

**REPORT OF THE JOINT COMMITTEE
IN THE MATTER OF
ORIGINAL APPLICATION NO. 320/2022**

(TITLED ARIF NAWAZ MOHAMMAD MUSTAFA IRAQIV/S STATE OF
MAHARASHTRA)

IN COMPLIANCE OF ORDER OF HON'BLE NGT, PRINCIPAL BENCH,
NEW DELHI, DATED 10.05.2022

FOR SUBMISSION TO
HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI

OCT- 2022

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REPORT OF THE JOINT COMMITTEE IN THE MATTER OF ORIGINAL APPLICATION NO. 320/2022 (TITLED ARIF NAWAZ MOHAMMAD MUSTAFA IRAQI V/S STATE OF MAHARASHTRA) IN COMPLIANCE WITH ORDER OF HON'BLE NGT, PRINCIPAL BENCH, NEW DELHI DATED 10.05.2022

01.0 BACKGROUND

An application has been registered based on the complaint by Mr. Arif Nawaz Mohammad Mustafa Iraqi against the State of Maharashtra which states that the local land mafia have destroyed the natural flow of the Nalla flowing through Survey no. 97 of Davle Village and 162, 173, 174, 176 and 181 behind Dosti ESR of Shill Village in District Thane, State of Maharashtra, which was originally 20' to 4' which is resulting in water clogging of the road from Shilphata to Bharat Gears Ltd., as there is no outlet for the water from the Hills to the Desai Creek. Complaints were made regarding destruction of natural flows of water arising from the hills of Shiphata and Mhape to Desai Khadi (creek) by reclamation by Murrum and Rabbit in Diva Prabhag Samiti but no action has been taken so far.

Hon'ble NGT in this matter passed an order on 10.05.2022 (**Annexure-1**), the relevant paras are re-produced as below.

".... 2. In view of the serious allegations made in the present letter petition, we consider it appropriate to have a factual and action taken report from a Joint Committee comprising of representatives of Maharashtra Coastal Zone Management Authority, State PCB and Principal Secretary, Urban Development, State of Maharashtra and Collector, Thane and direct the same to verify the factual position, look into the grievances of the applicant and take remedial action in accordance with law by following due process within one month from the date of receipt of a copy of this order. State PCB will be the nodal agency for co-ordination and compliance. Factual and action taken report may be furnished within two months..."

02.0 CONSTITUTION OF THE JOINT COMMITTEE:

In compliance with the order, joint committee comprising of The District Magistrate& Collector-Thane, The Commissioner-Thane Municipal Corporation, Representative of Maharashtra Coastal Zone Management Authority (MCZMA) and The Regional Officer, Thane, Maharashtra Pollution Control Board (MPCB) was constituted as below where MPCB is the nodal agency for coordination and compliance. Office order of constitution of Joint Committee is enclosed as **Annexure-2**.

03.0SCOPE OF THE JOINT COMMITTEE

As per the aforesaid order, the joint committee was directed to-

1. Undertake site visit.
2. Look into the grievance and take remedial action in accordance with law following due process.
3. Furnish the factual and action taken report.

4.0ACTION TAKEN BY THE COMMITTEE

1. Joint Committee 1stmeeting was conducted on 12thSept 2022 under the chairmanship of Hon'ble District Collector, Thane at collector office, Thane to deliberate on the issue and decide further line of action in the matter for compliance of aforesaid Hon'ble NGT order (Meeting invite enclosed as **Annexure-3**)
2. It was decided to carry out the site visit to and decide the further action plan based on visit observations (Committee'svisit invite letter enclosed **Annexure-4**)
3. Accordingly, committee carried out site visit on 26th Sept 2022 at survey nos. stated in Hon'ble NGT order dtd 10/05/2022(Visit Photographs are enclosed as **Annexure-5**)

COMMITTEE'S SITE VISIT OBSERVATIONS:

Committee took a walkthrough round along the stretch of Nallah and covered the survey nos. as specified in Hon'ble NGT order dtd 10/05/2022, and made following observations:

- It is a kaccha Nallah, which passes through the premises of "Dosti Planet housing society" & flows through survey nos. as mentioned above and eventually meets in Desai Creek. Nallah has been converted into an under-ground channel in the premises of Dosti Planet (Like a close conduit) and opens thereafter. It was informed that said alteration has been done after taking required approvals.
 - RCC construction of a building with G+2 configuration found in progress in close proximity to nallah with additional foundation work being laid inside the nallah.
 - At one place (near Survey no. 181), "*Chabutra*" constructed with cement concrete + stones having Tin sheet shelters (used as residence for labours) found erected, adjacent to Nallah.
 - Reclamation using debris were observed at some places.
 - Pucca house was observed at one place with a bakery being operated inside it.
 - Scrap centres were also observed nearby, with storage of scrap in haphazard manner.
 - Width of Nallah was found varying between 6.1 m to 8.7 m (approx..) when measured at different points over 100 m stretch. Avg. depth was observed to be 2.0 meter.
 - Committee felt that support from Deputy Superintendent (Land Records) is needed to carry out detail measurement of Nallah with structure / reclamation present at 15-meter extent of each side & demarcation of survey nos. as mentioned in Hon'ble NGT order. Maps showing original/earlier width across the stretch of nallah (i.e., unhindered natural flow) vis-à-vis present width (i.e., destroyed flow) may be submitted to the committee.
4. Minutes of committee-visit were prepared with action items. (Signed copy of Minutes of Committee visit is enclosed as **Annexure-6**).
Action Item decided are given on subsequent page.

