

BEFORE THE NATIONAL GREEN TRIBUNAL,
WESTERN ZONE BENCH, PUNE
O.A. NO. 49 OF 2019 (WZ)

Sarang Yadwadkar) Applicant

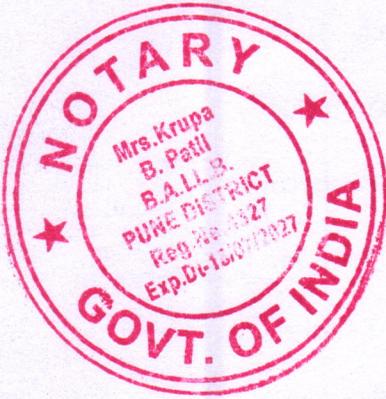
Versus

Pune Municipal Corporation & Ors) Respondents

Additional Affidavit on behalf of R1 PMC

I, Prashant Waghmare, Age:55 years, City Engineer, Pune Municipal Corporation do state on solemn affirmation as under:

1. I say that I am working as a City Engineer, Pune Municipal Corporation (Henceforth referred as 'PMC' for the sake of brevity) and I am authorized to file an affidavit before this Hon'ble Tribunal on behalf of the PMC.
2. The present Affidavit is being filed in accordance with the order dated 10/10/2022 and 05/12/2022 passed by this Hon'ble Tribunal seeking latest position on debris and unauthorized construction removal in the flood lines.
3. I state that out of the 12 instances mentioned in the present Original Application, 7 instances fall within the PMC jurisdiction locations are as follows: -
 - a) Instance 1 rightbank of Mula river near Babasaheb Ambedkar Bridge at Baner,
 - b) Instance 6 right bank of Mula river at the confluence of Mula river and Ram Nadi,



- c) Instance 7 left bank of Mutha River near Deccan Gymkhana and behind Sambhaji Park,
- d) Instance 8 riverbed at Yerwada-Sangamwadi area,
- e) Instance 9 Mutha river near Sangam Bridge just before the confluence of Mutha and Mula River,
- f) Instance 10 Mutha river on the bridge connecting Nanded village to Shivane village,
- g) Instance 11 left bank of Mutha river near Dangat Industrial estate, Shivane village.

4. **Instance 1 right bank of Mula river near Babasaheb Ambedkar Bridge at Baner**

I state that PMC has served notices u/s 52 and 53 of Maharashtra Regional and Town Planning Act, 1966 (MRTP Act) to 10 landowners at 12 locations. However due to inaction on part of the landowners, PMC has removed 50,660 cubic meters of debris from Survey No. 143, 144, 145 on its own between 20.11.2019 to 24.12.2022. I further state that unauthorized constructions in the flood line have been issued notices under section 52 (*Penalty for unauthorized development*) and 53(1) (*Power to require removal of the unauthorized development*) of MRTP Act, and in furtherance of the said notices total area admeasuring 1,04,000 sq feet has been recovered by removing illegal construction/debris, in which 72,000 sq. feet area falls



within the flood line area. I state that some landowners/encroachers have challenged the notices issued by PMC before Civil Courts and order of Status Quo has been passed in those matters.

Herewith marked and annexed the order dated 28/02/2020 passed by the Ld. Civil Judge Junior Division, Pune in R.C.S. No. 284 of 2020 as "Annexure R-1".

5. **Instance 6 right bank of Mula river at the confluence of Mula river and Ram Nadi**

I state that OA No. 90 of 2021 was filed in relation to this site and final order dated 26/09/2022 has been passed by this Hon'ble Tribunal wherein various directions are given to various government authorities. PMC shall be abiding by the said order.

Herewith marked and annexed the order dated 26/09/2022 passed by this Hon'ble Tribunal in OA No.90 of 2021 as "Annexure R-2".

6. **Instance 7 left bank of Mutha River near Deccan Gymkhana and behind Sambhaji Park**

I state that work of Metro is going on this site. It is pertinent to note that this Hon'ble Tribunal has granted its nod to Metro Project in this area vide its order dated 29.11.2022 in OA 28/2020.

7. **Instance 8 riverbed at Yerwada-Sangamwadi area**

I state that PMC has served notices u/s. 478 (1)(*Work done without written permission of the designated officer to be deemed unauthorized*) of Maharashtra Municipal Corporation Act 1949 (*unauthorized work notice*), against seven occupants/owners situated at Sr. 45/3, 47/2 and 47/7 where tin sheds and snack centers were raised. I state that an area of around 9,380 square ft has already been cleared/vacated in 2020. Moreover, some private buses are parked in the vacant land at the river bed, in this regard concerned officers of RTO have been informed and in pursuance of that the action on their part is awaited. In addition to this, 4 land owners of the lands bearing survey no. 45,48,49 at Yerwada-Sangamwadi, where debris was dumped have been served with notices u/s 52 and 53 of MRTP Act and demand notices in this regard have been served upon them. I state that near about 18,425 cubic meter debris has already been removed by the PMC till 24/12/2022.

