388

e-mail : dir1.mev-mh@nic.in

No. CRZ 2017/CR 339/ TC 4

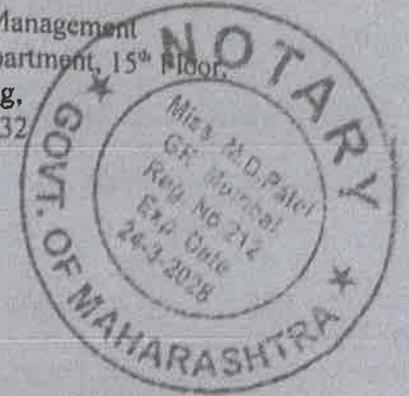
Office of the -

Maharashtra Coastal Zone Management
Authority, Environment Department, 15th Floor,

New Administrative Building,

Mantralaya, Mumbai- 400 032

Date: 18th July, 2019



City Engineer,

Vasai - Virar Municipal Corporation,

Opp. Virar Police Station, Bazaar ward,

Virar (E) - 401305

Subject: Proposed development of burial ground on land bearing S. No. 176, 177 at village Diwanman, Tal. Vasai, Dist. Palghar by Vasai Virar Municipal Corporation (VVMC)

The Maharashtra Coastal Zone Management Authority in its 134th meeting held on 24th May, 2019 deliberated the proposal for development of burial ground on land bearing S. No. 176, 177 at village Diwanman, Tal. Vasai, Dist. Palghar.

2. The MCZMA noted that the VVMC intends to develop a land parcel for public amenities like Burial & Cremation ground with allied works like sheds, store room, Water storage tanks, Security cabin toilet blocks and compound wall at village Diwanman, Tal. Vasai, Dist. Palghar. The project admeasuring about 11 Acres on survey no. 176 & 177 of village Diwanman, Tal. Vasai, Dist. Palghar is under the possession and ownership of Vasai Virar Municipal Corporation. The plot under reference falls in Extended proposal (EP 103) and reserved for burial ground as public amenities as per the Urban Development Department Notification dated 9th Feb, 2007 and sanctioned in 2012.

3. The Officials of the VVMC presented that as per the CZMP under CRZ Notification, 2011 approved by the MoEF&CC, New Delhi, the site under reference is situated outside CRZ area. The officials submitted the extract of the said approved CZMP showing the site. It was further presented that Government of Maharashtra approval is required since, the site is a salt pan land.

4. After deliberation, the Authority decided to confirm that site of proposed burial ground on land bearing S. No. 176, 177 at village Diwanman, Tal. Vasai, Dist. Palghar is situated outside CRZ area, as per the CZMP of Palghar approved under CRZ Notification, 2011 by the MoEF&CC, New Delhi. The Vasai Virar Municipal Corporation should obtain all other necessary permissions from Government.

(S. K. Nikam)

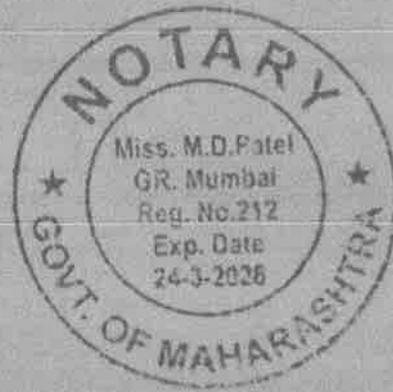
Director, Environment &
Member Secretary, MCZMA

Copy for information to:

1. PS (Environment) & Chairperson, (MCZMA), Environment Department, Room No. 217 (Annex), Mantralaya, Mumbai -32.
2. Director (IA-III), Coastal Zone Regulation, Government of India, Ministry of Environment, Forests & Climate Change, Indira Paryavaran Bhavan, Jor Bagh Road, New Delhi - 110 003.



