

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

PUBLIC INTEREST LITIGATION NO.131 OF 2014

Vanashakti, a Public Trust and Another ...Petitioners

vs.

State of Maharashtra and Another ...Respondents

Mr. Ahmed Abdi i/b. Abdi & Co., for the Petitioners

Mr. A.B. Vagyani, GP a/w. Mr. V.M. Mali, AGP for Respondent No. 1.

Mr. P. Vyas, for Respondent-UOI.

CORAM : SHANTANU KEMKAR &
MAKARAND KARNIK, JJ.

DATE : **AUGUST 16, 2016**

PC.:

. Parties through their counsel.

2. Through this Petition, the Petitioners have prayed for the following reliefs :

“(a) To issue a writ of mandamus or writ in the nature of mandamus or any other appropriate writ, order or direction directing the Respondent No. 1 to identify and demarcate 'Critical Wildlife Habitats' as mandated in the FRA Act.

(b) To issue a writ of mandamus or a writ in the nature of mandamus or any other appropriate writ, order or direction directing the Respondents to identify and submit a list of wildlife species that are facing extinction

or threatened in their original habitats and also the measures adopted to ensure the revival of such species.

(c) To issue a writ of mandamus or a writ in the nature of mandamus or any other appropriate writ, order or direction directing the Respondent No. 1 to take appropriate measures forbidding human and other activities dangerous and/or detrimental to the survival of endangered wildlife flora species.

(d) To direct the Respondents to determine 'Critical Wildlife Habitats' in Maharashtra and take immediate steps to prevent further degradation of forests and critical wildlife areas in accordance with measures as suggested in para 19 of the Petition and/or such other measures as the Court deem proper."

3. In the Petition, the Petitioners have suggested the following measures to be taken for preventing further environment degradation and effective protection and conservation of wildlife and for proper and effective maintenance of Critical Wildlife Habitats :

"a) Respondent No. 2 shall oversee the work of Respondent No.1 of identification of CWH and ensure that contiguity of forests is maintained/developed and steps are taken to connect sanctuaries with one another in the same ecological habitat to ensure species survival.

b) Recovery plans for revival of critically endangered species must be submitted with time frame and monitoring committee be set up to oversee its implementation and progress. Periodic report must be submitted to this Court. NGO members to be part of the Committee. Plans submitted must also mention funds allocated for the purpose.

c) Rivers that are home to threatened species of wildlife must be kept free from constructions and dams. If permitted the projects must have to submit a conservation plan to this Court before carrying out any work relating to construction on the ground.

d) Demarcation and mapping of forest areas should be undertaken Grid wise.

e) Species which are listed as threatened must be given additional protection measures of which the respondents must submit before this Court. A list of all threatened Avifauna and flora in Maharashtra should be submitted before this Court withing a period of six weeks from date of order. Latest technologies viz. Global Position System (GPS) and Geo Tagging be used to determine the Critical Wildlife Habitats and proper records of same be maintained.

f) Relevant data pertaining to CWH be regularly uploaded on the internet/website of the Respondents and the same be monitored Grid wise.

g) In case of violations of CWH, the concerned district collectors, deputy conservators of forests at circle level and village panchayats at village level be made accountable.

h) The in event to such violations, range forest officer shall take immediate steps to reforest the site and monitor it for regeneration.

I) Periodic progress report enlisting measures taken to protection and improvement of CWH be prepared and published at such interval as may be considered appropriate.

j) All data and information relating to CWH and any

additions or alteration to same be published on the official website of the Respondents at such interval as may be deemed appropriate.

k) Strict punishment be provided for any violation CWH.”

4. We find that this Petition is pending since 2014 but till date in spite of repeated time being given to the State as well as Central Government, they have not filed reply as yet. Today the learned counsel for the Central Government has placed on record the Minutes of the Meeting held on 2nd August, 2016. However, we find that no effective steps have been taken for identifying and demarcating “Critical Wildlife Habitats” in and around Maharashtra under Section 2(b) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

5. The learned Counsel for the Petitioners submit that this is high time and the Respondents-State as well as the Central Government have to act immediately. The learned AGP appearing for the Respondent-State submits that the affidavit has been already filed to that effect. However, further affidavit in regard to the steps which have been taken will be filed within two weeks. The learned counsel

for the Central Government also undertakes to file detailed reply of the Petition stating therein that what steps have been taken as yet in regard to the reliefs claimed in the Petition and the suggestions made by the Petitioners in the Petition.

6. Let these affidavits be filed by the by the State and Central Government within two weeks. The matter be listed on 13th September, 2016.

(MAKARAND KARNIK, J.)

(SHANTANU KEMKAR, J.)