Herewith marked and annexed the letter sent to RTO "Annexure R-3".



8. **Instance 9 Mutha river near Sangam Bridge just before the confluence of Mutha and Mula River**

I state that work of Metro is going on this site. It is pertinent to note that this Hon'ble Tribunal has granted its nod to Metro Project in this area vide its order dated 29.11.2022 in OA 28/2020.

9. **Instance 10 Mutha river on the bridge connecting Nanded village to Shivane village**

I state that three landowners were issued notices u/s 52 and 53 of MRTP Act. However due to inaction on their part, PMC initiated the work of removal of debris from 02/12/2022 to 24/12/2022 about 719 cubic meters debris were removed during this period.

10. **Instance 11 left bank of Mutha river near Dangat Industrial estate, Shivane village**

I state that 9 land owners have been issued notices u/s 52 and 53 of MRTP Act, out of which 3 landowners have removed 2,877 cubic meters debris on their own. At other 2 places in the said area, PMC has removed 40,643 cubic meters debris. Apart from this, between 04.01.2020 to 24.11.2022 PMC has also removed 43,520 cubic meter debris from the flood line in the said area.



11.I state that Instance 12 i.e. at chainage 3,900 m. downstream from Khadakwasla Dam, to prohibit the illegal sand mining PMC has created the trenches to close the road towards the riverbed. It is pertinent to be noted that as per the notification of Department of Urban Development, State of Maharashtra Dated 14/07/2021, the entire Khadakwasla village is included in the limits of PMC, However Pune Metropolitan Regional Development Authority (PMRDA) is appointed as Planning Authority for this area.

12.I state that till date around 1,75,000 cubic meters debris has already been removed by PMC and land owners and work of removal of debris is continuously going on.

13.It is pertinent to note that PMC has recognized the pollution of the rivers within its jurisdiction caused by development activities due to rapid urbanization of the city and proposed Mula, Mutha and Mula-Mutha River Rejuvenation Project for protecting the said rivers. I further say that this Hon'ble Tribunal in Appeal No 12 of 2020 has granted its nod to River Rejuvenation Project. The River Rejuvenation Project shall be helping PMC in resolving the problem of dumping in the river.





14.I further state that in light of order dated 26/09/2022 passed by this Hon'ble Tribunal in OA 90 of 2021 [formerly OA 293/2021(PB)], River Management and Rejuvenation Committee was established which includes Divisional Commissioner, Puneas Chairperson, Regional Officer MPCB as Member Secretary and other member are Collector, Pune, PMC Commissioner, PCMC Commissioner, Chief Executive Officer of Pune Cantonment Board, Chief Engineer of Water Resource Department, Joint Commissioner, Municipal Council Administration Pune at Pune. The said committee is set up to *"appreciate the problems arising with respect to cleaning the riverbeds as well as the banks of the rivers and take necessary measures in that regard consistently. The Committee shall also take care of the redressal of the grievances raised by the public, if any"*. The Committee shall be holding meetings every three months. This committee has already started functioning and has held two meetings on 23/11/2022 and 16/12/2022 for this issue.

15.I therefore say that PMC has already taken and is taking all possible endeavors to remove the debris and other unauthorized constructions in the riverbed areas. PMC always abide with the directions of this Hon'ble Tribunal. In view of the reasons mentioned above as the dumping is admittedly not done by PMC and in the light of Order

passed by this Hon'ble Tribunal in OA No. 90 of 2021
Applicant is free to approach the River Management and
Rejuvenation Committee for its grievances therefore this
Application may please be disposed of.



Pune

Date 16/01/2023

A handwritten signature in blue ink is written over the typed name of the City Engineer.

Respondent No. 1
City Engineer,

Pune Municipal Corporation

A handwritten signature in blue ink is written above the typed name of the advocate.

Adv for Respondent No. 1



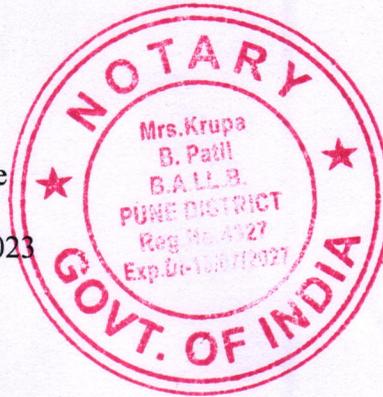
VERIFICATION

I, Prashant Madhukar Waghmare, Age: 55 years, City Engineer, Pune Municipal Corporation, authorized signatory on behalf of Respondent 1 PMC do hereby state on solemn affirmation that what is stated forgoing Paras is true and correct to my own knowledge and belief.

