

①.No. 12740/21

**IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION
WRIT PETITION (CIVIL) NO. 628 OF 2021
(UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA)**

IN THE MATTER OF:

SUNIL RAMCHANDRA SHINDE ...PETITIONER

VERSUS

UNION OF INDIA & OTHERS ...RESPONDENTS

With

IA No. _____ of 2021

An Application for Interim Relief

PAPER BOOK

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**ADVOCATE FOR THE PETITIONER
VIVEK NARAYAN SHARMA**

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PROFORMA FOR FIRST LISTING
WRIT PETITION (CIVIL) NO. of 2021
The case pertains to (Please tick/ check the correct box):-

Section X

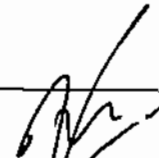
A-1

<input type="checkbox"/>	Central Act: (Title)	The constitution of India
<input type="checkbox"/>	Section:	Under Article 32
<input type="checkbox"/>	Central Rule: (Title)	N/A
<input type="checkbox"/>	Rule No(s):	N/A
<input type="checkbox"/>	State Act: (Title)	N/A
<input type="checkbox"/>	Rule No(s):	N/A
<input type="checkbox"/>	Impugned Final Order: (Date)	N/A
<input type="checkbox"/>	High Court: (Name)	N/A
<input type="checkbox"/>	Names of Judges:	N/A
<input type="checkbox"/>	Tribunal/ Authority: (Name)	N/A

1.	Nature of matter:	[<input type="checkbox"/>] Civil [<input checked="" type="checkbox"/>] Criminal
2.(a)	Petitioner/ appellant No. 1:	SUNIL RAMCHANDRA SHINDE
(b)	e-mail ID:	N/A
(c)	Mobile phone number:	N/A
3.(a)	Respondent No.1:	UNION OF INDIA & ORS.
(b)	e-mail ID:	N/A
(c)	Mobile phone number:	N/A
4.(a)	Main category classification:	08
(b)	Sub classification:	0812 CIVIL MATTER
5.	Not to be listed before:	N/A
6.(a)	Similar disposal of matter with citation, if any, & case details:	No Similar disposal matter

A-2

6.(b)	Similar matter with case details:	Pending case	No similar pending matter
7.	Criminal Matters:	No	
(a)	Whether accused/convict surrendered:	has	N/A
(b)	FIR No.	Date:	N/A
(c)	Police Station:	N/A	
(d)	Sentence Awarded:	N/A	
(e)	Period of Sentence Undergone including period of detention/custody Undergone:-	N/A	
8:	Land Acquisition Matters:	N/A	
(a)	Date of Section 4 notification:	N/A	
(b)	Date of Section 6 notification:	N/A	
(c)	Date of Section 17 notification:	N/A	
9.	Tax Matters: State the tax effect:	N/A	
10.	Special Category (first petitioner/appellant only):	N/A	
	(i) [X] Senior citizen > 65 years	(ii) [X] SC/ST	
	(iii) [X] Woman/child	(iv) [X] Disabled	
	(v) [X] Legal Aid case	(vi) [X] In custody	
11.	Vehicle Number (in case of Motor Accident Claim matters):	N/A	


[VIVEK NARAYAN SHARMA]
 Advocate for the Petitioner
 (viveknarayansharma@gmail.com)

Date ~~25~~ 05.2021

SYNOPSIS AND LIST OF DATES

B

The present Writ is filed seeking to invoke the powers of this Hon'ble Court under Article 32 read with Article 142 of the Constitution of India for issuance of appropriate writs and/or directions for quashing and/or amendment of Notification dated 04.02.2003 released by the Ministry of Environment, Forests and Climate Change [**MoEF**], whereby Matheran and surrounding region was declared as Eco-Sensitive Zone [**ESZ**]. Petitioner is also seeking an interim relief in the form of direction to the Matheran Monitoring Committee, thereby directing it to ensure daily plying of CNG/ LPG/ Electric Vehicles carrying essential items to the core area.

The necessary facts necessitating the filing of the present writ petition are as under: -

On 04.02.2003, a Notification was released by Respondent No.1 MoEF, thereby declaring Matheran and surrounding region as an Eco-Sensitive Zone (ESZ). **Clause (n)** of the Notification prohibits plying of vehicular traffic within the Matheran Municipal limits, except ambulance and fire engine.

Due to the said Notification, horses and hand carts involving human labour is used as a means of transport. This makes cost of living for residents and Matheran and surrounding areas [**Matheran Area**] very high. Also,

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since transportation is not available, the children of Matheran Area have to walk miles every day to be able to reach their schools. Senior Citizens and Differently Abled Persons also have a tough time in moving around in the Matheran Area.

On 22.03.2020, a lockdown was imposed in the country and the Ministry of Home Affairs [**"MHA"**] on 24.03.2020 issued guidelines on lockdown measures to be taken by ministries/departments of Government of India, State/Union Territory Authorities for containment of COVID-19 in the country.

Matheran being a hill station, all the revenue of Matheran city and residents is solely dependent on tourism. Due to recent pandemic and various measures issued in the country there is no business/income for the residents of Matheran. The petitioner states that there are around 6500 residents currently living in Matheran Area who are facing a severe financial crisis due to the lack of business.

It appears from news articles that the Municipal Councils of Matheran had written to the Collector of Raigad to allow delivery of essential commodities to Matheran Area through trucks, however Matheran being an ESZ cannot allow motor vehicle beyond the entry gate of Matheran. The Hon'ble collector refused for the said permission. In the current crisis the residents are paying extra charge of around INR 250 per gas cylinder and paying extra charge

for other essential goods. The Residents have to bear around INR 10 - INR 40 extra per kg, for essential items such as vegetables, milk and food grains and INR 100 - 120 extra for chicken & fish which is way too expensive.

In any event for around 6500 resident of the hill station there are only 460 horses and another 400 horses for transportation of essential and non-essential goods, and the said horses also require few essential items for their own survival like their fodder bags for which they are charged INR 200 extra. The aforesaid issues were brought to the notice of the collector via various news articles however no action has been taken by the Hon'ble Collector.

Article 21 of the Constitution of India encompasses right to life, it is stated that when the world is facing the present pandemic and since Matheran is facing a financial crisis, deprivation of essential items at a fair price to the residents of Matheran which violates the right given to the citizens under the Consumer Protection Act, 1986, is in contradiction to the scope and ambit of Article 21 of the Constitution of India.

Here it would be pertinent to mention that on 22.04.2020, a Writ Petition being **CIVIL AD HOC NO- WP LD VC 31 OF 2020** was filed by a resident of Matheran before the Hon'ble Bombay High Court titled "*Suresh Narayan Lad & Anr. V. UOI and Ors*" seeking a direction against Respondents for provision of truck/tempo carrying essential

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goods/supplies till end of lockdown and a detailed plan ensuring supply of essential goods to 30,000 residents of Matheran and tribals, who stay down the hill and neighboring villages. Vide Order dated 14.05.2020, the Hon'ble Bombay High Court had directed Mr. Shivaji Daund, Divisional Commissioner, Kokan Division, who is the Chairman of the Interim Monitoring Committee (constituted under the Office Memorandum dated 13th May, 2020, issued by the Government of India), MoEF, to hold a Meeting on 15th May, 2020 at 03.00 p.m., and after hearing the Petitioners, arrive at a decision with regard to the essential goods supply to the core area of Eco-sensitive zone of Matheran on a regular basis, keeping in mind the Rights of the residents to obtain such necessary supplies to sustain life and by taking adequate safe-guards to protect the Eco-sensitive zone of Matheran.

Vide Order dated 16.05.2020, the Bombay High Court accepted the Report of the Matheran Monitoring Committee and MoEF (where Mr. Lalit Bokolia, Director MoEF proposed for making the CNG vehicles and E-Rickshaws operative which were suggested in the development plan of Matheran) with a direction that instead of the tempo carrying essential items to the core area once a week, the essential items / goods shall be carried by the tempo at least thrice a week up to 30th September 2020. Furthermore, the committee was directed to submit its report by 15.09.2020.

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However, the Committee failed to submit Report by 15.09.2020 whereby it was required to review the functional aspects of the arrangements made in the said Order dated 16.05.2020 passed by the Hon'ble High Court.

Since 30.09.2020 till present day, no tempo service or any other vehicle has been plying essential goods to Matheran consequently causing grave mental agony and financial distress to the 30,000 residents of the area. On 09.01.2021, the said writ petition i.e, "*Suresh Narayan Lad & Anr. V. UOI and Ors.*" was listed with **CIVIL AD HOC NO-WP LD VC 31 OF 2020** but did not come up for hearing.

Hence, the Petitioner is constraint to file the instant petition before this Hon'ble Court seeking direction to MoEF to quash and/or amend the Notification dated 04.02.2003 by adding permit of entry to LPG/CNG/Electric Vehicles into the Matheran ESZ for essential goods/supplies.

Petitioner is also seeking interim relief in nature of a permit to LPG/CNG/Electric Vehicles to enter Matheran ESZ daily for supply of Essential Goods thereby bringing ease and support into lives of 30,000 residents of the area who are currently facing a hard time due to pandemic and the MoEF Notification.

LIST OF DATES AND EVENTS

SNO.	DATE	EVENT	REFERENCE
1.	04.02.2003	<p>Notification released by the Ministry of Environment, Forests and Climate Change ["MoEF"] declaring Matheran and surrounding region as an Eco-Sensitive Zone ["ESZ"]</p> <p>Note: Clause (n) of the Notification prohibits plying of vehicular traffic within the Matheran Municipal limits, except ambulance and fire engine.</p>	MoEF Notification dated 04.02.2003
2.	23.02.2018	<p>Additional Chief Secretary, Environment Department, Government of Maharashtra wrote to the Joint Secretary of MoEF proposing an amendment in the MoEF Notification dated 04.02.2003 to allow plying of E-rickshaws and Tractors to handle municipal waste in Matheran ESZ limits.</p>	Copy of letter dated 23.02.2018
3.	07.06.2018	<p>MoEF declined the abovementioned proposal of the Additional Chief Secretary and asked to approach the Honorable Supreme Court in order to get permission to operate E-Rickshaws.</p>	Copy of letter dated 07.06.2018
4.	2018-2021	<p>It appears from news articles that the municipal councils of Matheran had written to the collector of Raigad to</p>	

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		allow delivery of essential commodity to Matheran through truck, however Matheran being an eco-sensitive zone cannot allow motor vehicle beyond the entry gate of Matheran. The Hon'ble collector refused for the said permission.	
5.	22.03.2020	A lockdown was imposed in the country and the Ministry of Home Affairs on 24.03.2020 issued guidelines on lockdown measures to be taken by ministries/departments of Government of India, State/Union Territory Authorities for containment of COVID 19 in the country.	
6.	March 2020	Thereafter, it came to the notice of the Home Secretary, Government of India that the a forementioned guidelines issued are not carried out in letter and spirit in some parts of the country, especially in rural areas. Moreover, it was noticed that trucks carrying essential and non-essential goods were being detained.	
7.	March 2020 - Present day	In the current crisis the residents are paying extra charge of around Rs.250 per gas cylinder and paying extra charge for other essential goods. The Residents have to bear around 10 to	

		20 rupees extra per kg, for essential items such as vegetables, milk and food grains.	
8.	12.04.2020	Therefore, with a view to bring clarity in the implementation of guidelines of COVID 19, certain clarifications were issued by the Home Secretary, Government of India vide D.O. NO. 40-3/2020-DM-1(A)	Copy of clarification letter by IAS Ajay Bhalla dated 12.04.2020
9.	19.04.2020	A letter was sent to the District Collector of Raigad requesting him to at least allow small tempos to be brought within the limits of Matheran.	Copy of order dated 14.05.2020
10.	22.04.2020	Petition filed before the Hon'ble Bombay High Court titled <i>Suresh Narayan Lad & Anr. V. UOI and Ors</i> seeking a direction against Respondents for provision of truck/tempo carrying essential goods/supplies till end of lockdown and a detailed plan ensuring supply of essential goods to 30,000 residents of Matheran including tribals who stay down the hill and neighboring villages.	
11.	14.05.2020	The Honorable Bombay High Court ordered Mr. Shivaji Daund, Divisional Commissioner, Kokan Division, who is the Chairman of the Interim Monitoring Committee (constituted	order dated 14.05.2020

		under the Office Memorandum dated 13th May, 2020, issued by the Government of India), MoEF, to hold a Meeting on 15th May, 2020 at 03.00 p.m., and after hearing the Petitioners, arrive at a decision with regard to the essential goods supply to the core area of Eco-sensitive zone of Matheran on a regular basis, keeping in mind the Rights of the residents to obtain such necessary supplies to sustain life and by taking adequate safe-guards to protect the Eco-sensitive zone of Matheran .	
12.	16.05.2020	The Bombay High Court accepted the report of the Matheran Monitoring Committee with a direction that instead of the tempo carrying essential items to the core area once a week, the essential items / goods shall be carried by the tempo at least thrice a week up to 30th September, 2020. Furthermore, the committee failed to submit a report by 15.09.2020 reviewing the functional aspects of the arrangements made in the said order by the court.	order dated 16.05.2020

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13.	19.06.2020	The District Collector of Raigad wrote to the Chief Officer of the Matheran Municipal Council to provide for BS IV vehicles to Matheran Municipal Council and mentioned that these vehicles should only be used to transport LPG cylinders, and the essential commodities be transported via train. Moreover, the order further stated that it shall stand cancelled if the terms and conditions are violated. Subsequently, the District Collector was removed.	Copy of letter dated 19.06.2020
14.	30.09.2020 - Present day	No tempo service or any other vehicle has been plying essential goods to Matheran consequently causing grave mental agony and financial distress to the 30,000 residents of the area	
15.	09.10.2020	The said writ petition i.e, Suresh Narayan Lad & Anr. V. UOI and Ors. was listed with CIVIL AD HOC NO- WP LD VC 31 OF 2020 but did not come up for hearing.	Copy of Cause List dated 09.10.2020
16.	28 - May 2021	Petitioner filed the instant petition before this Hon'ble Court.	

