

**BEFORE THE NATIONAL GREEN TRIBUNAL, WESTERN ZONE
BENCH, PUNE
APPLICATION NO. 122 OF 2015**

Samita Rajendra Patil & Anr.

... Applicants

Versus

Jindal Steel Works Ltd. & Ors.

... Respondents

**SECOND COMPILATION OF DOCUMENTS ON BEHALF OF RESPONDENT NOS. 1
AND 2**

Sr. No.	Date	Particulars	Page No.
1.	19.08.2014	Order in RCC No. 95 of 2012 before the Hon'ble Judicial Magistrate, First Class, Pen	1-20
2.	02.02.2019	Order in RCC No. 102 of 2016 before the Hon'ble Judicial Magistrate, First Class, Pen	21-31
3.	15.10.2019	Order in Writ Petition No. 1643 of 2019 before the Hon'ble Bombay High Court	32-33

Presented on : 03/10/2012.
Registered on : 03/10/2012.
Decided on : 19/08/2014.
Duration : 01/10/16.
yy/mm/dd.

Exhibit No. : 66.

IN THE COURT OF THE JUDICIAL MAGISTRATE,
FIRST CLASS, PEN,
AT : PEN.

Regular Criminal Case No.95/2012.
(Presided over by S.N.Patil)

The State of Maharashtra,)
Through Wadkhal, police station.) Prosecution.

Versus

1) Om Ramlal Pawar,)
Age - 60 years,)
R/o. 414, Raghunath Vihar, Sector)
No.14, Kharghar, Navi Mumbai.)
) Accused.
2) Arun Mahadeo Shirke,)
age - 42 years,)
R/o.Nagothane, Prabhu ali, Tal.Roha)
District-Raigad.)

Appearances :-

For the State : Learned A.P.P. Mr.C.S.Suslade.
For the accused No.1 : Learned Adv.Mr.V.D.Gawand.
For the accused No.2 : Learned Adv.Mr.R.H.Mhatre.

Offence punishable under sections
15(1) read with section 6(e) of the
Environment (Protection) Act,
1986 and section 4 of the
Maharashtra Felling of the
Trees (Regulation) Act,1964.

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- : JUDGMENT : -
(Delivered on : 19/08/2014)

1. The accused has been charged for the offences 15(1) read with section 6(e) of the Environment (Protection) Act, 1986 and section 4 of the Maharashtra Felling of Trees (Regulation) Act,1964.

2. Facts of the prosecution case in nutshell arise as under:

The accused are the responsible officers of the Ispat company situated at Dolvi. One Surendra Dhavale filed the complaint in the revenue department of the State, contending that said Ispat company has contravened the rules framed by the Central Government pertaining to the Environment (Protection) Act, 1986, by polluting the environment by its polluted sewage water and by other activities. On the basis of the said complaint, circle officer- Pradnya had a visit to the premises of Ispat company on 05/08/2011 and found that the mangroves were cut at some places and those were dumped by putting heaps of soil on it by the company. She also saw black sewage water of the company was being flown in the government Nala. The company constructed the wall adjacent to the creek, ignoring the high tide level of the creek. Circle officer Pradnya lodged report in view of these circumstances on 31/08/2011.

3. The investigation was initiated on the basis of the report of circle officer Pradnya. In the meanwhile, various revenue officers and the police visited the alleged spot on

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different dates and prepared the panchanamas, which were described with much similar circumstances, which were already noted by circle officer Pradnya. Ultimately, the investigating officer sought sanction from the District Collector, Raigad – Alibag and filed charge-sheet against the accused for the offence of 15(1) read with section 6(e) of the Environment (Protection) Act, 1986 and section 4 of the Maharashtra Felling of Trees (Regulation) Act, 1964, by holding that the accused are the only persons, who are responsible for contravening the rules framed in respect of the Environment (Protection) Act, 1986.

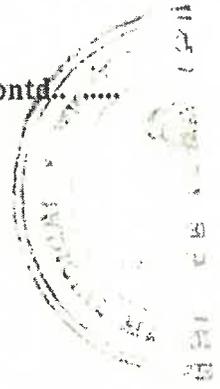
4. I have framed charge against the accused at Exh.18. Contents of charge are read over to the accused to which they have pleaded not guilty and claimed to be tried. The defence of the accused is of total denial.

5. Following points for determination do arise for my consideration and I have recorded my findings thereon for the reasons given below:

<u>Sr. No.</u>	<u>POINTS FOR DETERMINATION</u>	<u>FINDINGS</u>
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|----|---|--|
| 1) | Whether the prosecution prove that In the negative. on 31/08/2011, at about 20.10 hours or prior to some days before it, accused No.1 and 2, in furtherance of their common intention, within the limits of village Dolvi, in the premises of J.S.W. Ispat company, Tal.Pen, District-Raigad, contravened the provisions under section 6(e) of the Environment (Protection) Act, 1986 by constructing a compound wall 3000 meters in length, 0.350 | |
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meters in breadth and 3.00meter in height, in the land bearing survey Nos.31/0, 36/1, 36/2(A), 36/2(B), 48/1, 48/2, 50/(B)1, 50(B)2, 50(c)/1, 50(c)/2, 50(D)/1, 50(D)/2, 50(D)/3, 50(D)/4, 50(D)/5, 50(D)/6, 53/1(A), 53/1(B), 53/2 and construction of one temple of Kasu mata and toilet on land bearing survey No.48/1 and 48/2 and a bridge, within the distance of 50 meters from the highest level of high tide of a Dharamtar creek, without permission of land revenue department?

2) Whether the prosecution prove that ... In the negative. accused Nos.1 and 2 on the above said date, time and place, in furtherance of their common intention, widened the public road going towards Kasu Mata in a survey No.117/1, 117/2, 118/1 and 118/2 of a Dolvi village by putting heaps of a soil on a mangrove trees so as to cause it to be fell by damaging with the heaps of soil?

3) What order? As per final order.

- : REASONS :-

6. The prosecution has examined the panchas namely Vasudeo, Muralidhar, Ramesh and Janardan of the panchanamas which were prepared on different dates, as prosecution witness (for short P.W.) Nos.1 to 4 respectively vide Exh.Nos.22, 23, 25 and 27 respectively. The informant Pradnya has been examined as P.W.No.5 vide Exh.No.28. Subhash, who is the Talathi and

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-5- Jud in R.C.C.No.95/12, Exh.No. 66 contd..

