

Minutes of the 12th meeting of the Maharashtra Coastal Zone Management Authority
held on 19-06-2002 at Committee Room, 5th floor, Mantralaya, Mumbai-32

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The following were present :

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| 1) | Principal Secretary
Environment & Energy Department
Govt. of Maharashtra,
Mantralaya, Mumbai-32. | Chairman |
| 2) | Principal Secretary,
Urban Development Department,
Govt. of Maharashtra,
Mantralaya, Mumbai - 32. | Member |
| 3) | Principal Secretary (Revenue),
Department of Revenue & Forest,
Govt. Of Maharashtra,
Mantralaya, Mumbai-32 | Member |
| 4) | Dr.Hrishikesh Samant,
Lecturer,
Department of Geology,
St.Xavier's College,
Mumbai | Member |
| 5) | Dr. Munshi Lal Gautam,
Member Secretary,
Maharashtra Pollution Control Board,
Mumbai-1. | Member-Secretary |

Prof.S.K.Gupta, Head of the Deptt., C.E.S.E., Indian Institute of Technology, Pawai, Dr.Leela Bhosale, Department of Botany, Shivaji University, Kolhapur and Shri S. Ayyappan, Director, Central Institute of Fisheries Education, Members could not attend the meeting. Leave of absence was sought by them, which was granted by the Chairman.

Shri Surendra Jadhav, Deputy Secretary (Tech.) Environment Department, Shri A.B.Jain, Law Officer MPCB, Shri P.V. Deshmukh, Dy.Secretary, and Shri Banayat, Urban Development Deptt. Govt. of Maharashtra were also present to assist the Authority.

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The matters placed before the Authority were discussed in detail. Following is the gist of the discussions and decision taken thereon.

Item No.1 : To confirm the minutes of the 11th Meeting of the Maharashtra Coastal Zone Management Authority held on 13-5-2002.

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The minutes of the 11th meeting of the Maharashtra Coastal Zone Management Authority held on 13-05-2002 were circulated amongst the Members vide letter bearing No.MCZMA/196 dated 22.5.2002 with a request to forward suggestions, comments, if any. No comments/suggestions were received from the Members. The minutes were read and confirmed. Chairman of the Authority suggested that a separate item be placed indicating actions taken in future.

Item No.2: In the High Court of Judicature at Mumbai
Writ Petition No.2269 of 2001 filed by
Om Namo Sujalam Safalam Co.Op. Hsg.Soc. Ltd. & Ors
V/s
Chief Executive Officer, Slum Rehabilitation Authority & Ors.

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Member Secretary of the Authority gave brief background of the case. He informed that as per the request of the Authority verification work of the sites at Santacruz and Versova has been carried out by Capt.S.K. Jha, Commanding Officer, INS Nirdeshak. He further informed that a detail report vide letter No.738/7 dated 18.6.2002 alongwith map has also been submitted by him to the Authority. On the request of the Authority Capt.S.K. Jha, Commanding Officer, INS Nirdeshak, with his colleague made a presentation. He explained that tidal influence has been observed in the creek at the disputed site at Santacruz and even beyond that. It was informed that HTL was also drawn on both the sites of the creek as shown in the map and concluded that the CRZ area has been rightly marked in the CZMP of Mumbai. The Authority agreed with

the findings of Commanding Officer and it was decided that the report alongwith maps may be submitted to the Hon'ble High Court on the above lines. The members placed on record their appreciation for the assistance extended by Capt. S. K. Jha, Commanding Officer & his team is carrying out the survey.

Item No.3 : Proposal for redevelopment of slum properties bearing CTS Nos.30(pt), 31(pt) of Village Juhu and CTS No.195 (pt) of village Andheri under Slum Rehabilitation Scheme for New Sangamner C.H.S. Ltd., and New Kapas Wadi Juhu Ekta Co.Op. Hsg. Society Ltd.,