3. Municipal Commissioner, Vasai - Virar Municipal Corporation, Opp. Virar Police Station, Bazaar ward, Virar (E) - 401305
4. District Collector, Thane, Collector Office, Court Naka, Thane West, Pin 400601
5. Select File-TC 4



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

Vanshakti & Ors. ...Petitioners
Vs.
Union of India,
through the Secretary MOEF &
Ors. ...Respondents

Ms.Gayatri Singh for Petitioners
Mr.D.A.Dubey for Respondent No.1
Mr.G.W. Mattos -AGP for Respondent No.2
Ms. Sharmila Deshmukh for Respondent No.3
Mr.N.R. Bubna for Respondent No.4

**CORAM : V. M. KANADE &
S.C. GUPTA, JJ.**

DATE : OCTOBER 14, 2013

P.C.

1. By order dated 16th September, 2013, we had directed the State Government to take a decision whether they propose to adopt the Wetland Atlas prepared by the Central Government, and whether they would like to prepare a brief document in respect of Wetland Atlas for the State of Maharashtra as envisaged under Rules 6(2) and 6(3) of the Wetland Rules, 2010. Unfortunately, the said direction does not appear to have been incorporated in our order dated 16th September, 2013. We, therefore, now direct the Secretary, Department of Environment and the Secretary of Forest Department, State of Maharashtra to take a decision whether they

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propose to adopt Wetland Atlas, prepared by the Central Government under the said Rules and whether they would like to prepare their own brief document in respect of Wetland Atlas for the State of Maharashtra. If the State of Maharashtra does not propose to adopt the Wetland Atlas prepared by the Central Government, the Secretary, Department of Environment and the Secretary of Forest Department, State of Maharashtra to inform this Court the time frame within which the said brief document shall be prepared for the State of Maharashtra.

2. In the meantime, however, we deem it fit and proper to give a direction, in respect of the areas which have been identified as Wetland Areas in the Wetland Atlas by the Central Government, that no reclamation of land and any kind of construction shall be permitted without leave of this Court. The Secretary, Urban Development Department, State of Maharashtra is directed to issue a circular, informing the direction given by this Court to all the Corporations and the Zilha Parishads. Stand over to 29th October, 2013.

Parties to act on the copy of this order duly authenticated by the Registry of this Court.

[S.C.GUPTA, J.]

[V. M. KANADE, J.]

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

Vanashakti Public Trust & Ors.

..Petitioners.

Vs.

Union of India & Ors.

..Respondents.

Mr. Abhisekh Jebraj i/b Mrs. Gayatri Singh for the petitioners.

Mr. D.A. Dubey with Mr. Y.R. Mishra for respondent No.1.

Mr.G.W. Mattos, A.G.P. for respondent Nos.2(i), (ii) (iii) & 8.

Ms. Sharmila Deshmukh for respondent No.3.

Mr. N.R. Bubna for respondent No.4.

**CORAM : V.M. KANADE AND
A.K. MENON, JJ.****DATED : 19TH MARCH, 2014****P.C. :**

1. Heard learned counsel appearing for the Petitioners, learned A.G.P. for the State and learned counsel appearing for the Respondents.

2. Pursuant to the directions given by this court the learned A.G.P. has submitted report in respect of certain areas. Perusal of the report indicates that there is rampant destruction of wetlands and land is reclaimed after systematic destruction of wetlands. We have seen photographs which are tendered by the petitioners which also clearly demonstrate that apart from destruction of wetlands, the land is

reclaimed and illegal reclamation is being carried out by certain persons. As of today, no permanent machinery is set up by the State Government for the purpose of stopping destruction of wetlands. We are, therefore, of the opinion that it would be necessary to impose total ban on destruction and reclamation of wetlands which are described in the Atlas prepared by the Central Government. Hereinafter no permission should be granted for destruction and reclamation of wetlands and prompt action including lodging of FIR/complaint be taken. This action should be taken by the Collector, who is authority in respect of entire Revenue District and also by the Regional Officers of State Pollution Control Board, who have been delegated powers under section 20, 21, 23 of the Water (Prevention and Control of Pollution) Act, 1974. The steps should also be taken by these authorities and they should submit report about the steps taken by them in respect of reclamation of wetlands as indicated in the report submitted by Chief Conservator of Forests, Mangrove Cell, Mumbai

2. Stand over to 16th April, 2014 at 3 pm.

3. The parties to act on copy of this order duly authenticated by the Registry of this court.

(A.K. MENON, J.)

