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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION (L) NO.11639 OF 2026**

Maharashtra State Road Development

Corporation Ltd.

.... Petitioner

vs.

Union of India & Ors.

.... Respondents

Mr.Saket Mone a/w Ms.Anchita Nair and Ms.Fatema Kothari i/b
Vidhii Partners, for the Petitioner.

Ms.Akanksha Mishra, for Respondent No.1- Union of India.

Ms.Jaya Bagwe, for Respondent N.2/MCZMA.

Mr.Amar Mishra, AGP for State.

Mr.Aditya Mehta a/w Ms.Deepali Bagla i/b Bagla & Associates for
Respondent No.5.

**CORAM : BHARATI DANGRE &
MANJUSHA DESHPANDE, JJ**

DATE : 8th MAY, 2026

JUDGMENT (PER BHARATI DANGRE, J) :

1 The Maharashtra State Road Development Corporation Ltd. (MSRDC), a Company wholly owned and controlled by Government of Maharashtra and established with the objective of execution of infrastructure projects of public utility and more particularly public transportation system such as roads, bridges etc. has approached this Court, in light of the direction contained in Judgment and Order dated 17/09/2018 passed in PIL

No.87/2006 and specifically in Para 83 (viii) as it seek diversion of 0.4479 HA mangrove forest land and permission for felling of 75 number of mangroves, as it is appointed as an Agency for construction of two lane bridge across Jaigad Creek between Tavsai and Sandelavgan, District Ratnagiri on the Revas-Reddy Coastal Highway in the State of Maharashtra.

Pleading that the said Project is of grave public importance as the Government of Maharashtra has allotted the work of upgradation and improvement of Revas-Reddy Coastal Highway, Maharashtra State Highway - 4 (MSH-4), to two lanes with paved shoulder from Bankot to Jaigad (Package II), District Ratnagiri to the Petitioner, the necessary approval is sought.

The Petition is accompanied with a map showing the location and alignment of the Project.

2 The Petition has impleaded the Ministry of Environment, Forest and Climate Change (MOEF&CC) alongwith the Maharashtra Coastal Zone Management Authority (MCZMA), as Respondent Nos.1 and 2 respectively. The Environment Department of State of Maharashtra alongwith the Additional Principal Chief Conservator of Forest (Mangrove Cell), Mumbai are impleaded as Respondent Nos.3 and 4. The Bombay Environment Action Group (BEAG), who has initially filed PIL No. 87/2006 is impleaded as Respondent No.5.

By consent of Parties, we issue 'Rule', which is made returnable forthwith.

3 We have heard the learned counsel Mr.Saket Mone for the

Petitioner and Ms.Akanksha Mishra for Union of India, Mr.Aditya Mehta for Bombay Environment Action Group (BEAG), Ms.Jaya Bagwe for Maharashtra Coastal Zone Management Authority (MCZMA) and Mr.Amar Mishra, AGP for the State.

Mr.Saket More, representing the Petitioner would submit that the permission is sought from this Court as the Agency is implementing upgradation of Revas-Reddy Coastal Highway, MSH-4 and this Project is divided into four packages (tranches) and the Petitioner is concerned with the construction of two lane bridge across Jaigad Creek which is a part of Package II and this would involve diversion of about 0.4479 HA of Mangrove forest land. According to Mr.Mone the Petitioner has carried out detail study of the terrain on Revas-Reddy Coastal Highway, which is approximately 498 kms. in length and the Package-II involve the upgradation of coastal highway starting from Bankot and terminating at Jaigad Jetty near Jindal Thermal Power Plant, which would ensure easing of the congestion and improving the connectivity between Maharashtra border to Goa border along the coast line which would not only promote smooth commute, but would also boost tourism.

It is the submission of Mr.Mone that the proposal of the Petitioner was routed through various Authorities including the Maharashtra Maritime Board as well as MCZMA, which granted CRZ clearance. He would specifically submit that on an application being made to the Ministry of MOEF&CC for diversion of 0.4479 HA of mangrove forest and felling of 75 mangrove trees, on 25/11/2025 Stage I (in-principle) clearance was granted.

According to the Petitioner, it has complied with the conditions imposed in the aforesaid permission and the Petitioner also undertake to abide by all the necessary conditions, which this Court would impose and it is the submission of Mr.Mone that the Project being of public utility, this Court shall confer its approval, as the Petitioner has ensured all necessary compliances for diversion of the forest land.