Prashant Waghmare
Adv for Respondent No. 1

[Signature]
Respondent No. 1
City Engineer,
Pune Municipal Corporation

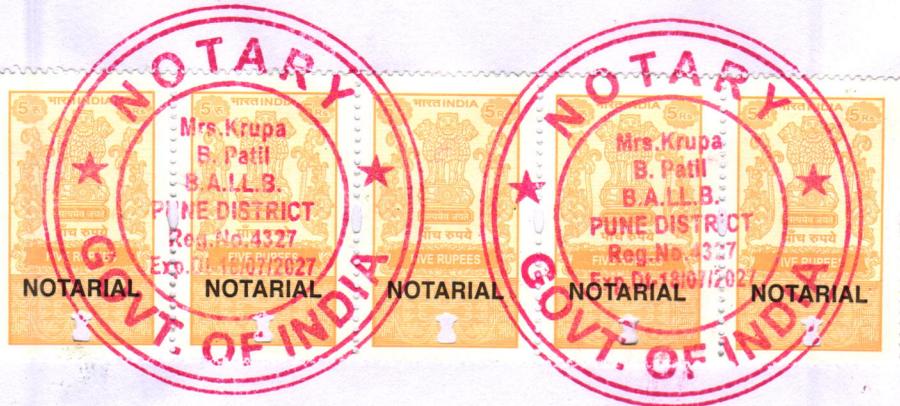
Solemnly affirmed at Pune
This 16th day of January, 2023



BEFORE ME
[Signature]
MRS. KRUPA B. PATIL
ADVOCATE & NOTARY
GOVT. OF INDIA
PUNE DISTRICT

NOTED & REGD.
Sr.No. A076/23

17 JAN 2023



CNR No. MHPU270002202019

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RCS No. 284/2020
Anant Kalkute vs. PMC**COMMON ORDER BELOW EXH. 23 AND 27****(Passed on 28th February 2020)**

01. By application below Exh.23 plaintiff is praying to set aside and varied order passed on 18/02/2020 vide Order XXXIX Rule 4 of Code of the Civil Procedure, 1908 (for short 'CPC'). On the basis of application below Exh.27 plaintiff again praying to issue ad-interim injunction / direction to defendant for maintaining the status-quo of suit property. A prayer in both these applications are same. Hence, for convenient consideration, they are taken together for discussion.

02. Plaintiff has filed the application on 15/02/2020 for ad-interim injunction / status-quo which was rejected by this Court on 18/02/2020. According to him, on 20/02/2020 he has filed the proposal for regularization of disputed structure through Architect Sharad Ranpise before defendant corporation. A map issued by Irrigation Department indicates suit property is not come within ambit of river flood area. As per Global Mapper Version the distance between river and suit property is at about 139.53 mtr. Thus, There is change in the circumstances about filing of proposal of regularization and new fact brought on record that suit property is not come within limitation of river flood area. Hence, it is necessary to protect the suit property. Therefore, plaintiff is constrained to file these applications.

03. On the other hand, Ld. Advocate for defendant resisted these applications on the ground that application below Exh.23 is not as per procedure of law. Hence, it is liable to be rejected. So far as, application

below Exh.27 is concerned he urged, this application is already rejected with proper reasoning. Hence, the Res-Judicata applies in this case. Therefore, application is not maintainable.

04. Ongoing through above rival submissions and documents on record it appears, plaintiff has filed letter issued by Architect dated 20/02/2020 which reveals, he has filed the proposal of regularization on behalf of plaintiff before defendant corporation vide on-line ADCR/4577/19. A Global Mapper Version discloses suit property is at remote distance from river and its length is near about 139.53 mtr. Thus, there is change in circumstances about filing of regularization of proposal and new fact brought on record that suit property is far away from river side.

05. This Court has earlier rejected this application on 18/02/2020 on the ground that the dispute about the suit property is come within ambit of Hon'ble National Green Tribunal. On this point Ld. Advocate for the plaintiff urged the notice issued under Section 53(1)(A) of Maharashtra Regional and Town Planning Act, 1966 (for short 'MR & TP Act'). As per Section 2(6) of the MR & TP Act, only Civil Court having the jurisdiction to decide the illegality of the notice. Ongoing through **Section 2(6) of MR & TP Act** it reveals,

“Court” means in Greater Bombay, the Bombay City Civil Court; and elsewhere, the principal civil court of original jurisdiction; and includes any other civil court of a Judge of Senior Division or a Judicial Officer empowered by the State Government to perform the functions of the court under this Act within the pecuniary and local limits of its jurisdiction.”

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06. Thus, this Court having jurisdiction to decide the disputed notice. Now, it is bring to notice of this Court in view of The National Green Tribunal Act, 2010 there is provision to issue the notice by concerned authority if any structure causes nuisance to environment. It is needless to state no such notice is issued as per the provisions of The National Green Tribunal Act, 2010 by proper authority. Thus, prima facie it appears, plaintiff has chosen the right forum to challenge the disputed notice.

