

Mandarmani – An Update

- ❑ The hoteliers moved the High Court at Calcutta against the demolition order passed by the Pollution Control Appellate Authority of West Bengal.
- ❑ The High Court at Calcutta stayed the order passed by the Pollution Control Appellate Authority of West Bengal to demolish the hotels at Mandarmani on the ground that the Appellate Authority had no jurisdiction to order demolition.
- ❑ DISHA moved a Public Interest Litigation in the High Court at Calcutta seeking the Court's intervention, application of CRZ norms in the coastal stretches of West Bengal in general and at Mandarmani in particular.
- ❑ The High Court at Calcutta on 27.04.2007 ordered that DISHA's writ petition should be treated as representation and considered by the competent authority and steps to be taken in the matter in accordance with law.

It further directed the respondent no. 5 being the Chairman, West Bengal Coastal Zone Management Authority and the respondent no. 2 being the Secretary, Ministry of Environment and Forest to treat the writ application as a representation of DISHA and to take steps for the disposal of the same within a period of six weeks from the date of receipt of the said representation/writ petition. The said respondents are also directed to communicate the decision in respect of the steps they should adopt in the matter in question to the petitioner by four weeks from the date of taking such decision.

- ❑ The Chairman, West Bengal Coastal Zone Management Authority (Respondent no. 5) forwarded a copy of a letter No. EN/1317/3C-17/2007 dated 16.07.2007 written by him to Shri J.M. Mauskar, Joint Secretary, MoEF, wherein it was stated that the Writ Petition had been duly considered as a representation by the WBSCZMA. It further stated that in a meeting of the WBSCZMA ".....it was informed that the district administration who are the ground level enforcement authority, have already been requested to ensure stoppage of construction and operation of all hotels and resorts in the coastal regulatory zone area. Department of Panchayat & Rural Development, Government of West Bengal have also been requested to advise all the PRI's to insist upon taking WBSCZMA clearance before issuing permission for land use in CRZ area. Preventive action, to be

implemented by the appropriate authority, has, then been taken by the Department of Environment.”

It further stated that “The WBSCZMA has already engaged in preparation of management plan for coastal zone of the state. This is being prepared stretch wise for different regions along with coast for different requirement and parameters insisting in those locations.”

The last paragraph of the letter states “So far construction of various hotels and resorts are concerned the same are subjudice in connection with number of writ petitions before the Hon’ble High Court, Calcutta, because of the WBSCZMA is not in a position to take any decision in the matter”.

- In view of the above, DISHA has decided to move a contempt petition in the High Court in Calcutta for –
 1. Utter disregard of court’s order by respondent no. 2, Secretary MoEF, in not communicating any action taken by him in the matter.
 2. WBSCZMA’s reluctance to discharge its lawful duties in terms of the responsibilities entrusted to it under section 5 of EPA and the rules relevant thereto;
 3. WBSCZMA’s attempt to misinform and mislead the petitioners with –
 1. Non-specific statements like ‘it was informed’ and ‘have been requested’ without specifically stating the G.O. or Memo numbers and dates.”
 2. Contradictory statements like “the district administration who are the ground level enforcement authority, have already been requested to ensure stoppage of construction and operation of all hotels and resorts in the coastal regulatory zone area.” and “So far construction of various hotels and resorts are concerned the same are subjudice in connection with number of writ petitions before the Hon’ble High Court, Calcutta, because of the WBSCZMA is not in a position to take any decision in the matter.”
 4. WBSCZMA’s utter failure to prepare the “Coastal Zone Management Plan” which they were entrusted with from 1998; and their inexcusable complacence in merely reporting that they are still engaged in doing that.

- Meanwhile, the hotels are continuing to operate with impunity, destroying the invaluable environment and ecology of Mandarmani.
- It appears that it is entirely the headache of people like the present petitioners to protect the coasts and public servants, who are paid (from public funds) to govern, can continue to merrily ignore their obligations.