

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS.6571-6572 OF 2008

Union of India and Another

Appellant(s)

Versus

D.R. Parekh and Another

Respondent(s)

W I T H

CIVIL APPEAL NOS.6577-6579 OF 2008

CIVIL APPEAL NOS.873 OF 2014

O R D E R

In the course of hearing, learned counsel for the parties have brought to our notice the affidavit filed by the Port Blair Municipal Corporation. Paragraph 14 of the said affidavit reads as follows:-

"It is submitted that the above mentioned Coastal Regulation Zone Regulation dated 19.02.1991 had been superseded and at present the new Coastal Regulation Zone Regulation Notification dated 06.01.2011 had come into force. As per the prevailing Notification dated 06.01.2011 stated supra, the area between Synclair Hotel and Corbyns Cove falls under CRZ II Category. However, the Port Blair Municipal Council has not prepared the necessary revised CZMP (Coastal Zone Management Plan) in view of the pendency of the Civil Appeals before this Hon'ble Court. The Central Government vide its Notification No.20(E) dated 06.01.2011 issued a separate Notification for the Environmental Management of A&N Islands & Lakshdweep in supersession of the notification of GOI

No.S.O.114(E) dated 19.02.1991. As per the said Notification of 2011 and on the request of Andaman and Nicobar Administration, Ministry of Environment and Forests, Government of India has entrusted the preparation of CZMP (Coastal Zone Management Plan) as per IP2 Notification 2011 to NCSCM (National Centre for Sustainable Coastal Management), Chennai vide D.O.No.19-7/2006-IA-III (Vol.III) dated 14.03.2014.”

On the basis of the aforesaid, Mr. Sanjai Kumar Pathak, learned counsel appearing for the Union of India and its authorities in Civil Appeal Nos.6571-6572 of 2008, Mr. Soumyajit Pani, learned counsel for the appellants in Civil Appeal Nos.6577-6579 of 2008 and Mr. Kunal Chatterjee, learned counsel for the appellant in Civil Appeal No.873 of 2014, submit that in view of the subsequent development, the impugned order deserves to be set aside.

On a perusal of the impugned order, we find that the judgment was rendered in 2004 and a fresh notification, that is, Coastal Regulation Zone Notification issued by the Ministry of Environment and Forests has come into force with effect from 6<sup>th</sup> January, 2011. Needless to say, all the concerned parties shall abide by the said Notification.

In view of the aforesaid, the appeals are allowed and the judgment and order of the High Court is set aside. There shall be no order as to costs.

.....CJI.  
[Dipak Misra]

.....J.  
[A.M. Khanwilkar]

New Delhi  
August 14, 2018.

ITEM NO.101

COURT NO.1

SECTION XVI

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Civil Appeal Nos.6571-6572/2008

UNION OF INDIA

Appellant(s)

VERSUS

D.R. PAREKH

Respondent(s)

(With appln.(s) for transposing appellant No.2 viz., the Municipal Council through the Secretary, Port Blair to respondent and directions)

WITH C.A. Nos.6577-6579/2008 (XVI)

(With appln.(s) for directions)

C.A. No. 873/2014 (XVI)

(With appln.(s) for directions)

Date : 14-08-2018 These matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE A.M. KHANWILKAR

For Appellant(s)

Mr. Sanjai Kumar Pathak, Adv.

Mr. Parvesh Thakur, Adv.

Mr. Balendu Shekhar, Adv.

Mr. Gurmeet Singh Makker, AOR

Mr. Soumyajit Pani, Adv.

Mr. Chittaranjan Singh, Adv.

Mr. Ansar Ahmad Chaudhary, AOR

Mr. Kunal Chatterji, AOR

Ms. Maitrayee Banerjee, Adv.

Mr. Saurav Gupta, Adv.

Mrs. Anil Katiyar, AOR

For Respondent(s)

Mr. Sunil Kumar Jain, AOR

Mr. Rajiv Talwar, AOR

Mr. Gurmeet Singh Makker, AOR

Ms. G. Indira, AOR  
Mr. Bhupesh Narula, Adv.  
Mr. K.V. Jagdishvaran, Adv.

Mr. Abinash Kumar Mishra, AOR

UPON hearing the counsel the Court made the following  
O R D E R

The appeals are allowed in terms of the signed order.

The interlocutory applications, if any, stand disposed of.

(Chetan Kumar)  
A.R.-cum-P.S.

(H.S. Parasher)  
Assistant Registrar  
(Signed order is placed on the file)