(V.M. KANADE, J.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.303 OF 2018

M/s. Kale Entertainment and Resorts Pvt. Ltd. ... Petitioner

Versus

Union of India and others ... Respondents

ALONGWITH

PUBLIC INTEREST LITIGATION NO.87 OF 2013

Vanashakti Public Trust ... Petitioner

versus

Union of India and others ... Respondents

Mr. Subhash Abhyankar with Ms. Anu Karadharan, for Petitioner in WP No.303 of 2018.

Mr. Zaman Ali with Ms. Sheetal Alvarez, for Petitioner in PIL 87 of 2013.

Mr. N.R.Bubna, for Respondent No.1 in WP No.303 of 2018.

Mr. P.P.Kakade, Govt. Pleader, with Ms. M.P.Thakur, AgP, for State in WP No.303 of 2018.

Mr. G.W.Mattos, AGP, for Respondent in PIL 87 of 2013.

Ms. Swati Sagvekar, for Respondent Nos.3 and 4 in WP No.303 of 2018.

Ms. Sharmila Deshmukh, for Respondent No.10 in PIL 87 of 2013.

Mr. Milan Bhise with Mr. Amit Bhave, Mr. Vinod Sakpal, Mr. Akshay Kandarkar i/by

Mr. Rajesh Datar, for Applicant in NMS 151 of 2017.

Mr. Anil Diggikar, Principal Secretary, Environment Dept., present.

CORAM: S.J. KATHAWALLA &
B.P.COLABAWALLA, JJ.

DATE: 15th JANUARY, 2020

P.C.:

1. In May 2010, under the sponsorship of Central Government - Ministry of Environment, Forests and Climate Change, the Space Application Centre (SAC),

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Ahmedabad & Maharashtra Remote Sensing Application Centre (MRSAC), Nagpur prepared a **National Wetland Atlas for Maharashtra** for the following reasons :

“Utility-wise, wetlands directly and indirectly support millions of people in providing services such as food, fiber and raw materials. They play important roles in storm and flood control, in supply of clean water, alongwith other educational and recreational benefits. Despite these benefits, wetlands are the first target of human interference and are among the most threatened of all natural resources. Around 50% of the earth’s wetlands are estimated to already have disappeared worldwide over the last hundred years through conversion to industrial, agricultural and residential purposes. Even in current scenario, when the ecosystem services provided by wetlands are better understood - degradation and conversion of wetlands continues.

Aware of their importance, the Government of India has formulated several policies and plans for the conservation and preservation of these crucial ecosystems. Realising the need of an updated geospatial data base of these natural resources as the pre-requisite for management and conservation planning, National Wetland Inventory and Assessment (NWIA) project was formulated as a joint vision of Ministry of Environment & Forestry, Govt. of India, and Space Applications Centre (ISRO).” (emphasis supplied)

2. The National Wetlands Atlas for Maharashtra identifies a total of 46,460 Wetlands in the entire State of Maharashtra. A Chart showing district wise break-up of all Wetlands in Maharashtra as per the said Atlas is tendered in Court. The same is

taken on record and marked 'X' for identification.