Jagannath, who is the then circle officer and who were present at the time of panchanama, have been examined as P.W.No.6 and P.W.No.7 vide Exh.No.31 ad 33 respectively. The Nayab Tahasildar Bandhu, has been examined as P.W.No.8 vide Exh.No.38. The investigating officer P.I. Pradip has been examined as P.W.No.9 vide Exh.No.50. Roshan- the photographer, who took the photographs of the place of alleged construction, as P.W.No.10 vide Exh.No.63.

7. It is argued by the learned A.P.P. that all the revenue officers have consistently deposed for each point of pollution, caused by the company of which the accused were the responsible persons and the offences under both the Acts have been duly proved beyond reasonable doubt and prayed for conviction of the accused. On the other hand, the learned counsels for the accused have submitted that the evidence of each revenue officer and the investigating officer is inconsistent with the testimony of other revenue officers, for the facts and circumstances, which were noted during their visit to the spot. It is further argued that all the witnesses have pointed out the locations of alleged contravention of the rules framed under the Environment (Protection) Act, to which the company or the accused are unconcerned, as those locations are situated outside the compound wall of the company. Even, it is argued that the legality of launching of the prosecution against the accused itself is vitiated in view of provision under section 19 of the Environment (Protection) Act and section 4 of the offences punishable under section 15(1) read with section 6(e) of the Environment (Protection) Act, 1986 and section 4 of the Maharashtra Felling of Trees (Regulation) Act, 1964. The

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counsel for the accused have submitted that the prosecution has failed on the count of facts as well as law and the accused needs to be acquitted from the charges levelled against them.

AS TO POINT No.1 :-

8. P.W.No.5 – Pradnya is the then circle officer of the concerned revenue circle, who has deposed that she had visited the Ispat company alongwith the staff of revenue department on 05/08/2011 and found heaps of soil on the land of said company. She has further stated that soil was spread on the mangroves situated on the government land. The sewage black water of company was being flown in the government nala. She has also deposed that the company led heaps of soil, without permission of the government on the government land bearing No.117/1, 117/2, 118/1 and 118/2. She also found that the company had constructed the wall adjacent to the creek. She has deposed of preparation of panchanama on the said day, but she has not identified any such panchanama filed on the record. Even, none of the panchas of the alleged panchanama has been examined to prove said panchanama. Hence, the panchanama dt.05/08/2011 can not be said to have been proved in accordance with the provisions of law. But, the report vide Exh.No.29, is contended by P.W.No.5-Pradnya to be true and bearing her signature.

9. While cross-examination, she has admitted the fact that compound wall is constructed in the land of company. But, she added for the first time in the cross-examination itself that some portion of the said wall is on the government land. She has admitted without any hesitation that she did not narrate that some

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portion of the wall was found to be on the government land, while lodging the report vide Exh.No.29. She has not explained the area of the wall constructed on the government land. Nor, she told the concerned survey number of the government land nor explained as to the direction or side of the said wall on the government land. Therefore, her evidence in respect of the alleged encroachment by construction of wall is not at all admissible.

10. She has further admitted that temple of Kasu Mata and its access road is situated outside the compound wall of the company and the temple is of the villagers of village Jui Bapuji. Said road is used by the villagers of Jui Bapuji and company is not concerned with the said road. She has also accepted the position that the heaps of soil for the said road are outside the compound wall of the company. She has shown her lack of knowledge as to who had spread the soil on the mangroves and who led heaps of soil. She accepts the fact that the 7-12 extracts of those four lands do not bears any entry of presence of mangroves on those lands. She is unable to state the names of the trees on which the soil was spread. It is very strange reason given by P.W.No.5-Pradnya to lodge the delayed report that her senior officer did not decide as to who will lodge the report.

11. P.W.No.5-Pradnya herself has admitted that the heaps of soil on the land of company was found at the spot. The company being the owner of the land, it can enjoy the land as it wish. She spoke of damage to the mangroves situated on the government land by spreading of soil on it. But, for this fact, she

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-8- Jud in R.C.C.No.95/12, Exh.No. 66 contd..

is unable to state as to who had spread the soil on the mangroves or who had led heaps of soil. She has not specifically stated the survey number of the government land, on which the mangroves were found damaged or the soil was found spread. Nor, she has deposed of quantity, nor area of the soil found at the said spot. Even, she do not know the names of the said trees, which were found in a damaged condition. She admits that the revenue record do not bears any mention of presence of mangroves on those lands involved in the case. In this scenario, her evidence in respect of spreading of soil on the mangroves, goes in air to attract the offence against the accused or their company.

12. While considering the evidence¹ of P.W.No.5-Pradnya in respect of water pollution, it is pertinent to note that she has not stated the specific survey number of the land from which the government nala flows. The prosecution has not brought any report of the chemical analysis in respect of the alleged sewage black polluted water of the company. Hence, her evidence in respect of the water pollution seems very vague and inadmissible for the proof of allegation against the accused. She has accepted the fact that there is no direct evidence for the fact that the company or its employees itself have led soil on the government land. Therefore, the allegation narrated by P.W.No.5-Pradnya in this respect is of no help for the prosecution.¹ Over all analysis of the evidence of P.W.No.5-Pradnya, shows that whatever she has deposed in her examination-in-chief levelling various allegations against the accused, she herself has withdrawn those allegations, during the cross-examination by admitting very vital facts, which I have discussed in the aforesaid paragraphs.

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13. P.W.No.6-Subhash is a Talathi of Wadkhal village, who has deposed that he was alongwith P.W.No.5-Pradnya for the visit dt.05/08/2011. He has deposed that during the visit, he found that the company kept heaps of soil and wastage material of company was found on the government land bearing survey Nos.117/1, 117/2, 118/1, 118/2 and 190/1 A for the purpose of road. Due to those heaps of soil, some mangroves were dumped under the heaps and some were found in the cut condition. He further states that there is nala in those government lands and sewage black water of company was being flown in the said nala. He has deposed that compound wall of the company was being constructed adjacent to the creek, but in their land itself. The position in respect of the compound wall narrated by P.W.No.6-Subhash has contradicted the version of P.W.No.5-Pradnya, who has said that some portion of wall was on the government land. He has also contradicted the testimony of P.W.No.5-Pradnya, because he has not stated of preparation of any panchanama at the said spot on 05/08/2011.

14. During the cross-examination, he has admitted the fact that he did not see the persons, who put the heaps of soil and wastage material. He has admitted the fact that the road for Kasu Mata temple is situated on government land bearing survey No.117/1, 117/2, 118/1 and 118/2. Said road is used by devotees and not by company. He did not see the persons, who cut the mangroves and dumped in under the heaps of soil and admitted the fact that he is not expert to know the species of the trees. There is no mention of the trees in the 7-12 extract of those five

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government lands, when such is the procedure of revenue department to note the presence of trees in the 7-12 extracts. He admitted the omission in respect of involvement of survey No.190/1 A in his statement, which amounts to material contradiction. He has accepted the position that the temple as well as its access road is situated outside the compound wall of the company. Even, those four lands of the government situated outside the compound wall of the company.