Committee observations were discussed with Hon'ble District Magistrate & Collector Thane. Hon'ble Collector directed to carry out following activities in time bound manner as per defined responsibilities, so that ATR can be submitted to Hon'ble NGT as early as possible.

S. N.	Activity	Responsibility	Timeline
1	Carry out detail measurement of Nallah with structures / reclamation present at 15-meter extent of each side & demarcation of survey nos. as mentioned in Hon'ble NGT order. Maps showing original/earlier width across the stretch of nallah (i.e., unhindered natural flow) vis-à-vis present width (i.e., destroyed/altered flow) may be submitted to the committee.	Dy. Superintendent-Land Records, Thane	Within two Weeks
2	a. TMC to remove debris, Murum, reclaimed material which is laid down/being laid down in the natural flow of Nallah. b. TMC to take action against all unauthorized structure on both side of the Nallah. c. TMC to provide chained linking/ wire fencing along with the stretch of nallah to avoid reoccurring of nallah flow destruction.	Hon'ble Municipal Commissioner, TMC, Thane	Immediately Within one Month
3	Tahsildar Thane to Impose Penalty as per appropriate sections of the law for violations, Including below: 1. Check if Land use is same as per 07/12. If different, Penalty may be imposed wherever violations are caused. 2. For Reclamation in nallah flow, penalty may be imposed under appropriate sections of Maharashtra Land Revenue Code, 1966 and other rules.	Tahsildar Thane	Within one Week
4	Prepare Action Taken Report for NGT submission	Regional Office, Thane, MPCB	Within 02 weeks after completion of above action items

5. Actions Taken by Thane Municipal Corporation (TMC)

Actions taken by TMC in the said matter is given below (Information enclosed as **Annexure-7**):

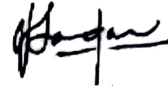
S.N.	Activity	Compliance by TMC
2	a. TMC to remove debris, Murum, reclaimed material which is laid down/being laid down in the natural flow of Nallah. c. TMC to provide chained linking/ wire fencing along with the stretch of nallah to avoid reoccurring of nallah flow destruction.	The present natural Nallah is having length of 600 mtr and width 4 to 5 meters. TMC has prepared estimate of amount approx. Rs. 53,78,000/-, to remove debris, Murum, reclaimed material which is laying in Nallah and chained linking / wire fencing along the stretch of Nallah. Same is under process of approval.
2	b. TMC to take action against all unauthorized structure on both side of the Nallah.	- TMC has demolished encroachment on Khardi Road survey no. 97/2 on dated 27.09.2022 and 28.09.2022. - TMC has issued notice to developer Shri. Firoz Ali Riyasat Ali Khan vide Mumbai Prantik Mahanagarपालिका अधिनियम 1949, Section 267(1)(2)(3) and 260(1)(2) on dated 23.09.2022 and TMC has lodged FIR on Shri. Firoz Ali Riyasat Ali Khan under MRTP Act 1966 Section 52 on 11.10.2022. Also TMC has demolished encroachment on G+2 RCC construction near DP road, behind Dosti Planet on dated 19.10.2022. - TMC has issued notice to developer Shri. Mohammad Afzal Khan, Shri. Hanif Mukadam and Mo. Aklam Hanif Khan vide Mumbai Prantik Mahanagarपालिका अधिनियम 1949, Section 267(1)(2)(3) and 260(1)(2) on dated 14.10.2022. These three illegal constructions are occupied by residents, hence as per order passed in the case Shri. Sopan Maruti Thopate Vs. Pune Municipal Corporation, 1996 (1), MHLJp 963, encroachment will be demolished after following due process of law (DPL). - TMC has demolished 14 temporary Patra Shed along the Nallah on dated 28.09.2022 as mentioned below, - Shri. Mohammad Babu - 1 Shed - Shri. Shahabuddin Khan - 4 Sheds - Dosti Planet Labour Shed - 5 Sheds - Shri. Jiyaulla Khan - 2 Sheds. - Shri. Pappu Bhai - 2 Sheds - Shri. Aklam Khan - 2 Sheds - Shri. Sanjay Gupta - 2 Sheds.

6. Further updates will be submitted to Hon'ble NGT upon completion of ongoing actions.

6. Further updates will be submitted to Hon'ble NGT upon completion of ongoing actions.



Ravindra Andhale,
Regional Officer
MPCB, Thane.



Sanjay Sandanshiv,
Under Secretary,
MCZMA, Dept. of Environment & CC,
Mumbai

Ashok Shingare IAS
Hon'ble District Magistrate
& Collector, Thane



**District Administration Officer
Urban Development Branch (Grade-1)
Collector Office, Thane**



Abhijit Bhangar IAS
Hon'ble Municipal Commissioner.
Thane Municipal Corporation, Thane

Item No.5

(Court No. 2)

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH**

(By Video Conferencing)

Original Application No.320/2022

Arif Nawaz Mohammad Mustafa Iraqi

Applicant

Versus

State of Maharashtra

Respondent

Date of hearing: 10.05.2022

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Application is registered based on a complaint received by Post

ORDER

1. The grievances in the present letter petition sent by Mr. Arif Nawaz Mohammad Mustafa Iraqi are that the local land mafia have destroyed the natural flow of the Nalla flowing through Survey no. 97 of Davle Village and 162, 173, 174, 176 and 181 behind Dosti ESR of Shill Village in District Thane, State of Maharashtra which was originally 20' to 4' which is resulting in water clogging of the road from Shilphata to Bharat Gears Ltd., as there is no outlet for the water from the Hills to the Desai Creek. Complaints were made regarding destruction of natural flows of water arising from the hills of Shiphata and Mhape to Desai Khadi (creek) by reclamation by Murrum and Rabbit in Diva Prabhag Samiti but no action has been taken so far.