4 We have also heard Ms.Jaya Bagwe representing MCZMA and Ms. Akanksha Mishra for Union of India.

The learned AGP Mr.Amar Mishra, by relying upon the Affidavit filed by the Divisional Forest Officer, Mangrove-Division, South Konkan, would submit that the proposal of the Petitioner was considered by the MCZMA in its 167th meeting and it was recommended from the CRZ point of view, subject to certain specific conditions, as the project alignment was passing through CRZ-IA (mangrove and buffer area), CRZ-IB, CRZ-III, CRZ-III (NDZ), CRZ-IVB and a turtle breeding site.

Considering the peculiarity, since the bridge was passing through the turtle nesting site/breeding site at Dabhol, the MCZMA imposed several conditions including, prohibiting construction carried out during the nesting season i.e. October to March and it being the breeding site, all necessary measures to be taken in consultation with Mangrove Cell. A condition was also imposed that there shall be no lighting near the breeding site and noise barriers shall be installed.

The Affidavit further state as under :-

9. I say that Respondent No. 4 had also recommended the proposal

under the forest law framework. The proposal was processed through the competent forest authorities, and the record shows that the project was recommended subject to conditions, including the requirement of prior High Court permission and plantation of 10 times the number of trees to be felled, namely 750 mangrove plants in lieu of 75 mangrove trees.

10. I say that by communication dated 25.11.2025, the Government of India, Ministry of Environment, Forest and Climate Change granted Stage-I/ in-principle approval under Section 2 of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for diversion of 0.4479 ha. mangrove forest land, subject to conditions. Specific Condition No. 3.1 requires that the User Agency shall obtain prior approval from the Hon'ble High Court of Bombay for felling and execution of the project, and Specific Condition No. 3.2 requires CRZ clearance, if required, and implementation of mitigation measures at the project cost. Hereto annexed and marked as EXHIBIT-'A', is the copy of the communication dated 25.11.2025.

5 It is also submitted by the learned AGP that the Mangrove Cell identified the land admeasuring 1.50 HA suitable for mangrove plantation by way of compensatory measure under CRZ 2019 framework and certified that the plantation can be undertaken thereon by fish-bone treatment method. It is also stated in the Affidavit that the Divisional Forest Officer, Mangrove Cell, demanded payment of Rs.71,10,642/- from the Petitioner towards cost of compensatory afforestation under clause 5.1.1 of CRZ Notification 2019 and the Petitioner has deposited the sum and thereafter the preparatory work on the identified area has commenced.

“16. Without prejudice to the aforesaid, Respondent No. 4 respectfully submits that, in addition to the statutory conditions already imposed, the Petitioner ought to be directed to install permanent and effective noise barriers and light barriers on the relevant finished road-bridge sections passing by / near / over the turtle breeding sites, and to provide effective speed control measures at both ends of such sections so as to prevent disturbance and mishaps affecting turtle ecology. This is the specific additional requirement stated in the existing requirements on behalf of Respondent No. 4. I say that there shall be strict prohibition on any construction activity during turtle breeding/ nesting season, namely from October to March, and there shall be no

deviation therefrom unless specifically permitted in accordance with law and subject to further orders, if any, of this Hon'ble Court."

6 The reliefs sought in the Petition are strongly opposed by the BEAG, which is represented before us through Mr.Aditya Mehta and Ms.Dipali Bagla.

The primary objection raised on behalf of Respondent No.5 is that the piece-meal approval is sought by the Petitioner as it is submitted that if the Project extends to 498 km., but in the Application preferred to the MCZMA, the land is shown to be 115.224 km and it is contended that in order to ascertain the overall impact of the Project on the environment and for its proper appreciation, it is necessary to seek approval at one go as this can lead to a position where the actual damage to the environment can be assessed.

The learned counsel has placed reliance upon various orders passed by the Hon'ble Apex Court which are placed alongwith the Affidavit filed on behalf of Respondent NO.5 and in specific the observation of the Apex Court in case of ***M.C. Mehta vs. Union of India & Ors., WP(s) Civil No(s), 13381/1984*** decided on 30/01/2024 is invoked to submit that the Apex Court has observed that the compensatory afforestation is in the close proximity of the place where the existing trees are situated.

Relying upon the aforesaid direction, it is submitted that in WP No.3727/2025 in case of Mumbai Metropolitan Regional Development Authority vs. Union of India, the Division Bench of this Court on 09/09/2025 has issued general directions while disposing of the Petition and it is directed as below :-

“(g) Environmental approvals to be obtained and granted for the project as a whole, and not in a piecemeal manner, so that the total number of trees/mangroves likely to be affected is placed before the authorities and the Court. All such approvals shall be uploaded on the website as and when obtained/granted.