15. He has not stated the exact survey number of the land of government, from where nala is flowing. In absence of report of a chemical analysis of alleged black sewage water, it can not be presumed that it is the polluted water. P.W.No.6-Subhash has accepted the necessity of compound wall for security of Ispat company, as thefts occurs frequently. Even, he has boldly admitted that the wall is being constructed in the land of the company itself and it is their right to enjoy their land as it wish. He did not see as to who actually was constructing said wall. Considering all aforesaid admissions, all the allegations set by P.W.No.6-Subhash in his examination-in-chief becomes value less and nothing remains in the testimony of P.W.No.6-Subhash, so as to bring home the guilt for the offence punishable under section 15 of the Environment (Protection) Act.

16. P.W.No.7-Jagannath is also a servant of the revenue department, who has stated of visiting the company on 13/11/2011 and stated that Ispat company has constructed wall on their land. Such testimony, seriously contradicts the version of P.W.No.5-Pradnya, who has stated that some portion of the wall

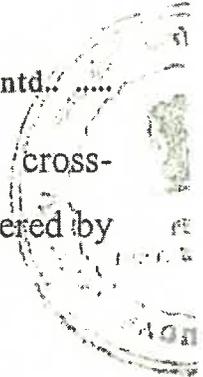
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was found on the government land. He further stated that he saw the construction of temple and one latrine on the land of the company. Such version is totally inconsistent with the evidence of P.W.No.5-Pradnya and P.W.No.6-Subhash, who have admitted that the temple is outside the wall of company and they never narrated anything in respect of construction of latrine.

17. It came in the evidence of P.W.No.7-Jagannath that the construction of one bridge on one nala situated at the said place as a border between Pen – Alibag Taluka was found. This is also a inconsistent piece of evidence, because P.W.No.5-Pradnya and P.W.No.6-Subhash has not stated anything about finding of construction of bridge on nala. P.W.No.7-Jagannath has not stated as to who had constructed said bridge on the nala, nor he has explained exact survey number of the concerned nala. He did not speak of sewage water of company was being flown in the nala, which is a gross contradiction with the evidence of P.W.No.5-Pradnya and P.W.No.6-Subhash, as they have stated in this respect. P.W.No.7-Jagannath has avoided to speak anything in respect of destruction of mangroves or trees. Though, he has deposed of preparation of panchanama dt.14/11/2011 vide Exh.No.34, but the same has not been proved by any credible panch witness of it. During the cross-examination, P.W.No.7-Jagannath has heavily came down for the credibility of his version, which was narrated by him in his examination-in-chief, as he has admitted the fact that the temple of Kasu Mata and its access road is situated outside the wall of Ispat company and he did not directly see as to who had constructed said wall, latrine and temple. P.W.No.7-Jagannath has contradicted himself,

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through the admissions given by him during his cross-examination. In fact, nothing incriminating could be gathered by the testimony of P.W.No.7-Jagannath.



18. P.W.No.8-Bandhu - Nayab Tahasildar has been examined for the position which was gathered by him during his visit alongwith the other revenue officers on 05/08/2011 and 04/11/2011. He has narrated that at the time of said visit, he found ongoing construction of the compound wall adjacent to the creek and wastage material of the company was lying there. Some of the mangroves were found dumped under the heaps of wastage material of the company. But, he did not clarify as to whose land it was, nor mentioned specific survey numbers of the lands or area of it or location of the lands, on which such activities were being carried. Presence of mangroves on any such land is not marked on any of the 7-12 extract of the land. Thus, the allegation of construction of compound wall or damage to the mangroves by heaps of soil, is deficient to incriminate the accused or the company.

19. Then, he speaks of the visit to the village Dolvi, where they found some trees on the bank of the nala were cut. His version in this respect seems very vague. Because, the location deposed by himself is of village Dolvi and he do not specifically speaks of existence of company premises around the said spot visited by them. He did not speak of specific survey number of nala. His evidence in respect of cut trees on the bank of nala is grossly inconsistent with all other revenue officers, as none of them have told of finding the cutting of trees on the bank

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of nala. He has further stated that one temple is adjacent to the Ispat company, which is near the creek and company kept heaps of soil around the premises of the said temple.

20. While cross-examination of P.W.No.8-Bandhu, he has accepted the existence of temple is outside the compound wall of the company. He admits the fact that he did not see the person, who kept wastage material on the mangroves and who cut the trees on the bank of the nala and who put the soil around the said temple. Such version of P.W.No.8-Bandhu is once again found to be inconsistent with other revenue officers as they have not stated that heaps of soil was kept around the temple. He has not disclosed the specific survey numbers of the lands on which such activity was carried out. Though, he has deposed of preparation of panchanama vide Exh.No.39 and 40 in his presence, but none of the panchas of those panchanamas has supported for the proof of it. It can be easily assessed from the evidence of P.W.No.8-Bandhu that the allegation whichever has been stated by him in his examination-in-chief are found baseless through the evidence, which has come in the examination-in-chief itself or through the admissions which came through the cross-examination. Thus, reliance can not be placed on the testimony of P.W.No.8-Bandhu for settling charge against the accused.

21. P.W.No.9-Pradip is the investigating officer, who initiated the investigation after lodging of the report by P.W.No.5-Pradnya on 31/08/2011. He has deposed that he visited the survey number 117/1, 117/2, 118/1 and 118/2 alongwith the revenue officers on 07/09/2011 in presence of the accused and

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found that the mangrove trees in a damaged condition. He saw the construction of a bridge on the nala. He found the construction of the compound wall within the limits of 50 meters from the boundary of the high tide of the ocean. He has stated that the construction of the toilet and bathroom as well as of temple at the said spot was seen. In respect of these circumstances, he prepared one panchanama vide Exh.No.55. P.W.No.1-Vasudeo – panch in this respect has turned hostile. P.W.No.5-Pradnya and P.W.No.6-Subhash has not deposed of visiting the spot on the said day, when P.W.No.9-Pradip speaks of the presence of P.W.No.5 and P.W.No.6 during the said visit. Such inconsistency in the evidence can not be ignored.