07. Ld. Advocate for plaintiff has relied upon Dhanraj Nathuram Aswani & Anr. vs. The Chief Executive Officer, Pimpri Chinchwad, Writ Petition No. 10011/2019, decided on 16/09/2019,

wherein para no. 15 it was enunciated that-

“15. Needless to clarify that until the application under Section 53(3) of the Maharashtra Regional and Town Planning Act, 1966 is decided, and, should the result of that decision be adverse to the petitioner, for a period of two weeks thereafter, no coercive steps be taken by the Municipal Corporation in pursuance of the said notice.”

Authority Cited (Supra) is squarely applicable to present matter. Now, plaintiff has filed the proposal of regularization before defendant corporation. Therefore, it is essential to give direction as not to take any stringent action against plaintiff.

08. Ld. Advocate for defendant stoutly submits Order XXXIX Rule 4 of the CPC is not applicable to present matter. In reply to it Ld. Advocate for plaintiff has relied upon Madan Lal Khuteta vs. Badri Narayan, AIR 1988 Rajasthan 61,

wherein to the facts of the case in para 7 it was postulated that-

“It is correct that the interlocutory orders like temporary injunctions are meant only to preserve the status quo during the pendency of the proceedings and not to decide the controversy in issue on merits. Such orders are therefore, as laid down by the Apex Court, capable of being altered or varied, but only on proof of new facts or new situation, which may have emerged subsequently. In this case also since the second application for issue of temporary injunction under Order 39, Rules 1 and 2, C.P.C. has been filed, there is no bar under the principles of res judicata for its consideration, but the same can be considered only when the petitioner shows that such consideration is necessary in view of new facts and new situation and circumstances that have taken place subsequently.”

Above authority is applicable in all fours to instant matter.

09. On the point of locus standi Ld. Advocate for plaintiff has placed his reliance upon Haji A. H. Razak vs. The Municipal Corporation of Greater Bombay, decided on 16/03/1993,

wherein it was observed that-

“The impugned Notice pertains to the structure which is occupied by the Plaintiff and the said Notice is for demolition. Therefore, the Plaintiff is an aggrieved party. Hence, the Plaintiff is entitled to file the Suit. Hence, the Plaintiff would be entitled to an ad-interim relief in terms of prayer (a) of the draft notice of motion. However, in the meanwhile, the Respondent-Corporation is directed to give a personal hearing to the present plaintiff, and communicate its decision to the plaintiff. If communication of such an order is adverse to the plaintiff, then the order shall not be given effect for a period of two weeks from the date of service of such order on the plaintiff in order to enable the plaintiff to take out a notice of motion asking for necessary relief from the Court. The ad-interim relief granted will relate only to the tenement in occupation of the present appellant-plaintiff.”

10. In present matter plaintiff has occupied the suit property on

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RCS No. 284/2020
Anant Kalkute vs. PMC

the basis of leave and license agreement. Therefore, he has locus standi and cause of action to file this suit and present applications.

11. Lastly, Ld. Advocate for defendant urged the principle of Res-Judicata applies to this matter. It is imperative to note, Section 11 of CPC clearly states that if matter is directly and substantially in issue has been directly and substantially in issue in a former suit between same parties or ----- then Res-Judicata is applies. Thus, Res-Judicata is applies if there are two suits i.e. former and subsequent. Here, it is not the case so. Therefore, there is no substance in the point raised by Ld. Advocate for defendant.

12. The conspectus of aforesaid discussion is that plaintiff has succeeded to bring on record the change and new circumstances. Therefore, it is essential to protect and preserve the suit property. Prima facie, plaintiff has made out the case. Balance of convenience lies in his favour and irreparable loss will be caused to him if direction for maintaining status-quo is not granted against defendant. In the result, the order:

ORDER

1. Both applications are allowed.
2. Defendants shall maintain status-quo of suit property till filing of written statement and say.
3. Costs in cause.

Place: Pune.
Date : 28.02.2020.

Sd/-
(A. B. Tahasildar)
Civil Judge Junior Division
(PMC Court), Pune.

CERTIFICATE

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

Name of Steno : Atnure M. C. (L.G. - III)
Court Name : Shri. A. B. Tahasildar,
C.J.J.D. & J.M.F.C., PMC Court, Pune.
Date of Order : 28.02.2020.
Date of signature : 28.02.2020.
Date of upload : 28.02.2020.