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**IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION
WRIT PETITION (CIVIL) NO. OF 2021
(UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA)**

IN THE MATTER OF:

SUNIL RAMCHANDRA SHINDE

S/o Ramachandra

R/o Kushal Niketan, Matheran Taluka,

Karjat district, Raigad,

Maharashtra - 410 102.

.....Petitioner

VERSUS

1. UNION OF INDIA

Through Secretary

Ministry of Environment, Forest and Climate Change

Indira Paryavaran Bhawan,

Jorbagh Road, New Delhi - 110 003

2. STATE OF MAHARASHTRA

Through Secretary

Environment and Climate Change Department

Government of Maharashtra

Mantralaya, Madam Cama Road,

Hutatma Rajguru Square, Nariman Point,

Mumbai, Maharashtra - 400 032

3. DISTRICT COLLECTOR, RAIGAD

Near Heerakot Talav, Alibaug,

Raigad - 402 202

4. MAHARASHTRA POLLUTION CONTROL BOARD

Through Secretary

7th Floor, Raigad Bhavan, Sector 11,

CBD Belapur, Navi Mumbai,

5. MATHERAN HILL STATION MUNICIPAL COUNCIL
Through Secretary
M.G. Road, Matheran, Taluka - Karjat,
Raigad - 410 102

...RESPONDENTS

WRIT PETITION UNDER ARTICLE 32 READ WITH
ARTICLE 142 OF THE CONSTITUTION OF INDIA FOR
ISSUANCE OF APPROPRIATE WRITS AND/OR
DIRECTIONS FOR QUASHING AND/OR AMENDMENT
OF NOTIFICATION RELEASED BY THE MINISTRY OF
ENVIRONMENT, FORESTS AND CLIMATE CHANGE
["MOEF"] THEREBY DECLARING MATHERAN AND
SURROUNDING REGION AS AN ECO-SENSITIVE ZONE
["ESZ"] ALONG WITH AN INTERIM RELIEF IN A
DIRECTION TO THE MATHERAN MONITORING
COMMITTEE INSTRUCTING THEM TO ENSURE DAILY
PLYING OF CNG/LPG/ELECTRIC VEHICLES CARRYING
ESSENTIAL ITEMS TO THE CORE AREA.

TO,
THE HON'BLE CHIEF JUSTICE AND HIS COMPANION
JUSTICES OF THE HON'BLE SUPREME COURT OF
INDIA

MOST RESPECTFULLY SHOWETH:

1. That Petitioner is filing the present petition under Article 32 and seeking to invoke the power of this Hon'ble Court under Article 142 of the Constitution of India for issuance of appropriate writs

and/or directions for quashing and/or amendment of Notification released by the Ministry of Environment, Forests and Climate Change ["**MoEF**"] thereby declaring Matheran and surrounding region as an Eco-Sensitive Zone ["**ESZ**"]. The Petitioner also seeks an interim relief in a direction to the Matheran Monitoring Committee instructing them to ensure daily plying of CNG/LPG/Electric Vehicles carrying essential items to the core area.

2. That Petitioner is a resident of Matheran and a retired schoolteacher. The Petitioner has suo moto undertaken several tasks involving public welfare in Matheran like environmental preservation through tree plantation initiatives. The Petitioner is also the Secretary of Kishor Cricket Sangh, an organization which conducts sports activities for school children, locals and tourists, since the last 46 years.
3. That the Respondents are State/Bodies of State within the meaning of Article 12 of the Constitution of India and are therefore amenable to the Writ Jurisdiction of the Hon'ble Court.
4. The Petitioner has not approached any other court for the reliefs claimed in the present Writ Petition. No representation has been filed with any authority and the reliefs claimed can only be granted by this Hon'ble Court.

FACTS:

- a) On 04.02.2003, a Notification was released by the MoEF declaring Matheran and surrounding region as an ESZ. Clause (n) of the Notification prohibits plying of vehicular traffic within the Matheran Municipal limits, except ambulance and fire engine. Due to this notification, horses and hand carts involving

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human labour is used as a means of transport. This makes cost of living for residents and Matheran and surrounding areas [**"Matheran Area"**] very high. Also, since transportation is not available, the children of Matheran Area have to walk miles every day to be able to reach their schools. Senior Citizens and Differently Abled Persons also have a tough time in moving around in the Matheran Area. True copy of the Notification dated 04.02.2003 along with various news clippings highlighting the misery and plight of the residents of Matheran Area is attached herewith as **ANNEXURE - P1** (Page No. 15 to 38).

- b) On 23.02.2018, the Additional Chief Secretary, Environment Department, Government of Maharashtra wrote to the Joint Secretary of MoEF proposing an amendment in the MoEF Notification dated 04.02.2003 to allow plying of E-rickshaws and Tractors to handle municipal waste in Matheran ESZ limits. MoEF in its reply dated 07.06.2018, declined the abovementioned proposal of the Additional Chief Secretary and asked to approach the Honorable Supreme Court in order to get permission to operate E- Rickshaws. True Copy of the Letter dated 23.02.2018 is attached herewith as **ANNEXURE-P2** Page No. 39 to 40).

True Copy of the Letter dated 07.06.2018 are attached herewith as **ANNEXURE - P3** Page No. 41 to —).

- c) On 22.03.2020, a lockdown was imposed in the country and the Ministry of Home Affairs [**"MHA"**] on 24.03.2020 issued

guidelines on lockdown measures to be taken by ministries/departments of Government of India, State/Union Territory Authorities for containment of COVID-19 in the country. Thereafter, it came to the notice of the Home Secretary, Government of India that the aforementioned guidelines issued are not carried out in letter and spirit in some parts of the country, especially in rural areas. Moreover, it was noticed that trucks carrying essential and non-essential goods were being detained. Therefore, with a view to bring clarity in the implementation of guidelines of COVID 19, certain clarifications were issued by the Home Secretary, Government of India vide D.O. NO. 40-3/2020-DM-1(A) on 12.04.2020. True copy of clarification letter by IAS Ajay Bhalla dated 12.04.2020 is attached herewith as **ANNEXURE - P4**. Page No. 42 to 44).

- d) The MoEF vide notification dated 04.02.2003 has declared Matheran as an ESZ and in view of Matheran rules of 1959, no private vehicle or vehicles of goods transport were allowed inside the municipal limits of Matheran. The petitioner's state that since many years all the necessary goods and essential items were either brought by hand drawn carriages or plied by horses etc.
- e) Matheran being a hill station, all the revenue of Matheran city and residents is solely dependent on tourism. Due to recent pandemic and various measures issued in the country there is no business/income for the residents of Matheran. The petitioners state that there are around 6500 residents currently

living in Matheran who are facing a severe financial crisis due to the lack of business.

- f) It appears from news articles that the municipal councils of Matheran had written to the collector of Raigad to allow delivery of essential commodity to Matheran through truck, however Matheran being an eco-sensitive zone cannot allow motor vehicle beyond the entry gate of Matheran. The Hon'ble collector refused for the said permission.
- g) In the current crisis the residents are paying extra charge of around Rs.250 per gas cylinder and paying extra charge for other essential goods. The Residents have to bear around 10 to 20 rupees extra per kg, for essential items such as vegetables, milk and food grains. In any event for around 6500 resident of the hill station there are only 460 horses, and the said horses also require few essential items for their own survival like their fodder bags for which they are charged Rs.200 extra.
- h) The aforesaid issues were brought to the notice of the collector via various news articles however no action has been taken by the Hon'ble Collector. That as per notification dated 16.01.2004 which allows carrying a tractor, which also pollutes the environment of an Eco Sensitive Zone. Moreover, in the current scenario there is no pollution in the Eco Sensitive Zone of Matheran, as there is absolutely no vehicular traffic due to the absence of tourism industry.

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- i) Article 21 of the Constitution of India encompasses right to life, it is stated that when the world is facing the present pandemic and in view of the fact that Matheran is facing a financial crisis, deprivation of essential items at a fair price to the residents of Matheran, is in contradiction to the scope and ambit of Article 21 of the Constitution of India.
- j) On 19.04.2020, a letter was sent to the District Collector of Raigad requesting him to at least allow small tempos to be brought within the limits of Matheran.
- k) Thereafter on 22.04.2020, a Petition filed before the Hon'ble Bombay High Court titled *Suresh Narayan Lad & Anr. V. UOI and Ors* seeking a direction against Respondents for provision of truck/tempo carrying essential goods/supplies till end of lockdown and a detailed plan ensuring supply of essential goods to 30,000 residents of Matheran including tribals who stay down the hill and neighboring villages. At present, there is no Monitoring Committee and the previous committee expired 2 years back since then neither the State Government nor the Municipal Council took initiative to form one which is necessary for proper functioning of the city and redressal of various problems of locals and tourists. True copy of the Petition filed before the Hon'ble Bombay High Court titled *Suresh Narayan Lad & Anr. V. UOI and Ors* in AD-HOC NO. WP-LD-VC-31 OF 2020 civil writ petition No. nil of 2020 on 22.04.2020 is attached herewith as **ANNEXURE - P5** (Page No. 45 to 55).

l) On 14.05.2020, the Honorable Bombay High Court ordered Mr. Shivaji Daund, Divisional Commissioner, Kokan Division, who is the Chairman of the Interim Monitoring Committee (constituted under the Office Memorandum dated 13th May, 2020, issued by the Government of India), MoEF, to hold a Meeting on 15th May, 2020 at 03.00 p.m., and after hearing the Petitioners, arrive at a decision with regard to the essential goods supply to the core area of Eco-sensitive zone of Matheran on a regular basis, keeping in mind the Rights of the residents to obtain such necessary supplies to sustain life and by taking adequate safe-guards to protect the Eco-sensitive zone of Matheran. True copy of the Order dated 14.05.2020 passed by the Hon'ble High Court of Judicature at Bombay in AD-HOC NO. WP-LD-VC-31 OF 2020 is attached herewith as **ANNEXURE - P6** (Page No. 56 to 62).

m) On 16.05.2020, the Bombay High Court accepted the report of the Matheran Monitoring Committee with a direction that instead of the tempo carrying essential items to the core area once a week, the essential items / goods shall be carried by the tempo at least thrice a week upto 30th September, 2020. Furthermore, the committee failed to submit a report by 15.09.2020 reviewing the functional aspects of the arrangements made in the said order by the court. True copy of the Order dated 16.05.2020 passed by the Hon'ble High Court of Judicature at Bombay in AD-HOC NO. WP-LD-VC-31 OF 2020 is attached herewith as **ANNEXURE - P7** Page No. 63 to 65).

- n) On 19.06.2020, the District Collector of Raigad wrote to the Chief Officer of the Matheran Municipal Council to provide for BS IV vehicles to Matheran Municipal Council and mentioned that these vehicles should only be used to transport LPG cylinders, and the essential commodities be transported via train. Moreover, the order further stated that it shall stand cancelled if the terms and conditions are violated. Subsequently, the District Collector was removed. True copy of the letter dated 19.06.2020 is attached herewith as **ANNEXURE - P8** (Page No. 66 to —).
- o) From 30.09.2020 till present day no tempo service or any other vehicle has been plying essential goods to Matheran consequently causing grave mental agony and financial distress to the 30,000 residents of the area.
- p) On 09.10.2020, the said writ petition i.e, *Suresh Narayan Lad & Anr. V. UOI and Ors.* was listed with CIVIL AD HOC NO- WP LD VC 31 OF 2020 but did not come up for hearing. True copy of the cause list dated 09.10.2020 is attached herewith as **ANNEXURE - P9** (Page No. 67 to —).

GROUND:

- i. BECAUSE banning vehicles from ESZ of Matheran Area is unconstitutional and illegal as the Environment Protection Act, 1986 does not cover vehicles under its ambit. In Maharashtra, a

place called Mahabaleshwar and Dahanu has been declared as ESZ however MoEF has not banned vehicular traffic in that ESZ.