22. P.W.No.9-Pradip has again visited survey Nos.33, 34, 36, 50, 123, 51 and 52 of village Dolvi on 29/11/2011 in presence of panchas and found all those lands were surrounded by a compound wall of 3 meter high made up with stone, within the limits of 50 meters from the boundary of the high tide of the ocean, of which he prepared the panchanama vide Exh.No.26. Panch P.W.No.3-Ramesh has deposed of panchanama vide Exh.No.26, but he did not speak of contravention of limit of 50 meters from the boundary of the high tide ocean by construction of the wall and his evidence has remained vague in this respect. No other panch has been examined for the proof of panchanama vide Exh.No.26.

23. On 21/07/2012, he again went at village Dolvi bearing survey Nos.117/1, 117/2, 118/1 and 118/2 alongwith panchas and other revenue officers and stated that it was a high tide at that

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time and they measured the distance between the compound wall and the boundary of high tide and the distance was found 4 meters. He stated that one panchanama vide Exh.No.56 was prepared, but neither panchas nor any revenue officer has supported in this respect. He has stated that on inquiry, the damage to the mangrove trees, the construction of the compound wall, the construction of the bathroom and the temple was found to be caused by both the accused. He concluded his testimony by stating that he filed charge-sheet after obtaining sanction vide Exh.No.58 from the Collector. In fact, Environment (Protection) Act does not prescribes such sanction.

24. There came vital admissions during the cross-examination of P.W.No.9-Pradip. He has admitted the fact that mangroves are not mentioned in any of the 7-12 extracts of those lands. He has accepted that except survey No.117/2, no other survey number is mentioned in panchanama vide Exh.No.55. He did not obtain report of the forest officer for trees which were cut, nor he seized those trees. He candidly admits that there is no ocular witness for the said fact of cutting mangrove trees. He do not hesitate to admit that he has not obtained report in respect of time of high and low tide, nor he obtained the report of Maritime Board, in respect of location of boundary of high tide. He goes to admit that the compound wall is necessary for the company and those four lands, construction of temple and bathroom are outside the land of the company. Even, the access road is outside the wall of the company. The lands mentioned in Exh.No.26 are owned by the company. The dykes are not existing of those lands so as to gather the boundaries of it, nor measured the area of those lands

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alongwith its boundaries through the office of Taluka Inspector of Lands Records.

25. In absence of any entry in respect of presence of mangrove on those lands in the 7-12 extracts of it and the location of those four lands on which the mangroves were damaged, being outside the compound wall of the company, the allegation of destruction of mangroves of the government land, seems baseless. The construction of a bridge on nala is also of no use for the prosecution, to set the charge. Because, P.W.No.9-Pradip has not specified the survey number of the Nala, on which the bridge is constructed, nor he has specified the exact location of it.

26. The revenue officers, who have unequivocally stated that the compound wall of the company was found in the land of the company itself. In this background, the evidence of P.W.No.9-Pradip in respect of construction of the wall, without specifying the survey numbers of the lands seems to be unworthy. As he has not obtained time of low and high tide, nor obtained the report of the Maritime board in respect of location of the boundary of high tide, his evidence in respect of construction of a wall by contravening the high tide level of the ocean can not be relied. He has candidly admitted that all the constructions and the access road is outside the wall of the company, which keeps no doubt in the mind that the company or the accused is by no means can be connected with those constructions or the road. The evidence of the photographer P.W.No.10-Roshan is of no help as memory card is not produced.

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27. After having the keen scrutiny of the evidence led by the prosecution, it can be inferred doubtlessly that the temple, toilet, bathroom, access road is outside the compound wall of the company. The position has become clear that the road and the place around the temple, where the mangroves found damaged is outside the compound wall. It is also clearly found that the bridge on the nala is not proved to be built by the company or the accused. There is no evidence of the office of Taluka Inspector of Lands Records or any accurate evidence that the compound wall is constructed in a government land and that too, by entering on a high tide zone. There is absence of report of Maritime Board and these circumstances and absence of required evidence, it is very difficult to assume that the company has encroached on the government land by constructing the compound wall and damaged the environment. Even, there can not be any assumption that the water which is flown in the nala is a polluted one, because the prosecution has not brought any chemical analysis report in that regard. It is very vital point to note that there is absolute absence of evidence as to how any of these accused was directly incharge of and was responsible to the company for the conduct of the business of the company in regard to the allegation. Thus, the bare conclusion narrated by P.W.No.9-Pradip on the basis of his cryptic investigation is not at all enough to hold the accused guilty. In fact, all the facts alleging crime of environment pollution have been disproved by the prosecution witnesses themselves.

28. In the present case, the report vide Exh.No.29 has been lodged by the then circle officer P.W.No.5-Pradnya. The

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-18- Jud in R.C.C.No.95/12, Exh.No. 66 confd.

investigation is done by P.W.No.9-Pradip, on the report of P.W.No.5-Pradnya and the charge-sheet is filed by obtaining sanction of the Collector. On perusal of the Environment (Protection) Act, I do not find any provision of requirement of sanction before filing of the final report in the court in respect of the said offences. In fact, the provision under section 19 prescribes that no court shall take cognizance of any offence under this Act except on a complaint made by – (a) the central government or any authority or officer authorized in this behalf by that government; or (b) any person -----.

29. In view of the provision under section 19 of the Act, the central government has passed and published notification bearing No.S.O.394(E) and through which the Collector at serial No.5 in the said notification is empowered and authorized in the whole of revenue district for the section 19 of the Environment (Protection) Act. In the present case, no sub-delegation is proved to have been granted in favour of the circle officer by the Collector. No such order of delegation in the name of circle officer passed by the Collector is placed on the record. In view of the mandate of the provision under section 19 of the Act, the charge-sheet / final report can not be entertained and the complaint by the Collector only could have been entertained in respect of the offences prescribed under the Act. Since, this is not the case initiated on the complaint of the Collector, the basement of launching of the prosecution against the accused itself is grossly vitiated and the whole ship of the prosecution against the accused sinks deeply. In view of the aforesaid discussion, I have arrived to conclude that the prosecution has failed on the count of

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factual matrix for the offence as well as the legality of launching the prosecution against the accused. Hence, I record my finding in the negative for point No.1.

AS TO POINT No.2 :-

30. Section 4 of the Maharashtra Felling of Trees (Regulation) Act, 1964 empowers only tree officer to exercise powers in the case of felling of tree. In the present case, P.W.No.9-Pradip – investigating officer can not take the seat of the tree officer, in absence of the provision in the concerned Act itself. Section 5 of the said Act further prescribes that the officer of the level of P.S.I. and above can make a report to the tree officer, who can inquire to impose the penalty, but no police officer can usurp the powers of the tree officer to inquire the matter in respect of felling of tree. The investigating officer P.W.No.9-Pradip has not reported to the tree officer in respect of the allegation of felling of tree. Hence, in view of the mandate under sections 4 and 5 of the Maharashtra Felling of Trees (Regulation) Act, 1964, the charge levelled against the accused in this regard has failed. Thus, I record my finding in the negative for point No.2.