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The survey report carried out by the Chief Hydrographic Office, Dehradun through Capt.S.K. Jha, Commanding Officer, INS Nirdeshak vide letter No 738/7 dated 18.6.2002 was placed on record. Capt.S.K. Jha, Commanding Officer, INS Nirdeshak explained in brief about the details of survey carried out by his team and also explained the map to the Authority. He informed that for carrying out survey of properties bearing CTS Nos.30(pt), 31(pt) of Village Juhu and CTS No.195 (pt) of village Andheri under Slum Rehabilitation Scheme for New Sangamner C.H.S. Ltd., and New Kapas Wadi Juhu Ekta Co.Op. Hsg. Society Ltd. The Prachi Society (Judges Apartments) was taken as a reference station for delineation of HTL as per survey rules. He informed that the HTL extend along the main road and around the Prachi Societies. He further informed that the HTL marked in 1998 was observed to be changed at various locations due to land filling carried out by various authorities. He further stated that 500 Mts. Offset line was drawn from the seaward HTL and from north of the creek which is marked by Red data line on the UTM grid sheet. After examination of the survey report as well as map and photographs and after hearing the views of Commanding Officer, the Authority concluded that site (A) CTS Nos.30(pt), 31(pt) of Village Juhu for New Sangamner C.H.S. Ltd., falls in CRZ while site (B) CTS No.195 (pt) of village Andheri for New Kapas Wadi Juhu Ekta Co.Op. Hsg. Society Ltd. does not fall in CRZ i.e. it is beyond 500 metres from H.T.L.

The representative of M/s.Mayurpankh Properties Pvt.Ltd., sought certain clarifications which were given by Capt.S.K. Jha, Commanding Officer, INS Nirdeshak. On further inquiries from the applicant M/s.Mayurpankh Properties Pvt.Ltd., Chairman of the Authority directed the representative of the said company that they should seek the clarification in writing so that the position can be clarified properly. It was also decided that guidance may be sought from the Office of Chief Hydrographer whether the relevant map can be given to the applicant or otherwise.

It was decided to issue appropriate orders in the matter and inform the applicant M/s.Mayurpankh Properties Pvt.Ltd., accordingly.

Item No.4.: Writ Petition No.1151 /1995 filed by
Ashoka Apts. Co-Op. Hsg. Soc. & Ors.
V/s
Municipal Corporation of Greater Mumbai
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Member Secretary explained the matter in brief. He requested the Advocate for Petitioners to make his submission. Learned Advocate appearing on behalf of the Petitioners society informed the background of the matter and pointed out that as per order of Hon'ble High Court in Writ Petition No.1151 of 1995 dated 5th Sept.2001, they have approached the Authority for redressal of their grievance. He informed that Petition was filed by them particularly for restraining Respondent No.6 i.e. M/s.Mangal Murti Developers Pvt.Ltd. from carrying out illegal development/construction/ reclamation activities on the foreshore land situated in front of Petitioners' apartment. The Petitioner further informed that the said developer had given a statement by way of an affidavit dated 10th July, 1998 to the effect that they have not submitted any development plan for construction activities on the plot in question. The Hon'ble High Court had therefore ordered that if any such development plans are submitted by the said Respondent No.6, then the Petitioner should be given notice for making his representation. He informed that a survey carried out by the Office of Collector and 76 hutments were found to be

illegal. He informed that the hutment dwellers moved the Hon'ble Court by filing a Writ Petition and have obtained stay order. The Collector Mumbai submitted that as per the order of the Hon'ble High Court dated 17.1.2002 his office has taken necessary action for identification of the structures which were came up in violation of the Court's order and its removal. He assured the Authority to submit detailed report on action taken such as removal of illegal huts etc.

The Learned Advocate for the Petitioner argued that the Hon'ble Supreme Court of India in S. Jagannath V/s Union of India AIR 1997 S.C. Page 11 has observed that the CRZ Notification issued under the Environment (Protection) Act, 1986 will have overriding effect and would prevail over the Laws and Regulation of State Legislature. He further relied upon an affidavit by Ministry of Environment & Forests, Govt.of India in an another matter (Guzdar Scheme Residents Trust, Santacruz (W), Mumbai) in which Ministry has clearly stated that no construction shall be permitted in violation of CRZ Notification after 19.2.1991.

Collector Mumbai was asked to submit written submission in the matter. Similarly it was also decided to take written submission of other Respondents.