- ii. BECAUSE Article 21 of the Constitution of India encompasses right to life, it is stated that when the world is facing the present pandemic and since Matheran is facing a financial crisis, deprivation of essential items at a fair price to the residents of Matheran, is in contradiction to the scope and ambit of Article 21 of the Constitution of India.
- iii. BECAUSE the Matheran Monitoring Committee is defying the Orders of the Hon'ble Bombay High Court by not ferrying supplies of Essential Goods to Matheran Area by Tempos since October 2020.
- iv. BECAUSE in modern day world, use of handcarts, horses and hand rickshaws is a very barbaric and primitive practice which violates the Prevention of Cruelty to Animals Act, 1960. The prices of LPG cylinders have increase as it is transported on ponies and it's very dangerous for them as they cannot meet the safety norms of the oil factories operative in the Matheran region. The usage of CNG/LPG/Electric Vehicles and E-Rickshaws will be a better as it will give an opportunity to the people pulling hand rickshaws to live with dignity and it is more humane alternative to these barbaric and primitive practices. True copy of the Picture highlighting plight and misery of horses and hand rickshaw pullers is attached herewith as **ANNEXURE - P10**. (Page No. 68 to —)

- v. BECAUSE as per Right to Education Act, 2009, transportation is the basic right of students which has been taken away from the students of Matheran Area. Students have to walk miles carrying heavy backpacks which demotivates them from going to school and get the basic right of education.
- vi. BECAUSE as per MoEF Notification, only one Ambulance is permitted to function in the Matheran Area. Hence, permitting CNG/LPG/Electric Vehicles and E-Rickshaws will be helpful for patients seeking emergency hospitalization. Senior Citizens, Women and Differently Abled Persons will also have ease in moving around in the Matheran Area.
- vii. BECAUSE due to the inability of the Bombay High Court to hear the said writ petition i.e, *Suresh Narayan Lad & Anr. V. UOI and Ors.*, it is consequently causing grave mental agony and financial distress to the 30,000 residents of the area.

PRAYERS

In the facts and circumstances as above, the Petitioner seeks to invoke the power of this Hon'ble Court under Article 32 & Article 142 of the Constitution of India and any other relevant Article of the Constitution of India and prays as under: -

- A. Quash and/or amend Notification dated 04.02.2003 released by the Ministry of Environment, Forests and Climate Change therefore allowing permit for entry to LPG/CNG/Electric Vehicles into the Matheran ESZ for essential goods/supplies

and providing transportation facility to school children, senior citizens and Divyang;

B. pass any other Order(s) as this Hon'ble Court may deem fit and proper.

AND FOR THIS ACT OF KINDNESS THE PETITIONER AS IS DUTY BOUND SHALL EVER PRAY.

Drawn by:-

Advocate Tushar Kumar

Settled & Filed By:

Drawn on: 27.05.2021

(VIVEK NARAYAN SHARMA)

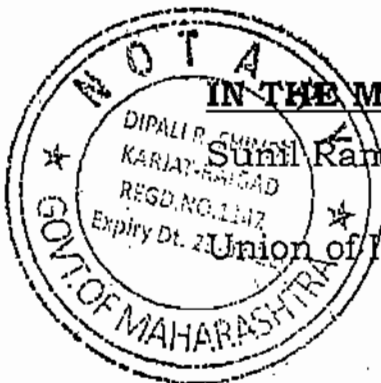
Filed on: 28.05.2021

Advocate for the petitioner

13

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

WRIT PETITION (CIVIL) NO. _____ OF 2021
(UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA)



IN THE MATTER OF:

Sunil Ramchandra Shinde

...Petitioner

versus

Union of India & Others

...Respondents

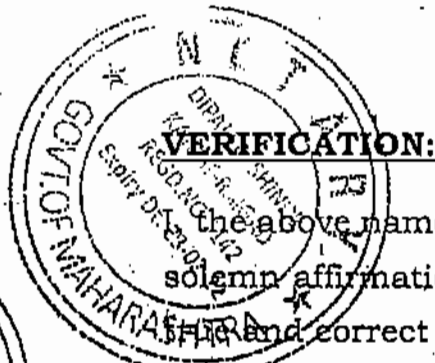
AFFIDAVIT

I, Sunil Ramchandra Shinde, S/o Shri Ramachandra, aged about _____ years, R/o Kushal Niketan, Matheran Taluka, Karjat district, Raigad, Maharashtra - 410 102. do hereby solemnly affirm declare as under:-

1. That I am the petitioner in the present Petition, and I am well conversant with the facts of the case and therefore competent to swear the present affidavit.
2. That I have gone through the accompanying Synopsis and List of Date (Page Nos. B to K); Writ Petition at Para Nos. 1 to 13 (Page Nos. 01 to 14); and IAs, (Page Nos. 69 to 71); are true and correct to the knowledge and belief as per the record of the case.
3. That the copies of Annexures are true to their originals.

14

Shinde
DEPONENT



VERIFICATION:

I, the above named deponent, do hereby verify and state on solemn affirmation that the contents mentioned above are true and correct to my knowledge; no part of it is false and nothing material has been concealed therein.

Verified at Maharashtra on this 18th day of May 2021

Shinde
DEPONENT

BEFORE ME

Shinde

DIPALI R. SHINDE

Advocate & Notary

MAH 1533/2000 REG.NO.1142

Karjat - Raigad

NOTED AT
Sr.No. 2329 / 21



18 MAY 2021

ANNEX, P-1
15

MINISTRY OF ENVIRONMENT AND FORESTS

NOTIFICATION

New Delhi, the 4th February. 2003

S. O. 133(E).- Whereas a draft notification under sub-section (1) and clause (v) of subsection (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986), inviting objections or suggestions against the proposal for notifying Matheran and surrounding region as an Eco-sensitive Zone and imposing restriction on industries, operations, processes and other developmental activities in the region which have detrimental effect on the environment was published in the Gazette of India vide notification of the Government of India in the Ministry of Environment and Forests number S.O. No. 167(E) dated the 6th February, 2002;

And whereas copies of the said Gazette were made available to the public on the 6th day of February, 2002;

And whereas all objections and suggestions received have been duly considered by the Central Government;

Now, therefore, in exercise of the powers conferred by sub-section (1) read with clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) and clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government hereby notifies Matheran and surrounding region in the State of Maharashtra as the Matheran Eco-sensitive Zone (herein after called "the Ecosensitive Zone").

2. The said Eco-sensitive Zone covers an area of 214.73 sq. kms. and a 200 mts. buffer zone and it shall consist of the area of the Matheran Municipal Council and its environs. The map of the Eco-sensitive Zone is at Annexure-A. A description of the boundary along with the list of villages is at Annexure-B and the exceptions and exemptions in the 200 mts. buffer zone are at Annexure-C.

3. All activities in the forest (both within and outside municipal areas) shall be governed by the provisions of the Indian Forest Act, 1927 (16 of 1927) and Forest (Conservation) Act, 1980 (69 of 1980). All activities in the protected areas shall be governed by the provisions of the Wildlife (Protection) Act, 1972 (53 of 1972).

The following activities shall be regulated in the Eco-sensitive Zone namely:

(a) Zonal Master Plan for the Eco-sensitive Zone:-

(i) The Zonal Master Plan for the Eco-sensitive Zone shall be prepared by the State Government by following a procedure similar to that prescribed under the Maharashtra Regional and Town Planning Act, 1966 (Maharashtra Act XXXVII of 1966), within a period of two years from the date of publication of this notification in the Official Gazette and approved by the Ministry of Environment and Forests in the Government of India. The Zonal Master Plan shall be prepared with due involvement of all concerned Departments for integrating environmental considerations into it. The Zonal Master Plan shall provide for restoration of denuded areas, management of catchment areas, watershed management, groundwater management, soil and moisture conservation, provision for fuel wood, needs of local community and such other aspects of the ecology and environment that need attention.

(ii) The Zonal Master Plan shall demarcate all the existing gaothans, gaothan expansion areas, forests, green areas, horticultural areas, agricultural areas, orchards, tribal areas including tribal hamlets, natural springs, natural heritage sites, historic Neral-Matheran railway line and other environmentally and ecologically sensitive areas. No change of land use from green uses such as orchards, horticulture areas, agriculture, parks and other like places to non-green uses and tribal uses to non-tribal uses shall be permitted in the Zonal Master Plan without the prior approval of the Central Government in the Ministry of Environment and Forests. The Zonal Master Plan shall also indicate measures and lay down stipulations for regulating traffic, especially through traffic in the Eco-sensitive Zone.

(iii) The areas within and outside Matheran Municipal Council area shall have separate Sub-zonal Master Plans which may be prepared by the State Government as a component of the Zonal Master Plan and concurrence of the Ministry of Environment and Forests shall be obtained on such Subzonal Master Plans. All habitations in the Eco-sensitive Zone having population of more than 5000 should also have Area Development Plans. The Sub-zonal Master Plan shall also include development regulations for gaothan and gaothan expansion areas.

(iv) Pending the preparation of and approval by the Ministry of Environment

and Forests to the Zonal Master Plan and Sub-zonal Master Plan for Ecosensitive Zone, there shall be no increase in the existing parameters of permissible Floor Area Ratio, permissible height, maximum number of storeys and ground coverage for buildings in Matheran Municipal limits. No new constructions shall be allowed but repairs and restoration may be permitted provided that it does not involve structural

changes and are on the existing authorised plinth area in the Matheran Municipal limits. In areas other than Matheran Municipal limits:-

(1) There shall be no reduction in Tribal Area, Forest Zone, Green Zones and Agricultural Area.

(2) Absolute height of buildings shall not exceed 9 meters and the number of storeys shall not exceed ground plus one upper storey.

(3) Activities mentioned in Annexure-D may be permitted by the Monitoring Committee subject to the State and local laws and the rules and regulations made there under.

(4) All development activities including additions, alterations, demolitions, repairs, renovations and restorations of buildings shall require prior approval of the Monitoring Committee and shall be subject to heritage clearance if necessary.

(5) The Monitoring Committee shall prescribe additional measures, if necessary, in furtherance of the objectives and for giving effect to the provisions of this notification.

(b) Industrial units:- On or after the publication of this notification in the Official Gazette, only non-polluting, non-hazardous small-scale and service industries, agriculture, floriculture, horticulture or agro-based industries producing products from indigenous goods from the Eco-sensitive Zone and which do not cause any adverse environmental impact shall be permitted. Accordingly, guidelines shall be drawn by the Government of Maharashtra and approved by the Ministry of Environment and Forests. No such, guidelines shall conflict with the provisions of the Environment Impact Assessment Notification number S.O. 60(E) dated the 27th January, 1994 of the Government of India in the Ministry of Environment and Forests and as amended from time to time.

(c) Quarrying and Mining:- Quarrying and Mining activities shall be banned in the Eco-sensitive Zone and no fresh mining lease shall be granted. However, the Monitoring Committee shall be the authority to grant special permission for limited quarrying of materials required for the construction of local residential housing and traditional road making and maintenance work in Matheran Municipal Council area based on site evaluation. No quarrying shall be permitted on steep hill slopes or areas with a high degree of erosion or on forestlands.

Explanation:- In this notification, "steep hill slope" means a hill slope with a gradient of 20 degrees or more.,

(d) Trees:- There shall be no felling of trees whether on Forest, Government, Revenue or private lands, without the prior permission of the State Government in case of forest land, and the respective District Collector in case of Government, Revenue and private land, as per procedure which shall be laid down by the State Government.

(e) Tourism:- (1) Tourism activities shall be as per a Tourism Master Plan, with emphasis on eco-tourism, eco-education and eco-development, to be prepared by the Department of Tourism of the State Government in consultation with the Ministry of Tourism of Government of India and approved by the Ministry of Environment and Forests. The Tourism Master Plan shall also form a component of the Zonal Master Plan. There shall be a ban on new and additional tourist facilities like hotels, restaurants, inns, lodging and boarding houses and the like within Matheran Municipal Council area till the Tourism Master Plan is approved by the Ministry of Environment and Forests. Pending the approval of the Tourism Master Plan by the Ministry of Environment and Forests, the use of existing heritage buildings for heritage hotels within Matheran Municipal Council area may be permitted by the Monitoring Committee only after it is approved by the Heritage Conservation Committee.

(2) The Tourism Master Plan shall be based on a detailed Carrying Capacity Study of the Eco-sensitive Zone which may be carried out by the State Government and submitted to the Ministry of Environment and Forests for approval within a period of two years from the date of publication of this notification. All new tourism activities, developments for tourism and expansion of existing tourism activities shall be permitted only within the parameters of the Tourism Master Plan and carrying capacity study. Till the Tourism Master Plan is approved by the Ministry of Environment and Forests, outside Matheran Municipal Council area, new tourism activities, development for tourism and expansion of existing tourism activities may be permitted only after a detailed analysis is carried out and approved by the Monitoring Committee subject to guidelines laid down by the Ministry of Environment and Forests.

