

Item No. 02

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
(Through Video Conferencing)**

Original Application No. 23/2019 (WZ)

Nadeem Dawood Tolkar & Anr.

Applicant(s)

Versus

State of Maharashtra

Respondent(s)

Date of hearing: 06.03.2019

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE S.P. WANGDI, JUDICIAL MEMBER
HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

For Applicant(s): Mr. Saurabh Kulkarni, Mr. Prashant Bhat, Ms. Priti Joshi, Advocates

For Respondent (s):

ORDER

1. This application seeks stopping of dredging of sand with the help of mechanized process and dumping of solid waste in the Coastal Regulation Zone (CRZ) notified area, near Heera Court Lake, Alibagh, District Raigad, Maharashtra.
2. Case of the applicant is that illegal sand mining was taking place in the area which was challenged by way of Original Application No. 18/2018(WZ) at the Western Zone Bench at Pune. Vide order dated 30.05.2018, the Tribunal directed that dredging of sand mining be done only in accordance with the judgment of the Tribunal dated 29.05.2014 in *Application No. 34(THC) of 2013 (WZ), Awaaz Foundation and Sumaira Abdulali Vs. State of Maharashtra and Ors.* Subsequently, the application was disposed of on 20.07.2018. However, illegal extraction of sand by dredging is still taking place on the pretext of Environmental Clearance dated 18.03.2016 for maintenance work to clear navigational

waterways and the channels of the creeks and rivers of Raigad District. Contract has been given to Respondent Nos. 6 to 8, M/s R.R. Enterprises, Paras Hatpati Sahakari Sanstha and M/s Manoj Infrastructure, who are dumping solid waste in the area covered by the CRZ. The contractors are destroying the mangroves and degrading the environment. The applicant made a representation dated 01.09.2018, but the same has not been looked into.

3. In view of order already passed on 20.07.2018 in *Original Application No. 107/2018, Mussadiq Hassan Kadri Vs. State of Maharashtra & Ors.*, the allegation that the site is not the maintenance dredging work for navigational waterways and illegal sand mining or whether dumping of solid waste in CRZ area is taking place is a matter which can be looked into by the Collector of the Raigad District and the Divisional Commissioner, Konkan Region, Navi Mumbai. No further order is necessary.
4. Accordingly, this application is disposed of with the observation that the grievance of the applicant may be redressed by the Divisional Commissioner, Konkan Region, Navi Mumbai in the light of the order of this Tribunal already passed, referred to above.

Adarsh Kumar Goel, CP

S.P. Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

March 06, 2019
Original Application No. 23/2019 (WZ)
DV