2. In view of the serious allegations made in the present letter petition, we consider it appropriate to have a factual and action taken report from a Joint Committee comprising of representatives of Maharashtra Coastal Zone Management Authority, State PCB and

Principal Secretary, Urban Development, State of Maharashtra and Collector, Thane and direct the same to verify the factual position, look into the grievances of the applicant and take remedial action in accordance with law by following due process within one month from the date of receipt of a copy of this order. State PCB will be the nodal agency for co-ordination and compliance. Factual and action taken report may be furnished within two months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.

List the matter for further consideration on 05.08.2022.

A copy of this order, along with a copy of the complaint, be forwarded to Maharashtra Coastal Zone Management Authority, State PCB and Principal Secretary, Urban Development, State of Maharashtra and Collector, Thane by e-mail for compliance.

Arun Kumar Tyagi, JM

Dr.Afroz Ahmad, EM

May 10, 2022
Original Application No.320/2022

AG

Annex-2

MAHARASHTRA POLLUTION CONTROL BOARD		
Tel : 25802272		Regional Office, Thane
Fax : 25805398		5 th Floor, Office Complex Bldg.,
Website: http://mpcb.gov.in		Near Mulund Check Naka,
E-mail Id: rothane@mpcb.gov.in		Wagale Estate, Thane-400 604
"Your Service is our Duty"		

No. MPCB/NGT_320/2022/ROT- 782

Date:08-09-2022

Sub:- Constitution of Joint Committee in compliance of the Order dtd 10-05-2022 passed by Hon'ble National Green Tribunal (NGT), Principal Bench in the Original Application No.320/2022 Arif Nawaz Mohammad Mustafa Iraqi V/s State of Maharashtra

Ref: Hon'ble NGT order dtd 10-05-2022 in OA No. 320/2022

Hon'ble National Green Tribunal (NGT), Principal Bench has registered a petition based on grievance letter sent by Mr. Arif Nawaz Mohammad Mustafa Iraqi which states that the local land mafia have destroyed the natural flow of the Nalla flowing through Survey no. 97 of Davle Village and 162, 173, 174, 176 and 181 behind Dosti ESR of Shill Village in District Thane, State of Maharashtra which was originally 20' to 4' which is resulting in water clogging of the road from Shilphata to Bharat Gears Ltd., as there is no outlet for the water from the Hills to the Desai Creek.

In the said matter, Hon'ble NGT has passed an order dtd 10-05-2022; in compliance of the said order, following Joint committee is constituted.

S.No.	Contact No.	Contact No.	Email address
1.	Hon'ble District Magistrate, Thane.	022-25343636	collectorofficethane@gmail.com
2.	Municipal Commissioner, TMC, Thane, (Representative of Hon'ble Principal Secretary, Urban Development, GoM)	022-25331590	mc@thanecity.gov.in pcctmc.ho@gmail.com pcctmc.office@gmail.com
3.	Representative of Maharashtra Coastal Zone Management Authority (MCZMA)	9004653933	Sanjay.sandanshiv@nic.in ; Sandanshiv.us@gmail.com
4.	Regional Officer, Maharashtra Pollution Control Board, Thane	9892667704	rothane@mpcb.gov.in

Terms of reference of the committee is as follows:

1. Joint Committee shall be at liberty to visit the site and interact with stakeholders.
The committee shall also be at liberty to take assistance from any other expert/institution.
2. Joint committee shall look into grievance and take remedial action in accordance with the law following due process.
3. Joint committee shall submit the factual report and Action taken report to the Hon'ble NGT as soon as possible.
4. Regional officer, Thane, Maharashtra Pollution Control Board will be Nodal officer for coordination and compliance.



(Satish Padwal)

Regional Officer, Thane

Copy submitted for information & necessary action to: -

1. Hon'ble District Magistrate, Thane
2. Municipal Commissioner, TMC, Thane
3. Shri Sanjay Sandashiv, Under Secretary, Environment department, Mantralaya, Mumbai
4. Regional Officer, Thane, MPC Board.

Copy for Information to:-

1. Joint Director (WPC), MPC Board, Mumbai
2. P & L Division, MPCB, Mumbai
3. Sub Regional Officer, MPCB, Thane-I

1st Meeting of Joint Committee in NGT ...



Download



Save to OneDrive

1st Meeting of Joint Committee in NGT OA No. 320/2022 on 12/09/2022 at 02.30 at Collector office Thane



SRO Thane 1



To: Collector.thane@maharashtra.gov.in <collector.thane@maharashtra.gov.in> Fri 09-09-2022 07:09

Cc: Dr. Y. B. Sontakke; RO Thane; Netra Chaphekar; Renuka Sane



Committee constitution orde...

582 KB



OA.No.320 of 2022. NGT Ord...

84 KB



2 attachments (666 KB) Save all to OneDrive - MAHARASHTRA POLLUTION CONTROL BOARD Download all

Respected Sir/ Madam,

1st Meeting of Joint Committee in NGT OA No. 320/2022 is scheduled on **12/09/2022 (Monday) at 02.30 pm** at Collector office Thane.