3. On 14th October, 2013 this Court in Public Interest Litigation (PIL) No.87 of 2013 passed the following order :

"1. By order dated 16th September, 2013, we had directed the State Government to take a decision whether they propose to adopt the Wetland Atlas prepared by the Central Government and whether they would like to prepare a brief document in respect of Wetland Atlas for the State of Maharashtra as envisaged under Rules 6(2) and 6(3) of the Wetland Rules, 2020. Unfortunately, the said direction does not appear to have been incorporated in our order dated 16th September, 2013. We therefore, now direct the Secretary, Department of Environment and the Secretary of Forest Department, Government of Maharashtra to take a decision whether they propose to adopt Wetland Atlas, prepared by the Central Government under the said Rules and whether they would like to prepare their own brief document in respect of Wetland Atlas for the State of Maharashtra. If the State of Maharashtra does not propose to adopt the Wetland Atlas prepared by the Central Government, the Secretary, Department of Environment and the Secretary of Forest Department, State of Maharashtra to inform this Court the time frame within which the said brief document shall be prepared for the State of Maharashtra.

2. In the meantime, however, we deem it fit and proper to give a direction in respect of the areas which have been identified as Wetland Areas in the Wetland Atlas by the Central Government that no reclamation of land and any kind of construction shall be permitted without leave of this Court. The Secretary, Urban Development Department, Government of Maharashtra is directed to issue a circular

informing the direction given by this Court to all the Corporations and the Zilha Parishad. Stand over to 29th October, 2013”.

4. On 19th March, 2014 this Court in PIL No.87 of 2013 passed the following order :

“2. Pursuant to the directions given by this court the learned A.G.P. has submitted report in respect of certain areas. Perusal of the report indicates that there is rampant destruction of wetlands and land is reclaimed after systematic destruction of wetlands. We have seen photographs which are tendered by the petitioners which also clearly demonstrate that apart from destruction of wetlands, the land is reclaimed and illegal reclamation is being carried out by certain persons. As of today, no permanent machinery is set up by the State Government for the purpose of stopping destruction of wetlands. We are, therefore, of the opinion that it would be necessary to impose total ban on destruction and reclamation of wetlands which are described in the Atlas prepared by the Central Government. permission should be granted for destruction Hereinafter no and reclamation of wetlands and prompt action including lodging of FIR/complaint be taken. This action should be taken by the Collector, who is authority in respect of entire Revenue District and also by the Regional Officers of State Pollution Control Board, who have been delegated powers under section 20, 21, 23 of the Water (Prevention and Control of Pollution) Act, 1974. The steps should also be taken by these authorities and they should submit report about the steps taken by them in respect of reclamation of wetlands as indicated in the report submitted by Chief Conservator of Forests, Mangrove Cell, Mumbai.”

5. On 16th December, 2019 this Court in Writ Petition No.303 of 2018 passed the following order :

“1. By an order dated 14th October, 2013 passed by this Court in PIL No.87 of 2013, directions were given to the Department of Environment and Secretary to the Forest Department, State of Maharashtra to decide whether they propose to adopt the Wetland Atlas prepared by the Central Government under Rules 6(2) and 6(3) of the Wetland Rules, 2010 or whether they would like to prepare their own document in respect of the Wetland Atlas for the State of Maharashtra.

2. Mr. Sanjay Baliram Sandanshi, Scientist II Cum Under Secretary, has filed his Affidavit dated 12th December, 2019 setting out as follows :

“7. This Department vide GR dated 06.02.2018 has constituted Wetland Authority, under the Chairmanship of Hon'ble Minister of Environment. In view of the directions of the Hon'ble High Court, all District Collectors, are informed to prepare brief documents to submit before the wetland authority. On 27th August, 2019 Stat. Wetland Authority reviewed the progress of the preparation of brief documents in respect of wetlands in State. Accordingly, all District Collectors are instructed to prepare brief documents within 15 days.”

3. The said statements made in the Affidavit are of no assistance to the Court. No particulars are provided as to what exactly is done from 14th October, 2013. No detailed particulars of the steps taken from 6th February, 2018, i.e. the date of the GR, are provided. This is so because hardly any steps are taken in the matter, which conduct is strongly deprecated. The fact remains that the orders passed by the Court are not complied with by the State Government since a very

long time. The State Government is directed to prepare the brief document, if so interested, within a period of four weeks from today.

