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SLP(C)No. 17323 OF 2000

ITEM No.35

Court No. 3

SECTION IX
A/N MATTER

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.17323/2000

(From the judgement and order dated 03/10/2000 in WP 2692/00
of The HIGH COURT OF BOMBAY)

BOMBAY ENVIRONMENTAL ACTION GROUP & ANR.

Petitioner (s)

VERSUS

STATE OF MAHARASHTRA & ORS.

Respondent (s)

(With prayer for interim relief)

(With Appln(s). for exemption from filing c/c of the impugned Judgment)

Date : 30/04/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. KIRPAL
HON'BLE MRS. JUSTICE RUMA PAL

For Petitioner (s) Mr. Mustafa Doctor, Adv.
Ms. Ruby Singh Ahujua, Adv.
Ms. Nandini Gore, Adv.
Ms. Manik Karanjawala, Adv.

For Respondent (s) Mr. K.K. Venugoapl, Sr. Adv.
Mr. Harish Chandra, Sr. Adv.
Mr. Sameer Parekh, Adv.
Mr. P.H. Parekh, Adv.

Mr. H.W. Dhabe, Sr. Adv.
Mr. S.V. Deshpande, Adv.

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

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Leave granted.
The appeal is disposed of in terms of the signed
order.

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Kalyani. (S.L. GOYAL)@@
AA
COURT MASTER @@
A AA

(Signed Order is placed on the file.)

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. OF 2001@@
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(Arising out of S.L.P.(C) No. 17323 of 2000)

Bombay Environmental Action Group & Anr. Appellants

Versus

State of Maharashtra & Ors. Respondents

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Leave granted.

Learned counsel for the affected respondent states that an application has been filed before the Union of India for permission as contemplated by the CRZ Notification for development of the plot which is stated to be between 200 and 500 metres of High Tide Line. Pursuant to the orders passed on 4th December, 2000 the decision of the Collector, Raigarh, Alibagh, dated 29th January, 2001, has been placed on record. According to this, the construction which is proposed to be made by the respondent is not permitted without the approval of the Ministry of Environment & Forests, Government of India.

This being so, the permission granted by the High Court by way of an interim order to the said respondent to continue construction cannot be regarded as valid. Mr. K.K. Venugopal states that appropriate application will be moved before the Ministry of Environment & ...2/-

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Forests for requisite permission and we hope that if and when that application is moved the same will be decided as expeditiously as possible. In the meantime, we set aside the impugned order of the High Court and direct that pending further orders by the High Court the parties shall maintain status quo. No construction shall be commenced/continued without the permission of the High Court. Hearing before the High Court should be expedited and writ petition disposed of preferably within four months.

The appeal is disposed of in the aforesaid terms.

.....J
(B.N. KIRPAL)

.....J
(RUMA PAL)

New Delhi,
April 30, 2001.