(f) Natural Heritage:- The sites of valuable natural heritage in the Eco-sensitive Zone shall be identified, particularly rock formations, waterfalls, pools, springs, gorges, groves, caves, points, walks, rides and the like and plans for their conservation in their natural setting shall be incorporated in the Zonal Master Plan and Sub-zonal Master Plan. Strict guidelines shall be drawn up by the State Government to discourage construction activities at or near these sites including under the garb of providing tourist facilities.

Development or construction activities at or around the heritage sites shall be regulated under the statutory provisions of the State Government, made in accordance with the Model Regulations for Conservation of Natural and Man-made Heritage Sites formulated by the Ministry of Environment and Forests in 1995 and as amended from time to time. The State Government may draw up proper plans for their conservation or preservation within one year from the date of publication of this notification. These plans shall form a part of the Zonal Master Plan and Sub-zonal Master Plan.

(g) Man-made heritage:- Buildings, structures, artefacts, areas and precincts of historical, architectural, aesthetical, and cultural significance shall be identified in the Eco-sensitive Zone and plans for their conservation, particularly their exteriors (and wherever deemed appropriate their interiors also) shall be prepared and incorporated in the Zonal and Sub-zonal Master Plan within one year from the date of publication of this notification. Guidelines shall be issued by the State Government to regulate building and other activities in the Eco-sensitive Zone, particularly in Matheran Municipal Council area, so that the special character and distinct ambience of the town and the Eco-sensitive Zone are maintained. Development or construction activities at or around the heritage sites shall be regulated under the statutory provisions of the State Government, made in accordance with the Model Regulations for Conservation of Natural and Manmade Heritage Sites formulated by the Ministry of Environment and Forests in 1995 and as amended from time to time.

(h) Ground Water:- Extraction of ground water for the bona-fide agricultural and domestic consumption of the occupier of the plot is allowed. Extraction of ground water for industrial, commercial or residential complexes shall require prior written permission, including the amount that can be extracted, from the State Ground Water Board. No sale of ground water shall be permitted except with the prior approval of the Monitoring Committee constituted under paragraph 4 of this notification. All steps shall be taken to prevent contamination or pollution of water, including from agriculture activities.

(i) Use of plastics:- No person shall use plastic bags within Matheran Municipal Council area. The use of plastics, laminates, and tetra-packs within the Eco-sensitive Zone shall be regulated by the Monitoring Committee.

(j) Protection of Hill Slopes:- (i) The Zonal Master Plan shall indicate areas on hill slopes where construction shall not be permitted.

(ii) No construction on existing steep hill slopes or slopes with a high degree of erosion shall be permitted.

(k) Discharge of effluents:- (i) The discharge of any untreated effluent is prohibited within the Eco-Sensitive Zone.

(ii) No effluent, either treated or untreated, shall be permitted to be discharged into any water body or water source within the Eco-sensitive Zone.

(l) Solid Wastes:- (i) The local authorities shall draw up plans for the segregation of solid wastes into biodegradable and non-biodegradable components.

(ii) The biodegradable material may be recycled preferably through composting or vermiculture and the inorganic material may be disposed of at environmentally acceptable locations.

(iii) No burning or incineration of solid wastes shall be permitted.

Explanation.- In this notification, "solid wastes" shall include domestic, industrial, commercial and garden wastes.

(m) Natural Springs:- (i) The catchment area of all natural springs shall be identified and plans for their conservation and rejuvenation of those that have run dry in their natural setting shall be incorporated in the Zonal Master Plan.

(ii) Strict guidelines shall be drawn up by the State Government to ban development activities at or near these areas.

(n) Traffic:- No vehicular traffic shall be permitted within the Matheran Municipal limits, except ambulance and fire engine and use of tractor for transportation of solid waste.

5. Monitoring Committee:-(1) In exercise of the powers conferred by sub-section (3) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government hereby constitutes a Committee to be called the Monitoring Committee, to monitor and ensure compliance with the provisions of this notification.

(2) The Monitoring Committee shall consists of not more than ten members.

(3) The Monitoring Committee shall consist of a representative each from the Ministry of Environment and Forests, Central Pollution Control Board, Department of Environment of the Government of Maharashtra, Department of Urban Development of the Government of Maharashtra, subject expert knowledgeable about the Eco-sensitive Zone and at least two representatives of non-government organisations working in the field of environment (including

heritage conservation) and the Collector of Raigad District, in the State of Maharashtra and any other persons or persons nominated by the Central Government.

(4) The Chairman of the Monitoring Committee shall be an eminent person with proven managerial or administrative experience and understanding of local problems.

(5) The Collector of Raigad District shall be the Convener of the Monitoring Committee.

6. Powers and functions of the Monitoring Committee:- (1) In exercise of the powers conferred by sub-section (3) of section 3 and read with Section 23 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government hereby empowers the Monitoring Committee to discharge the functions specifically enumerated in the notification and to do all things incidental thereto (except the function as are required to be performed by the Central Government under the provisions of the Environment Impact Assessment Notification of 27th January, 1994, as amended from time to time).

(2) It shall be the duty of the Monitoring Committee to file complaints under section 19 of the Environment (Protection) Act, 1986 if commission of any offences under the said Act comes to its notice and in case of non-compliance of the directions issued by it.

(3) The Monitoring Committee or member of the Monitoring Committee authorised by it shall file complaints under the Environment (Protection) Act, 1986.

6. Appeal:- (1) Any person aggrieved by a decision or order of the Monitoring Committee shall prefer an appeal against such decision or order to the Government of India in the Ministry of Environment and Forests.

(2) Every memorandum of appeal under this paragraph shall precisely state the facts of the case, the particulars of the decision or order appealed against and the reasons for being aggrieved by the decision or order and the remedy sought for and shall be addressed to the Secretary to the Government of India, Ministry of Environment and Forests, New Delhi.

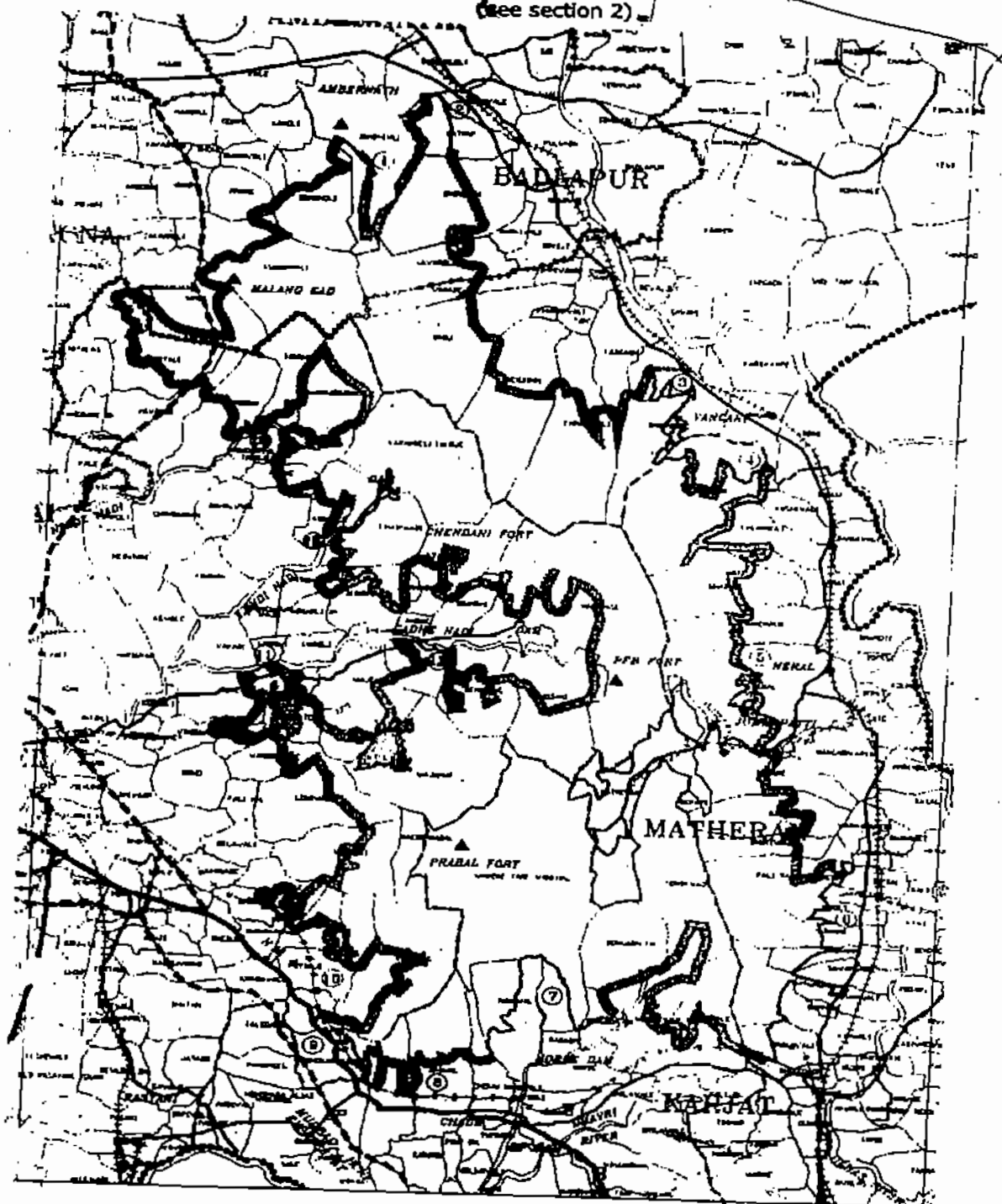
(3) Every memorandum of appeal shall be made within ninety days from the date of receipt of the decision or order by the affected person.

(4) The Ministry of Environment and Forests shall, after giving the parties to the appeal an opportunity to present their case, dispose of the appeal within ninety days of date of receipt of the memorandum of appeal.

[F.No.J-20011/1/99-I.A.-III]

Dr. V RAJAGOPALAN. Jt. Secy.

Annexure-A
(see section 2)



PROPOSED ECO-SENSITIVE ZONE
BUFFER ZONE
(200 M. AROUND ESZ)

BOUNDARY OF MATHERAN ECO-SENSITIVE ZONE

The boundary of the Eco-Sensitive Zone comprising area of Matheran Hill Station Municipal Council, contiguous Forest Zone of the Regional Plan for MMR and Buffer Zone around the Forest Zone shall be defined as follows:-

Direction	Bounded By
North	Boundary of the Forest Zone passing through village Jambhivali, then outer boundary of the buffer zone passing through Village Jambhivali, Chikhaloli; then boundary of Forest Zone passing through village Chikhaloli of Ulhasnagar Tehsil
East	Boundary of the Forest Zone passing through Village Katrap; then outer boundary of the buffer zone passing through villages Shirgaon, Savroli, Varde, Bhoj, Bensil, Chinvali, Kasgaon, Goregaon; then boundary of Forest Zone passing through villages Goregaon, Davle of Ulhasnagar Tehsil and Bedisagaon of Karjat Tehsil; then outer boundary of buffer zone and Forest Zone passing through villages Bedisagaon; then outer boundary of buffer zone passing through villages Kushivali, Kalamboli, Damat, Bhadaval, Mamdapur, Neral, Mangaon Tarf Waredi, Bhikare, Asai, Bhutiwali, Pali Terf Varde; then boundary of Forest Zone passing through villages Pali Tarf Verde, Umroli, Asane, Kasane, Vanjale, Kariwali, Paliwali, Bhisegaon of Karjat Tehsil.
South	The outer boundary of buffer zone passing through village

Bhisegaon of Karjat Tehsil

then outer boundary of buffer zone passing through villages Warele, Wadvihar,

Sondewadi, Boregaon Kh., Boregaon Bk.; then boundary of Forest Zone passing through

villages Boregaon Bk., Warose Tarf Wankhal, Naniwal; then outer boundary of buffer

zone passing through villages Chowk Maniwali, Nadhal, Lodhivali of Khalapur Tehsil.

West

Boundary of Forest Zone passing through villages Bhokarpada, Barwai, then outer

boundary of buffer zone passing through Villages Barwai, Pali Bk., Poyanje, Mohope,

Bhingarwada, Bherle, Wardoli, Loniwali, Wangani Tarf Waje, Ambivali, Vihighar, Nere;

then boundary of Forest Zone Passing through village Nere; then outer boundary of

buffer zone passing through villages Sangartoli, Cheravali, Wajapur, Waje, Gadhe; then

boundary of Forest Zone passing through village Gadhe; then outer boundary of buffer

zone passing through villages Dehrang, Dhodani, Maldunge, Dhamani, Tamsai,

Khairwadi, Karambeli, Dhundre, Usarli Bk. Ritghar, Khairwadi, Kondale, Morbe, Ambhe

Tarf Taloje, Shiriavali, Karambeli Tarf Taloje, Wangani Tarf Taloje, Kondap, Mohodar,

Vavanje, Nitale, Chorme of Panvel Tehsil; then outer boundary of buffer zone passing

through villages Wadi, Bandhanwadi, Khusavali, Ambhe, Shiravali, Bohonole, Jambhavali

of Ulhasnagar Tehsil.