Committee constitution order along with a copy of NGT order (dtd 10/05/2022) is enclosed here for your kind reference, please.

You are requested to make it convenient to attend the said meeting as per the given time.

Matter is listed on 14/09/2022 for hearing.

With Warm Regards,

Shakil Shaikh

Sub Regional Officer-Thane-I

MPC Board



Reply



Reply all



Forward

MAHARASHTRA POLLUTION CONTROL BOARD		
Tel : 25802272		Regional Office, Thane
Fax : 25805398		5 th Floor, Office Complex Bldg.,
Website: http://mpcb.gov.in		Near Mulund Check Naka,
E-mail Id: rothane@mpcb.gov.in		Wagale Estate, Thane-400 604
"Your Service is our Duty"		

No. MPCB/NGT_320/2022/ROT- 799

Date: 15/09/2022

To,

1. Hon'ble District Magistrate
Collectorate, Thane.
2. The Municipal Commissioner,
Thane Municipal Corporation,
Thane
3. Shri Sanjay Sandanshiv,
Under Secretary,
Maharashtra Coastal Zone
Management Authority, Annexue
Building, Mantralaya, Mumbai 32

Sub: - Re-schedule of site visit on 26/09/2022 in compliance of the Order dtd 10-05-2022 passed by Hon'ble National Green Tribunal (NGT), Principal Bench in the Original Application No.320/2022 Arif Nawaz Mohammad Mustafa Iraqi V/s State of Maharashtra

- Ref:
1. Hon'ble NGT order dtd 10-05-2022 in OA No. 320/2022
 2. Committee constitution order dtd 08/09/2022
 3. Joint Committee Meeting held dtd 12/09/2022
 4. Earlier letter dtd 12/09/2022 regarding site visit on 16/09/2022

Respected Sir,

As per Joint Committee's meeting dtd 12/09/2022, site visit was scheduled on 16/09/2022, however due to unavoidable circumstances same is postponed & now rescheduled on 26/09/2022 (Monday).

You are requested to pass necessary instruction to your representatives to remain present for the site visit of the Joint committee, which is scheduled on 26/09/2022 (Monday) from 11.30 onwards, please.



(R. B. Andhale)

Regional Officer, Thane

Copy submitted for information to: -

1. Joint Director (WPC), MPC Board, Mumbai
2. P & L Division, MPCB, Mumbai

Annex-5

NGT OA No. 320/2022: Committee's Site Visit dtd 26/09/22 Photographs



Annex-6

MAHARASHTRA POLLUTION CONTROL BOARD		
Tel : 25802272		Sub Regional Office, Thane-1
Fax : 25805398		5 th Floor, Office Complex Bldg.,
Website: http://mpcb.gov.in		Near Mulund Check Naka,
E-mail Id: srothane1@mpcb.gov.in		Wagale Estate, Thane-400 604
"Your Service is our Duty"		

No. MPCB/NGT_320/2022/ROT- 370

Date: 06/10/2022

URGENT/ NGT MATTER

To,

1. Hon'ble Municipal Commissioner,
Thane Municipal Corporation, Thane
2. Tahsildar Thane,
Station Road, Thane (W)
3. Dy. Supt. of Land Records-Thane
Collector office Campus, Thane

Sub: - Minutes of Joint committee's site visit & Action Items in compliance of the Order dtd 10-05-2022 passed by Hon'ble National Green Tribunal (NGT), Principal Bench in the Original Application No.320/2022 Arif Nawaz Mohammad Mustafa Iraqi V/s State of Maharashtra

- Ref:
1. Hon'ble NGT order dtd 10-05-2022 in OA No. 320/2022
 2. Committee constitution order dtd 08/09/2022
 3. Joint Committee Meeting held dtd 12/09/2022 at Collector Office Thane
 4. Joint committee's site visit dtd 26/09/2022

Sir,

Joint committee held its meeting under the chairmanship of Hon'ble District Collector, Thane dtd 12/09/2022 and decided to carry out site visit to ascertain the facts of the said matter.

Accordingly, Committee visited the site and survey nos. as mentioned in the Hon'ble NGT order on 26/09/2022 & deliberated on the action items.

Enclosed here are the actions items for necessary action at your end, please. Action taken report may please be communicated on email id rothane@mpcb.gov.in / srothane1@mpcb.gov.in for inclusion in committee's report and onwards submission to the Hon'ble NGT.

Being an NGT Matter, this may kindly be treated as the Most urgent. Next hearing in this matter is scheduled on 20/10/2022.



(Ravindra Andhale)

Regional Officer- Thane, MPC Board

DA: As Above

Copy submitted for information to: -

1. Joint Director (WPC), MPCB, Mumbai
2. P & L Division, MPCB, Mumbai

Minute of Site Visit of Joint Committee in The Matter of O.A. No. 320/2022; Hon'ble NGT Principal Bench

Joint Committee carried out site visit on 26/09/2022 in compliance of Hon'ble NGT Order dtd 10/05/2022 in OA.No. 320/2022 which deals with "Destroying the natural flow of nallah by way of illegal reclamation through Survey no. 97 of Davle Village and 162, 173, 174, 176 and 181 behind Dosti ESR of Shill Village in District Thane" to ascertain the facts about the grievance.

List of officials/ personnel present during the visit are enclosed as Annexure-I.

Committee took a walkthrough round along the stretch of Nallah and covered the survey nos. as specified in Hon'ble NGT order dtd 10/05/2022.