(h) In case of any subsequent modifications, the project proponent must provide due justification and undertake a fresh Environmental Impact Assessment, together with a revised mangrove conservation plan covering the project in its entirety.

(i) The Forest Department/Mangrove Cell shall identify sites for compensatory afforestation in close proximity to the affected area, in line with the observation of the Apex Court in *MC Mehta v. Union of India* (supra).

(j) No felling shall commence until afforestation measures are initiated, bearing in mind the considerable time required for trees and mangroves to attain maturity.”

7 We have perused the pleadings placed before us in form the Petition alongwith annexures and Affidavit filed by Respondent Nos.4 and 5 and we have appreciated the submissions advanced in the light of the said pleadings.

MSRDC, seek permission for diversion of 0.4479 HA mangrove forest and for felling/cutting of 75 mangrove trees for implementing the project of construction of two lane bridge across Jaigad Creek between Tavsai and Sandelavgan, District Ratnagiri on the Revas-Reddy Coastal Highway, MSH-4, in accordance with the permissions granted to it. The Project is divided into four packages and the Petition revolves around a part of it including package II starting from Bankot and terminating at Jaigad Jetty, aligning through Kelshi Village upto Uttambar Aade Bridge.

The Project starts at Bankot Village and ends at Village Kachare at NH-4 and runs approximately 115.224 km. And has a width of 30 mtr.

Currently there is no thorough road from Maharashtra border to Goa border along the coastline and the available MSH-4 coastline road is available in segmental manner due to long creeks and because of this discontinuity , the users of the road have faced severe restrictions in planning road trips and keeping this point in view apart from the fact that it will also ease the congestion and encourage flow of traffic, the improvement of existing MSH-4 by constructing creek bridges alongwith the Maharashtra Coastline on priority was perceived.

Apart from the tourists, it was noted that MH 66 and upcoming Konkan Expressway will be made available for speedy travel and will encourage tourism as people from and in around Maharashtra and the Mumbai Metropolitan Region frequently visit the beach spots along the coastline of Maharashtra.

In absence of a link for joining the two States and with the hardship involved in undertaking the journey, the Project was proposed and MSRDC was chosen as the implementing agency. It is true that the MSRDC submitted its Application/proposal to the MCZMA by stating that there is existing State highway and upgradation of the same is proposed by connecting the missing link. The proposed alignment of passage II passes through 50 villages in 4 talukas and the MCZMA noted that as per the EMP report, prepared by M/s.Enviro Resources, currently there is no thorough road from Maharashtra border to Goa border and, therefore, this Project would improve commutation between the two States.

8 Upon the MCZMA being approached, it noted that 4.09 HA mangrove land shall affect due to the Project and the Project Proponent will be required to take all possible measures to have lesser foot-print in Mangrove area and compensatory mangrove plantation should be carried out in consultation with the mangrove cell. It also stipulated a condition that prior High Court permission should be obtained as per the High Court order dated 17/09/2018 in PIL No.87/2006 as the Project site is affected by mangroves.

The MCZMA noted that as per Para 8.1 of CRZ-I of the CRZ Notification of 2011, construction of road on stilt and bridge is a permissible activity and, therefore, after due deliberation, the MCZMA decided to recommend the proposal subject to various conditions, the primary conditions reflecting thus :=

- “1. The proposed activity should be carried out strictly as per the provisions of CRZ Notification, 2011 {(as amended from time to time) and guidelines/clarifications given by MoEF from time to time.
2. MSRDC to construct the bridge/ road on stilt with minimum footprint on the mangrove area & coastal environment.
3. PP to strictly ensure that during construction phase, all possible measures should be implemented to lessen the footprint of the road / bridge on the mangrove area & other ecologically sensitive features.
4. Prior High Court permission should be obtained as per Hon'ble High Court order dated 18TH Sep, 201 in PIL 87/2006, since the project site is affected by Mangrove & its 50 m mangrove buffer zone.
5. NoC from Mangrove Cell should be obtained from mangrove and turtle breeding / nesting sites point of view. Compensatory mangrove plantation should be carried out in consultation with Mangrove Cell.
6. PP to obtain the prior Forest Clearance under Forest (Conservation) Act, 1980.
7. PP to obtain the Environment Clearance under EIA Notification, 2006, if applicable.”

Apart from this, several other conditions are also imposed considering that the construction activity is proposed in the area of turtle nesting.