4. Stand over to 13th January, 2020, high on board.”

6. On 13th January, 2020 this Court after reproducing the order dated 16th December, 2018 interalia recorded in brief the contents of the Affidavit of Mr. Sanjay Baliram Sandanshiv, Scientist II Cum Under Secretary, in paragraph 2 of the order which is reproduced hereunder :

“2. Today, an Affidavit is filed by Shri. Sanjay Baliram Sandanshiv, Under Secretary, Environment Department, Government of Maharashtra, wherein he has stated as follows :-

(i) that pursuant to the directions of this Court dated 14th October, 2013, the Revenue and Forest Department constituted the Maharashtra State Wetland Committee chaired by the Chief Secretary vide GR dated 30th April, 2014 ;

(ii) that the Environment Department had instructed all District Collectors of 28 districts for preparation of brief documents vide letters dated 17th November 2015, 18th November 2015, 12th April 2016, 22nd July 2016, 11th August 2016, 3rd October 2016, 17th May 2018, 18th January 2019, 2nd May 2019, 17th May 2019 and 18th December 2019;

(iii) that the Environment Department constituted State Wetland Authority, Grievance Committee and Technical Committee vide G.R. dated 6th February, 2018 for scrutinizing the brief documents submitted by the concerned Districts ;

(iv) that on 19th December, 2019, the Environment Department brought to the notice of all Divisional Commissioners and District Collectors of the

State regarding directions given by this Court dated 16th December, 2019 and instructed them to submit brief documents of wetland area within 15 days time, failing which they will be solely responsible for the delay ;

(v) that again on 20th December, 2019, the Principal Secretary (Environment) vide D.O. letter instructed all Divisional Commissioners and all District Collectors to prepare brief documents of wetland area within 15 days time, failing which they will be solely responsible for the delay ;

(vi) that on 24th December, 2019 all concerned officers of the Konkan Division District Collector Offices remained present for further guidance and technical assistance for preparation of brief documents ;

(vii) that on 26th December, 2019 all Divisional Commissioners and all District Collectors were reminded for the preparation of brief documents of wetland in the light of this Court order dated 16th December, 2019 ;

(viii) that on 7th January 2020 all Divisional Commissioners and all District Collectors were requested by the Environment Department to send the progress report about the preparation of brief documents of wetland within two days in the light of the order dated 16th December, 2020 ;

(ix) that out of 36 Districts of State of Maharashtra, 2 Districts namely, Sindhudurg and Ratnagiri have completed brief documents and submitted online to Environment Department ;

(x) that in Parbhani and Nagpur, there are no wetlands.

(xi) that so far as Thane and Mumbai Suburban Districts are concerned, the work of wetland is already completed. However, due to some technical issues, the brief documents are not uploaded online.

(xii) that the Raigad and Palghar Districts shall prepare the brief documents within a period of 15 days ;

(xiii) that so far as balance 28 Districts are concerned, the District

Collectors are already informed to complete the process to prepare brief documents, failing which the concerned officer shall be solely responsible for the delay."

In the said order, this Court after recording that the Additional Commissioners and Collectors have failed to comply with the orders passed by this Court and also the directions/reminders given pursuant thereto by the Environment Department, including the Principal Secretary (Environment), directed the Principal Secretary (Environment) to appear before the court on 15th January, 2020 at 11.00 a.m., and inform the Court about the action taken / proposed to be taken against the Divisional Commissioners and District Collectors for not complying with the directions of this Court more so because in the communication addressed by him to the Divisional Commissioners and District Collectors, he had already warned them that if they fail to submit the brief documents within the prescribed time, they will be solely responsible for the delay.