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Within the above bounded zone, the entire Municipal Area of Matheran Hill Station Municipal Council in Karjat Tehsil and entire village of Machi Prabhal, Maldunge in Panvel tehsil is included in the Eco-Sensitive Zone.

Note:

i. The Buffer Zone within the Eco -Sensitive Zone shall encompass only Green Zone 1 and Green Zone 2 of the sanctioned Regional Plan for Mumbai Metropolitan Region 1996-2011 and in 14 exceptional cases the Eco-Sensitive Zone is restricted to Forest Zone.

ii. No area of Urbanisable Zone 1, Urbanisable Zone 2 and Industrial Zone shall fall within the Eco-Sensitive Zone or the Buffer Zone except the Urbanisable Zone 1 of Matheran Municipal Council

LIST OF VILLAGES OF MATHERAN ECO-SENSITIVE ZONE

DISTRICT: RAIGAD

TEHSIL: KARJAT

S No.	VILLAGE	STATUS
1.	Asai	Partial
2.	Ashane	Partial
3.	Bedisgaon	Partial
4.	Bekare	Partial
5.	Bhadwal	Partial
6.	Bhisegaon	Partial
7.	Bhutiwali	Partial
8.	Damat	Partial
9.	Halivali	Partial
10.	Kalamboli	Partial
11.	Kirwali	Partial
12.	Koshane	Partial

13.	Kushivali	Partial
14.	Mamdapur	Partial
15.	Mangaon Tarf Waredi	Partial
16.	Matheran	Full
17.	Neral	Partial
18.	Pali Tarf Waredi	Partial
19.	Umroli	Partial
20.	Wanjale	Partial

Note - The entire file Matheran Municipal Council area is included.

TEHSIL: KHALAPUR

S No.	VILLAGE	STATUS
21.	Borgaon Bk.	Partial
22.	Borgaon Kh.	Partial
23.	Chowk Maniwali	Partial
24.	Lodhivali	Partial
25.	Nadhal	Partial
26.	Naniwali	Partial
27.	Sondewadi	Partial
28.	Wad Vihar	Partial
29.	Warose Tarf Wankhal	Partial
30.	Wawarle	Partial

TEHSIL: PANVEL

S No.	VILLAGE	STATUS
31.	Ambhe Tarf Taloje	Partial
32.	Ambivali	Partial
33.	Barwai	Partial
34.	Bherle	Partial
35.	Bhingar	Partial
36.	Bhokarpada	Partial
37.	Cheravali	Partial
38.	Chorme	Partial
39.	Deharang	Partial
40.	Dhamani	Partial
41.	Dhodani	Partial
42.	Dundre	Partial
43.	Gadhe	Partial
44.	Karabeli	Partial
45.	Karambeli Tarf Taloje	Partial
46.	Khairwadi	Partial
47.	Kondale	Partial
48.	Kondap	Partial
49.	Luniwali	Partial
50.	Machiprabal	Full
51.	Mahoda	Partial
52.	Maldunge	Partial
53.	Mohope	Partial

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54.	Morbe	Partial
55.	Nere	Partial
56.	Nitale	Partial
57.	Pali Bk.	Partial
58.	Poyanje	Partial
59.	Ritghar	Partial
60.	Sangatoli	Partial
61.	Shriavali	Partial
62.	Tamsai	Partial
63.	Usarli Bk.	Partial
64.	Vavanje	Partial
65.	Vihighar	Partial
66.	Wajapur	Full
67.	Waje	Partial
68.	Wangani Tarf Taloje	Partial
69.	Wangani Tarf Waje	Partial
70.	Wardoli	Partial

DISTRICT : THANE

TEHSIL: ULHASNAGAR

S No.	VILLAGE	STATUS
71.	Ambhe	Partial
72.	Bandhanwadi	Partial
73.	Bendshil	Partial
74.	Bhoj	Partial

75.	Bohonoli	Partial
76.	Chikhaloli	Partial
77.	Chinchvali	Partial
78.	Dhavale	Partial
79.	Goregaon	Partial
80.	Jambhivali	Partial
81.	Kasgaon	Partial
82.	Katrap	Partial
83.	Kushavali	Partial
84.	Savaroli	Partial
85.	Shiravali	Partial
86.	Shirgaon	Partial
87.	Vangani	Partial
88.	Varade	Partial
89.	Wadi	Partial

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Annexure-C

(see section 2)

MODIFICATION TO THE BOUNDARY OF THE ESZ - EXCEPTIONS AND EXEMPTIONS IN THE 200 M. BUFFER ZONE

Reference Number	Areas or villages for which exemptions are sought	Landuse	Remarks
Thane District			
1	Jambivali, (Ambernath)	Urbanisable Zone 1	The U-1 zone of Ambernath Municipal Council abuts the F Zone the buffer zone is less than 200 M. or no buffer is proposed
2.	Jambhawali, (Ambernath) Katrap, (Badlapur)	Industrial Zone and Urbanisable Zone I	The I-Zone of Ambernath Additional Industrial Estate planned by Maharashtra Industrial Development Corporation and U-I Zone of Kulgaon Badlapur Municipal Council abuts the F-Zone the buffer zone is less than 200 M. or No buffer is proposed
Raigad District			
3.	Goregaon, Vangani	Urbanisable Zone 2	U-2 Zone of the sanctioned Regional Plan abutting the F Zone.
4.	Vangani	Urbanisable	U-1 Zone of the dormitory

- | | | | |
|----|---------------------|--------------|---|
| | | | town planned in the |
| | | Zone 1 | 1973 sanctioned Regional Plan abutting Forest Zone |
| 5. | Neral | Urbanisable | U-1 Zone of 1999 sanctioned Regional Plan |
| | | Zone 1 | abutting F Zone |
| 6. | Pali Tarf Verde, | Urbanisable | U-2 Zone of the sanctioned Regional Plan |
| | Umroli, Asane, | Zone 2 | abutting the F Zone. |
| | Kasane, Vanjale, | | |
| | Kariwali, Paliwali, | | |
| | Bhisegaon | | |
| 7. | Boregaon Bk., | Morbe Dam | Earthen dam is under construction for drinking water supply benefiting Navi Mumbai and other adjoining towns. Excavation of dam floor and strengthening of embankment by using local material and for repairs and maintenance may be necessary. |
| | Warose Tarf | | |
| | Wankhal, Naniwal | | |
| 8. | Chowk Maniwali, | Railway Line | The buffer Zone is restricted upto the railway line which acts as a physical buffer for development. |
| | Nadhal, Lodhivali | | |
| 9. | Barwai, Pali Bk. | Road and | The buffer Zone is restricted upto the railway line which acts as a physical buffer for development. |
| | | Railway Line | |
| | Bhingarwada, | Railway Line | The buffer Zone is restricted upto the railway |

	Bherle		line which acts as a physical buffer for development.
11.	Nere, Sangartoli	River Gadhe	River acts as the natural buffer, no additional buffer is therefore proposed.
12.	Gadhe	River Gadhe	River acts as the natural buffer, no additional buffer is therefore proposed.
13.	Khairwadi	River Lendhe	River acts as the natural buffer, no additional buffer is therefore proposed.
14.	Mohodar	River Nande	River acts as the natural buffer, no additional buffer is therefore proposed.

Annexure- D

[see section 4(a)(iv)(3)]

PERMISSIBLE DEVELOPMENTAL ACTIVITIES IN MATHERAN ECO-SENSITIVE ZONE

1. FOREST ZONE

When any land is situated outside Reserve Forest, Protected Forest, Acquired Forest or Forests as defined as per the Supreme Courts Order dated 12th December 1996, the development of such land shall be regulated in accordance with the provisions for Green Zone-2.

2. GREEN ZONE-2

2.1 The permissible uses in Green Zone-2 (G-2 Zone) are as follows:-

(a) Dwelling Units for the bona fide use of the holder as per Revenue Department records of any cultivated land, held exclusively for the purpose of agricultural activities.

34

(b) Horticulture, floriculture, and, agricultural and allied activities of rice and poha mill, poultry farms, cattle stables, piggeries and sheep farms.

(c) Religious places, crematorium and cemetery.

(d) Schools, pre-primary school and health centre.

(e) Clinics and dispensaries.

(f) Roads and bridges, railways, underground pipelines and cables, electricity transmission lines, communication towers, small check dams for watershed management, ropeways

2.2 The minimum plot size shall be 0.4 ha.

3. GREEN ZONE-1

3.1 The permissible uses in Green Zone-1 (G-1 Zone) are as follows:-

- a. Dwelling Units for the bona fide use of the holder as per Revenue Department records of any cultivated land, held exclusively for the purpose of agricultural activities.
- b. Holiday resort and holiday homes.
- c. Educational, medical, social, cultural and religious institutions along with residential quarters and shops for the staff on plots not be less than 2.5 ha.
- d. Schools, pre-primary school and health centre.
- e. Clinics, dispensaries and health centres.
- f. Storage of LPG cylinders.
- g. Horticulture, floriculture, and, agricultural and allied activities of rice and poha mill, poultry farms, cattle stables, piggeries and sheep farms.
- h. Religious places, crematorium and cemetery.
- i. Parks, gardens, play fields, camping grounds with public conveniences.
- j. Roads and bridges, railways, underground pipelines and cables, electricity transmission lines, communication towers, small check dams for watershed management

3.2 The minimum plot size shall be 0.4 ha.

4. URBANISABLE ZONE-2

4.1 The permissible activities in Urbanisable Zone-2 are :-

- a. Dwelling Units for the bona fide use of the holder as per Revenue Department records of any cultivated land, held exclusively for the purpose of agricultural activities.
- b. Non polluting scientific institutions
- c. Schools, pre-primary school and health centre
- d. Clinics, dispensaries and health centres
- e. With the prior approval of the Monitoring Committee, hotels, tourists resorts, holiday homes, motels and club houses
- f. Houses for residential purposes only
- g. Parks, gardens, play-fields and camping grounds with public conveniences
- h. Religious places, crematorium and cemetery.
- i. Horticulture, floriculture, and, agricultural and allied activities of rice and poha mill, poultry farms, cattle stables, piggeries and sheep farms
- j. Retail shops, whole sale shops, restaurants and banks
- k. Government offices
- l. Garages, petrol pumps, automobile repair workshops
- m. With prior approval of the Monitoring Committee, public services and utility establishment of water treatment plant, sewage treatment plant, solid waste treatment and disposal facilities electricity substation, gas works, fire brigade, police station, telephone exchange, bus shelters, terminals and depots
- n. Roads and bridges,, railways, underground pipelines and cables, electricity transmission lines, communication towers, small check dams for watershed management

4.2 The minimum plot size for item (b) to (f) of paragraph 4.1 shall be 2,000

sq. m.

URBANISABLE ZONE-1

5.1 In preparing the sub-Zonal Master Plan for Matheran Municipal Council area the recommendations of the report titled Matheran: A Comprehensive Heritage Listing Proposal commissioned by the Mumbai Metropolitan Region - Heritage Conservation Society shall be taken into account.

5.2 The development of lands within the Urbanisable Zone-1 of Neral and Wangani falling outside the area under the Layout prepared as a part of

36

the final Regional Plan 1973 shall be regulated in accordance with the provisions for Green Zone-1.

6. GOATHAN and GAOTHAN EXPANSION

6.1 The following provisions irrespective of Zones shall regulate Gaothan and Gaothan Expansion.

6.2 The boundary of the Gaothan shall be as shown in the revenue maps when the Regional Plan came into force.

6.3 Gaothan Expansion may be permitted by the Monitoring Committee based on needs and requirements of and for existing gaothan residents only.

6.4 The lands in Gaothan and Gaothan Expansion may be used for any of the following purposes :

- a. Residential.
- b. Shops, garages, small eating places, banks and post offices.
- c. Schools.
- d. Community centres and other social institutions.
- e. Religious places.
- f. Clinics, dispensaries and health centres.
- g. Essential public services and utilities including local Government offices.
- h. Stables for domestic animals subject to limit of 5 animals on each plot.
- i. Traditional household industries.
- j. Storage of crop, fodder, manure, agricultural implements and other

similar needs

- k. Parks, gardens and playgrounds.
- l. Public conveniences.
- m. Storage of fuels for domestic and commercial uses.

6.5 Floor Area Ratio and Ground Coverage

37

<u>Area</u>	<u>FAR</u>	<u>Ground coverage</u>
Gaothan	1.00	-
Gaothan Expansion	0.40	40%

Note: The classification of zones referred to above is as per the sanctioned Regional Plan of the Mumbai Metropolitan Region, September 1999.

'It is a matter of life and death'

Say locals of Matheran, appeal to the government to give them at least one tempo, as transporting essential items on horseback is costing them a fortune

RAJENDRA B. AKLEKAR
rajendra.aklekar@mid-day.com

JUST one tempo will save us. It is a matter of life and death!" appealed the residents of Matheran, who are 'trapped' on the hill during the lockdown, which has forced them to depend solely on horses to transport essential commodities and it's costing them a fortune.

