


MHRT060002792022 	<p style="text-align: center;"><u>CNR No.MHRT060002792022</u> <u>ORDER BELOW EXHIBIT 1 IN</u> <u>R.C.C.12/2022</u></p>
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1. The present complainant is a public servant. He is duly authorized and working as a Scientist-E at the integrated regional office under the Ministry of Environment and Forests Notification dated 28th February 2014 issued in accordance with the provision contained in Section 23 of the Environment (Protection) Act 1986. The complainant being a public servant and hence there is no need to examine him on record or its verification under Section 200 of Code of Criminal Procedure.

2. As per contention of complainant, accused no.1 had purchased Gat No. 446 situated at sea-shore of Murud Village, Taluka Dapoli, District Ratnagiri from Vibhas Ranjan Sathe. On 02/05/2017 he has take a possession of Gat No. 446 and started construction of the resort without getting any permission and following rules framed under CRZ norms. Maximum construction was completed in the year 2020. After that he sold said property to the accused no. 2. The Sai resort is constructed by accused No.1 and 2 and sea-coach resort is constructed by accused No.3. Thus, Accused no. 1 to 3 have violated CRZ norms formed under Environment (Protection) Act 1986. They did construction and development activity in classified "No Development Zone" (NDZ) which is prohibited and illegal act itself. They also stated that accused neither informed the Nodal authorities about their construction as mandated by notification of CRZ Rules 2011 nor acquired requisite permission for such construction. Accused have illegally constructed in CRZ area and such an illegal Hotel/Resort operated in the non development zone of CRZ-III and also they are thereby illegally

discharging the Environmental pollutants beyond specified limit in the sea streams which is punishable under Section 7 of the said act. He further stated that on various occasion from accused No.1 has committed cheating by dishonestly and fraudulently deceiving the office of local administration in order to ensure illegal and wrongful gain. Hence they also prayed for direct investigation for the cognizance of an offence under the relevant Section of Indian Penal Code.

3. Perused the complaint, documents on record and report filed by Police Inspector of Dapoli police Station. Heard Ld. Adv.Shri. Kuweskar on behalf of the complainant. Before issuing process Police Inspector of Dapoli police station was directed to conduct inquiry under section 202 of Cr.P.C. and filed its report. Accordingly, report is received from Police Inspector of Dapoli at Exh-9. The report filed by the Police also supports the present complaint. On perusal of report at Exh-9 and documents on record it appears that proposed accused are constructed resorts which are located in no development zone (within 200 meters from high tide line) in CRZ-III as per CRZ notification 2011. During construction of Sai Resort and Sea-coach Resort at Gat No. 446 at village Murud, Taluka Dapoli, Dist-Ratnagiri they have violated CRZ norms. Hence the Ministry of Environment and Forests issued show-cause notice dated 17-12-2021 to Sai-Resort and Sea-coach Resort i.e. to the accused No.2 and 3. Subsequently they also issued notice as per provision of Section 5 of the Environment (Protection) Act 1986 vide order dated 31-1-2022 and directions was given to the Sai-Resort and Sea-coach Resort to that effect and directed that they should be removed the unauthorized structure built at Gat No. 446 at sea-shore of Murud, Taluka Dapoli, Dist-Ratnagiri in its entirety and the area shall be restored to its original condition. But they did not obey the order. Accused have violated rules framed by ministry of Environment and forest has Coastal Regulations

Zone notification 2011 dated 06th January 2011 under section 3 and also not followed direction given by said authority under section 5 which is punishable under section 15 of The Environment (Protection) Act 1986. And also they are illegally discharged environmental pollutants in the sea streams which is punishable under section 15 of The Environment (Protection) Act 1986.

4. Considering the complaint, documentary evidence on record and police report at Exh-9 it appears that there is a sufficient material and grounds to proceed against accused persons for the offence violated under Section 5 and 7 which are punishable under Section 15 of The Environment (Protection) Act 1986. Hence the following order.

ORDER

Issue process against accused No.1 to 3 for the offence punishable under Section 15 read with Section 5 and 7 of The Environment (Protection) Act 1986. Summons returnable On 14/12/2022.

DAPOLI.

Date : 09-11-2022.

(Tejaswini S. Mahadik)

JUDICIAL MAGISTRATE FIRST CLASS,

DAPOLI.

I affirm that the contents of the P. D. F. file order are same, word to word as per original Order.

Court Name :	Smt. Tejaswini Sandeep Mahadik Judicial Magistrate First Class, Dapoli.
Name of Stenographer :	R.K.Sangare.
Date of decision :	09/11/2022
Order signed by Presiding Officer on :	09/11/2022
Order uploaded on :	09/11/2022