

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

**Appeal No. 25(T<sub>HC</sub>) of 2013**

**Smt. Octavia Albuquerque & Ors. Vs. Union of India & Ors.**

**CORAM :** HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON  
HON'BLE MR. JUSTICE U.D. SALVI, JUDICIAL MEMBER  
HON'BLE MR. DR. D.K. AGRAWAL, EXPERT MEMBER  
HON'BLE MR. B.S. SAJWAN, EXPERT MEMBER  
HON'BLE DR. R.C. TRIVEDI, EXPERT MEMBER

**Present:**

<b>Appellants:</b>	Mr. B.M. Arun, Mr. Anurag Lobo, M.s Srishti Govil and Mr. Balaji Srinivasan, Advocate
<b>Respondent Nos.1&amp;7:</b>	Ms. Malaya Chand and Mr. S.P. Mitra, Advocates
<b>Respondent Nos. 2 to 5:</b>	Mr. V.N. Raghupanthu, Advocate
<b>Respondent No. 8:</b>	Mr. Vivek Chib and Ms. Ruchira Goel, Advs.
<b>Respondent Nos. 9, 10&amp;12:</b>	Mr. V.N. Raghupathi and Mr. S. Devarajan, Advocates
<b>Respondent Nos. 15 &amp; 16:</b>	Mr. Girjesh Pandey and Mr. Sharad Pandey, Advocates

<b>Date and Remarks</b>	<b>Orders of the Tribunal</b>
<b>Item No. 10 April 2, 2014</b>	<p>Nobody is present on behalf of the Respondent No 18. Counsel appearing for the applicant should inform the counsel appearing for Respondent No. 18 of today's proceedings.</p> <p>The Applicant along with the main Petition have filed Annexure A-1-the Google imagery taken in the year 2010 which shows topography of large area forming a creek. This document had not been denied in the reply filed on behalf of the respective Respondents.</p> <p>Now the petitioner along with the Rejoinder has filed Photographs purporting to show that entire creek has been covered as a result of the project Proponent &amp; Respondent No. 7 jointly or separately reclaiming the entire creek. Even Mangalore Guide Map filed at Annexure A-12 itself shows the area in question as a creek. The contentions raised before us is that all the Authorities concerned on a misrepresentation of the facts have proceeded on the basis that there is or there was no creek at the relevant point of time.</p> <p>Respondent No. 7's submission that it is not a creek but a pond is ex-facie not correct. The Google image, the map published by the State and other documents clearly reflect existence of a creek and therefore, it squarely falls</p>

within the CRZ where nothing could have been built upon. However, it is stated that construction work is going on at the said place.

We direct the parties to maintain *Status QUO* as of today.

In the meanwhile, we grant liberty to all the learned counsels appearing for the parties to take instructions from their respective Departments, Ministries and meet the averments made in the Rejoinder.

We make it clear that if nobody appears on behalf of Respondent No. 18, we will be compelled to pass coercive orders.

List this matter for hearing on 09<sup>th</sup> May, 2014.

.....,CP  
(Swatanter Kumar)

.....,JM  
(U.D. Salvi)

.....,EM  
(Dr. D.K. Agrawal)

.....,EM  
(B.S. Sajwan)

.....,EM  
(Dr. R.C. Trivedi)