No motorised vehicle is allowed in Matheran as it is an eco-sensitive zone, and following the lockdown, trains were also shut, and residents are now unable to use handcarts as the labourers have gone away. They have appealed to the Environment Minister Prakash Javadekar to intervene.

"The Rickshaw Sanghatana is ready to monitor the tempo service to ensure it is not misused at any level," Shakil Patel, president of the Shramik Rickshaw Chalak Malak Sanghatana said in the letter to Javadekar.

"When the lockdown began, we were using handcarts and horses to transport goods. But, as days passed, the cart-pullers went away. Now, for transporting LPG, we have to pay a charge of ₹100 per cylinder," Sunil Shinde, a local, said.

"Keeping in view the matter of life and death of citizens and the urgency of the matter, we request the authorities to allow at least one tempo in the town," Shinde added.

For 6,500 residents, the hill station



Matheran residents are fully dependent on horses to transport essential goods

is dependent on 460 horses who need to be fed as well.

Local Rickshaw Sanghatana had filed a petition to introduce e-rickshaws and is even ready to monitor the movement of tempos. The Matheran Municipal Council had also asked the Raigad district collector to allow tempos to ferry essential goods until the lockdown is over, but the permission was denied since the matter was sub-judice.

Manoj Khedkar, former president of the Matheran Municipal Council, told mid-day, "Tempos should only be allowed as an emergency measure during the lockdown. It will solve a lot of issues."

While district authorities remained unavailable for a comment, environmentalists said there could be a way out. Senior environmentalist Sarang Vaman Yadwadkar said if it was a question of survival, they should just inform the court and go ahead. This can also be sorted out at municipal level.

and Koliwada same.

Buildings in Delisle road, road and Aada sealed and the struggling to households on been sanitising regularly and Screening Car swabs of those said officials.

Former MLA leader, Sunil S providing people and attending containment in ity and thus t sealed entire area can be faster a is not possible ward, which is the second-highest at 44. B ward,

Seven COVID- TICKER

868 ACT CAS
ARITA SARKAR
arita.sarkar@mid-

MUMBAI reported deaths related on Monday, taking city to 43. The cases jumped to Mumbai Metro the state health

Of the seven Monday, one person died on April 4.



mid-day
CONNECT

WE WAIT FOR

Mid-day is always eager to publish a good story. If you report a night accident or crime, or anything you think the Mi

ANNEX, P-2
39

GOVERNMENT OF MAHARASHTRA

No. Sankima2017/CR-80/TC-1
ENVIRONMENT DEPARTMENT
15th Floor, New Administrative Building
Mantralaya Mumbai - 400 032.
Date - 23 February, 2018

To,
Joint Secretary
MoEF & CC,
Indira Paryavarn Bhvan, Johr Bagh,
New Delhi.

Sub: - Amendment in Notification S.O. 133 dated 4/2/2003, permission for
E-Rickshaw in Matheran Eco-Sensitive Zone regarding...

Sir,

The Ministry vide Notification S.O. 133 dated 4/2/2003 declared
Matheran as a Eco-Sensitive Zone and banned entry of Vehicles in this zone.

District Collector of Raigad, who is also Member Secretary of Matheran
Eco-Sensitive Area Monitoring Committee, sent a representation with a
request to allow E-Rickshaws in the Matheran ESA area, as hardship is
faced by students and in the matters of medical emergency. At present
movement through horses is being allowed in the ESA area. The Collector,
with his representation has also attached resolution of Matheran Municipal
Council, minutes of Matheran Eco-Sensitive Monitoring Committee and
comments of the Transport Department on the same. Municipal Council
has also requested to allow tractor only for handling municipal solid waste
and debris generated in the municipal limits.

You are kindly requested to consider the above said proposal for
appropriate amendment in the said Notification to allow the E-Rickshaw
and Tractor for handling municipal solid waste in Matheran ESA limits.

40

Yours sincerely
(Satish M. Gavai)
Addition Chief Secretary

Enclosed-As above

Copy to -

1. The Secretary, MoEF&CC
Indira Paryavarn Bhvan, Johr Bagh Road. New Delhi
2. Director, Eco-Sensitive Area, MoEF&CC, New Delhi
3. The Collector, Raigad-Alibag, Distt. Raigad
4. Chief Officer, Municipal Council, Matheran, Tal.Karjat, Distt. Raigad
5. Select File (T.C.I)

True Copy

D.O. No. 25/24/2012-ESZ-RE

ANNEX, P3
41

Dated: 7th June, 2018

Dear Sir,

Please refer to your letter dated 23rd February, 2018 received in this Ministry by hand on 29th May, 2018 from Chief Officer of Matheran regarding permission for E-Rikshaw in Matheran Eco-Sensitive Zone of Maharashtra.

2. This Ministry had issued the Matheran Eco-Sensitive Zone Notification on 04.02.2003 and amended it on 16th January, 2004. Under the provisions of this notification, no vehicular traffic is permitted within the Matheran Municipal limits, except one ambulance and one fire engine.

3. In so far as use of Tractor's is concerned it was earlier allowed in the Matheran Eco-Sensitive Area but it was not permitted by the Hon'ble Supreme Court. Therefore, it was withdrawn vide notification dated 16th January, 2004. Regarding permission to operate E-Rickshaws a legal opinion may be required as the matter is sub-judice in Hon'ble Supreme Court.

With regards,

Yours sincerely

(Lalit Kapur)

Shri Satish M. Gaval
Additional Chief Secretary
Environment Department,
15th Floor, New Administrative Building,
Mantralaya Mumbai-400 032

True copy

ANNEX, P-4
42
12th April, 2020

Dear Chief Secretary,

Kindly refer to the guidelines on Lockdown measures to be taken by Ministries/Departments of Government of India, States/Union Territory Governments and State/Union Territory Authorities for containment of COVID-19 epidemic in the country, as notified by Ministry of Home Affairs on 24.03.2020, and clarifications issued subsequently.

2. It has come to the notice of this Ministry that in some parts of the country, the aforesaid guidelines and clarifications are not being implemented in letter and spirit. Specifically

(i) trucks carrying essential and non-essential goods are being detained;

(ii) workers needed for operation of manufacturing units of essential goods, and other exempted categories are not getting authorizations passes for their movement;

(iii) inter State movement of goods and personnel related to categories (i) & (ii) above is getting impeded as passes/authorizations issued by authorities of one State/UT Government are not being respected by the authorities of other States/UTs; and

(iv) operations of cold storage and warehouses are not being allowed.

3. The aforesaid restrictions with regard to activities specifically permitted by MHA, have the potential of creating shortages of essential commodities. With a view to bringing the clarity at the implementation level, the following are being reiterated for strict observance by authorities at various levels:

i. Inter-state and intra state movement of all trucks and other goods/carrier vehicles with one driver and one additional person is allowed as long as the driver is carrying a valid driver's license. This is irrespective of the nature of the cargo, whether essential or otherwise. No further permit or approval would be required.

ii. Empty trucks/goods carriers should also be allowed to operate while on way to pick up goods or returning after completing a delivery. Hence, there is no cause to stop empty trucks provided they have valid documents such as driving license & road permit etc.

iii. Local authorities should actively facilitate the movement of truck drivers and cleaners from their place of residence to location of their trucks.

iv. Local authorities should facilitate the easy to and fro movement of workers to workplace and back, in respect of all the permitted industrial/commercial activities.

v. Railways, Airports, Seaports and customs authorities have already been authorized to issue passes for their staff and contractual labour. This may be ensured.

vi. Regarding issuance of passes to workers engaged in the manufacturing of permitted categories, the State/UT Governments are advised to expeditiously issue passes on the basis of authorizations issued by companies/organizations. The State/UT Governments shall ensure that these passes are honored both for movement within their State/ UT and in bordering areas of other States/UTs.

vii. MSMEs engaged in the manufacture of essential items like wheat flour (atta), pulses (dal) and edible oils should be allowed to function freely without any hindrances.

viii. Warehouses/ cold storage should be allowed to freely function with allowance for to and fro movement of trucks and without regard to the nature of the goods whether essential or

44

otherwise. Warehouses of companies should also be allowed to operate.

4. These stipulations will apply to all areas other than the areas requiring containment, quarantine and surveillance measures (hotspots) as per the guidelines of Ministry of Health and Family Welfare (MoHFW), Government of India where State Governments/local authorities have imposed restrictions for preventing the spread of COVID-19.
5. It is clarified that movement of persons and vehicles, as above, shall be subject to strict adherence to norms of hygienic and social distancing, as is required in the context of COVID-19.
6. It is again reiterated that all district authorities and field agencies may please be informed of the above instructions, so that there is no ambiguity at the ground level and activities allowed by MHA are carried without any hindrance.

With regards,

Yours sincerely

(Ajay Bhalla)

Chief Secretaries of All States
(As per Standard List attached)

True copy

①

ANNER, P-5

45

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL WRIT PETITION NO. 31 of 2020

DISTRICT - RAIGAD

In the matter of Article 226 of the
Constitution of India

And

In the matter of Article 21 of the
Constitution of India, as regards
impediment in supply of essential items
to approximate 4900 residents of
Matheran Municipality and 25,000
residents residing living nearing villages
along the hill.

- 46 (2)
- 1) Mr. Suresh Narayan Lad)
 Age: 63 Years, Occ: Former MLA)
 Residing at Dahivall)
 Taluka - Karjat)
 Dist. Raigad.) ... Petitioner No. 1
 - 2) Ajay Kashinath Sawant)
 Age : Adult, Occupation : Business)
 Resident of Matheran)
 At Post Nathuram, Taluka : Karjat)
 District : Raigad)... Petitioner No. 2

Versus

1. Union of India)
2. State of Maharashtra)
3. District Collector, Raigad)
 Near HeeraKot Talav, Alibag, Raigad)
 Pin : 402202)
4. Maharashtra Pollution Control Board)
 7th Floor, Raigad Bhavan, Sector 11,)
 CBD Belapur, Navi Mumbai, Maharashtra)
 400614.)
5. Matheran Hill Station Municipal Council)
 M. G. Road, Matheran, Taluka- Karjat)
 District-Raigad, Pin-410102) ... Respondents

47 (3)

TO
THE HON'BLE THE CHIEF JUSTICE
AND OTHER PUSINE JUDGES OF
THIS HON'BLE COURT

THE HUMBLE PETITION OF THE
PETITIONERS ABOVENAMED

MOST RESPECTFULLY SHEWETH:

1. The Pettitioner No. 1 Is former Member of Legislative Council in Karjat assembly constituency at Raigad. The Petitioner is Involved in several social projects and Is an actively involved in socio economic upbringing of Matheran.
2. The Petitioner No. 2 is a Resident of Matheran and is in Tourism Business in Matheran for the past several years. The Petitioner No.2 is also affiliated with the Municipal Township of Matheran.
3. The Petitioners state that Respondent No. 1 Is the Union of India through the Ministry of Environment and Forrest. The Respondent No. 2 Is State of Maharashtra. The Respondent No. 3 is the District Collector at Raigad and Is Convener appointed under the notification Issued by Ministry of Environment and Forrest dated 04/02/2003. The Respondent No. 4 is Maharashtra Pollution Control Board and one of its officers is one of the ~~ten~~ members under the monitoring committee. The Respondent No. 5 Is the Matheran Hill Station Municipal Council at M. G. Road, Matheran, Taluka- Karjat, District-Raigad, Pin - 410102.

- 48 (9)
4. The Petitioners state that the lockdown was imposed on 22/3/2020 in our country and the Ministry of Home Affairs on 24/3/2020 has issued guidelines of lockdown measures to be taken by Ministry/Department of Government of India, State/Union Territory Government and State/Union Territory Authority for containment of COVID 19 epidemic in the country.
 5. Thereafter, in or about 20 days it came to the notice of the Home Secretary, Government of India that the aforementioned guidelines issued are not carried out in letter and spirit in some parts of the country, especially the rural areas. Moreover, it was noticed that trucks carrying essential and non essential goods were detained. Therefore with view to bring clarity in the implementation of guidelines of COVID 19, certain clarifications were issued by the Home Secretary Government of India vide D.O. No. 40-3/2020-DM-I (A). Hereto annexed and marked **Exhibit A** is D.O. No. 40-3/2020-DM-I (A) of 12/04/2020 issued by the Home Secretary Government of India.
 6. The Petitioners state that the Ministry of Environment and Forest vide notification dated 04/02/2003 has declared Matheran as an eco sensitive zone covering an area of 214.73 sq. kms. and a 200 meters buffer zone and it was directed that it shall consist area of Matheran Municipal Council and its environs. In the said notification in its **clause N** stated that no vehicular traffic shall be permitted within the Matheran Municipal Limit, except Ambulance, Fire Engine and the use of tractor for transportation of solid waste. Hereto

49

annexed and marked **Exhibit B** is the copy of notification of Ministry of Environment and Forests.