In view of the above said discussion, I proceed to pass the following order.

- : ORDER : -

1. The accused No.1-Om Ramlal Pawar and accused No.2-Arun Mahadeo Shirke are hereby acquitted for the offences punishable under section 15(1) read with section 6(e) of the Environment (Protection) Act, 1986 and section 4 of the Maharashtra Felling of Trees (Regulation) Act, 1964, in view of provision

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15/5/24

under section 248(1) of the Code of Criminal Procedure.

- 2. Bail bond of the accused Nos.1 and 2 stands cancelled. However, for the purpose of section 437 A of the Code of Criminal Procedure, the accused shall furnish P.R. Bond of Rs.15,000/- each and furnish solvent surety in the like amount.

Pen,
Date : - 19/08/2014.

S.N. Patil
(S.N.Patil) 19/08/14
Judicial Magistrate, F.C., Pen.

- 1. The judgment dictated by this Honour Judge, S.N.Patil on : 19/08/2014.
- 2. Judgment typed on : Judgment directly dictated on computer, hence nil.
- 3. The Judgment signed by this Honour Judge on : 19/08/2014.
- 4. The Judgment / order delivered to the certified copy section on :



[Handwritten signature]
19/08/2014

[Handwritten signature]

पाने 90
साधी

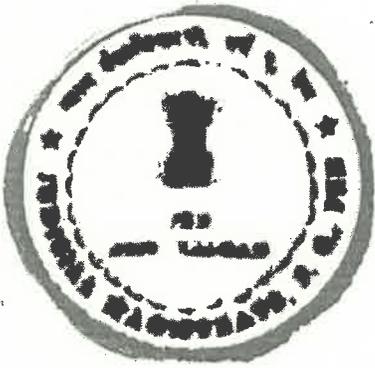
अर्ज क 153/2019
दिनांक 2/2/2019

२०२१२०१६

नि.कं. 4614

लिहणा... नकलेस अर्ज आला तारीख दोन फेब्रुवारी दोन हजार एकोणीस
रुजवा... अर्जाची पूर्तता झाली तारीख दोन हजार एकोणीस
सरचा... नक्कल नेण्यास दिलेली तारीख दोन हजार एकोणीस
कागद... नक्कल तयार तारीख दोन हजार एकोणीस
पोस्टे...
एकूण 80

सहाय्यक अधीक्षक
दिवाणी व फौजदारी, न्यायालय, पेण.



नक्कल आर्कायव्हिंग वकील
डॉ. ए. ए. इंदिरा
यास नक्कल दिली तारीख 2/2/2019

सहाय्यक अधीक्षक
दिवाणी व फौजदारी न्यायालय, पेण

न्यायनिर्णय ...१.. (नि.फौ.ख.क.१०२/२०१६, नि.क्र.५७/ब पुढे सुरु...)

दाखल दिनांक : २९/०६/२०१६.
नोंदणी दिनांक : २९/०६/२०१६.
निकाल दिनांक : ०२/०२/२०१९.
कालावधी : ०२व. ०७म. ०३दि.

सीएनआर : एमएचआरजी०७-०००६०१-२०१६

न्यायदंडाधिकारी, प्रथम श्रेणी, पेण, जि.रायगड यांचे
न्यायालय

[पिठासीन अधिकारी, व्ही.व्ही. कुलकर्णी]

नि.फौ.ख.क.१०२/२०१६

नि.क्र.५७/ब

महागष्ट शामन,
नर्फे, डी.एन. बोंगटे
पोलीस स्टेशन अधिकारी,
वडखळ, ता.पेण, जि.रायगड.

.. अभियोगपक्ष

विरुध्द

१. आत्माराम प्रभाकर बेतकैकर
वय : ४८ वर्षे, व्यवसाय : नोकरी
रा. १२०३ निता हाईट्स,
फ्लॉट नं.५१/बी, से.२०,
रामशेठ ठाकूर, पब्लिक स्कुलसमोर,
नवी मुंबई.
२. बिद्युतकुमार विमलचंद दास
वय : ५६ वर्षे, व्यवसाय : नोकरी
रा.४०३ हार्मोनी, खांदा कॉलनी,
सेक्टर नं.१, फ्लॉट नं.६,
नवीन पनवेल, जि.रायगड
३. शिवाजी श्रीपती खापरे
वय : ५२ वर्षे, व्यवसाय : नोकरी

.. आरोपी

न्यायनिर्णय ...२... (नि.फौ.ख.क्र.१०२/२०१६, नि.क्र.५७/ब पुढे सुरु...)

रा. मडिलंग खुर्द, पो. मडिलंगे,
ता.गारगोटी, जि.कोल्हापूर.

४. शत्रुघ्न श्रीरामब्रिज यादव (फरारी)

५. अरुण महादेव शिर्के

वय : ४२ वर्षे, व्यवसाय : नोकरी,

रा. प्रभुआळी, नागोठणे, ता.रोहा.

.. आरोपी

सरकारीपक्षातर्फे विधिज्ञ : सरकारी वकिल श्री.ए.एन. फाटके
आरोपी क्र.१,२ व ५ तर्फे विधिज्ञ : श्री. व्ही.डी. गावंड
आरोपी क्र.३ तर्फे विधिज्ञ : श्री. आर.एच. म्हात्रे



न्यायनिर्णय

{जाहीर केल्याचा दिनांक ०२/०२/२०१९}

१. आरोपींविरुद्ध भारतीय पर्यावरण संरक्षण अधिनियम १९८६ चे कलम १५, महाराष्ट्र वृक्षतोड अधिनियम कलम ४ व भारतीय दंड विधान कलम ४३१. सह कलम ३४ प्रमाणे खटला चालविण्यात आला.

अभियोगपक्षाची खटल्यामागची पार्श्वभूमी थोडक्यात

खालीलप्रमाणे :-

२. मौजे खारमाचेला गडब गावच्या हद्दीत गट नं.९४ मध्ये, दिनांक १०/०२/२०१५ रोजी, अगर त्यापूर्वी सातत्याने, आरोपींनी डोंझर व पोकलन या मशिनच्या सहाय्याने कुठलीही शासकीय परवानगी नसताना सदर गट नंबरमधील नैसर्गिक पाण्याच्या नाल्यात लोखंडी पाईप टाकून त्यावर मातीचा भराव करून त्याठिकाणी असलेली कांदळवनाची झाडे तोडून पर्यावरणाचा -हास केल्या. म्हणून आरोपींविरुद्ध भारतीय पर्यावरण संरक्षण अधिनियम १९८६ चे कलम

न्यायनिर्णय ३ (नि.फौ.ख.क्र.१०२/२०१६, नि.क्र.५७/ब पुढे सुरु...)