7. Today, Mr. Anil Diggikar, the Principal Secretary (Environment) is present in Court. Mr. Diggikar has placed before the Court an order dated 14th January, 2020 issued by the Chief Secretary, Govt. of Maharashtra, to all the Collectors and Divisional Commissioners, directing them to forthwith prepare and submit the brief documents of wetlands as per the directions of the Court, failing which necessary action will be taken against them for evading the orders of this Court. The Collectors and Divisional Commissioners shall therefore prepare and submit the brief documents

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of wetland within a period of two weeks from today. A copy of this order shall be forthwith forwarded to all the Collectors and Divisional Commissioners.

8. Since the Under Secretary, Environment Department has tendered an Affidavit in Writ Petition No.303 of 2018 stating that in Parabhani, Nandurbar and Nagpur Districts, there are no wetlands, Mr. Zaman Ali, Advocate appearing for the Petitioner in PIL No.87 of 2013 referred to the district wise break up prepared by the Petitioner as per the National Wetland Atlas for Maharashtra and pointed out that :

(i) Nandurbar District has a total of 735 Wetlands (Item No.1, Chart at Annexure - A);

(ii) Nagpur District has a total of 1054 Wetlands (Item No.9, Chart at Annexure - A);

(iii) Parbhani District has a total of 276 Wetlands (Item No.17, Chart at Annexure - A);

Advocate Mr. Zaman Ali submitted that therefore, a stark difference is prima facie observed between the data submitted by the Under Secretary, Environment Department and the available scientific data on number of wetlands identified in Maharashtra by premier scientific agencies (SAC and MRSAC). He submitted that in view of the above, it is highly misleading and incorrect for the Under Secretary, Environment Department to submit on oath that there are no wetlands in Nandurbar, Nagpur and Parbhani Districts.

9. In view thereof, the Principal Secretary (Environment) who is present in Court, has agreed to look into the above grievance of the Petitioner and make his

SSP

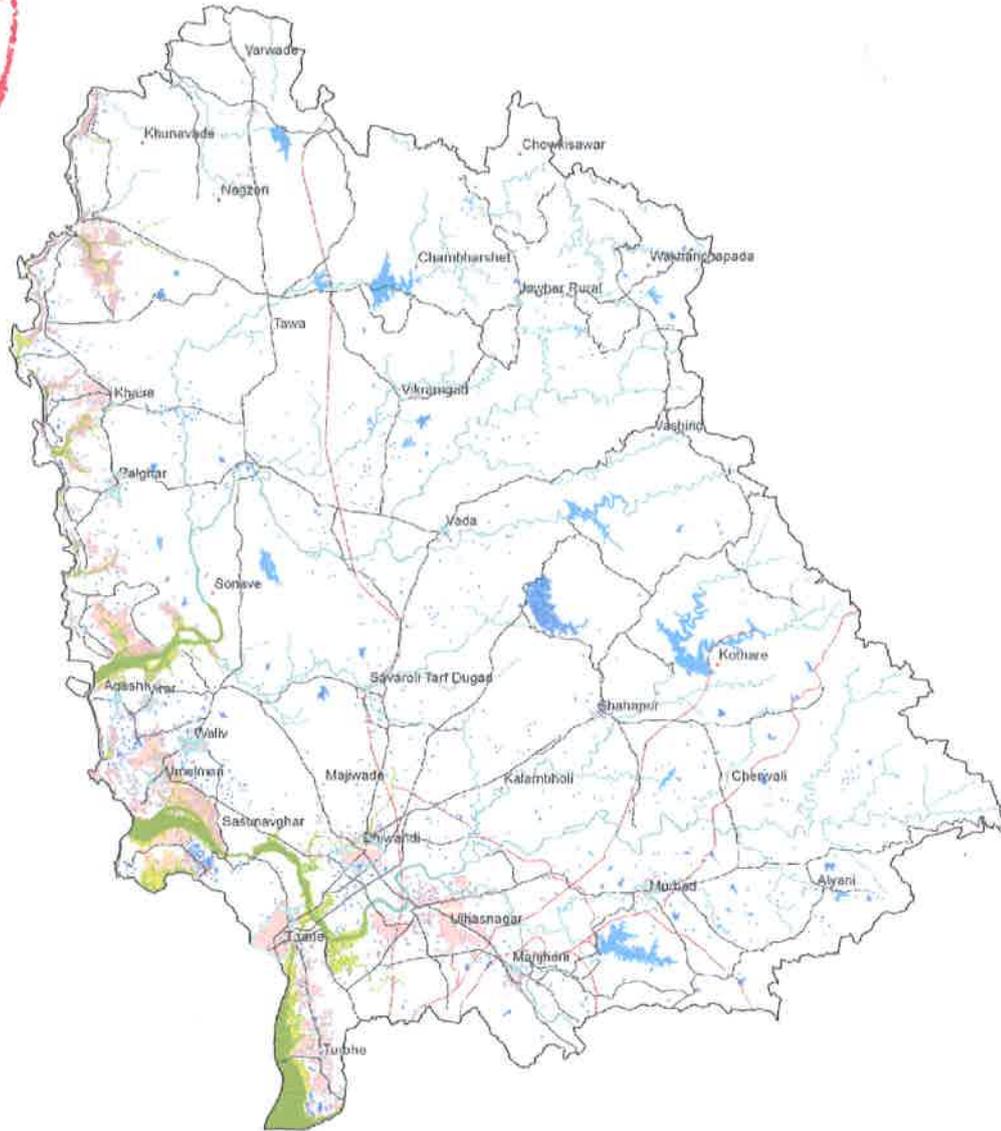
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submissions on the adjourned date. Also, copies of all brief documents prepared for all wetlands in the State of Maharashtra shall be supplied to the Petitioner so as to enable the Petitioner to verify whether brief documents of all wetlands as already identified under the National Wetlands Atlas – Maharashtra, are being prepared and in a proper manner.

