

Office of the Additional Principal Chief Conservator of Forests, Mangrove Cell, Mumbai

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ADMIN / 2019 - 20 / **02**

Date: April 8th 2019

To,

The Prothonotory and Senior Master Hon'ble High Court ,Mumbai.

Sub: - Compliance report by the Mangrove Monitoring Committee as per the Directions of Hon'ble Bombay High Court order dated 17th September, 2018 in PIL 87/2006.

The Hon'ble Bombay High Court vide order dated 17th September, 2018 in PIL 87 of 2006 has directed the monitoring committee headed by the Divisional Commissioner to submit a Compliance report. Accordingly, I humbly submit the **Second** compliance report of the said committee. The same may please be brought to the notice of Hon'ble Bombay High Court.

(Neenu Somaraj)

Member Secretary

State Mangrove Monitoring Committee

And

Deputy Conservator of Forest, Mangrove Cell.

Copy to: Government Pleader (Original side), Bombay High Court.

Copy to: Chairman, State Mangrove Monitoring Committee and Divisional Commissioner, Konkan

Division.

Copy to: Additional Chief Secretary (Revenue), Government of Maharashtra.

Copy to: Principal Secretary (Forest), Government of Maharashtra.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY ORDINARY ORIGINAL CIVIL JURISDICTION PUBLIC INTEREST LITIGATION NO. 87 OF 2006

Bombay Environment Action Group and another

.... Petitioners

VS

The State of Maharashtra and others

....Respondents

2nd Compliance Report of the Mangrove Monitoring Committee

Pa. No.	Order	Compliance	Remarks
85	(B) The following direction issued in terms	The Chief Secretary has directed	MRSAC carry
	of clause 8(viii) of the order dated 6th		
	October 1005 has been substantially		of High
	complied with:	resolution for detail mapping of	resolution Maps
	"The areas shown as mangrove area in the	mangroves, after receiving said	of mangrove
	satellite study report "Mapping of		forest which is
	mangroves in the Maharashtra State using	mangrove details on city survey /	not yet
	Satellite Remote Sensing" dated August,	village maps by 17th March 2019.	completed
	2005, prepared by the Maharashtra Remote	0 1 1, 1, 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	Completed
	Sensing Application Centre (MRSAC) for		
	the MCZMA which was submitted to this		
	Court on 29 th August, 2005, form part of		
	Phase I of the mapping by MRSAC. The		
	MRSAC will, in Phase II, carry out		
	mangroves study using high resolution for		
	detailed mapping of mangroves with a view		
	to identify more precisely mangrove areas		
	in Mumbai and Navi Mumbai. After		
	receiving the said satellite data, transfer of		
	mangrove details on city survey/village		

maps(cadastral map) will be carried out within a period of 6 months from today". (C) The directions in sub clauses(ix) to (xiii) of clause 8 of the order dated 6th October 2005 shall continue to operate as final directions in respect of mangrove areas only on the government lands and the lands held by Planning Authorities like CIDCO, MMRDA etc. In respect of the lands admeasuring 2823.8493 Hectares as stated in the affidavit dated 14th February 2018 of Shri MilindPanditrao, the direction regarding transfer of the lands to the Forest Department and consequential directions regarding making revenue entries shall be complied with within a period of three months from the date on which this Judgment and Order is uploaded. The State Government shall identify the mangroves lands which were vested in it by virtue of section 3(1) of the Private Forest Act and shall take appropriate tases; (D) We direct the State Government to constitute a Committee headed by the orders a final directions in the meeting held on 17th November 2018 (Annexure 1) 1. All the Municipal Corporations, CIDCO, MMRDA, MHADA, MIDC, Revenue Department and other concerned agencies to expedite the process of identification of government mangrove land, their notification as Reserved Forest and subsequent transfer to Forest Department. (115 ha), Mumbai s urban (23 lab), Thane transfer of entire notified mangrove land, their notified mangrove land, their notified mangrove land, their notified mangrove land, their notification as Reserved Forest and subsequent transfer of entire notified mangrove land, their notification as Reserved Forest and subsequent transfer of entire notified mangrove land, their notification as Reserved Forest and subsequent transfer of entire notified mangrove land, their notification of government land of the private Forest Act and shall take appropriate steps in respect of such lands for transferring such lands to prove the State Government to take recourse to section 21 of the Private Forest Act in appropriate cases; (D) We	
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1) Monitoring Committee headed by	
Divisional Commissioner, as agreed by the enclosed	J
State Government The Committee and (Annexur	e 1).
subcommittees shall be formed in met four times since its creation in District with	
District Wil	