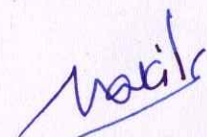
Committee made following observations.:

- It is a kaccha Nallah, which passes through the premises of "Dosti Planet housing society" & flows through survey nos. as mentioned above and eventually meets in Desai Creek. Nallah has been converted into an under-ground channel in the premises of Dosti Planet (Like a close conduit) and opens thereafter. It was informed that said alteration has been done after taking required approvals.
- RCC construction of a building with G+2 configuration found in progress in close proximity to nallah with additional foundation work being laid inside the nallah.
- At one place (near Survey no. 181), "Chabutra" constructed with cement concrete + stones having Tin sheet shelters (used as residence for labours) found erected, adjacent to Nallah.
- Reclamation using debris were observed at some places.
- Pucca house was observed at one place with a bakery being operated inside it.
- Scrap centres were also observed nearby, with storage of scrap in haphazard manner.
- Width of Nallah was found varying between 6.1 m to 8.7 m (approx..) when measured at different points over 100 m stretch. Avg. depth was observed to be 2.0 meter.
- Committee felt that support from Deputy Superintendent (Land Records) is needed to carry out detail measurement of Nallah with structure / reclamation present at 15-meter extent of each side & demarcation of survey nos. as mentioned in Hon'ble NGT order. Maps showing original/earlier width across the stretch of nallah (i.e., unhindered natural flow) vis-à-vis present width (i.e., destroyed flow) may be submitted to the committee.

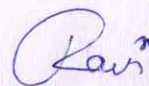
Committee observations were discussed with Hon'ble District Magistrate & Collector Thane. Hon'ble Collector directed to carry out following activities in time bound manner as per defined responsibilities, so that ATR can be submitted to Hon'ble NGT as early as possible.

S. N.	Activity	Responsibility	Timeline
1	Carry out detail measurement of Nallah with structures / reclamation present at 15-meter extent of each side & demarcation of survey nos. as mentioned in Hon'ble NGT order. Maps showing original/earlier width across the stretch of nallah (i.e., unhindered natural flow) vis-à-vis present width (i.e., destroyed/alterd flow) may be submitted to the committee.	Dy. Superintendent-Land Records, Thane	Within two Weeks
2	d. TMC to remove debris, Murum, reclaimed material which is laid down/being laid down in the natural flow of Nallah. e. TMC to take action against all unauthorized structure on both side of the Nallah. f. TMC to provide chained linking/ wire fencing along with the stretch of nallah to avoid reoccurring of nallah flow destruction.	Hon'ble Municipal Commissioner, TMC, Thane	Immediately Within one Month
3	Tahsildar Thane to Impose Penalty as per appropriate sections of the law for violations, Including below: 3. Check if Land use is same as per 07/12. If different, Penalty may be imposed wherever violations are caused. 4. For Reclamation in nallah flow, penalty may be imposed under appropriate sections of Maharashtra Land Revenue Code, 1966 and other rules.	Tahsildar Thane	Within one Week
4	Prepare Action Taken Report for NGT submission	Regional Office, Thane, MPCB	Within 02 weeks after completion of above action items

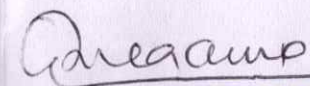
Action Taken Report for above Point No. 01 to 04 to be submitted to the committee for compilation and onwards submission to Hon'ble NGT.



(Shri Shakil Shaikh)
Sub Regional Officer, Thane-I MPCB



(Shri Ravindra Andhale)
Regional Officer, Thane- MPCB



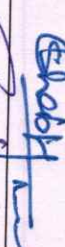
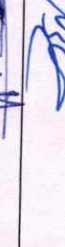
(Shri Ashok Shingare)
Hon'ble District Magistrate & Collector, Thane

ANNEXURE-I
(List of participant present during Visit)

S.No.	Name/Designation/Dept.
1	Shri Santosh Dehrekar, District Joint Commissioner- UD, Municipal Administration, Thane
2	Shri Sanjay Sandanshiv, Under Secretary, MCZMA, Env. Dept., Mantralaye
3	Shri Ravindra Andhale, Regional Officer- Thane, MPCB
4	Shri Faruq Shaikh, Assistant Municipal Commissioner, Diva Ward office, TMC
5	Shri Shakil Shaikh, Sub Reginal Officer, Thane-I, MPCB
6	Smt. Manisha Pradhan, Chief Environment Officer, TMC
7	Shri Hemant Yamelwad, Executive Engineer, TMC
8	Shri Vasudeo Pawar, Naib Tasildar, Thane
9	Shri Rupesh Mahale, Project officer, MCZMA
10	Shri Ishwar Thakare, Field officer, Thane-I, MPCB
11	Smt Suvarna Gaikwad, Field officer, Thane-I, MPCB
12	Shri Rohan Vaishnav, Talathi, Tahsil office, Thane
13	Shri Vijay Jadhav, Surveyor, Dy. Sup Land records, Thane
14	Shri Suresh Sabale, Surveyor, TMC
15	Shri Arif Nawaz Iraqi, Complainant

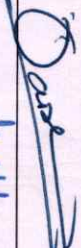
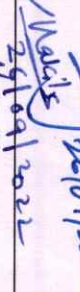
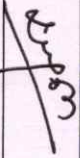
SITE VISIT OF JOINT COMMITTEE IN THE MATTER OF O.A. NO. 320/2022; HON'BLE NGT PRINCIPAL BENCH

Joint committee along with other officials visited the site to understand the grievance in detail. Following officials/ personnel were present at the time of visit.