Item No.5: Application received from Shri R. G. Vertak in the matter of HTL shown in the Coastal Zone Management Plan , affecting the Secondary School, Plot in CTS No.5A(5) of village Borivali

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Shri R.G. Vertak, Chairman, Samajonnati Shikshan Sanstha located at L.T. Road, Near Gokhale College, Gorai, Borivali (West), Mumbai-91 informed the Authority that the Govt.of Maharashtra allotted the land in CTS No.5A/5 admeasuring 2550 sq.mtrs. for Secondary School at Borivali (West).and in CTS No.5A(4) admeasuring 4666 sq.mtrs. for a play ground. He informed that the possession of the land was taken in November, 1995. It was informed that the M.C.G.M. approved the building plan and allowed development of Secondary School on the said plot. He further informed that necessary

charges for sewerage installation, water collection etc. were made. However, the Municipal Corporation withheld further approval saying that the site in question is affected by the CRZ Notification 1991. According to the applicant, the HTL is beyond the stipulated 50 mtrs. Distance from the CRZ-II on the west and the plot is not affected by HTL at all from the south side.

The representative of M.C.G.M. Informed that as per the Coastal Zone Management Plan approved for Mumbai the plot in question is affected by CRZ Notification, 1991. The Urban Development Deptt., Govt.of Maharashtra vide its letter dated 5.6.2002 has also endorsed the views saying that the revised CZMP was not approved on the date of grant of permission by M.C.G.M. on 25.4.1997. However, the CRZ Notification was effective and was enforced since 19.2.1991. It was informed that school building constructed by the applicant is in violation of CRZ Notification, 1991.

The Chairman of the Applicant society requested that there has been some mistake in delineation of HTL and further requested that the same can be verified. through the Office of Chief Hydrographer for which the applicant was ready and willing to make the payment.

After due deliberation, it was decided to inquire from the Office of the Chief Hydrographer, Deharadun whether they will undertake the survey at the cost of the applicant society.

ItemNo.6: Order passed by Hon'ble High Court in Writ Petition
No.85/2000 filed by the Colaba Cuffe Parade Citizens
Group V/s Union of India regarding violation of CRZ
Notification - compliance regarding.

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Member Secretary explained the matter in brief and informed that order passed by the Hon'ble High Court in Writ Petition No.85/2000 from time to time have not been complied with and the Union f India has to submit its report to the Hon'ble High Court

is pressing hard for compliance report. It was further informed that the Collector Mumbai was directed to complete the survey of construction/hutments which were in existence as on 19.2.1991 and huts came in existence between 1991 to 1995.

The Collector Mumbai submitted that the survey could not be completed for various reasons and sought extension upto 15th August, 2002. He informed that before identifying the slum for the above property, it will be necessary to extend an opportunity of personal hearing to the slum dwellers. The Chairman of the Authority suggested that hearing should be given to both the categories i.e. as on 19.2.1991 and post 1991. The Collector Mumbai informed the Authority that he is facing lot of problem particularly due to disposal of debris/construction material for by the nearby societies which carry repairs and maintenance work. He also requested the Authority to make available the requisite maps for identifying the CRZ areas in his jurisdiction.

The representatives of M.C.G.M. was directed to make available the sanctioned D.P. plan prepared on 1:4000 scale to both the Collectors i.e. Collector-Mumbai and Collector Suburban (Mumbai) to enable them to take effective action against the violators. The Collector also pointed out that removal of hutments also create law and order situation. He further informed that during rainy season they have instruction from the State Govt. not to remove the hutments. Due to there reasons the work could not be completed in time.

The reply of Govt.of India, Ministry of Environment & Forests to the query referred by State Govt. was also read out in the meeting. Govt.of India has clearly said that all hutments in CRZ area has to be removed which came after 19.2.1991.

After due deliberation, it was decided that a suitable communication should be made by Housing Dept. Govt. of Maharashtra to the Ministry of Environment & Forests, Govt.of India requesting for extension of time limit upto 15th August, 2002 for identifying slum developments in CRZ area between the period from 19.2.1991 to 1.1.1995. It was

decided to inform the Govt.of India that action will be taken against such slums/development works which have come up between 19.2.1991 to 1.1.1995 depending on availability of land for their rehabilitation. It was also decided to inform that post 1.1.1995 constructionslum/development in CRZ area will be demolished on proprity after identification.

Item No.7: Revised Coastal Zone Management Plan of Jawaharlal
Nehru Port Trust (JNPT) (Part of Navi Mumbai CZMP)

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State Govt. in Urban Development Deptt., placed the revised draft CZMP of J.N.P.T. as per instructions of Ministry of Environment & Forests, Govt.of India.

The matter was discussed and it was decided to visit the J.N.P.T. area on 22.6.2002 for physical inspection.

The meeting ended with a vote of thanks to the Chair.