Item No.7

(Pune Bench)

**BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE**

(By Video Conferencing)

ORIGINAL APPLICATION NO.90 OF 2021 (WZ)
[Earlier O.A. No. 293/2021 (PB)]

1. Shailaja Deshpande,
8, 2nd Floor, Ankur Apartment,
Sanewadi, Aundh,
Pune - 411007
2. Pushkar Kulkarni
3. Shubha Kulkarni
4. Prachi WakaleyApplicants

Versus

1. Maharashtra Pollution Control Board,
Kalpataru Point, 3rd and 4th Floor,
Opp. Cine Planet, Sion, Mumbai
2. Divisional Commissioner, PuneRespondent(s)

Date of hearing: 26.09.2022

**CORAM: HON'BLE MR. JUSTICE DINESH KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. VIJAY KULKARNI, EXPERT MEMBER**

Applicants : Applicants in person present
Respondent : Mr. Aniruddha Kulkarni, Advocate for R-1/MPCB
Mr. Rahul Garg, Advocate for Pune Municipal Corporation

ORDER

1. A letter dated 07.01.2021 was received from four applicants namely Shailaja Deshpande, Pushkar Kulkarni, Shubha Kulkarni and Prachi Wakale, who are citizens of Pune, in connection with the flood risks across the city, particularly due to construction near existing bridge of D-Mart at Aundh and also the altered buffer zone at confluence of Mula and Ramnadi. The following problems were highlighted in this letter:-

- (i) Huge concrete slabs are laid in the river blocking the flow of the river;
- (ii) There are also huge piles of soil and debris, rubble dumped at corners;
- (iii) Citizens are facing huge problems with foul smell and water hyacinth and mosquitoes due to rampant growth of water hyacinth in this patch due to clogging of the river;
- (iv) Lot of dumping in Mula riverbed upstream has also been noticed near confluence during illegal sand mining happened at the confluence area of Ramnadi and Mula rivers in April, 2020."

2. Upon receipt of this letter, the Principal Bench had registered it as Original Application No.293 of 2021, which was later on transferred to this bench as is reflected from letter dated 18.11.2021 and as per the directions of Principal Bench, it has been registered as Original Application No.90 of 2021.

3. On the initial date of hearing i.e. 10.11.2021, following direction was issued by the Principal Bench:-

"Let the State PCB in coordination with the Divisional Commissioner, Pune and other authorities ascertain facts and take remedial action in accordance with law. A factual and action taken report may be furnished to the Pune Bench within two months by e-mail at ngt-pune@gov.in."

4. Pursuant to above direction, a Joint Committee report has been submitted, making following observations and recommending short term measures and long term measures:-

Sr. No.	Name of Location	Observations	Short term measures recommended by the Committee	Long term measures recommended by the Committee
1.	Bridge on Ramnadi near Confluence and Vidhate vasti (Site	a. Due to dumping of debris, width of Ramnadi is reduced and obstructing natural river water flow.	a. Pune Municipal Coporation shall complete construction of manholes &	a. Pune Municipal Corporation shall remove old & redundant (used) chamber & drainage pipes in

	<p>photographs are enclosed and annexed as Annexure IV)</p>	<p>b. Temporary kaccha road is constructed on right side of Ramnadi bank, for the construction of manholes & drainage line by Pune Municipal Corporation, which will create obstruction for natural water flow in river during rainy season.</p> <p>c. Pedestals constructed during construction of bridge, which is not removed causing obstruction for water flow in river during rainy season.</p> <p>d. Old & redundant (used) chambers & drainage pipes are observed in riverbed, which are not removed by Pune Municipal Corporation thereby causing obstruction for natural water flow in river during rainy season.</p>	<p>drainage line on priority basis and remove temporary roads constructed in Ramnadi as per approved DPR or sanction plan from competent authority.</p> <p>b. Pune Municipal Corporation shall close all access road and restrict entry of illegal trucks/trolley for disposal of waste material on both bank of river.</p>	<p>riverbed.</p> <p>b. Pune Municipal Corporation shall install Geo fencing along the bank of River Ramnadi.</p> <p>c. The equilibrium of the river which is compromised due to debris dumping; needs to be restored by Pune Municipal Corporation.</p>
2.	<p>Confluence of Ramnadi & Mula River (Site photographs are enclosed and annexed as Annexure V)</p>	<p>a. Applicant mentioned that illegal sand mining was carried out in past on 20 & 21 November 2020 and FIR has been filed by local residence - During the site visit sand mining was not observed, however, extracted unwanted material from sand mining activity found dumped in the river bed, which will create obstruction for natural water flow in river during rainy season.</p>	<p>a. Illegal mining shall be stopped immediately by Mining Department, Collector Office, Pune.</p> <p>b. Stop disposal of debris on the bank to avoid blockages of natural live springs by both local bodies.</p> <p>c. Remove extracted,</p>	<p>a. To avoid illegal mining Geo fencing shall be provided on both the bank of river by Pune Municipal Corporation and Pimpri-Chinchwad Municipal Corporation.</p> <p>b. Not to dispose partly treated and untreated domestic wastewater into river by Pune Municipal Corporation and Pimpri-Chinchwad Municipal Corporation in the</p>