7. The Petitioners state that in view of the aforementioned notification and in view of Erstwhile Matheran rules of 1959, no private vehicle or vehicles of goods transport were allowed inside the municipal limits of Matheran. The petitioners' state that since many years all the necessary goods and essential items were either brought by hand drawn carriages or pulled by horses and other animals etc.
8. The Petitioners state that Matheran being a hill station all the revenue of Matheran city and residents is solely dependent on tourism. Due to recent pandemic and various measures issued in the country there is no business to the residents of Matheran and also to other persons dependent upon the Tourism Industry. The Petitioners states that there are around 4500 residents currently living in Matheran are facing a severe financial crisis due to the lack of business.
9. The Petitioners state that around 25,000/- residents of the neighboring villages including the Adivasis, Tribals and Cattle Farmers, are also dependent for their daily needs, upon the markets existing in Matheran.
10. It appears from news article that the Municipal Council of Matheran had written to the Collector of Raigad to allow delivery of essential commodity to Matheran through truck/temos. The Respondent No.3 has refused for the said permission stating that Matheran is a Eco Sensitive Zone and instructed to provide for Rickshaw Pullers

and Horse Riders. Hereto annexed and marked **Exhibit C** is the copy of news articles.

11. The Petitioners state that presently the 4500 residents of Matheran are facing severe difficulties in receiving essential items for their Daily needs. The Residents living in the other Tribal Areas are also facing difficulties, as they are completely dependent upon the Market Place at Matheran.
12. The Petitioners state that in the current crisis the residents are paying extra charge of around Rs. 250 per gas cylinder and paying extra charge for other essential goods. The Residents have to bear around 10 to 15 rupees extra per kg, for essential items such as vegetables and food grains.
13. The peculiar situation has arisen as many of the Handcart Pullers and Horses used to carry the luggage are no more available, at Matheran. In any event for around 4500 resident and persons from neighboring villages there are only 460 horses. The Petitioners state that the number of horses are far too less and are under tremendous stress due to carriage of essential items.
14. The Petitioner No.2 states that there was a Landslide in Matheran in the year 2005. During the said Landslide, the Municipal Council on its own brought trucks and other construction equipment to clear the debris and pave way for the regular functioning of Matheran.
15. The Petitioners States that before Matheran before being nominated in the ESZ, Cars and tempos were allowed during

51 (7)

Ganpati Festivals and other Festivals, after making necessary applications.

16. The present Petitioner No.1 vide letter dated 19/4/2020 has once again reminded to Collector to at least allow a Small Tempo to the Municipal Limits of Matheran.
17. The Petitioners state that the Hon'ble Collector of Raigad is appointed as a Conveyor of the monitoring committee, constituted under section 3 of the Environment Protection Act 1943 and the monitoring committee is empowered to monitor and ensure compliance with the provisions of the notification dated 04/02/2020(Exh B)
18. The Petitioners submit that a grave and serious issue has been arisen qua the residence of Matheran and other neighboring villages, as they are unable to get essential items at a "fair price" and especially during their state of the financial crisis.
19. The Petitioners submit that Article 21 of the Constitution of India provides for Right to Life and Liberty to all persons. The Right to Life also encompasses availability of Essential Goods and other items at a "Fair Market Price". Especially, when the country is facing the present pandemic and in view of the fact that Matheran is facing a financial crises, deprivation of essential items at a fair price to the residents of Matheran, is in contradiction to the scope and ambit of article 21 of the Constitution of India.
20. The Petitioners state that aforementioned notification dated 2/4/2020 (Exhibit B) allows carrying a tractor and ambulance,

which also pollutes the environment of a Eco Sensitive Zone. Moreover, In the current scenario there is no pollution in the Eco Sensitive Zone of Matheran, as there is absolutely no vehicular traffic due to the absence of tourism industry.

21. The petitioners states that in view of the special direction issued on 12/4/2020 by the Union of India (Exhibit A) and in conjunction with the Respondent No.3, Respondent No.4 and Respondent No.5 can provide to provide for a truck /tempo once a day in the Municipal Limits of Matheran, containing the essential and other items as provided in the notification dated 12.4.2020.
22. The Petitioners states that the National Green Tribunal at Pune is also closed due to the present Pandemic. The Petitioners are informed that the Principal Bench at Delhi takes all the matters of the NGT Pune, especially by constituting a special Bench. Therefore, the Petitioners were unable to move a prior application before the National Green Tribunal at Pune.
23. The Petitioners are constrained to move this Hon'ble Court as the Respondent No.3 has not taken any action, despite by the various requests of the Municipal Council of Matheran and the present Petitioners.
24. The facts and the law applicable in this case calls for an urgent intervention of this Hon'ble Court under the provisions of Articles 226 of the Constitution of India to grant immediate reliefs to the Petitioners.

- 53 (9)
25. The Petitioners already having a genuine locus in light of being aggrieved by the aforesaid facts and circumstances.
 26. The Petitioner submits that unless the reliefs as prayed are granted, grave harm, irreparable loss and injury will be caused to around 30,000/- Citizens of Matheran and other neighboring villages and it would lead to miscarriage of justice.
 27. The Petitioner craves leave to add, to alter, to amend, to delete and/or to modify any of the foregoing paragraphs, grounds and documents as and when necessary.
 28. Petitioners have not filed any other appeal, application, revision or petition either in this Hon'ble Court or in the Hon'ble Supreme Court of India.
 29. The Petitioner has paid the appropriate court fees as directed by the recent circular dated 17.04.2020.

PRAYERS

29. The Petitioner, humbly and most respectfully prays that:-
 - a) this Hon'ble Court be pleased to issue a writ of mandamus or a writ, direction or order in the nature of mandamus or any other appropriate writ, direction or order under Article 226 of the Constitution of India, directing the Respondent No.3 to provide truck/ tempo carrying essential goods/items as more specifically in D.O. No. 40-3/2020-DM-I (A) of

54 10
12/04/2020 Issued by the Home Ministry within the Municipal limits of Matheran till the period of lockdown ends or such other period considering the gravity of the current crisis;

b) In the alternative to prayer clause (a) this Hon'ble Court be pleased to issue a writ of mandamus or a writ, direction or order in the nature of mandamus or any other appropriate writ, direction or order under Article 226 of the Constitution of India directing the Respondent No.3,4 and 5 to come up with an urgent detailed plan ensuring that the around 30,000 residents of Matheran and other neighboring villages will be made available Essential Goods at a with Fair Market Price at the cost the Respondent No.1 and 2.

c) Ad Interim prayers in terms of Prayer clause (a) and (b)


d) For such further and other directions as the nature and circumstances of the case may require.

And for this act of kindness, the Applicants as in duty bound shall ever pray.

(11)
55

And for this act of kindness, the Applicants as In duty bound shall
ever pray.


Mumbai)
dated this day)
of April 22, 2020)

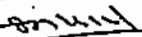

GAURAV PARKAR
Advocates for the Petitioners

VERIFICATION

ASAY
We, Mr. Suresh Narayan Lad and Arvind Kashinath Sawant, the Petitioners
hereinabove do hereby state that what is stated in the paragraph No.1 to
16 are based on legal advice given to us which we believe to be true and
contents of the last paragraph No.16 are our humble prayers.

Mumbai)
dated this day)
of April 22, 2020)


GAURAV PARKAR
Advocates for the Petitioners

Before me 

ANNEX, P-6

56

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
AD-HOC NO. WP-LD-VC-31 OF 2020

WRIT PETITION (ST.) NO. OF 2020

Mr.Suresh Narayan Lad & Anr.

... Petitioners

Versus

Union of India and Ors.

... Respondents

Mr.Gaurav Parkar for the Petitioners.

Mr.Anil C. Singh, Additional Solicitor General a/w. Mr. Aditya Thakkar, Mr. D.P. Singh for Respondent No. 1.

Mr.M.M. Pable, AGP for Respondent No. 2.

Ms. Nilambari Jadhav for Respondent No. 5.

CORAM : S.J.KATHAWALLA,

DATE : 14TH MAY, 2020

P.C. :

1. The subject matter of the present Writ Petition is ferrying of essential supplies to the core area of the Eco-sensitive zone of Matheran.
2. The Ministry of Environment and Forest vide notification dated 4th February, 2003, has declared Matheran as an Eco-sensitive zone. Paragraph 2 of the Notification clarifies that, "*the said Eco-sensitive Zone covers an area of 214.73 sq. kms. and a 200 mts. Buffer Zone and it shall consist of the area of the Matheran Municipal Council and its environs*". It is specified in Clause (n) of the Notification that, "*No vehicular traffic shall be permitted within the Matheran Municipal limits, except ambulance and fire engine and use of tractor for transportation of solid waste.*"

3. In view of the above restriction, since the last several years, no vehicle is allowed inside the Municipal limits of Matheran and all the necessary goods and essential items are either brought by hand drawn carriages or plied by horses and other animals.

4. It is submitted on behalf of the Petitioners that, Matheran being a hill station, the source of income of its 4500 residents depends only on the tourists. Due to the recent pandemic and consequent lockdown, there are no tourists visiting Matheran, because of which the residents of Matheran are facing severe financial problems. There are around 25000 residents of the neighbouring villages including the Adivasis, Tribals and Cattle Farmers, who are also dependent on the markets in Matheran for their daily needs. The handcart pullers and horses who use to carry the luggage are no more available at Matheran, and at present the 461 horses which are available, are unable to carry the essential items required by 4500 residents, as well as the persons residing in the neighbouring villages. The residents of Matheran as well as those living in other tribals areas, are required to pay an amount of Rs.250/- per gas cylinder and Rs.10 to Rs.15 extra per kg for essential items such as vegetables and food grains, besides facing severe difficulties in receiving essential items for their daily needs. In fact, there was a landslide in Matheran in the year 2005, when the Municipal Council on its own brought trucks and other construction equipments to clear the debris and pave the way for restoring the regular functioning of Matheran. That before Matheran was declared as an Eco-sensitive zone, the cars and tempos were

allowed during the Ganpati festival and other festivals, after making necessary applications to the concerned authorities. That vide Letter dated 19th April, 2020, Respondent No. 3 – District Collector, Raigad was requested to at least allow small tempos to be brought within the Municipal limits of Matheran. That the Collector of Raigad is appointed as a Convenor of the Monitoring Committee, constituted under Section 3 of the Environment Protection Act, 1943 and the Monitoring Committee is empowered to take necessary decision/s to resolve the current problems. That Article-21 of the Constitution of India provides for Right to Life and Liberty to all persons. The Right to Life also encompasses availability of essential goods and other items at a "Fair Market Price", especially, when the country is facing the present pandemic. That in view of the fact that the residents of Matheran and neighbouring villages are facing a financial problem, deprivation of essential items at a fair price to the residents of Matheran and its neighbouring villages, is in contradiction to the scope and ambit of Article-21 of the Constitution of India. That in the above circumstances the Respondents be directed to allow a truck / tempo once a day in the Municipal limits of Matheran ferrying the essential and other items required by its residents and those of the neighbouring villages on a day to day basis.

5. On 8th May, 2020, when the matter was called out, Mr. Anil C. Singh, the Learned Additional Solicitor General informed the Court that the Ministry of Environment and Forests ('MOEF') is of the view that an appropriate decision in this behalf can be taken by the Monitoring Committee appointed by MOEF under its

notification dated 4th February, 2003, since the matter is incidental to the guidelines contained in that Notification. However, the Learned Assistant Government Pleader ('AGP') appearing for Respondent No. 2 - State, submitted that there is no Monitoring Committee as on date since the tenure of the Original Committee has already come to end. In view thereof, the matter was adjourned and the Respondents were directed to take instructions in the matter.

6. Today, Mr. Lalit Bokolia, presently working as Director in the Ministry of Environment, Forest & Climate Change (MoEFCC) has filed an Affidavit on behalf of Respondent No. 1, inter alia stating as follows :

"2. That with reference to the grievance of the Petitioners regarding supply / carriage of essential goods from the gate to the core area of Matheran, it is humbly submitted that MoEF & CC has constituted an Interim Monitoring Committee vide Office Memorandum No. 25/24/2012-ESZ/RE dated 13.05.2020, for discharging the functions enumerated in the Matheran Eco-sensitive Zone Notification.

3. That the tenure of the Interim Monitoring Committee is for a period of six months. The Government of Maharashtra shall submit the proposal for reconstitution of Monitoring Committee within three months.

4. That the Matheran, Ecological Sensitive Zone's (ESZ) Monitoring Committee has been mandated in the Notification itself to regulate the functioning / activities in the ESZ area. The Interim Monitoring Committee may, therefore address the current issue in environ-economic manner such as by exploring

various suitable transportation options viz. battery driven tempo or CNG vehicles or other modes keeping in view of fragile eco-sensitive area, during the period of COVID-19. MoEFCC has also approved Zonal Master Plan as recommended by the State Government. The Plan inter alia also provided for exploring feasibility of plying e-rickshaw."

