

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

THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)

**I.A.No.263/2024 (WZ)
In
Original Application No.49/2023(WZ)
[Earlier Original Application No.290/2022(PB)]**

Sachin Kadam

.....Applicant

Versus

The State of Maharashtra & Ors.

....Respondents

Date of hearing: 22.10.2024

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

Applicant	:	None present.
Respondent(s)	:	Ms. Manasi Joshi, Advocate for R-2/MCZMA Ms. Anchita Nair, Advocate h/f Mr. Saket Mone, Advocate for R-4/MMB Mr. Deepak M. Gupte, Advocate for Intervener/applicant In I.A. No.263/2024(WZ)

ORDER

1. The issue of illegal and unlawful encroachment of the coastal land in Thal and Chalmala villagers of Alibag District in Maharashtra has been raised in this application.
2. This matter was taken up by this Tribunal on the basis of a letter petition. Notice was issued and a Joint Committee was constituted to visit the site in question, look into the grievance of the applicant and submit factual and action taken report. In response thereto, the Joint Committee has submitted its report, which had been placed before this Tribunal on 02.08.2023, on which date, this Tribunal has, in its order, observed as follows:-

“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 Annexure-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.CRZIII (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.”

3. Later on, a direction was issued to the District Coastal Zone Management Committee (DCZMC) to verify the CRZ violations and to take necessary actions. The matter was communicated to the Member Secretary, MCZMA vide letter dated 16.10.2024, which has reported that the encroachments and structures have been removed and demolished. The relevant portion of the said communication reads thus:

“A meeting of District Level Coastal Zone Monitoring Committee (DCZMC) was held on 6/8/2024 under the chairmanship of Collector Raigad. In the said meeting, approval was granted for demolition of the construction in question. In the matter, Sub Divisional Officer, Alibaug vide above referred letter at Sr No. 13 submitted has submitted a report. Accordingly, it is submitted that, the construction of four platforms (ota) in question as shown by Port Inspector Thal, Alibaug has been demolished on 21/8/2024 between 12.00 pm to 12.45 pm with the assistance of JCB in presence of officials such as Resident Deputy Tehsildar from Tehsil Office Alibag, Port Inspector Thal, Port Inspector Murud, Assistant Police Inspector Alibag, Assistant Engineer from Public Works Department Alibag, Sub-Regional Officer from Maharashtra Pollution Control Board Raigad 2, Circle Officer Alibag, Talathi Saja Thal, Police Patil Thal and villagers. Copy of Panchnama and photograph of the demolition of construction is submitted herewith.”

4. The learned counsel Ms. Manasi Joshi representing respondent No.2- MCZMA has submitted that the Collector, Alibag has further verified the above facts and submitted their report through e-mail dated 18.10.2024 with the facts that illegal and unlawful encroachments have been removed. It is further submitted by her that nothing survives in the present matter and the same may be disposed of finally.

5. In the meantime, the Intervener- Randip Singh Munjral has moved an application [I.A. No.263/2024(WZ)] with the facts that illegal encroachments are still there on the land of the Intervener, which he had purchased in the year 1993-94. We are of the view that this is a separate issue and not in any way related with the present Original Application before this Tribunal. The Intervener/applicant in I.A. No.263/2024 may avail of alternate remedy by approaching before the appropriate Forum for redressal of his grievances. In the circumstances, the application [I.A. No.263/2024(WZ)] is not maintainable. As such, the same is disposed of.

6. In view of the submissions made by the learned counsel for respondent No.2- MCZMA and the report submitted on its behalf, we find that the remedial actions have been taken by the authorities concerned

and there is no grievance, which needs to be considered further by us.
Accordingly, the present Original Application stands disposed of.

Sheo Kumar Singh, JM

Dr. Vijay Kulkarni, EM

October 22, 2024
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Original Application No.49/2023(WZ)
[Earlier Original Application No.290/2022(PB)]
P.Kr & NPJ