		<p>b. Due to disposal of debris on the bank of river, natural live springs was found blocked.</p> <p>c. Water hyacinth growth was observed at some laces, due to disposal of partly treated and untreated domestic waste water by Pune Municipal Corporation and Pimpri-Chinchwad Municipal Corporation</p>	<p>unwanted material generated during the past sand mining immediately by Mining Department, Collector Office, Pune and Pune Municipal Corporation.</p> <p>d. Water hyacinth shall be removed by Pune Municipal Corporation and Pimpri-Chinchwad Municipal Corporation, and they shall take necessary measures and precaution to avoid the growth of water hyacinth. The concerned local body shall give the responsibility to the concerned Dy. Commissioner so that there shall not be growth of water hyacinth in future.</p> <p>e. To avoid direct discharge of untreated domestic waste water in river, both local bodies should take short term measures like</p>	<p>Mula River to keep clean river and to control growth of water hyacinth. For the same local body shall prepare time bond action plan.</p> <p>c. Riparian zone shall be maintained through farming on the bank of River by both local bodies.</p> <p>d. Existing encroachment in the flood zone and flood lines need to be retrofitted by local bodies.</p>
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			<p>nalla in situ treatment by construction of temporary bunds. Removing of floating materials, provide temporary aeration system by using D.G. sets.</p> <p>f. Local bodies shall provide wire mesh fencing along the bridge side margin to avoid unscientific disposal of Solid Waste by the residence in the vicinity.</p>	
3.	Baner STP	<p>a. Not achieving consented standards.</p> <p>b. Not reusing treated water of Baner STP</p>	<p>a. Pune Municipal Corporation shall operate & maintain Baner STP round the clock to achieve consented standards.</p> <p>b. Reuse and recycle treated water of Baner STP to maximum extent for secondary purpose like construction project. RMC's plant, gardening purpose.</p> <p>c. For reuse and recycle purpose, Pune Municipal</p>	<p>Pune Municipal Corporation shall upgrade existing Baner STP to achieve consented standards and install tertiary treatments as per CPCB guidelines. Confluences are ecologically very sensitive areas because all these interventions together may have increased cumulative impact of the flood risk.</p>

			Corporation shall provide facility to the users motivate and give wide publicity by providing the display board at the prominent locations.	
4.	Pimple Nilakh STP	<p>a. Not achieving consented standards.</p> <p>b. Not reusing treated water Pimple Nilakh STP.</p>	<p>a. Pimpri-Chinchwad Municipal Corporation shall operate and maintain Pimple Nilakh STP round the clock to achieve consented standards.</p> <p>b. Reuse and recycle treated water of Pimple Nilakh STP to maximum extend for secondary purpose like construction project, RMC plant, gardening purpose.</p> <p>c. For reuse and recycle purpose, Pune Municipal Corporation shall provide facility to the users motivate and give wide publicity by providing the display board at the prominent locations.</p>	<p>Pimpri-Chinchwad Municipal Corporation shall upgrade existing Pimple Nilakh STP to achieve consented standards and tertiary treatments as per CPCB guidelines. Confluences are ecologically very sensitive areas because all these interventions together may have increase cumulative impact of the flood risk.</p>

5.	Mula riverbanks (Site photographs are enclosed and annexed as Annexure VI)	On the both sides of the bank of Mula river debris observed which obstructing river water flow during heavy rain fall & occur flooding situation.	Pune Municipal Corporation & Pimpri-Chinchwad Municipal Corporation shall obstruct the illegal dumping of debris on river banks	Pune Municipal Corporation & Pimpri-Chinchwad Municipal Corporation shall remove all illegal dumping debris immediately and bring river to its original position.
6.	Aundh-Sanghavi - D Mart Bridge (Site photographs are enclosed and annexed as Annexure VII)	<p>a. Coffor Dam constructed during construction of bridge were not removed fully, concrete pedestals used for shturing were left in the riverbeds, causing water stagnation in river flow & flooding during monsoon.</p> <p>b. Debris dumped on both the banks of River.</p> <p>c. Debris dumped in high flood line in huge quantity.</p> <p>d. Due to disposal of debris on the bank of river, natural live springs was found blocked.</p> <p>e. In front of storm water drainage, debris are dumped, which may carry, along with rainwater into the river.</p>	<p>a. Debris dumped on both the banks of River shall be removed immediately by both local bodies.</p> <p>b. Not to dispose any debris and unwanted material along the bank of river and in high flood line area.</p> <p>c. Debris dumped in front of storm water drain shal be removed immediately by Pune Municipal Corporation.</p> <p>d. Pune and Pimpri Municipal Corporation shall take necessary measures and precautions so as to avoid the disposal of unwanted material and</p>	<p>a. Remove all coffer dams fully, constructed on Ramnadi & Mula river also, remove concrete pedestals, constructed during construction of Bridge by both local bodies.</p> <p>b. Rejuvenate natural live springs, by removing debris and waste materials.</p> <p>c. As existing spring on left bank of Mula river is concretized, need to locate the shallow aquifer discharge area and reactivating the spring/discharge (with the help of GSDA Groundwater Surveys and Development Agency/CGWBA Central Ground water Board/ACWADAM Advanced Centre for Water Resource Development and Management) Rest of springs in the stretch need to be revived, restored</p>

			debris on the bank of river.	and managed with the help of experts.
7.	Aundh Ghat Smashan Bhoomi (Site photographs are enclosed and annexed as Annexure VIII)	Temporary concrete structure near Rajiv Gandhi bridge is observed which was constructed by MJP in past for laying of pipeline in the river there by causing major obstructions in river for natural water flow and created pond effect.	MJP shall remove temporary structure (near Rajiv Gandhi bridge) constructed for laying of pipeline in the river immediately	--

