

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).3774/2002
(From the judgement and order dated 19/10/2001 in OP No.
13289/2000 of The HIGH COURT OF KERALA AT ERNAKULAM)

THEERADESHA VIKASANA SAMITHI

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(With prayer for interim relief and office report)

WITH SLP(C) NO. 5270 of 2002

(With prayer for interim relief and office report)

SLP(C) NO. 6187 of 2002

(With prayer for interim relief and office report)

Date: 09/08/2010 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE D.K. JAIN

HON'BLE MR. JUSTICE H.L. DATTU

For Petitioner(s) Mr. Mathai M Paikeday, Sr. Adv.
Mr. P.I. Jose, Adv.
Mr. A Hidayathulla, Adv.
Mr. B.K. Mishra, Adv.
Mr. B.K. Kandari, Adv.

Mr. Romy Chacko, Adv.

For Respondent(s) Mr. Mohan Jain, ASG
Mr. D.K. Thakur, Adv.
Mr. Deepak Jain, Adv.
Mr. Jaspreet Aulakh, Adv.
Mr. Aditya Sharma, Adv.
Mr. S.N. Terdol, Adv.
Mrs Anil Katiyar ,Adv

Mr. G. Prakash, Adv.

Mr. K.R. Sasiprabhu, Adv.

UPON hearing counsel the Court made the following

O R D E R

SLP(C) NO. 3774/2002

A counter affidavit has been filed on behalf of
Ministry of Environment and Forests, respondent No.1

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herein. In the said affidavit it is pointed out that
after a detailed examination of the Coastal Zone
Management approach in this Country, Professor M.S.
Swaminathan submitted a report in the year, 2005, which
was accepted by the Government and several steps were

initiated on the basis of the recommendations made in the report. A draft Coastal Management Zone Notification, 2008 was issued on 1st May, 2008, inviting suggestions and objections as per Environment (Protection) Act, 1986. The objections and suggestions received were again referred to a four member Committee headed by Professor M.S. Swaminathan in June, 2009. The Committee after examining the comments, submitted its report in July, 2009, inter alia, setting aside the draft Coastal Zone Management Notification, 2008 and suggested strengthening of coastal Regulation Zone Notification, 1991. It is stated that then the said Ministry had undertaken an exercise to implement the said recommendations and accordingly, a pre-draft Coastal Regulation Zone Notification, 2010 has been issued. This pre-draft draft Notification provides for guidelines for preparing the Coastal Zone Management Plans and also inviting suggestions and objections from the people before finalizing the Coastal Zone Management Plan, which process is otherwise not provided in the existing Coastal Regulation Zone Notification, 1991. In the affidavit it is also

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pointed out that keeping in view the problems of Kerala, a special dispensation for Kerala has also been provided in the pre-draft Coastal Regulation Zone Notification, 2010.

Finally, it is stated that after taking into consideration the comments received on the pre-draft coastal Regulation Zone Notification, 2010, the said

respondent shall consider issuance of a draft Coastal Regulation Zone Notification, 2010 under the Environment (Protection) Act, 1986, inviting public suggestions/opinions. According to the affidavit, it will be open to the petitioner to file their suggestions/opinions within 60 days from the publication of the draft Notification.

Mr. Mohan Jain, learned Additional Solicitor General further submits that after the receipt of suggestions/opinions within the time stipulated in the pre-draft Notification, final Notification shall be issued expeditiously.

In the light of the said affidavit, we feel that no further orders are called for in this petition and the same shall stand disposed of accordingly.

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SLP(C) Nos. 6187 and 5270/2002

In view of the order of even date, passed in SLP(C) No. 3774/2002, these petitions are also dismissed. It will be open to the petitioners to file their suggestions/objections to the pre-draft Coastal Regulation Zone Notification, 2010, if they are so advised.

[Charanjeet Kaur]
Court Master

[N.B. Dhyani]
Court Master