

Item No.2

(Pune Bench)

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

[THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)]

**ORIGINAL APPLICATION NO.49 OF 2023 (WZ)
[Earlier Original Application No.290/2022 (PB)]**

Sachin Kadam Applicant

Versus

State of Maharashtra Respondent

Date of Hearing : 02.08.2023

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

Applicant : ----

Respondents : Ms. Manasi Joshi, Advocate for MCZMA

ORDER

1. The applicant is not present. We find that this matter was transferred from the Principal Bench and was taken up by us for the first time on 02.05.2023, but somehow, we omitted from directing the Registry to send communication to the applicant informing him the date/s of hearing. Therefore, it would be appropriate that the Registry informs the applicant about the next date and it is directed accordingly.

2. In pursuance of our previous order dated 02.05.2023, from the side of Maharashtra Coastal Zone Management Authority (MCZMA), learned counsel Ms. Manasi Joshi has appeared and apprised us that the Joint Committee report has been filed, which is annexed at pages 12 to 14 of the paper-book, wherein it is recorded that four numbers of fish drying platforms with concrete structures were found to have been constructed from seashore, which appear to be permanent structures in CRZ-IA (intertidal area) and CRZ-III (NDZ). The photographs of this site have

been drawn on google image and annexed as Anneuxre-V and VI. It is recorded in this report that as per Regulation 8.III.CRZ-III (iii) (1) of CRZ Notification, 2011, the setting up of fish drying yards is permissible activity for local fishing communities with prior permission from MCZMA. But we find no mention in the report whether under Regulation 8.III.CRZ-III (iii) (1) of CRZ Notification, 2011 any prior permission in this regard was taken.

3. It is further mentioned in the Joint Committee report that the District Level Coastal Zone Monitoring Committee (DCZMC) under the chairmanship of District Collector has already been constituted for identification and action on CRZ violations. But whether any action has been taken by the said Committee has not been made clear in this report.

4. Under the head "Action taken report", it is submitted in the report of the Joint Committee that the matter is subjudice before the Hon'ble Supreme Court. Hence, the Joint Committee decided that the District Level Coastal Zone Monitoring Committee (DCZMC) and Maharashtra Maritime Board should verify CRZ violations at site and take necessary action after following due process of law.

5. Whether the suggestion mentioned above has been carried out, has also not been made clear in this report.

6. In view of above report, we failed to understand as to why the Joint Committee did not ascertain as to whom four numbers of fish drying platforms are belonging, which need to be demolished being in violation of Regulation 8.III.CRZ-III (iii) (1) of CRZ Notification, 2011. Therefore, we direct the Joint Committee to ascertain as to whom the said structures/platforms are belonging and if the exact person/s is/are found out, then after giving opportunity of hearing to him/them, the order in accordance with law may be passed with respect to the said

platforms, within one month and a report in that regard may be submitted before us.

7. As regards the matter being subjudice before the Hon'ble Supreme Court in Contempt proceeding, we find that this Tribunal has already recorded in its order dated 29.04.2022 that the new constructions had been made after demolition of the earlier one in pursuance of the Hon'ble Supreme Court orders. Therefore, it appears to be a fresh cause of action.

8. Since this is a Letter Petition, it would be appropriate that the Registry places a Memo of Parties showing the complainant as applicant and State of Maharashtra, MCZMA and Collector, Alibag as respondent Nos.1, 2 and 3, respectively and issues notice to these respondents for the next date of hearing. We direct the Registry accordingly.

9. Put up this matter for next consideration on 03.10.2023.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

August 02, 2023
O.A. No.49/2023 (WZ)
npj