

Item No. 12

Court No.1

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Appeal No. 10/2019

Naresh Ranchhod Tandel & Anr. Appellant(s)

Versus

Daman and Diu Coastal Zone
Management Authority &Ors.

Respondent(s)

Date of hearing: 30.04.2019

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

For Applicant(s): Mr. Nikhil Nayyar, Sr. Advocate, Mr. Ninad Laud,
Mr. Sangram Singh R. Bhonsle, Ms. Aditee V.
Dongrawat, Mr. Sidhartha Mehta, Ms. Samridhi
S. Jain, Advocates

For Respondent (s): Mr.

ORDER

1. This appeal has been preferred against the order for removal of unauthorized structure set up by the appellant in no development zone within 200 mtrs of the High Tide Line (HTL) in CRZ-III on Plot No. 38 in Village Devka, Nani, Daman. The grievance of the appellant is that while recording a finding that the property is within 200 mtrs of HTL, no measurement has been undertaken as specifically required in terms of order of this

Tribunal dated 11.05.2017 while remanding the matter. The said direction is as follows:

“(iii) The matter is remanded back to the Respondent No.1 – The Administrator, U.T. Daman & Diu, now authority to exercise powers under section 5 of the Environmental (Protection) Act, 1986 vide Notification dated 10th September, 1992 annexed to the written submissions of Respondent Nos.1 and 2 (page-351), with direction to ascertain with the assistance of National Institute of Oceanography or any other institute or agency appointed by MoEF, the exact location of the construction in question carried out by the Appellants with reference to the High Tide Line as indicated in the report of Naval Hydrographer’s Office, Dehradun dated 31st March, 1998 and pass orders in accordance with law.”

[emphasis added]

2. Before we proceed further, we consider it necessary to seek a joint report in the matter on the issues of location of construction in question with reference to the HTL from a joint Committee of the National Coastal Zone Management Authority, Delhi, National Remote Sensing Centre, Hyderabad, Daman & Diu Coastal Zone Management Authority and Institute of Sustainable Development, Chennai which may be furnished within two months by email at ngt.filing@gmail.com. The nodal agency will be Daman & Diu Coastal Zone Management Authority for compliance and coordination. Assistance of

National Institute of Oceanography or any other agency may not be necessary at this stage. However, it will be open to the joint Committee to consult any agency, if found necessary.

3. A copy of this order be sent to the National Coastal Zone Management Authority, Delhi, National Remote Sensing Centre, Hyderabad, Daman & Diu Coastal Zone Management Authority and Institute of Sustainable Development, Chennai by email.

4. The applicant may furnish a set of papers each to the National Coastal Zone Management Authority, Delhi, National Remote Sensing Centre, Hyderabad, Daman & Diu Coastal Zone Management Authority and Institute of Sustainable Development, Chennai and file affidavit of service within one week.

In the meanwhile, status quo may be maintained.

List for further consideration on 21.08.2019

Adarsh Kumar Goel, CP

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

April 30, 2019
Appeal No. 10/2019
AK