

Item No.3

(Pune Bench)

**BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE**

THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)

Original Application No.221/2024(WZ)

Vanshakti & Anr.

.....Applicants

Versus

District Collector, Mumbai City & Ors.

....Respondents

Date of hearing: 27.11.2024

**CORAM: HON'BLE MR. JUSTICE DINESH KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. VIJAY KULKARNI, EXPERT MEMBER**

Applicants : Mr. Mohammad M. Abdi, Advocate

ORDER

1. This Original Application has been filed with the prayers that a direction may be issued to respondent No.1- District Collector, Mumbai City/Chairman, District Coastal Zone Monitoring Committee to remove all the encroachments and clear the debris at the sites I & II (annexed as Exhibit-H) in a time bound manner; and direction may be issued to the respondent No.1 to detect, monitor CRZ violations and encroachments at the site in question.

2. In the body of this application, it is submitted by the applicants that a complaint was made to respondent No.1- District Collector, Mumbai City/Chairman, District Coastal Zone Monitoring Committee; respondent No.3- MCGM; respondent No.4- State of Maharashtra through Principal Secretary, Department of Environment; and respondent No.7- Mangrove Cell, Maharashtra State Forest Department through Addl. Principal Chief Conservator of Forests through e-mail dated 21.08.2019,

which is annexed at page no.72 of the paper book, highlighted the illegal encroachment and dumping of wastes at the site next to eastern freeway, Wadala, Mumbai along-with the photographs but no action has been taken at their end. The satellite imagery demonstrates that the encroachment and dumping of waste and debris commenced sometime before December 2019. The site in question is a wetland, as the same is evidenced by the National Wetland Atlas, 2010 & 2021, created by the respondent No.10- MCZMA. Dumping is being carried out under the Eastern Freeway on the BPT Road to Bhakti Park Mono Rail Station on about one km. stretch in the proximity of mangroves. It is further mentioned that land parcels created additional illegal dumping area, in order to use for truck/tanker parking lots, to host wedding functions, construct illegal shops and structures etc.

3. Learned counsel for applicant has drawn our attention to page no.81 of the paper book, wherein Western Map is annexed in which sites I & II are shown. He has also drawn our attention to page no.101 onwards of the paper book, which are photographs of the site in question and the water body. He further submits that the sites in question are covered under intertidal area, hence the same also falls under CRZ-I area. Since no action has been taken by the respondent No.1 and other authorities, applicants have approached this Tribunal for issuing directions as prayed above.

4. In view of above, without admitting this application, we deem it appropriate to call for a report from the respondent No.1- District Collector, Mumbai City/Chairman, District Coastal Zone Monitoring Committee as to what action has been taken at their end on the complaint made by the applicants through e-mail dated 21.08.2019, to be submitted within two weeks.

5. Registry is directed to communicate a copy of this order along-with the entire petition with annexures to the respondent No.1 for compliance.

Put up this matter for admission on 20.12.2024

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

November 27, 2024
Original Application No.221/2024(WZ)
P.Kr