S.No.	Name	Designation	Department	Signature
1	Sanjay Acharya	District Joint Committee - Municipal admn	UP	
2	Farmal Shakti	AME Diva	Divalard office	
3	Ravindra Andhale	Regional Officer - Thane MPCB		
4	Vasudeo Bisan Pawar	Naib Tahsildar - Thane	Revenue (MPCB)	
5	Hannant L. Yarnelwad	Executive Engineer	T.M.C	
6	Savarna Trakurad	Field Officer	MPCB, Thane	
7	Isheer Thakare	Field Officer	MPCB, Thane	
8	Manisha padkhan	Chief Engineer - Thane T.M.C		
9	Suresh Sabale	Surveyor	Thane TDO	
10	Ramdas Jopale	Surveyor - Thane	T.M.C	

Continued....

(Joint Committee Visit in the Matter of O.A. No. 320/2022; Hon'ble NGT Principal Bench)

S.No.	Name	Designation	Department	Signature
11	Bhalchandra Ghuge	D.S.	Disa Prabhug Smith	
12	Satish more	clerk	Ahikaravun	
13	Rohan. Vaishnav	Talaha (Tahasil Officer)	Tahasiloff Than	
14	Vijay Jadhav	TILR. Thane Surveyor	DySLR. Thane	
15	C. A. Maydande	S.T.	Dina Prabhug Sami	
16	Aoif Khawaz Irqai	Complainant	Mumbra	
17	Shacil Shaiten	Sub Regional Officer (Name-I)	NPCB	
18	Laxman Sanjanshiv	Upper Level / In Charge	MCRMA	
19	Rupesh Mahale	Project Officer, MCRMA Env Dept	Env & CC Dept	
20				

ठाणे महानगरपालिका, ठाणे

URGENT / NGT MATTER

आय.एन.डी.पी. विभाग,

जा.क्र.ठामपा/आय.एन.डी.पी./काअ/324

दि. १४/१०/२०२२

प्रति,

मा. प्रदुषण नियंत्रण अधिकारी,

ठामपा, ठाणे.

विषय :- दोस्ती ESR मौजे शिळ येथील नाल्यास Hon. NGT चे आदेशान्वये स्थापित joint committee ने दिलेल्या निर्देशानुसार chained link fencing करणे व नाल्याच्या नैसर्गिक प्रवाहातील डेब्रिज मुरूम काढून टाकणेबाबत.

संदर्भ :- Regional Officer - Thane, MPC Board यांचे MPCB/NGT_320/2022/ROT-370 दि. 06.10.2022 रोजीचे पत्र.

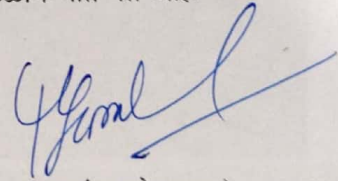
संदर्भाकित पत्रान्वये ठाणे महापालिकेस जे निर्देश प्राप्त झाले आहेत त्याचे कृपया अवलोकन व्हावे. त्यातील निरीक्षण व निर्देश सार्वजनिक बांधकाम विभागा संदर्भात खालीलप्रमाणे आहेत.

1. TMC to remove debris, Murum, reclaimed material which is laid down / being laid down in the natural flow of nalla. (Timeline - immediately)
2. Tmc to provide Chain linking wire fencing along with the stretch of nalla to avoid reoccurring of nalla flow destruction. (Timeline - within 1 month)

वरील बाबीबाबत प्रस्ताव अंदाजखर्च रु. ५३,७८,०००/- तयार करण्यात आला असून त्यावर मा. नगर अभियंता यांचे आदेशानुसार पुढील कार्यवाही करण्यात येईल. सदर कामासाठी बजेट व मंजूरीबाबत वरीष्ठांची मार्गदर्शन व आदेश घेण्यासाठी सादर करण्यात येत आहे. सदर नाल्याची लांबी ६०० मी. असून सद्यस्थितीत अंदाजे ४ ते ५ मी. कच्चा नाला आहे. परंतु या ठिकाणी १० मी. रूंदीच्या नाल्याची आवश्यकता आहे. त्यामुळे ६०० मी. लांब व ५ मी. रूंद इतक्या भागातील माती, डेब्रीज व मुरूम काढण्याचा प्रस्ताव तयार केला आहे तसेच ६०० मी. लांबीत दोन्ही बाजूस चेन लिंक फेंसिंग प्रस्ताव समाविष्ट केलेला आहे.

या नाल्याची भूमीअभिलेख कार्यालया यांच्याकडून दि. ११.१०.२०२२ रोजी मोजणी झालेली आहे. परंतु त्यांचा अहवाल / मोजणी नकाशा अद्याप मिळालेला नाही. या नाल्याच्यामधील तसेच लगतच्या दोन्ही बाजूचे बांधकामे काढून टाकणेसाठी सहाय्यक आयुक्त दिवा प्रभाग समिती यांना ठामपा/आयएनडीपी/काअ/३२४ दि. १२.१०.२०२२ रोजी लेखी पत्राद्वारे कळविण्यात आले आहे तसेच त्याची प्रत आपणास देखील पाठविलेली आहे.

सबब, आपल्या माहितीसाठी वरीलप्रमाणे झालेल्या कार्यवाहीबाबत कळविण्यात येत आहे.



(हनमंत यमेलवाड)

कार्यकारी अभियंता (INDP).