9 Upon the recommendation from the MCZMA, the State Level Environment Impact Assessment Authority (SEIAA) on 26/9/2023 in regards to the subject of CRZ clearance for proposed upgradation of Revas-Reddy Coastal Highway , MSH-04, the Project being implemented by MSRDC granted CRZ Clearance under the provisions of Environment Impact Assessment Notification 2006 and CRZ Notification, 2011 with the specific conditions, which were indicated by the MCZMA and general conditions being imposed to the effect that SEIAA reserve the right to revoke the recommendation if the conditions stipualted therein are not complied with to the satisfaction of MCZMA or environment department.

10 It is worth to note that in the Application for forest clearance filed by the Project Proponent, it clearly indicated the involvement of 0.4479 forest land with 11.558 non forest land. The Divisional Forest Officer, Mangrove Division, scrutinized the proposal and recommended the same to the Additional Principal Chief Conservator of Forest, Mangrove Division, for approval on 21/08/2025 alongwith its recommendation by stating that it is a site specific project. The recommendation was made by the Additional Chief Conservator of Forest, considering the site specific unavoidable and bare minimum forest land required for diversion, without causing any adverse effect to the adjoining mangrove and marine eco system and the user agency shall obtain necessary permission of the High Court and CRZ clearance from Competent Authority.

11 The proposal forwarded by the MSRDC was scrutinized and even the Project site was inspected by the Divisional Forest Officer, Mangrove Division, South Konkan, and the site inspection report was also forwarded to the Revenue and Forest Department. The detail report had a mention of flora and fauna as the Project involve diversion of land. The Divisional Forest Officer, Mangrove Cell certified that the mangrove forest area proposed for diversion is less than 1.00 HA and as per guidelines issued by the MOEF&CC under The Van (Sanrakshan evam Samvardhan) Adhiniyam, 1980 the plantation of 10 times (750) trees shall be done as 75 trees were to be felled by way of compensatory afforestation on the degraded mangrove forest area, land survey No.48, 0.17 HA of Village Nidi, Majare, Eslampur, Taluka Murud, District Raigad, under the jurisdiction of Mangrove Division, South Konkan.

A Compensatory Afforestation Scheme for taking up plantation over 0.17 HA of degraded reserve forest land with 10 years of maintenance was prepared and submitted by the Divisional Forest Officer, Mangrove Division, South Konkan.

The Net Present Value (NPV) for the area to be diverted was computed as Rs.5,00,260 and the Divisional Forest Officer certified that there was no violation of The Van (Sanrakshan evam Samvardhan) Adhiniyam, 1980 and the guidelines.

In light of the aforesaid, the Additional Principal Chief Conservator of Forest, recommended the proposal for diversion of 0.4479 HA of mangrove forest for construction of Jaigad Bridge on coastal road and allied activities by MSRDC in the State of Maharashtra

12 This was followed by the clearance from the Ministry of Environment and Forest, New Delhi on 25/11/2025. In principle approval under Section 2 of The Van (Sanrakshan evam Samvardhan) Adhiniyam, 1980 for diversion of 0.4479 HA of mangrove forest for the project. The said order imposed general conditions as below :-

- “1.1 Legal status of the diverted forest land shall remain unchanged
- 1.2 The boundary of the diverted forest land, shall be demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars at appropriate places in consultation with the DFO concerned at the project cost
- 1.3 The State Forest Department shall carry out plantation of 10 times the trees-to be felled 16, 75 X 10 times = 750 trees in the near by degraded forest area at the project cost as a compensatory afforestation. Details like kml map etc shall be uploaded in to the e green watch portal for monitoring purpose.
- 1.4 The State Government shall charge the Net Present Value of the diverted forest land measuring 0.4479 ha from the User Agency as per the orders of the Hon'ble Supreme Court dated 28.03.2008 and 09.05.2008 in 1A Nos.826 in 566 with related 1A's in Writ Petition (Civil) No.202/1995 and Ministry's guideline
- 1.5 Additional amount of the Net Present Value (NPV) of the diverted forest land if any, becoming due after revision of the same by the Hon'ble Supreme Court of India in future, shall be charged by the State Government from the User Agency. The User Agency shall furnish an undertaking to this effect
- 1.6 All the funds received from the User Agency under the project shall be transferred/deposited to CAMPA fund only through e-portal (<http://pativesh.nic.in/>)
- ...
- 1.11 User Agency shall obtain Environmental Clearance as per the provisions of the Environment (Protection) Act, 1986.”

One of the condition also required the Project Proponent to furnish an undertaking that the total forest area being utilised for the Project shall not exceed 0.4479 HA and the forest area diverted shall not be used for any other purpose as shown in the diversion proposal.