7. I have considered the submissions of the Petitioners and the contents of the Affidavit filed by Mr. Bokolia, Director, MoEFCC. It is clear that Matheran being a hill station, in the interest of the tourists and residents, and more particularly keeping in mind the issue of public health and ecology, vehicular traffic is prohibited under Clause (n) of the Notification dated 4th February, 2003 issued by Ministry of Environment and Forest, except for ambulance, fire engine and use of tractors for transportation of the solid waste. However, the present pandemic that has gripped the country for the past months, has thrown up its own set of peculiar problems and difficulties, whereby as can be seen from the submissions set out above, the residents of Matheran and its neighbouring villages are unable to procure items of daily necessity and sustenance, or have to pay an extra amount for the same in these difficult times, when they are as it is suffering from severe financial constraints, only in their attempt to adhere to the prevailing Notification dated 4th February, 2003. While it is true that the Notification dated 4th February, 2003, is primarily issued in the spirit of protecting the ecological balance of the Eco-sensitive zone of Matheran, one cannot

loose sight of the fact that in the current situation, it is also extremely essential to balance an individual's right to procure with ease, basic essentials and food supplies required to sustain life and which are at the very core of Article 21 which enshrines the most basic Fundamental Right - to Life, of every human being.

8. In view thereof, a via media needs to be arrived at, whereby a vehicle is allowed to reach the core area of Matheran with essential supplies / goods on a regular basis and at the same time also ensure that such vehicles follow the pollution norms, so as to protect the Eco-sensitive zone of Matheran. In view of the urgency, I pass the following Order :

i. Mr. Shivaji Daund, Divisional Commissioner, Kokan Division, who is the Chairman of the Interim Monitoring Committee, constituted under the Office Memorandum dated 13th May, 2020, issued by the Government of India, Ministry of Environment, Forest and Climate Change, shall hold a Meeting on 15th May, 2020 at 03.00 p.m., and after hearing the Petitioners, arrive at a decision with regard to the essential goods supply to the core area of Eco-sensitive zone of Matheran on a regular basis, keeping in mind the Rights of the residents to obtain such necessary supplies to sustain life and by taking adequate safe-guards to protect the Eco-sensitive zone of Matheran .

ii. The Petitioners are also allowed to express any other apprehensions that they have on the subject, before the Interim Monitoring Committee, which the Committee shall consider and pass appropriate orders / directions.

iii. The Minutes of the Meeting / decision/s taken shall be placed before this Court on 16th May, 2020 at 11.00 a.m.

9. This Order will be digitally signed by the Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this Order.

(S.J.KATHAWALLA, J.)

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ANNEX 1-7
63

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
AD-HOC NO. WP-LD-VC-31 OF 2020

WRIT PETITION (ST.) NO. OF 2020

Suresh Narayan Lad & Anr.

... Petitioners

Versus

Union of India and Ors.

... Respondents

Mr. Gaurav Parkar for the Petitioners.

Mr. A.C. Singh, Additional Solicitor General a/w. Mr. Aditya Thakkar, Mr. D.P. Singh for Respondent No. 1.

Mr. P.P. Kakade, GP a/w. Mr. M.M. Pabale, AGP for the State.

Mr. Nilambari Jadhav for Respondent No. 5.

CORAM : S.J. KATHAWALLA,

DATE : 16TH MAY, 2020

P.C. :

1. Pursuant to the Order passed by this Court dated 14th May, 2020, a meeting was held under the Chairmanship of Shri Shivaji Daund, Chairman, Matheran Monitoring Committee. The minutes of the said meeting are produced before the Court. The relevant Clauses of the Minutes are reproduced hereunder :

"(i) The Committee agreed that the most optimal solution for reducing hardships of people and maintaining the ecological balance would be operationalization of Dasturi Naki (Aman lodge) - Matheran railway for goods transport. In this regard, proposal to be submitted to Divisional Railway Manager, Central Railways for approving goods transport by attaching

dedicated goods bogies with Dasturi Nika (Aman lodge) - Matheran train.

(ii) Meanwhile, to address the immediate issue of essential goods supplies, Municipal Council Matheran shall hire a Goods Tempo on RTO approved rates which meets the environmental norms (Bharat Stage VI - Vehicle). In this regard, the modalities for this goods tempo will be as following :

- a. The Chief Officer, Municipal Council, Matheran to take concurrence from MPCB about pollution norms compliance for the hired vehicle.*
- b. The Tempo shall be allowed to operate once in a week (Wednesday) for carrying goods until commencement of goods transport by railways.*
- c. The District Collector to pay NDRF grant towards the operational cost of transport of essential goods until the private vendor is identified and selected by the Chief Officer following due process.*

The Committee unanimously stressed upon the importance of protecting Matheran as eco-sensitive zone and the above recommendations / decisions suggested by this Committee are only as an exceptional one time measure due to the unique crisis arising out of COVID-19, lockdown and loss of tourism activity. These recommendations will be applicable upto 30th September, 2020. These recommendations are subject to modifications depending upon the outcome of the current Writ Petition or any other Court orders. The Committee will review the functional aspects of these arrangements on 15th September, 2020"

2. It is correctly submitted on behalf of the Petitioners that, since there are more than 4500 residents in Matheran and 25000 residents including Adivasis, Tribals and Cattle Farmers in the neighbouring villages, who need to procure items of daily necessity and sustenance, one tempo carrying the essential goods once a week will not be adequate. The report / Minutes of the Matheran Monitoring Committee is therefore accepted with a direction that instead of the tempo carrying essential items to the core area once a week, the essential items / goods shall be carried by the tempo at least thrice a week upto 30th September, 2020.

3. Tempo facility shall commence at the earliest.

4. Stand over to 1st October, 2020.

5. Liberty to apply.

6. This order will be digitally signed by the Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

(S.J.KATHAWALLA, J.)

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ANNEX, P-8
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District Collector Alibag
Distt. Raigad
Date 19.06.2020

To,

Chief Officer,
Matheran Municipal Council.

**SUBJECT: TO PROVIDE VEHICLE FOR MATHERAN
MUNICIPAL COUNCIL**

REF: 1) CO letter no. 777/20/21 Dat- 19.05.2020
2) Letter from Divisional Commissioner New Mumbai
8/2020 Dat- 28.05.2020

It has been brought to my notice that Bharat Stage VI (BS 6) vehicles are not available in market as suggested by Mont. Committee Only option left is BS IV vehicles by CO Mathern Municipal Council.

Hence, I had Divisional Commissioner to give permission for use of S. BS IV – Bharat Stage 4 vehicles until the BS VI is made available.

Hence as per letter no. 2 (Ref. 2) Divisional Commissioner has asked to take following decision.

BS IV vehicle be used till the BS VI is made available with following term & conditions:

1. BS IV be used only for LPG cylinder transport. Mean time try to get BS VI vehicle.
2. Essential goods to be transported by train.
3. Vehicle will be used once a week.
4. If term & conditions are violated order will be cancelled.

Nidhi Chaudhary
(Collector Raigad)

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ANNEX-2-9
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16 of 114

	of 2020 Last Dtd.09/10/2020	Dattatray Rekhu Rathod	
50	CIVIL WP ST. NO. 92368 of 2020 Last Dtd.09/10/2020	Hrudik S/o Hemant Patil & Others Vs State of Maharashtra and Others.	Mr. Ashwin Deshpande - Petitioner.
51	CIVIL WP ST. NO. 4941 of 2020 Last Dtd.09/10/2020	Samant's Rural Education Institute Vs Savitribal Phule Pune University & Ors.	Mr. Madhuv V. Thorat - Petitioner.
52	CIVIL WP ST. NO. 9223 of 2019 Last Dtd.09/10/2020	Milind Agrawal Vs Mithlbal Collage Arts Science And Commerce and Ors.	Swapna Kade - Petitioner.
53	CIVIL WP ST. NO. 287 of 2020 Last Dtd.09/10/2020	Khatoun Minority Women's Social Welfare & Ann. Vs Fees Regulating Authority	- Petitioner.
54	CIVIL AD HOC NO. WP LD VC 31 of 2020 Last Dtd.09/10/2020	Suresh Narayan Lad & Ann. Vs Union of India and Ors.	Mr. Gaurav Parkar - Petitioner.

Search

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ANNEX, P-10 68



T/C

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WRIT PETITION (CIVIL) NO. OF 2021

SUNIL RAMCHANDRA SHINDE . . . PETITIONER
VERSUS
UNION OF INDIA & OTHERS. . . RESPONDENTS

TO
THE HON'BLE CHIEF JUSTICE OF INDIA,
AND HIS COMPANION JUDGES OF THE
HON'BLE SUPREME COURT OF INDIA.

1. The present Writ is filed seeking to invoke the powers of this Hon'ble Court under Article 32 read with Article 142 of the Constitution of India for issuance of appropriate writs and/or directions for amendment of Notification dated 04.02.2003 released by the Ministry of Environment, Forests and Climate Change ["**MoEF**"], thereby declaring Matheran and surrounding region as an Eco-Sensitive Zone ["**ESZ**"]. Petitioner is also seeking an interim relief in the form of direction to the Matheran Monitoring Committee, thereby directing it to ensure daily plying of

570

CNG/ LPG/ Electric Vehicles carrying essential items to the core area.

2. That the detailed facts and pleadings have been stated in the accompanying Writ Petition and, hence are not being repeated herein for the sake of brevity and to avoid prolixity. The contents of the same may be read as part and parcel of the present application.
3. That the Applicant has a good case on merits and the balance of convenience is wholly in her favour. Irreparable injury would be caused to the Petitioner and 30,000 residents of Matheran Area if an interim relief in the form of direction to the Matheran Monitoring Committee, directing it to ensure daily plying of CNG/ LPG/ Electric Vehicles carrying essential items to the core area is not granted by this Hon'ble Court.

PRAYER

Wherefore in the light of the above, the Applicant most respectfully submits that this Hon'ble Court may be pleased to:-

- a. Issue direction to the Matheran Monitoring Committee, directing it to ensure daily plying of CNG/ LPG/ Electric Vehicles carrying essential items to the core area; and;

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- b. Pass such other and any further orders as this Hon'ble Court may deem fit in the facts and circumstances of the present case.

AND FOR THIS ACT OF KINDNESS, THE APPLICANT AS
IN IN DUTY BOUND SHALL EVER PRAY.

Drawn by:-

Advocate Tushar Kumar

Settled & Filed By:

Drawn on: 27.05.2021

Filed on: 28.05.2021

(VIVEK NARAYAN SHARMA)

Advocate for the petitioner

VIVEK NARAYAN SHARMA

Advocate-on-record
Supreme Court of India

C- 199 G.F. Sarvodaya Enclave New Delhi 110 017 Tel: 91 11 46698822
Cell: +91 98113 98072, +91 9717 41 7779 Email: viveknarayan.sharma@gmail.com

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To,
The Registrar,
Supreme Court of India,
New Delhi.

Date: 07.05.2021

LETTER

Sub:- Writ Petition (Civil) No. _____ of 2021 and Diary No. 12740 of 2021 Titled as Sunil Ramchandra Shinde Vs. Union of India & Ors.

Sir,

1. The captioned matter is a Writ Petition seeking to invoke the powers of this Hon'ble Court under Article 32 read with Article 142 of the Constitution of India for issuance of appropriate writs and/or directions for quashing and/or amendment of Notification dated 04.02.2003 released by the Ministry of Environment, Forests and Climate Change ["MoEF"], whereby Matheran and surrounding region was declared as Eco-Sensitive Zone ["ESZ"]. The Petitioner is also seeking an interim relief in the form of direction to the Matheran Monitoring Committee, thereby directing it to ensure daily plying of CNG/ LPG/ Electric Vehicles carrying essential items to the core area.
2. The instant Writ Petition was filed on 26.05.2021 and certain defects were highlighted in the same by this Hon'ble Registry on 31.05.2021. Please note that this letter is to clarify the query under Defect No. 4 viz. "10.3 ~~Writ~~, not filed in terms of ORDER XXXVIII SCR, 2013 if it is filed as PIL. - Adv. may please clarify whether matter relates to PIL or not, if matter relates to PIL than fulfilled the guidelines of PIL (attached herewith)."
3. It is stated that the present Writ Petition has not been filed as a PIL since the Petitioner herein is personally aggrieved by the state of affairs in Matheran and by the inactivity of the

VIVEK NARAYAN SHARMA

Advocate-on-record
Supreme Court of India

C- 199 G.F. Sarvodaya Endave New Delhi 110 017 Tel: +91 11 46698822
Cell: +91 98113 98072, +91 9717 41 7779 Email: viveknarayanasharma@gmail.com

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Matheran Monitoring Committee. The Petitioner has been personally suffering the high prices of essential goods and the difficulties related to transportation in and around the Matheran Area since several months now. Additionally, it is also stated that the present Writ Petition does not impugn nor challenge any judgment/order of any subordinate Court.

4. It is therefore humbly prayed that the Hon'ble Registry may be pleased to consider this Writ Petition as a regular Writ Petition and not a PIL and register the same at the earliest in the interest of justice.

Thanking you,

(VIVEK NARAYAN SHARMA)

Advocate for the petitioner