प्रत :

१. मा. नगर अभियंता सो. ठामपा यांचे माहितीसाठी सादर.

ठाणे महानगरपालिका, ठाणे
दिवा प्रभाग समिती
जा.क्र. ठामपा/दि.प्र.स/सहा-आ १०८
दिनांक: १४/१०/२०२२

प्रति,
मा. प्रदुषण नियंत्रण अधिकारी सो.
प्रदुषण नियंत्रण विभाग
ठाणे महानगरपालिका ठाणे

विषय :- ORIGINAL APPLICATION NO.३२०/२०२२
ARIF NAWAZ MOHAMMAD MUSTAFA IRAQI V/S
STATE OF MAHARASHTRA

संदर्भ:- मा. राष्ट्रिय हरित न्यायप्राधिकरण यांचेकडील
दिनांक १०.०५.२०२२ रोजीचे आदेश.

मा.महोदय,

उपरोक्त संदर्भित विषयांन्वये दिवा प्रभाग समिती परिक्षेत्रातील नाल्यालगत अनधिकृत बांधकामावर अतिक्रमण नियंत्रण व निष्कासन विभागामार्फत वेळोवेळी पाहणी करून निष्कासनाची कारवाई करण्यात येते. अनधिकृत बांधकामांना महापालिके तर्फे दि.३०/०५/२०२२ रोजी महाराष्ट्र महानगरपालिका अधिनियमातील कलम ४७८ मधील तरतुदीनुसार नोटीसा बजावण्यात आलेल्या आहेत. त्याची साक्षांकित प्रत सोबत जोडलेली आहे.

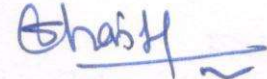
Original Application No.३२०/२०२२ Arif Mohammad Mustafa Iraqi v/s State of Maharashtra व इतर या प्रकरणातील गठीत समिती यांचा दौरा दि.२६/०९/२०२२ रोजी दिवा प्रभाग समिती येथे आयोजित करण्यात आला होता. सदर ठिकाणी आय. एन. डि. पी. विभागातील कार्यकारी अभियंता, एम.पी.सी.बी बोर्डकडिल अधिकारी, तहसीलदार कार्यालयातील अधिकारी व दिवा प्रभाग समिती सहाय्यक आयुक्त सो. यांनी सदर ठिकाणी संयुक्त पाहणी करून नाल्यालगत झालेल्या अनधिकृत बांधकामांना त्वरीत हटविण्याचे निर्देश दिले होते. त्या अनुषंगाने खर्डी रोड येथे सर्व्हे क्र. ९७/२ श्री. शहाबुद्दीन खान व इतर यांनी केलेल्या अनधिकृत शेडवर दि.२७/०९/२०२२ व दि.२८/०९/२०२२ रोजी प्राप्त झालेल्या निर्देशाप्रमाणे निष्कासनाची कारवाई करण्यात आलेली आहे.तसेच दि.१३/१०/२०२२ व दि.१९/१०/२०२२ रोजी दोस्ती प्लॅनेट मागे, डि.पी. रोड जवळील नाल्या लगत असलेली अनधिकृत पक्के बांधकाम कॉलम निष्कासित करण्यात आले असून सदर निष्कासनाच्या कारवाईचे फोटो सोबत जोडलेले आहे. नाल्यालगतचे अनधिकृत बांधकामधारक श्री. फिरोज अली रियासत अली खान यांना मुबंई प्रांतिक महानगरपालिका अधिनियम १९४९ चे कलम २६७ (१)(२)(३) व २६० (१)(२) अन्वये दि.२३/०९/२०२२ रोजी नोटिस बजावण्यात आले आहे. तसेच बांधकामधारक श्री. फिरोज अली रियासत अली खान यांच्यावर महाराष्ट्र प्रादेशिक आणि

नगररचना अधिनियम, १९६६चे कलम ५२ अन्वये गुन्हा दि. ११/१०/२०२२ रोजी दाखल करण्यात आलेला आहे.

तसेच, नाल्यालगत असलेल्या अनधिकृत बांधकामधारक अनुक्रमे श्री.मोहम्मद अफजल खान,श्री.हनिफ मुकादम,व मो. अकलम हनिफ खान यांना मुबंई प्रांतिक महानगरपालिका अधिनियम, १९४९ चे कलम २६७ (१)(२)(३) व २६० (१)(२) अन्वये दि.१४/१०/२०२२ रोजी नोटिस बजावण्यात आले आहेत. वरील नमुद ३ बांधकामे व्याप्त असल्यामुळे श्री.सोपान मारुती थोपटे विरुद्ध पुणे महानगरपालिका १९९६(१) MH.L.J.,p.९६३ह्या न्यायालयीन निवाड्याप्रमाणे DPL करुन बांधकाम निष्कासित करण्यात येईल.

सबब, नाल्या लगत बांधण्यात आलेल्या शेडचे बांधकामधारक १) श्री मोहम्मद बबु यांची १ शेड २) श्री. शहाबुद्दीन खान यांची ४ शेड ३) दोस्ती प्लॅनेट लेबलची ५ शेड ४) श्री जिया उल्ला खान यांची २ शेड ५) श्री. पप्पु भाई यांची २ शेड ६) श्री. अकलम खान २ शेड ७) श्री संजय गुप्ता यांचे २ शेड अशी एकुन १४ लोखंडी ऍंगल लोखंडी पत्र्याची शेड पुर्ण पणे निष्कासित करण्यात आलेले आहे.

