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**Government Of Maharashtra
Revenue and Forest Department
Sub Divisional Officer Wai**

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Letter No:- WS/LND- 585/2023
Date:- 10/04/2023

To,

**The Hon'ble National Green Tribunal
Principal Bench, New Delhi**

Subject :- Submission of Report in original Application No 108/2018
Bombay Environmental Group
Versus
Union of India & ors.

Reference :- Order passed by Hon'ble National Green Tribunal , Principal
Bench, New Delhi in O.A 108/2018 Dt 15.02.2023

Respected Sir,

Hon'ble National Green Tribunal , Principal Bench, New Delhi in O.A
108/2018, Bombay Environmental Group Vs Union of India & ors. Has passed order
Dt 15.02.2023. The operative part of the order is as below.

*' Against the order passed by the Tribunal Dt 27.10.2020, civil Appeal No
6545/2021, farsheed Burjor Patell Vs Union of India & ors has been filed before the
Hon'ble Supreme Court which came up for hearing on 29.10.2021 and following order
was passed*

- *Permission to file appeal is granted.*
- *Issue Notice.*
- *No coercive steps shall be taken against the appellant in the meanwhile.*
- *Tag with C.A. 411/2021*
- *Civil Appeal no 411/2021, jamshid Kesri Dalal VS Union of India & Ors has
been filed against the same order which is also pending.*

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- *In view of the order of Hon'ble Supreme Court, We do not consider it appropriate to proceed further except for directing that the order dated 27.10.2020 will be treated as absolute as far as the Tribunal is Concerned and action taken report as on 31.03.2023 may now be placed on the website by 15.04.2023 subject to further orders of the Hon'ble Supreme Court.*

- *The application is disposed of.*

- *All pending MAs and IAs will also stand disposed of.'*

Hon'ble Tribunal in above order has made its order Dt 27.10.2020 as absolute. The operative part of the order passed by the Hon'ble Tribunal on 27.10.2020 is as below.

- *' Let the verification process be completed positively by 31.01.2021, to the extent such work is still pending. Thereafter, in respect of such area as is found to be encroached in violation of the forest (Conservation) Act 1980, the Collector Satara and the Forest Department may straightaway proceed to remove the encroachments for which no approval of MOEF&CC will be required, even if such area is part of the ESZ. Area being in ESZ does not mean that law is not to be enforced there.*

- *Action taken report as on 31.03.2021 may be filed before the next date.'*

As per order of the Hon'ble Tribunal Dt 27.10.2020, A Inter departmental Sub Committee under the Chairmanship Of Sub Divisional Officer Wai was constituted by the order of Collector Satara Dt 12.11.2020. The Sub Committee comprised of Assistant Coservator of Forest, Satara as member secretary, Sub Divisional Police Officer Wai, Tahsildar Mahabaleshwar, Chief Officer Municipal Council Mahabaleshwar, Chief Officer Municipal Council Panchgani, Range Forest Officer Mahabaleshwar, Block Development Officer Mahabaleshwar and Deputy Superitendent of Land Records Mahabaleshwar as members. The Sub Committee

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was mandated to scrutinize the google images of forest alike areas and ground truthing which was to be done by field officers. Furtherance to this order 25 interdepartmental teams of field officers were constituted by the order of Colector Dt. 19.11.2020. The teams were tasked to carry out the physical verification of Forest alike area as mentioned in the survey conducted in the year 2007. The interdepartmental field officers teams comprised of Talathi (revenue department), Gramsevak (Rural Development Department), Forest Guard (Forest department) and Technical officer of Land records department. These 25 interdepartmental teams were to fix the boundaries of the survey numbers in forest alike areas, to enlist the number of trees their types, density, canopy etc, to enlist the number and details of constructions in the survey numbers in forest alike areas. These teams completed the survey by 27.12.2020.

The Forest alike area survey conducted in the year 2007 has included 375 survey numbers as partial forest Alike and 388 Survey numbers as Fully Forest Alike areas. However during resurvey conducted by the Field teams it was observed that these survey numbers have been sub divided and in total 2439 survey numbers including sub parts were falling under partial Forest Alike areas and 1007 survey numbers including sub parts were falling under Fully Forest Alike areas. All these survey numbers and their sub parts were resurveyed by the field teams.

After Completion of the resurvey, reports of the survey conducted in the year 2007 showing Forest Alike Area was published on <https://www.satara.gov.in> on 29.12.2020 and A public notice with joint signatures of Sub Divisionl Officer Wai and Assistant Conservator of Forest, Satara was also published for calling Objections/Statements regarding the survey report of the year 2007 . The notice was also published at Tahsil Office Mahabaleshwar, Block Development Office

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Mahabaleshwar, Municipal Councils of Mahabaleshwar and panchgani and at concerned Grampanchayats. A months time i.e date upto 29.01.2021 was given for filing objections.

After publication of the notice, 2251 objections were received. Individual notices were issued to all the objectors asking them to be present and submit their documents of proof relating to their objection. Accordingly 718 objections were heard on 18.01.2021, 813 objections were heard on 22.01.2021, 412 objections were heard on 28.01.2021 and remaining 308 objections were heard on 04.02.2021. Those objectors who had not submitted any documents of proof relating to their objection were given another opportunity to submit documents.

The verification of the data collected through resurvey of the forest alike area by the interdepartmental field teams and documentary evidences submitted by the objectors during the course of hearing has been done by the sub committee.

In the meanwhile Birwadi and other 17 Gramsabhas in Mahabaleshwar have filed WP 2929/2022 in the Hon'ble High Court of Bombay challenging the Notification dated 07.08.2015 about the Forest Alike Area and the resurvey conducted by us as per the order of Hon'ble tribunal is also under challenge. By order dated 15.03.2022, this WP stands admitted and the interim status quo order is continued.

As has been mentioned in the order passed by Hon'ble tribunal on Dt 15.02.2023 civil Appeal No 6545/2021 and Civil Appeal no 411/2021 have been filed in the Hon'ble Supreme Court challenging the Hon'ble Tribunals order Dt 27.10.2020. The hon'ble Supreme Court have allowed both these appeals and have directed to not take any coercive steps against the appellants.

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Considering the facts that the WP 2929/2022 filed in the Hon'ble high Court Of Bombay and the order continuing the interim Status Quo and civil Appeal No 6545/2021, Civil Appeal no 411/2021 filed in the Hon'ble Supreme Court, the issues raised involve the larger public interest and any further action taken as per the Hon'ble Tribunals order Dt 27.10.2020 may give rise to judicial references. Therefore a report Dt. 06.03.2023 has been sent by the Collector Satara to the Government of Maharashtra seeking permission to file Special Leave petition challenging the Hon'ble Tribunals order Dt. 15.02.2023. The proposal is being scrutinized.

It is most respectfully submitted that the District administration gives highest regards to the orders/directions given by the Hon'ble Tribunal. The district administration has completed the resurvey of the Forest Alike Area. However as mentioned earlier in this report, the resurvey conducted by us as well as the order of the Hon'ble Tribunal passed on 27.10.2020 is challenged in the Hon'ble Supreme Court of India and interim relief had been granted to the petitioners. Thus after careful consideration it has been decided to challenge the order passed by the Hon'ble Tribunal by filing Special Leave Petition in Hon'ble Supreme Court. The procedure regarding filing of the SLP has been initiated and a report seeking permission has been sent to the Government dated. 06.03.2023.

Yours Faithfully



(Rajendra Kumar Jadhav)
Sub Divisional Officer Wai, Dist - Satara
(Delegated Officer on behalf of Collector satara)