



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION

PUBLIC INTEREST LITIGATION NO.87 OF 2013

Vanashakti Public Trust & Ors. ..Petitioners

Versus

Union of India through the Secretary  
Ministry of Environment & Forests & Ors. ..Respondents

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Ms.Gayatri Singh, Sr. Counsel a/w Mr.Zaman Ali a/w Ms.Anuja  
Sundaresan for the Petitioner.

Mr.G.W. Mattos, AGP for the Respondent Nos.2,3 and 8-State.

Ms.Trupti Puranik for the Respondent-BMC.

Mr.N.R.Bubna for the Respondent No.6.

Ms.Rupali Dixit i/by Mrs.Sharmila Deshmukh  
for the Respondent No.5.

Mr.Sabit Chakrabarty i/by Vidhi Partners for the Respondent  
No.8.

Ms.Milan Bhise a/w Mr.Amit Bhave i/by Milan Bhise & Co. for  
the Respondent No.1.

Mr.Y.R. Mishra a/w Mr.D.A. Dube for the Respondent No.1-  
Union of India.

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**CORAM : ABHAY S. OKA &  
A.A. SAYED, JJ.**

**DATE : 25<sup>th</sup> JULY 2016**

**P.C.**

1. The issue raised in this PIL is of public importance. The  
issue is regarding preserving wetlands in the State of Maharashtra.

Considering the importance of the issue, we issue Rule. The parties which are represented today by the advocates waive service of Rule. All ad-interim directions issued by this Court from time to time including the order dated 14<sup>th</sup> October 2013 which are operative till today shall continue to operate as the interim orders of this Court.

2. As per order dated 14<sup>th</sup> October 2013, this Court has directed that on the areas which have been identified as Wetland areas in the Wetland Atlas prepared by the Central Government, there shall be no reclamation of lands and no construction of whatsoever nature is permitted on the said lands without leave of this Court.

3. There is a Contempt Petition being Contempt Petition No.1 of 2015 filed by the PIL Petitioners complaining about violation of the ad-interim orders. From the Contempt Petition and from the affidavits filed on record, we find that the major violations according to the case of the petitioners are in Mumbai Suburban District as well as Thane District.

4. We hope and trust that even the State Government has understood the importance of maintaining and preserving the

Wetlands in the State. The learned counsel appearing for petitioners pointed out that since there are large scale violations, it is not possible for the petitioners to point out each and every instance to the Court and to the concerned officers of the State.

5. Considering the need to protect the Wetlands in the State and for ensuring compliance with the interim orders passed by this Court, a Grievance Redressal Mechanism will have be created. We, accordingly, direct to State Government to constitute a committee headed by the Divisional Commissioner of Konkan Division to monitor the implementation of the interim orders passed by this Court in the Konkan area of the State. We direct that a representative of the first petitioner shall be a member of the committee. The State Government shall appoint Senior Revenue Officers working under the Divisional Commissioner Konkan Division as well as Senior Police Officers having jurisdiction over various areas of districts in the Kokan Region to be part of the committee. It will be open for the State Government to include any expert as a member of the committee. Even a representative of the Maharashtra Pollution Control Board shall be a part of the committee. Needless to add that all Planning Authorities within the meaning of the Maharashtra Regional and Town Planning Act, 1966,

in the said districts of Kokan Region be given a representation of the committee.

6. The committee shall be constituted within the period of six weeks from today. The State Government shall give responsibility of the implementation of the orders passed by this Court at Taluka level to the officers not below the rank of Tahasildar. The officers so nominated shall work under the control of committee constituted under the orders of this Court.

7. The committee shall ensure that a Grievance Redressal Mechanism is set up for receiving and dealing with the complaints regarding destruction of the Wetlands in breach of orders of this Court. The committee shall make arrangements for receiving complaints about the destruction of Wetlands by E-mail and by way of Whatsapp messages. Arrangments should be made to receive complaints by providing toll free numbers. The Divisional Commissioner shall either create a seperate website or use the Website of his office to receive online complaints about destruction of Wetlands in breach of orders of this Court. Arrangments shall be made to provide for uploading photographs.

8. The necessary Grievance Redressal Mechanism shall be setup within a period of eight weeks from today. Wide publicity shall be given by the State Government in Local News papers, Television Channels, FM news channels etc., to the interim orders of this Court and to the availability of the Grievance Redressal Mechanism to receive complaints. We make it clear that it will not be necessary for the complainant to disclose his or her name. If anonymous complaints are received giving full particulars of the violation, the same shall be acted upon.

9. Action taken on the basis of complaints received by all possible modes shall be reported either on the specially created Website or on the Website of the Divisional Commissioner within a period of two weeks from the date on which the complaints are received. Adequate publicity shall be given to the Grievance Redressal Mechanism in all offices of Tahasildars in Konkan area. The State Government shall ensure that a Police Officer is made responsible at each Taluka level to assist the Tahasildars and other Revenue Officers for taking actions in case of violations.

10. As soon as complaints are received in any form, needless to add that a team of officers shall be immediately deputed

**This Order is modified/corrected by Speaking to Minutes Order dated**

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to the site to carry out site inspection. If complaintant has given his name, address and contact details, even the complainant shall be informed about the proposed site visit of the Government Officers.

11. The State Government shall file a detailed affidavit reporting compliance with the aforesaid directions on or before 27<sup>th</sup> September 2016. For considering the compliance, the PIL shall be listed under the caption of 'Direction' on 30<sup>th</sup> September 2016. Needless to add that the responsibility of the committee constituted under the Chairmanship of the Commissioner will be of not only of ensuring the compliance with the orders passed by this Court but also of restoration of Wetlands after the instances of destruction are brought to the notice of the committee.

**[A.A. SAYED, J.]**

**[ABHAY S. OKA, J.]**