accordance with the observations made in paragraph 68 above. The committee shall be responsible for the reservation conservation of mangroves, for restoration of reclaimed mangroves areas set out in paragraph 73 above and for implementation of the directions in this Judgment. The Committee shall be constituted within a period of one month from today. The sub committeesas observed in paragraph 68 shall be constituted within two months from today. The Committee shall hold regular meetings and the minutes of the meeting shall be made available on public domain as observed in paragraph 68 above. As directed under the order dated 6th October 2005, the Principal Secretaries of (1) Environment, (2) Revenue and (3) Forest Department of the Government of Maharashtra shall be overall in charge for ensuring total compliance with directions issued under this Judgment and Order. They will monitor the working of the Committee headed by the Divisional Commissioner;

October (in 12th November 2018, 28th December 2018, 16th January 2019 and 25th February 2019).

- 2) Committee headed by ACS (Revenue) constituted vide Gr No. S-30/2018/CN/ 592/F-3 dated 15 December 2018 to monitor the monitor the working of Committee headed by Divisional Commissioner. The first meeting was held on 2/4/2019
- 5) The Secretariat will be housed in the Mangrove Cell/ provided by the

of complaints and action taken

thereof are enclosed in Annexure 2

Konkan Bhawan and necessary funds for establishing the Secretariat will be Mangrove Foundation.

(G) We direct that it is the obligation of the State to replant destructed mangroves and to restore mangroves areas which are illegally reclaimed. The said areas shall be restored to its original condition. In what manner restoration shall be done must be decided by the Committee headed by the Divisional Commissioner after consulting experts in the field. The Committee shall identify the vulnerable mangroves areas in

1) In most of the cases immediate availability of fund to restore the mangrove land is not available and especially in private area the authority will face problem. Even if the restoration cost of land is recovered from the offender as an arrears of land revenue under Maharashtra Land Revenue Code but restoration work will

No such reclamation work was carried out so far. BMC has informed in the Mangrove Monitoring committee meeting that the State and direct its constant surveillance by the Police/Forest Guards/Security Guards of the Maharashtra Security Corporation. The Committee shall ensure that barricades are erected for preventing the entry of vehicles in such vulnerable area. The Committee shall also consider of installing CCTVs along the vulnerable stretches to keep a vigil. The Committee shall also cause to undertake satellite mapping of mangroves area in the state at periodical intervals of not more than six months by using resolution as suggested in paragraph no.28 of the note submitted by the learned senior counsel appearing for the petitioner. Any changes seen shall be considered by the Committee and remedial measures shall be taken. The State Government shall sanction necessary amount for that purpose;

affected because of immediate unavailability of fund. Hence the Committee has directed

a) Respective Municipal
Corporations to take up
responsibility of restoration of
destructed areas in their jurisdiction
(Urban area).The necessary funds
can be demanded from the
government.

b) For the rural areas, Mangrove Foundation will initially use its resources for restoration and if such funds are not sufficient, additional grants will be sought by Mangrove Cell from the government.

2) The committee is of the opinion that, the exercise to identify the vulnerable mangrove areas from each district will require sufficient time. Hence it has directed concern forest division of each district to make a survey and identify these areas and the action plan will be prepared accordingly to have constant vigil on those lands.

tender
processing of
reclamation is
going on.

(Neenu Somaraj)

Member Secretary

State Mangrove Monitoring Committee

And Deputy Conservator of Forest, Mangrove Cell.

Annexure II

Status of Complaints Received by Monitoring
Committee

District	Complaint Received	Disposed off	Pending
Mumbai City	3	1	2
Mumbai Suburban	32	11	21
Palghar	0	0	0
Thane	26	6	20
Raigad	15	1	14
Ratnagiri	1	0	1
Sindhudurg	0	0	0
Total	77	19	58