माहितीसाठी सेवत सविनय सादर.


19.10.2022

(फारुख शेख)

सहाय्यक आयुक्त तथा
पदनिर्देशक अधिकारी
दिवा प्रभाग समिती
ठाणे महानगरपालिका,ठाणे

सोबत :- पंचनामा / नोटीसा/ कारवाईचे फोटा संलग्न.



तहसिलदार तथा कार्यकारी दंडाधिकारी ठाणे यांचे कार्यालय



क्रमांक /महसूल/क-१/टे-४/गौख /कावि- १९/२०२२

दिनांक १९/१०/२०२२

प्रति,

✓ प्रदुषण नियंत्रण अधिकारी, ठाणे
महाराष्ट्र प्रदुषण नियंत्रण बोर्ड
मुलुंड चेकनाकाजवळ, वागळे इस्टेट, ठाणे

विषय - Minutes of Joint committee's site Visit & Action Items in compliance of the Order dtd १०/५/२०२२ passed by Hon'ble National Green Tribunal (NGT), Principal Bench in the Original Application No. ३२०/२०२२ Arif Nawaz Mohammad Mustafa Iraqi V/s State of Maharashtra.

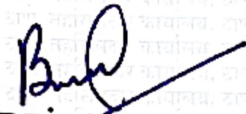
संदर्भ :- आपलेकडील पत्र जा.क्र.MPCB/NGT३२०/२०२२/ROT-३७० दि.६/१०/२०२२

महोदय,

उपरोक्त विषयान्वये सादर करण्यात येते की, संदर्भित पत्राच्या अनुषंगाने विषयांकित जमीन मिळकतीच्या ठिकाणी स्थळ पाहणी करणेकामी निवासी नायब तहसिलदार, ठाणे व महाराष्ट्र प्रदुषण नियंत्रण मंडळ, ठाणे तसेच ठाणे महानगरपालिका ठाणे यांचेकडील अधिकारी व कर्मचारी यांचेसमवेत दोस्ती ESR प्रकल्पाजवळ अस्तित्वातील नाल्याच्या प्रवाहात झालेल्या अनधिकृत बांधकामामुळे सदरचा नाला बंद झाला असलेबाबत स्थळपाहणी करणेकामी भेट दिली असता, मोजे शिळ येथील स.नं. १८१/- या जमिन मिळकतीच्या ठिकाणी असलेल्या नाल्यालगत तळ + १ मजली RCC बांधकाम उभारण्यात आले होते. तसेच सदर बांधकामाविरुद्ध ठाणे महानगरपालिका, ठाणे यांचेमार्फत स्थळपाहणीच्या दोन दिवसांपूर्वी तोडक कारवाई करण्यात आली असल्याबाबतची माहिती स्थानिक चौकशी वेळी प्राप्त झाली. तसेच सदर बांधकामालगत असलेल्या रस्त्याच्या ठिकाणी सुमारे ५ ब्रास रेंती, ७ ब्रास दगड व अंदाजे ५ ब्रास खडी अशा प्रकारचे गौणखनिजाचा साठा करून ठेवला असल्याचे अढळ झाले. परंतु, सदरबाबत कोणत्याही प्रकारची परवानगी पहावयास मिळाली नाही. सदर ठिकाणी केलेल्या बांधकामामुळे जागेवर अस्तिवातील नाल्याची रुंदी कमी झाली असल्याचे अढळ झाले.

सदर बाबत जागेवर उपस्थित समिती सदस्य व तक्रार अर्जदार यांचे समक्ष मा. सहा. आयुक्त दिवा प्रभाग समिती, ठाणे महानगरपालिका, ठाणे यांनी त्यांचे कार्यालयातील अभियंता तसेच इतर कर्मचारी यांना सदर नाल्यालगत झालेल्या भरावाबाबत तात्काळ कारवाई करून झालेला भराव ह काढण्यात येऊन नाल्याचा प्रवाह पुर्ववत करणेबाबत निर्देश दिले असून संबंधितांविरुद्ध कारवाई प्रस्तावित करणेकामी आदेशित केले. तसेच सदर नाल्यालगत झालेल्या भराव / बांधकाम संदर्भात संबंधित बांधकाम धारक यांना त्यांनी केलेले अनधिकृत बांधकाम तात्काळ हटविणेबाबत सांगण्यात आले.

तसेच सदर ठिकाणी झालेल्या अनधिकृत भरावा संदर्भात तात्कालीन मंडळ अधिकारी दहिसर यांचेकडील पत्र क्र. मं.अ. दहिसर/कावि -५६/२०१८ दि. ११/०९/२०१८ अन्वये अहवाल सादर केला असून तदनुषंगाने या कार्यालयाकडील पत्र क्र. महसूल / क-१/ टे-२/ जमिनबाब / कावि४८३६/२०१९/९६ दि. २२/१/२०२० अन्वये मा. आयुक्त, ठाणे महानगरपालिका ठाणे यांना सदर बाबत कळविण्यात आले आहे. त्याबाबतच्या छायांकित प्रती सोबत जोडण्यात आलेले असून स्थळपाहणी दरम्यान घेण्यात आलेल्या छायाचित्रांच्या प्रती जोडण्यात सादर करणेत येत आहे.


(युवराज बांगर)
तहसिलदार ठाणे

कार्यालयाचा पत्ता : ठाणे स्टेशन रोड, ठाणे (प.), ता.जि. ठाणे - ४०० ६०१

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