

Item No.5

(Pune Bench)

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

[Through Physical Hearing (With Hybrid Option)]

ORIGINAL APPLICATION NO.131 OF 2023 (WZ)

Adv. C.G. Patil

.... Applicant

Versus

Maharashtra Coastal Zone Management Authority

....Respondents

Date of hearing : 25.04.2024

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

Applicant : ----

Respondent : Ms. Manasi Joshi, Advocate for the respondent along with
Mr. Abhay Pimparkar, Member Secretary, MCZMA

ORDER

1. Despite repeated calls, the applicant has not appeared nor was he present on the earlier date. The Registry has informed us that there is no contact number given by the applicant nor his e-mail address is available on record on which the applicant could have been informed about today's date of hearing.

2. The complaint made to us by the applicant through a letter dated 12.04.2023 was to the effect that in an area of 30 to 40 acres of land near bay in the coastal area of Murud Janjira Municipal Council near Muslim Crematorium, the mangroves have been illegally cut by unknown persons. Based on this complaint, we had directed the Registry to call for a report from Member Secretary, MCZMA – respondent herein, which has been submitted and is annexed at pages 4 to 7 of the paper-book, wherein it is recorded that a site visit was conducted on 18.04.2024 at 10.30 a.m. by the officials of respondent No.1-MCZMA, Mangrove Cell, State Forest Department, Office of the Collector, Raigad, Murud Janjira Municipal Council, MPCB, Police Department and representative from

Taluka Inspector of Land Records (TILR) office and following has been observed:

- “2. *The site is accessible from the Kharbandhara cum small non-tar road. Along the bandhara, stunted growth of dense mangrove is observed on creekward and landward side (site of reference, S.No. 39/1) of the said bandhara. There are channels below the said bandhara for ingress of creek water into mangroves area at various locations.*
Mangrove species Rhizophora mucronata, Avicennia marina, Bruguiera cylindrical, Ceriops tagal were common with the associate species of Acanthus ilicifolius, Salvadora persica etc. are observed during the visit.
3. *Dumping of the murum was observed in mangrove vegetation along the landward side of the bandhara in S.No. 39/1. Area of dumping is around 1 acre as expressed by the TILR officials and Revenue officials. Further, they have informed that the mangroves area along the bandhara is around 10 Ha which is submitted in S. No. 38 and 39/1. As per rough estimate by the TILR and Revenue officials, murum dumped is approximately 650 brass covering the area of around 1 acre at the site.*
4. *As per the 7/12 extract, the S. No. 38 and 39/1 is Government Khajan land and allotted to fishing community for fishing related activities. Currently, both the survey numbers are covered by the Mangrove vegetation. As per the approved Coastal Zone Management Plan under CRZ notification, 2019, the subject land is mangrove land and categories as CRZ IA area.*
5. *Forest Department officials informed that the mangroves on the subject land is currently under the jurisdiction of the Revenue Authorities under Environment (Protection) Act, 1986. The site visit report submitted by the Range Forest Officer, Mangrove Cell. Alibaug in February 2023 and January 2024 was also referred which clearly mentions the cutting of mangroves and dumping (Annexure II).*
6. *Revenue officials informed that based on complaints received in the matter in year 2023, immediately action was initiated based on site visit (conducted on 25.01.2023) by Revenue*

Authorities to stop the dumping. Further, penalty was served on the suspect Mr. Prakash Babu Sarpatil by the office (Annexure III). Meanwhile, a FIR was lodged against the said person in the local police station (Annexure IV). The authorities informed that currently, the activity of the dumping is stopped completely.

- 7. Team of officials during the site visit observed that though the dumping activity is currently stopped, however, due to dumping in the past, the mangrove vegetation is destroyed and its growth is hampered in certain patches of mangroves.*
- 8. The area is low lying and crucial for maintaining the storm water overflow of the Murud area into the creek near Ekdara. Hence, maintain the mangrove ecosystem along the bandhara is vital. Proper maintenance of Channels/ Mori under the Kharbandhara is necessary for ensuring the ingress of saline water into the mangroves area.*
- 9. At the end, it is recommended that Office of Collector, Raigad and Murud Janjira Municipal Council to immediately lift the murum which is dumped on the mangroves. It is observed that once the said dumping is lifted, process of natural rejuvenation of the mangroves will take place gradually and will ensure its restoration. Underpass channels/ Mori needs to be cleaned and cleared to ensure the free flow of saline ingress of creek water into the mangroves area, this will enhance restoration process of mangroves.*

3. It is apparent from the above report that a person by name Prakaash Babu Sarpatil was suspected to have dumped murum in 10 Ha area in Survey Nos.38 and 39/1, which was about 650 brass spread over 1 acre at the site. The said survey numbers were found to be belonging to the State Khajan land of fishing community, which are covered by mangrove vegetation and hence, falls in CRZ-1A category. The Revenue Authorities have taken action against said Prakash Babu Sarpatil by imposing penalty of Rs.31,23,033/- and an FIR No.0111//2023 was lodged at Police Station, Murud under the provisions of the Environment (Protection) Act, 1986 and the Maharashtra Regional Town Planning Act,

1966. It is also apparent from the said report that dumping activity has now been stopped, but due to past dumping of murum, mangroves has got impacted. It is also found in the report that after the said murum would be lifted from the site, the area would naturally get restored and rejuvenated. It is also recommended that the underpass channels need to be cleaned to ensure the free flow of saline ingress of creek water into the mangroves area.

4. We find the suggestions given by the Joint Committee to be acceptable.

5. We dispose of this Original Application with a direction that the District Collector, Raigad shall ensure that the murum which is said to be lying on the spot in question is lifted within a period of two months and the underpass channels are cleared at the earliest to ensure free flow of saline water of creek in the mangroves area.

6. After the District Collector, Raigad takes steps as per aforesaid directions, a report of compliance shall be submitted to the Registry of this Tribunal.

6. We also find that in pursuance with our previous order dated 04.03.2024, the Member Secretary, MCZMA Mr. Abhay Pimparkar is personally present today before us and that the report has also been submitted in time, as directed earlier. In the circumstances, the appearance of Member Secretary, MCZMA is discharged.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

April 25, 2024
O.A. No.131/2023 (WZ)
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