

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.2041 OF 2017

Rajesh P. Ved ...Petitioner

Versus

Union of India through the Secretary,
Ministry of Environment, Forests and
Climate Change, Indira Paryavaran
Bhawan & Ors. ...Respondents

WITH

WRIT PETITION NO.1797 OF 2017

Prasham Pradip Diwadkar ...Petitioner

Versus

Union of India through the Secretary,
Ministry of Environment, Forests and
Climate Change, Indira Paryavaran
Bhawan & Ors. ...Respondents

WITH

WRIT PETITION NO.2042 OF 2017

Ashok Madhavji Thakkar ...Petitioner

Versus

Union of India through the Secretary,
Ministry of Environment, Forests and
Climate Change, Indira Paryavaran
Bhawan & Ors. ...Respondents

WITH

WRIT PETITION NO.2857 OF 2017

Dilip Shamlal Gupta ...Petitioner

Versus

Union of India through the Secretary,
Ministry of Environment, Forests and
Climate Change, Indira Paryavaran
Bhawan & Ors. ...Respondents

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Mr. Saket Mone with Ms Neha Joshi, Mr. Vishesh Kalra i/b. M/s. Vidhi Partners for the Petitioner.

Mr. Vijay Kantharia with Mr. Prarag Vyas for the Respondent No.1-UOI.
Mr. Siddharth Joshi i/b. M/s. Dastur Kalambi and Associates for the

Respondent No.2.

Ms Jaya Bagwe i/b. Ms Sharmila Deshmukh for the Respondent No.6.

Mr. A.H. Fatangare for the Respondent No.8.

**CORAM : RANJIT MORE AND
SMT. ANUJA PRABHUDESSAI, JJ.**

DATED: 26th JUNE, 2018.

P.C.:-

By these petitions the Petitioners are challenging the order dated 10th January, 2017 passed by the National Green Tribunal (NGT).

The relevant portion of the order reads thus :-

“The Applicant contends that the notification dated 4th February, 2003 has declared the entire area of Matheran Municipal Council in Karjat Taluka, District-Raigad as the eco sensitive zone wherein there is an obligation cast on the local authority to ensure that no new construction is allowed and if any such construction comes up, it shall be removed. We, therefore direct the Respondent Nos.3, 7 and 8 Matheran Hill Council of Matheran to ensure that no new construction come up within the entire Municipal area of Matheran Hill Station and any new construction coming up in the area is demolished in accordance with law. Necessary Police Protection shall be given to the enforcement authorities/officers.”

2 The impugned order passed by the Green Tribunal is appealable before the Apex Court. The grievance of the Petitioner is that pursuant to the said order, the Respondent No.8- Matheran Hill

Station Municipal Council has issued the impugned notices. It is the grievance of the Petitioners that the constructions referred to in the impugned notices are not new constructions. The Petitioners claim that they have not carried out new construction but have only carried out repairs and renovation to the existing structure. Since the Petitioners have already replied to the said notices, it is now within the domain of the Respondent No.8-Matheran Hill Station Municipal Council to consider the Petitioners' reply and pass appropriate order. Suffice it to say that in case the order is adverse to their interest, the Petitioners can avail appropriate remedy to challenge the said order.

3. Under the circumstances, we do not find any reason to interfere either with the impugned order passed by the National Green Tribunal or the notices issued by the Respondent No.8- Matheran Hill Station Municipal Council. Hence, the petition is dismissed. It is made clear that we have not gone into the merits of the matter. The Respondent No.8- Matheran Hill Station Municipal Council shall take the decision in the matter on its own merits and after considering the pleas raised by the Petitioners in their reply. In the event the order passed by the Respondent No.8-Matheran Hill Station Municipal Council is adverse to the interest of the Petitioners, the same shall

stand stayed for a period of two weeks from the date of communication of the order to the Petitioners, so as to enable them to challenge the order.

(SMT. ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)

