

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.99 OF 2006

IN

(PIL) WRIT PETITION (LODG.) NO.3246 OF 2004

Bombay Environmental Action Group & anr. ..Petitioners

Vs.

The State of Maharashtra & Ors. ..

Respondents.

Charkop Silver Sea View Co-op. Hsg.

Society Ltd. & Ors. ..Applicants.

WITH

CHAMBER SUMMONS NO.101 OF 2006

IN

(PIL) WRIT PETITION (LODG.) NO.3246 OF 2004

Bombay Environmental Action Group & anr. ..Petitioners

Vs.

The State of Maharashtra & Ors. ..

Respondents.

Charkop Veena Vihar Co-op. Hsg.

Society Ltd. & Ors. ..Applicants.

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Mr. Y.S. Jahagirdar, Senior Advocate with Mr. G.S. Godbole for the Applicants.

Mr. Gautam Patel with Mr. Sharan Jagtiani instructed by M.V. Jaayakar & Co for the Petitioners.

Mr. B.A. Desai, Additional Solicitor General for Respondent No.2.

Mr. Ashish Kamat for the BMC – Respondent No.4.

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**CORAM: KSHITIJ R. VYAS, C.J. &
DR.D.Y.CHANDRACHUD, J.**

5th May, 2006.

P.C. :

Before we hear the Chamber Summons, the following directions are given that would serve the ends of justice:

1. The Executive Engineer (Building Proposals) of the Mumbai Municipal Corporation shall visit the site on 10th May, 2006 for verifying whether any destruction of mangroves took place in violation of the guidelines issued by the Ministry of Environment and Forests dated 10th February, 2003 and the order of this Court dated 6th October, 2005. The Petitioners shall also depute their representative with the Executive Engineer. MHADA shall also keep its Engineer present together with the layout plan. In the light of the site visit, it will be open to the Municipal Corporation to reconsider its decision for issuing the stop work notice. It is however clarified that if there is any other violation apart from the destruction of mangroves, the Municipal Corporation is at liberty to take action against the Applicants.

Put up on 5th June, 2006.

CHIEF JUSTICE

(DR. D.Y. CHANDRACHUD, J.)