10. Stand over to 29th January, 2020 first on board.

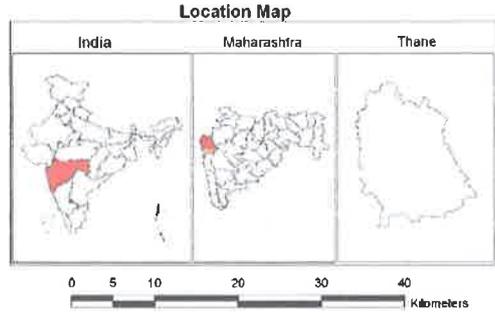
(B.P.COLABAWALLA, J.)

(S.J.KATHAWALLA, J.)



Symbol	Typecode	Level I	Level II	Level III
		Inland Wetlands		
			Natural	
	1101			Lakes/Ponds
	1102			Ox-bow lakes/ Cut-off meanders
	1103			High altitude wetlands
	1104			Reverine wetlands
	1105			Waterlogged
	1106			River/Stream
			Man-made	
	1201			Reservoirs/Barrages
	1202			Tanks/Ponds
	1203			Waterlogged
	1204			Salt pans
		Coastal Wetlands		
			Natural	
	2101			Lagoons
	2102			Creeks
	2103			Sand/Beach
	2104			Intertidal mud flats
	2105			Salt marsh
	2106			Mangroves
	2107			Coral reefs
			Man-made	
	2201			Salt pans
	2202			Aquaculture ponds

- Legend**
- Wetlands (<25 ha)
 - Settlements
 - Drainage (line)
 - Canal
 - Roads
 - Railways
 - Town/Settlements
 - District Boundary
 - State Boundary
 - International Boundary



Data Source
 IRS P6 LISS III data (Pre-monsoon and Post-monsoon Season 2006-07)

Prepared by
 Space Applications Centre (ISRO), Ahmedabad
 and
 Maharashtra Remote Sensing Applications Centre (MRSAC), Nagpur

Sponsored by
 Ministry of Environment and Forests
 Government of India

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National Wetland Atlas - Maharashtra

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URBAN DEVELOPMENT DEPARTMENT

Central Office, Mumbai 400 032,
dated the 18th December 2013

Order of Hon'ble High Court, Bombay,
dated 14th October 2013 in public
Interest Litigation No. 87 of 2013.