१५, महाराष्ट्र वृक्षतोड अधिनियम कलम ४ व भारतीय दंड विधान कलम ४३१ सह कलम ३४ प्रमाणे वडखळ पोलीस ठाणे यांनी गुन्हा दाखल केला आहे.

३. सदरची फिर्याद अपराध क्रमांक १/२०१५ भारतीय पर्यावरण संरक्षण अधिनियम १९८६ चे कलम १५, महाराष्ट्र वृक्षतोड अधिनियम कलम ४ व भारतीय दंड विधान कलम ४३१ नुसार नोंदविली. तपास पुर्ण झाल्यानंतर आरोपींविरुद्ध दोषारोपपत्र दाखल करण्यात आले.

४. आरोपी क्र.४ शत्रुघ्न श्रीरामब्रिज यादव हा फगरी अमलव्याप्त्यामुळे त्याचेविरुद्धचे प्रकरण आरोपी क्र.१, २, ३ व ५ यांचेपासून दिनांक ०६/०६/२०१८ रोजीच्या नि.१ वरील आदेशान्वये मी स्वतंत्र केले व मी आरोपी क्र.१, २, ३ व ५ यांचेविरुद्ध दोषारोप (नि.क्र.२८) भारतीय पर्यावरण संरक्षण अधिनियम १९८६ चे कलम १५, महाराष्ट्र वृक्षतोड अधिनियम कलम ४ व भारतीय दंड विधान कलम ४३१ सह कलम ३४ अंतर्गत निश्चित करून त्यांना त्याचे विश्लेषण करण्यात आले. त्यास त्यांनी गुन्हा कबुल नसुन खटला चालविण्याची विनंती केली. सरकारीपक्षाचा पुरावा संपल्यानंतर आरोपींविरुद्ध गुन्हात गुंतवणारा कोणताही पुरावा अभिलेखावर न आल्याने त्यांचा फौजदारी प्रक्रिया संहिता कलम ३१३(१)(ब) प्रमाणे जबाब वगळण्यात आला.

५. अभियोगपक्षाचे वकिल व आरोपींचे वकिलांचा युक्तिवाद ऐकला. आरोपींचे वकिलांनी दाखल केलेला नि.५६ वरील लेखी युक्तिवाद देखील वाचला. दाखल कागदपत्रांचे अवलोकन केले असता खालील मुद्दे माझ्या विचारार्थ उपस्थित झाले. त्याचे निष्कर्ष

न्यायनिर्णय (नि.फौ.ख.क्र.१०२/२०१६, नि.क्र.५७/व पुणे मुरु)

मी त्यासमोर, त्याखालील कारणांसह पुढीलप्रमाणे देत आहे :-

अ.क्र.	मुद्दे	निष्कर्ष
१	दिनांक १०/०२/२०१५ रोजीचे पूर्वी अगर त्या सुनारास, आरोपींनी फगरी आरोपी-शत्रुघ्न यादव याचेसह समान हेतु साध्य करण्याच्या उद्दिष्टाने, वडखळ येथील मौजे खारमाचेला गडब गावचे हद्दीत गट नं.९४ मध्ये भगवाची अगर इतर कामाची कोणत्याही शासकीय विभागाची कायदेशीर परवानगी नसताना सदर गट नंबरमधील नैसर्गिक पाण्याचे नाल्यात ड्रोझर व पॉकलनद्वारे लोखंडी पाईप टाकून त्यावर मातीचा भराव करून केंद्र शासनाने पर्यावरण संरक्षण अधिनियम १९८६ कलम १५ अंतर्गत केलेले नियम यांचे उल्लंघन करून पर्यावरणास हानी होईल असे कृत्य केले, तसेच, सदर घटना स्थळावरील कांदळवनाची झाडे कुठल्याही शासकीय परवानगीशिवाय तोडली, ही बाब अभियोगपक्षाने शाबित केली आहे काय?	नाही
२	उपरोक्त दिवशी, वेळी व ठिकाणी, आरोपींनी फगरी आरोपी-शत्रुघ्न याचेसह समान हेतु साध्य करण्याच्या उद्दिष्टाने, गट नंबर ९४ मध्ये असलेली मॅग्नोव्हज (कांदळवन) झाडे तोडली आणि म्हणून आरोपींनी त्याद्वारे महाराष्ट्र वृक्षतोड अधिनियम कलम ४ अन्वये अपराध केला, ही बाब अभियोगपक्षाने शाबित केली आहे काय?	नाही
३	उपरोक्त दिवशी, वेळी व ठिकाणी, आरोपींनी फगरी आरोपी-शत्रुघ्न याचेसह समान हेतु साध्य करण्याच्या उद्दिष्टाने, गट नं.९४ मध्ये नैसर्गिक पाण्याच्या नाल्यात मातीचा भराव करून त्यामधून जाणा-या लहान होडयांच्या नैसर्गिक मार्गात अडथळा निर्माण करून आगळीक केली आणि त्याद्वारे आरोपींनी भारतीय दंड विधान कलम ४३१ सह कलम ३४ अन्वये अपराध केला, ही बाब अभियोगपक्षाने शाबित केली आहे काय?	नाही
४	आदेश काय?	आरोपींना निर्दोष मुक्त केले.

न्यायनिर्णय ... (नि.फौ.ख.क्र.१०२/२०१६, नि.क्र.५७/ब पुढे सुरु ...)

:: कारणमिमांसा ::

६. याकामी अभियोगपक्षातर्फे एकूण आठ साक्षीदार तपासण्यात आले.

मददा क्र.१ ते ४ साठी :-

७. साक्षीदार महेंद्र रामा कोठेकर (सा.क्र.१) यांनी साक्ष दिली की, घटनास्थळी त्यांनी पाहिले की, वॉल कंपाऊड तोडून भराव टाकण्यात आला आहे. २८ ते ३० कांदळवनाची झाडे तोडण्यात आलेली आहेत.