13 In the light of the aforesaid permissions sought and in principle approval being granted, it is urged before us that the Petitioner has made payment of ₹71,10,642/- as per the demand raised towards compensatory afforestation of 3 times the mangrove affected i.e. 1.50 HA as per CRZ Notification, 2019.

In addition, the Petitioner has also paid amount of Rs.1,41,239/-- for the cost of survey demarcation and Rs.1,94,794/- as tree felling cost on 29/01/2026. Apart from this, the Petitioner has also made payment of Rs.21,20,753/- upon compensatory afforestation including chain link fencing and for its maintenance for 10 years, Rs, 5,00,260/- is also deposited towards the Net Present Value (NPV) for diversion of mangrove forest land on 30/03/2026.

14 In light of aforesaid compliances being ensured, since we are of the view that the Project concern is a Project of public importance and since the Petitioner has already borne the cost of diversion of forest land and deposited the amounts which are directed to be deposited by way of compensatory afforestation/NPV, we see no reason as to why we should not accord our approval to the diversion of the forest land.

The BEAG has vehemently opposed the Petition and the specific objection raised is that approvals are granted in piecemeal, but considering the practicality of the situation, since we have noted that the entire project involved approximately 498 km., we quite appreciate the concern expressed by MSRDC that it would be practically impossible to have the approval at one go and at present the permission is sought part of a phase involving

115.224 km. If the entire project is to be covered which may at times involve not only the CRZ areas, but also urban/rural lands, which may be required to be acquired, and then if the Project take of, it would definitely cause huge delay and even at times may make the Project un-viable. Therefore, though we find that the piece-meal approval may not be an ideal situation, but for a huge project involving a stretch of about 500 kms. We see no other option.

15 Apart from this, the contention that the mangroves shall be planted in the proximity, we must note that the directions issued by the Apex Court in *M.C. Mehta (supra)* for compensatory afforestation is in respect of trees, but when it comes to the plantation of mangroves, we must note that for mangroves to survive, there is requirement of specific temperature, specific type of land and if there is no area nearby which would sustain development of mangroves the principle laid down to the effect that the afforestation shall be in the nearby area, may not be at all applicable.

In any case, we are of the view that in the present case, there is involvement of only 75 mangroves and what would be planted are 750 mangroves, which would be located in Eslampur, Taluka Murud, District Raigad and we are sure that mangrove cell had chosen this area, so that the mangroves can sustain and there is a need for plantation of mangroves in the said area.

In any case, we do not find any malafide approach on part of the Forest Department in granting the requisite permissions, and these permissions are granted subject to the compliances

which the MOEF&CC and Mangrove Cell of the State has granted, strictly in terms with the guidelines issued by the MOEF&CC under The Van (Sanrakshan evam Samvardhan) Adhiniyam, 1980 and 750 trees are directed to be planted, which is 10 times more than the trees to be felled, in accordance with Rule 13(5) of the Rules of 2023.

The compensatory afforestation is proposed at the degraded mangrove reserve forest under the jurisdiction Mangrove Division, South Konkan and we, therefore, do not see a single reason why we should withhold our approval, to the project which is of public importance and upon the in-principle approval being granted, the Project Proponent shall follow all the general conditions and the special conditions, subject to which the approval is granted.

16 In addition we also expect the Project Proponent, the user Agency to follow the conditions imposed by the Forest Department since the bridge is passing through the turtle breeding site, so that the activity shall not cause any disturbance.

We, therefore, direct the Project Proponent to file an Affidavit in this Court, within a period of four weeks from the date of uploading of the order, with a specific undertaking that it shall ensure compliance of the conditions stipulated in the order dated 24/11/2025 passed by the MOEF&CC and specifically stating thus :

a) Construction work shall not be carried out during turtle nesting/breeding season (October to March).

b) Noise barriers shall be installed between the construction area and turtle nesting site to mitigate the impact of turtle nesting side and

c) There shall be no lighting arrangement at turtle nesting site.

d) The activity of local fisherman /fishing shall not be hampered due to proposed activities.

e) There shall be free flow of creek water and there shall be no disposal of solid or liquid waste in the coastal area.

f) All possible efforts/measures shall be taken to maintain costal ecology and bio diversity.

Subject to the undertaking being filed in this Court within a period of four weeks, we grant our approval to the Project, to be implemented by the Petitioner, which involve diversion of 0.4479 HA mangrove, and felling/cutting of 75 mangrove trees as we are of the view that the Project is of public importance.

17 Writ Petition is made absolute in aforesaid terms.

[MANJUSHA DESHPANDE, J.]

[BHARATI DANGRE, J.]