"Pune Irrigation Division, Pune -01, vide letter dtd.04.07.2022 submitted that: -

Large amount of filling has been done on the river side at Wakad K. T. Weir near Survey No. 40,47/1/2, 48 and 50 in Balewadi (Approx.750 Cum).

The flow of Dev River is obstructed by filling the area around confluence of Dev River and Mula River in Baner. (Approx. 250 Cum).

Near the confluence of Ram River and Mula River, a road has been constructed in blue line with a large amount of embankment (Approx. 12000 Cum).

Large number of parking lots for vehicles and slums have been observed that had been constructed on Mula Mutha River Confluence (Appro. 20000 Cum).

Large embankment has been observed had been constructed besides Dr. Babasaheb Ambedkar Bridge near Survey No. 65/1/B of Pimple Nilakh, Pimpri Chinchwad Municipal Corporation (Appro. 10000 Cum).

In Pimple Nilakh boundary, in Survey No. 7, space has been created for RMC plant by filling up the river side (Appro. 400 Cum).

(Copy of the said letter enclosed and annexed as Annexure IX)

4.0 Conclusion and recommendations:

The committee during visit observed that:-

- Debris and unwanted material observed on the bank of Ramnadi within the area of Pune and Pimpri-Chinchwad Municipal Corporation.
- Old and redundant structures were observed in the river and on the bank of rivers.
- Water hyacinth were observed in the Mula river.
- Sub standards domestic effluent observed

discharging into Ramnadi and Mula river by both the local bodies.

In view of the above the committee recommended to implement Short- term and long-term measures mentioned in para 3.0 as above on urgent bases by concern local bodies. Use of prohibitive Zone is only in the form of open land, there will be no obstruction in the natural flow of river and reduction in carrying capacity of river and there will be no change in the cross section of river. Prohibitive Zone means area between blue line. Accordingly, if any construction, encroachment in blue line area both local bodies shall remove the same and bring river to its original status."

5. Thereafter, Action Taken report is also submitted, which is as follows :-

"In the meeting of the Joint Committee held under the chairmanship of Hon'ble Divisional Commissioner on 24/02/2022, as per the directions of Hon'ble Divisional Commissioner, the Joint Committee has submitted an application by visiting Ram River and Mula river bank and area from Baner to Aundh on 25/02/2022. The issues raised by the Maharashtra Pollution Control Board and the respective details are as follows :

Sr. No.	Point	Details
1.	Length & Width of Ramnadi from Baner upon confluence to Mula River	It falls under jurisdiction of Khadakwasala Irrigation Division, Pune. The information soon will be furnished by them.
2.	Length & Width of Mula River from Baner to Aundh	Mula river Length 57 Km, Length of river in PMC and PCMC 22.5 Km
3.	No. of bridges constructed on this Mula river and Ramnadi bank (Baner to Aundh)	<u>Mula River</u> - Hinjewadi bridge - 03 Nos. Baner Wakad - 01 No. Dr. Babasaheb Ambedkar bridge - 01 no. New bridges near D-mart Aundh - 02 nos. Rajiv Gandhi bridge, Aundh - 01 No. Spicer college bridge - 01 no. Bridge near Bopodi - 01 No. and Bridges near Harish Bridge Railway - 02 Nos.
4.	No. of Coffor Dam constructed on this river bank (Baner to Aundh)	Coffor Dam was constructed during construction of bridge was done. After completion of works partly coffer dam were removed. Concrete pedestals used for shturing were left in river bed causing water stagnation in river flow and flooding during monsoon.
5.	Locations & quantity of debris, waste dragging sand, construction & demolition waste dumped	Locations were identified by joint inspection of PMC, PCMC & Irrigation Department officers as listed below: 1. Large amount of filling has been

	in the river bed and on the bank of river (Baner to Aundh)	<p>done on the river side at Wakad K.T. Weir near Survey No.40, 47/1/2, 48 and 50 in Balewadi (Approx.750 cum)</p> <p>2.The flow of Dev River is constructed by filling the area around confluence of Dev River and Mula river in Baner (Approximately 250 Cum)</p> <p>3. Near the confluence of Ram river and Mula river, a road has been constructed in blue line with a large amount of embankment. (Approximately 12,000 cum)</p> <p>4. Large number of parking lots for vehicles and slums have been observed that had been constructed on Mula Mutha river confluence (Approximately 20,000 Cum)</p> <p>5. Large Embankment has been observed had been constructed besides Dr. Babasaheb Ambedkar bridge near Survey No.65/1/B of Pimple Nilakh, Pimpri Chinchwad Municipal Corporation (Approximately 10,000 Cum)</p> <p>6. In Pimple Nilakh boundary, in Survey No.7, space has been created for RMC plant by filling up the river side (Appeoximately 400 Cum)</p>
6.	Access roads for the illegal transporter to dump debris in the river bed bank from Baner to Aundh	Access roads are made by local residents for dumping debris and soil on river banks temporary access roads are found in Ramnadi, Mula river during visit access roads should be removed immediately.