सदर साक्षीदाराने उलटतपासात मान्य केले की, बापदेव शेतकरी मंडळाचा तो सभासद आहे. आरोपी जे.एस.डब्ल्यू. कंपनीशी संबंधित असून सदर बापदेव मंडळाने जे.एस.डब्ल्यू. कंपनीविरुद्ध अनेक तक्रारी केलेल्या आहेत. तसेच, घटनास्थळावरचा बांध अनेक ठिकाणी तुटलेला आहे. सबब, केवळ पंचनाम्यावर विसंबून आरोपीविरुद्धचे दोषारोप सिध्द होवू शकत नाही.

८. साक्षीदार उमेश शिवा पांचाळ (सा.क्र.२) व जनार्दन मधुकर पाटील (सा.क्र.३) यांनी साक्ष दिली की, त्यांनी पोलीस ठाण्यात पंचनाम्यावर सही केलेली आहे. सबब, घटनास्थळ पंचनामा पोलीस ठाणे येथे तयार झाल्याचे स्पष्ट होते.

९. साक्षीदार दत्तात्रय हरिश्चंद्र साळुंखे (सा.क्र.४) यांनी उलटतपासात मान्य केले की, प्रत्यक्ष झाडे कोणी तोडली, कोणी भराव टाकला याबाबत त्यांना माहित नाही. सदर साक्षीदार हा महसुल विभागातील मंडळ अधिकारी आहे.

न्यायनिर्णय ...६... (नि.फौ.ख.क्र.१०२/२०१६, नि.क्र.५७/ब पुढे सुरु...)

१०. साक्षीदार प्रशांत मारुती पाटील (सा.क्र.५) यांनी साक्ष दिली की, गट नं.९४ म्हणजेच घटनास्थळ हे वन विभागाच्या अखत्यारीत नाही. तसेच, पंचनाम्याच्यावेळी एकही झाड जप्त करण्यात आलेले नाही. सदर झाडे कुठल्या प्रजातीचे आहेत याबाबत तज्ञांचा अहवाल प्रस्तुत खटल्यात दाखल नाही. तसेच, झाडे तोडतांना व माती टाकताना कोण हजर होते हे त्याने प्रत्यक्ष पाहिलेले नाही. सबब, वरील सर्व साक्षीदारांच्या साक्षीच्या आधारे आरोपींविरुद्धचा गुन्हा सिध्द होत नाही.

११. साक्षीदार अभिमान माणिक बारगजे (सा.क्र.६) यांनी साक्ष दिली की, त्याचेसमक्ष कोणत्याही मुद्देमालाची जप्ती झालेली नाही. कांदळवन प्रकाराची झाडे तो ओळखू शकत नाही. झाडे कोणी तोडली अगर मातीचा भराव कोणी टाकला याची त्याला माहिती नाही. सबब, सदर साक्षीदाराची साक्ष आरोपींना दोषी धरण्यासाठी निश्चितच पुरेशी नाही.

१२. साक्षीदार सुनिल मोरेश्वर कोठेकर (सा.क्र.७) यांनी साक्ष दिली की, पंचनाम्यात किती झाडे तोडली याचा उल्लेख नाही. झाडे तोडताना व भिंत कंपाऊड पाडताना त्यांनी प्रत्यक्ष कोणालाही पाहिलेले नाही. मुळ फिर्यादी हे बापदेव शेतकरी मंडळाचे सदस्य आहेत व आरोपी कार्यरत असलेल्या जे.एस.डब्ल्यू. कंपनीने बापदेव शेतकरी मंडळाविरुद्ध मनाईहुकूमाचा दावा दाखल केला आहे. न्यायालयाने बापदेव शेतकरी मंडळाविरुद्ध निदर्शने न करण्याचा मनाईहुकूम दिलेला आहे. सदर साक्षीच्या आधारे, आरोपींचा गुन्ह्यात सहभाग हाता ही बाब सिध्द होवू शकत नाही. साक्षीदार नरेंद्र पुंडलिक मोकल (सा.क्र. ८) यांनी साक्ष दिली की, एका दस्तावर त्यांनी सही केली.

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१३. वरील सर्व साक्षीदारांची साक्ष काळजीपूर्वक अभ्यासली असता आरोपींचा घटनेतील सहभाग सिध्द झालेला नाही. आरोपी हे कंपनीशी संबंधित आहेत, ही बाब सिध्द झालेली नाही. मुळातच गट नं.९४ हा वन विभागाच्या अखत्यारीत येतो याबाबत महसुली नोंद प्रस्तुत खटल्यात दाखल नाही. तसेच, प्रस्तुत खटल्याच्या निकालाच्या दिवशी, निकाल घेत संगणकावर टंकलिखित करत असताना सकाळी ११.३० वाजणेच्या सुमारास अचानक संबंधित तपासी अधिकारी यांनी काही फोटोग्राफस दाखल केले आहेत. सदर फोटोग्राफस मी पाहिले. सदर फोटोग्राफसमधील इसमांचे चेहरे दिसत नाही. त्यामुळे सदर पुरावा आरोपींशी संबंधित असल्याबाबत कुठलीही बाब सिध्द होत नाही.

१४. पर्यावरण संरक्षण अधिनियम कलम १९ नुसार केंद्र शासन अगर केंद्र शासनाने योग्य ते अधिकार दिलेली व्यक्ती शासनातर्फे फिर्याद दाखल करू शकते. त्याबाबत केंद्र शासनाची अधिसूचना पाहता माननीय जिल्हाधिकारी हे केंद्र शासनाने अधिकार दिलेले अधिकृत व्यक्ती आहेत. परंतु, प्रस्तुत खटल्यात वडखळ पोलीसांनी गुन्हा दाखल केलेला आहे. सबब, पर्यावरण सुरक्षा अधिनियम कलम १९ ची पूर्तता झालेली नाही.

१५. महाराष्ट्र वृक्षतोड अधिनियम कलम ४ नुसार संबंधित वृक्ष अधिकारी यांनी चौकशी करणे क्रमप्राप्त आहे. त्याअगोदर सर्व संबंधितांचे म्हणणे ऐकून घेणे आवश्यक आहे. सबब, प्रस्तुत खटल्यातील तपासी अधिकारी हे वृक्ष अधिकारी नाहीत. त्यामुळे सदर कलम ४ प्रस्तुत खटल्यात लागू होत नाही.

१६. भारतीय दंड विधान कलम ४३१ यात नमूद केलेली कुठलेही घटक प्रस्तुत खटल्यातील आरोपींविरुद्ध लागू होत नाही. सदर

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गुन्हयाची केलेली व्याख्या व कलम ४३१ यात नमूद केलेले घटक म्हणजेच सार्वजनिक रस्ता, पूल, नदी, कालवा, याचा प्रस्तुत खटल्याशी कुठलाही संबंध येत नाही अथवा तसे सरकारपक्षाने सिध्द केलेले नाही.

