



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

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ADMIN / 2019 – 20 / 02

Date: April 8<sup>th</sup> 2019

To,  
The Prothonotary 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 17<sup>th</sup> September, 2018 in PIL 87/2006 .

The Hon'ble Bombay High Court vide order dated 17<sup>th</sup> 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	<p>(B) The following direction issued in terms of clause 8(viii) of the order dated 6th October 1005 has been substantially complied with :</p> <p>“The areas shown as mangrove area in the satellite study report “Mapping of mangroves in the Maharashtra State using Satellite Remote Sensing” dated August, 2005, prepared by the Maharashtra Remote Sensing Application Centre (MRSAC) for the MCZMA which was submitted to this Court on 29<sup>th</sup> 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</p>	<p>The Chief Secretary has directed Director MRSAC to carry out Mangrove study by using high resolution for detail mapping of mangroves, after receiving said Satellite data and transfer of mangrove details on city survey / village maps by 17th March 2019.</p>	<p>MRSAC carry out the project of High resolution Maps of mangrove forest which is not yet completed</p>




maps(cadastral map) will be carried out within a period of 6 months from today”.		
<p>(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 steps in respect of such lands for transferring such lands to Forest Department within a period of 18 months from today. It will be also open for the State Government to take recourse to section 21 of the Private Forest Act in appropriate cases;</p>	<p>The chief secretary of Maharashtra has issued following directions in the meeting held on 17th November 2018 ( Annexure 1)</p> <p>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.</p> <p>2. Instructions were given to all the District Collectors to complete the transfer of entire notified mangrove area and to make revenue entries before the dead line given by the Honourable High Court i.e. by 16th December 2018. Wherever areas notified under section 4 have been excluded after inquiry by the Forest Settlement Officer, the orders should be shared with Forest Department, So that wherever felt necessary by that latter, an appeal can be preferred.</p>	<p>1374 hectares are mostly in Raigad (1196 ha), Sindhudurg (115 ha), Mumbai sub urban (23 ha), Thane (5.66 ha), Palghar(34.2 ha) are pending for transfer. The Committee of the Secretaries dtd 02/04/2019 urged to expedite the matter</p>
<p>(D) We direct the State Government to constitute a Committee headed by the Divisional Commissioner, as agreed by the State Government. The Committee and subcommittees shall be formed in</p>	<p>1) Monitoring Committee headed by the Divisional Commissioner has met four times since its creation in</p>	<p>The minutes of the meeting is enclosed (Annexure 1). District wise list</p>



<p>accordance with the observations made in paragraph 68 above. The committee shall be responsible for the reservation and 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 committees as 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 the directions issued under this Judgment and Order. They will monitor the working of the Committee headed by the Divisional Commissioner;</p>	<p>October (in 12<sup>th</sup> November 2018, 28<sup>th</sup> December 2018, 16<sup>th</sup> January 2019 and 25<sup>th</sup> February 2019).</p> <p>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 the Committee headed by Divisional Commissioner. The first meeting was held on 2/4/2019</p> <p>5) The Secretariat will be housed in the Mangrove Cell/ Konkan Bhawan and necessary funds for establishing the Secretariat will be provided by the Mangrove Foundation.</p>	<p>of complaints and action taken thereof are enclosed in <b>Annexure 2</b></p>
<p>(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</p>	<p>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 get</p>	<p>No such reclamation work was carried out so far. BMC has informed in the Mangrove Monitoring committee meeting that</p>

<p>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;</p>	<p>affected because of immediate unavailability of fund. Hence the Committee has directed</p> <p>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.</p> <p>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.</p> <p>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.</p>	<p>tender processing of reclamation is going on.</p>
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 (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
<b>Total</b>	<b>77</b>	<b>19</b>	<b>58</b>