

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (L) NO.3246 OF 2004

The Bombay Environmental Action Group & anr  
.. Petitioners

versus

The State of Maharashtra & ors .. Respondents

Mr.N.H.Seervai a/w Mr Gautam Patel i/b M/s  
M.V.Jayakar A.G.for Petitioners

Mr.K.K.Singhvi, Senior counsel for BMC

Mr B.A.Desai, Additional Solicitor General a/w Mr  
Rajiv Chavan for Union of India

Mr R.V.Govilkar for Respondent no.3

Ms.P.V.Purandare for Respondent no.4

Mr Janak Dwarkadas Senior Counsel a/w Mr Parimal  
K.Shroff, Ms Radhika Pinzare i/b M/s Pariman  
Shroff & Co for Intervenor

Ms.E.P.Bharucha a/w Mr K.J.Ponawalla for Applicant

Mr Ravi Kadam Advocate General a/w Mr Amjad Sayyed  
Assistant Government Pleader for State.

**CORAM : R.M. LODHA AND**  
**D.G. KARNIK, JJ**

**DATED : 30th November, 2005**

—  
P.C:-

The Divisional Commissioner, Konkan Division  
has filed the affidavit pursuant to the orders  
dated 6th October, 2005 and 16th November, 2005.

2. Mr. N.H.Seervai, the learned senior counsel for the petitioners urged that time shall be required by the petitioners to study the same before submissions are made in this regard. However, he submitted that despite the order dated 6th October, 2005, mangroves are being destroyed within the areas of Municipal Council of Uran and Municipal Corporation of Navi Mumbai.

3. We find from the affidavit of the Divisional Commissioner that a complaint dated 12th November, 2005 (received by the office of the Divisional Commissioner on 18th November, 2005) was made by the petitioners regarding the destruction of mangroves within the areas of Uran. He directed the concerned Collector to visit the site and take necessary action and submit the report. The inspection note/report of the concerned Collector has not been made available to us. If the allegations of the petitioners that in Uran the mangroves are being destroyed is correct, then it is a very serious matter and not only that destruction of mangroves has to be stopped forthwith but serious action needs to be taken against the offending persons.

4. We, accordingly direct the Divisional Commissioner to submit his report along with the

inspection note/report of the concerned Collector in respect of the complaint dated 12th November, 2005 within one week from today.

5. As regards the alleged destruction of mangroves in the Navi Mumbai area at Palm Beach and Kalamboli, we direct the petitioners to file the complaint to the Divisional Commissioner, Konkan Division within three days from today. The Divisional Commissioner shall cause the inspection of the site done and submit his report within one week from today.

6. We expect the Divisional Commissioner or his nominee to give advance notice to the petitioner before the site inspection, at Palm Beach and Kalamboli is carried out.

7. Stand over to 7th December, 2005 at 3.00 p.m.

An ordinary copy of this order duly authenticated by the Court Associate may be made available to the parties on payment of usual copying charges.

(R.M. LODHA, J)

(D.G. KARNIK, J)