१७ माननीय नामदार सर्वोच्च न्यायालय यांनी, एआयआर २०१० सुप्रिम कोर्ट २९८६, यात न्यायनिर्णय दिलेला आहे की,

“जर फिर्यादीत असे नमूद नसेल की घटनेच्या वेळी आरोपी हे कंपनीशी संबंधित इसम आहेत व कंपनीच्या व्यवहाराशी ते त्यावेळी जबाबदार होते, तर अशा परिस्थितीत, आरोपींविरुद्धचे अपराध सिध्द होवू शकत नाही.”

सदरचा न्यायनिवाडा प्रस्तुत खटल्यात तंतोतंत लागू होत आहे. फिर्यादीत कुठेही नमूद नाही की, आरोपी हे जे.एस.डब्ल्यू. कंपनीची संबंधित आहे अगर त्याबाबत कोणताही पुरावा दाखल करण्यात आलेला नाही.

१८. आरोपी क.४ शत्रुघ्न श्रीरामब्रिज यादव हा सुरुवातीपासूनच फरारी असल्यामुळे इतर आरोपींविरुद्ध प्रस्तुत खटल्याचे कामकाज चालविण्यात आलेले आहे. परंतु, पुराव्याचे अवलोकन केले असता व वरील सर्व कारणमिमांसाचे आधारे सदर आरोपी शत्रुघ्न श्रीरामब्रिज यादव याचेविरुद्ध प्रस्तुत खटल्याचे कामकाज पुढे चालू ठेवण्यात कुठलेही तथ्य नाही अगर त्यातून काहीही साध्य होणार नाही. कारण मुळातच सर्व पुरावा हा हजर आरोपींचे दोषारोप सिध्द करण्यास पुरेसा नाही व त्यामुळे आरोपी शत्रुघ्न श्रीरामब्रिज यादव जरी हजर असता तरी तो गुन्हयातून निर्दोष मुक्त झाला असता. सबब, त्याची प्रस्तुत

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खटल्यातून मुक्तता करण्यात उचित ठरेल.

वरील सर्व विवेचनाचे आधारे मी मुद्दा क्र.१ ते ३ चे निष्कर्ष नकारार्थी नोंदवून मुद्दा क्र.४ करिता खालीलप्रमाणे आदेश पारित करतो :-

आदेश

१. आरोपी क्र.१, २, ३ व ५ यांची भारतीय पर्यावरण संरक्षण अधिनियम १९८६ चे कलम १५, महाराष्ट्र वृक्षतोड अधिनियम कलम ४ व भारतीय दंड विधान कलम ४३१ सह कलम ३४ या शिक्षेस पात्र अपराधातून निर्दोष मुक्तता करण्यात येते. आरोपी क्र.४ शत्रुघ्न श्रीरामब्रिज यादव याची प्रस्तुत खटल्यातून मुक्तता करण्यात येते.
२. आरोपी क्र.१, २, ३ व ५ यांचे वैयक्तिक बंधपत्र व जातमुचलके रद्द करण्यात येतात.
(न्यायनिर्णय खुल्या न्यायालयात उद्घोषित केला.)

पेण
दिनांक : ०२/०२/२०१९

(व्ही.व्ही. कुलकर्णी)
न्यायदंडाधिकारी प्रथम श्रेणी, पेण

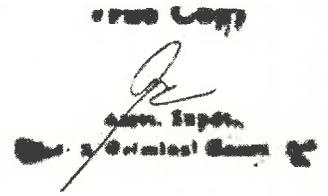
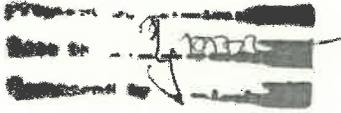


न्यायनिर्णय ...१० (नि.फौ.ख.क्र.१०२/२०१६, नि.क्र.५७/ब पुढे सुरु)

- १ न्यायनिर्णय श्री.व्ही.व्ही. कुलकर्णी दिवाणी : न्यायनिर्णय पेट शयणकावर
न्यायाधीश क. स्तर, व न्यायदंडाधिकारी टंकलिखित केल्याने
प्रथम वर्ग, पेण यांनी लघुलेखन दिल्याचा त्यागावतना शेरा निरंक
दिनांक
- २ न्यायनिर्णय टंकलिखित केल्याचा दिनांक : ०२/०२/२०१९
- ३ न्यायनिर्णयावर न्यायाधीशांनी सही केल्याचा
दिनांक : ०२/०२/२०१९
- ४ न्यायनिर्णय नक्कल विभागाकडे नकलेसाठी
पाठविलेचा दिनांक

पेण
दिनांक : ०२/०२/२०१९

(व्ही.व्ही. कुलकर्णी)
न्यायदंडाधिकारी प्रथम श्रेणी, पेण



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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Amk

WRIT PETITION NO. 1643 OF 2019

JSW Steel Ltd. .. Petitioner
Vs.
Union of India & Ors. .. Respondents

Mr. Milind Sathe, Senior Advocate a/w. Mr. Saket Mone, Mr. Subit Chakrabarti and Mr. Abhishek Salian i/b Vidhi Partners for the Petitioner.

Ms. Sharmila U. Deshmukh for Respondent No.2.

Mr. A. A. Kumbhakoni, Advocate General a/w. Mr. P. P. Kakade, Govt. Pleader, Ms. Nisha Mehra, AGP for Respondent Nos.3 & 4-State.

Mr. Rui Rodrigues a/w. Mr. N. R. Prajapati for Respondent No.1-UOI.

**CORAM : PRADEEP NANDRAJOG, C.J. &
SMT. BHARATI DANGRE, J.**

DATE : 15th OCTOBER, 2019.

P. C. :

1. The Petitioner is constrained to file the Petition in view of orders passed in Public Interest Litigation No. 87 of 2006 requiring permissions to be granted from the Court if for any kind of development work mangroves were to be felled. The Writ Petitioner intends to lay a road on private land. The road is a private road. A bridge needs to be constructed on a creek and falls within 50 meters buffer zone requiring permission from the MCZMA in terms of CRZ notification of the year 2011. The State level Environmental Impact Authority has appraised the project and on 16.09.2019 has accorded the approval putting a condition therein that no mangrove is to be felled.

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MCZMA granted the necessary recommendations on 13.07.2019.

2. In that view of the matter, we dispose of the Petition permitting the Petitioner to execute the works by erecting the bridge but while doing so the Petitioner would comply with the terms on which the permission has been accorded by the 2nd Respondent in its meeting dated 15.07.2019.

[SMT. BHARATI DANGRE, J.]

[CHIEF JUSTICE]