Order

MAHARASHTRA REGIONAL AND TOWN PLANNING
Act, 1966.

No. TPB.4313/1209/CR-194/2013/UD-11.-Vide
its order dated 14th October 2013 in PIL No. 87/
2013, the Hon'ble High Court, Bombay has
directed the Secretary of Forest Department and
the Secretary, Environment Deptt. State of
Maharashtra to take a decision on whether to
adopt the Wetland Atlas prepared by the Central
Government or prepare their own brief document
in respect of the Wetland Atlas under the Wetland
Rules, 2010. The Hon'ble High Court has also
directed the State Government to, meanwhile,
issue a Circular to all the Municipal Corporations
and Zilla Parishads directing them not to permit
reclamation of land and any kind of construction
in respect of the areas, which have been
indentified as Wetland Areas in the Watland
Atlas by the Central Government, without
permission of Hon'ble High Court.

In view of the above, the State Government
finds it expedient to issue necessary direction
under section 154(D) of the Maharashtra Regional
and Town Planning Act, 1966 to all the Planning
Authorities in the State as under :-

DIRECTION

No Municipal Corporation, Municipal Council,
Nagar Panchyat, Zilla Parishad or Planning
Authority shall permit reclamation of land and
any kind of construction in respect of the areas,
which have been indentified as Wetland Areas in
the Wetland Atlas prepared by the Central
Government, without permission of Hon'ble High
Court, Bombay.

SANJAY BANAIT,
Under Secretary to Government.

BY THE PRINCIPAL DISTRICT AND
SESSIONS JUDGE, SINDHUDURG

Office Order

No. Admn./2761/2013.— Smt. S. A. Kanshide,
Civil Judge (Junior Division) and Judicial
Magistrate, First Class, Kankavli is granted
earned leave for 3 days from 7th November 2013
to 9th November 2013. with enjoy prefix
holidays on 5th November 2013 and 6th November
2013 (Diwali holidays) and suffix holiday on
10th November 2013 (Sunday) and permission
to leave Headquarters from 5th November 2013
O.H. to 11th November 2013 B.O.H.

No *locum tenens* is necessary.

On return from leave Smt. S. A. Kanshide, is
reposted as Civil Judge (Junior Division) and
Judicial Magistrate, First Class, Kankavli.

Certified that, under note 2 below rule 39 of
Maharashtra Civil Services (Pay) Rules, 1981,
Smt. S. A. Kanshide, would have been
continued to an officiate as Civil Judge (Junior
Division) and Judicial Magistrate, First Class,
Kankavli had he not proceeded on leave as
above.

During the abovesaid leave period of
Smt. S. A. Kanshide, Civil Judge (Junior
Division) and Judicial Magistrate, First Class,
Kankavli the charge of the Court of Civil Judge
(Junior Division) and Judicial Magistrate,
First Class, Kankavli from 5th November 2013
O.H. to 11th November 2013 B.O.H. shall
remain with Shri K. K. Mane, Civil Judge
(Junior Division) and Judicial Magistrate,
First Class, Deogad.

The Civil Judge (Junior Division) and
Judicial Magistrate, First Class, Kankavli is
directed to hand over the charge of her Court
to the Civil Judge (Junior Division) and
Judicial Magistrate, First Class, Deogad.
The Civil Judge (Junior Division) and Judicial
Magistrate, First Class, Kankavli is also
directed to submit joining report to this office,
in view of provisions contained in para 571 of
Chapter XXX of Civil Manual.

Contents of this order be communicated to
the officers concerned.

S. K. KOTWAL,
Principal District and
Sessions Judge,
Sindhudurg
Sindhudurg,
dated 28th October 2013.