As per prevailing rules of Maharashtra, responsibility for ownership of river nallas, illegal constructions done on and under it, removal of encroachments, removal of solid waste dumped in river nalla, removal of Debris is as follows:

- As per Sections 20 and 50 of the Maharashtra Land Revenue Act, 1966, the government lands are owned by the District Administration/ District Collector and they monitor the encroachments on rivers and streams in the city and solid waste in urban areas. It is important to get rid of them on time. These unauthorized encroachments are reported to the concerned District Collector, concerned Civil Government Institutions and Police Department from time to time through the Water Resources Department. However, no necessary action is being taken by the concerned department in this regard.

- Planning under Sections 52 and 58 of the Maharashtra Regional Planning and Suburban Planning Act, 1966, all constructions, fillings etc done without the permission of the department. They should understand the encroachments/unauthorized constructions and record the unauthorized constructions of these encroachments, serve notices and remove them with the help of District Administration Department, local Government police department etc. has been mentioned. Necessary as preventive action should be taken against the increaching encroachments and unauthorized constructions in the city as per this section.
 - As per Govt. Resolution No PuRNi-2018/(182/2018)Sinvyva (Revenue) dated 03/05/2018 and PuRNi-2018/(182/243/89)Sinvyva (Revenue) dated 10/07/2019 of Water Resources Department in order to avoid the potential danger of floods and to prevent any construction within the flood plain, it is necessary that local bodies shall give and control the permissions for construction in accordance with the guidelines given for floodline marking and use of prohibited and controlled areas in order.
 - As per Circular of Water Resources Department FDW-1089/243/89 SinVya (Works) dated 21/09/1989 and date 03/05/2018 and Maharashtra Institute of Engineering Research (MERI), Nashik Technical Circular Dh.Su.S./PraSha-4/1582 dated 16/11/2015 River water flood line has been fixed by the Water Resources Department. And this approved flod line plans are available on websites www.punefloodcontrol.com and <http://wrd.maharashtra.gov.in>.
 - Besides, all approved maps has also been made available separately to Hon. Joint Director, Town Planning Department, Pune. Hon. Commissioner, Pimpri-Chinchwad Municipal Corporation, Pune, Hon. Commissioner, Pune Metropolitan Region Development Authority, Pune, Hon. Commissioner, Pune Municipal Corporation, Pune and Hon. The office of the Collector, Collector's Office, Pune vide reference No.7 and 8."
6. A communication is made by all the four applicants who had received the copy of the Joint Committee report, suggesting the measures which should be adopted in present case.
7. We have heard the applicants, Mr. Aniruddha Kulkarni, learned counsel for respondent No.1/MPCB and learned counsel Mr. Rahul Garg for Pune Municipal Corporation.
8. As per the Joint Committee report, which has been cited above, obstructions were noticed regarding which the short term measures and long

term measures have been shown and in that very report, it has been clearly stated in the conclusion that the debris and unwanted material was found on the bank of Ramnadi within the area of Pune and Pimpri-Chinchwad Municipal Corporation, old and redundant structures were observed in the river and on the bank of rivers, water hyacinth was also found in Mula river. The sub-standard domestic effluent was found discharging into Ramnadi and Mula river by both the local bodies.

9. The compliance/action taken report, which has been cited above, also shows that several steps were taken by the respondents in order to improve the condition of the rivers. But it is apparent that still, lot of work is required to be done. All the four applicants have shown satisfaction with the report which has been submitted by the Joint Committee and have stated in their reply dated 25.09.2022 that only point which is required to be taken into consideration is that no remedial action in accordance with law has been taken by the authorities. The short term measures and long term measures, which have been suggested in the report, do not have any time frame by which such measures should be adopted/implemented. Therefore, the applicants submitted that some time-line may be fixed for completion of the long term measures and short term measures.

10. In the light of facts of this case and the evidence which has come on record, we direct the respondents as follows:-

- (i) A vigilance monitoring system be established by way of geo fencing supported with CCTV coverage and police surveillance squad in order to check that no mining activity takes place in future;
- (ii) All the obstructions which have been noted in the Joint Committee report in point No.3 from Serial Nos.1 to 7 be removed within a period of four months;

- (iii) Whatever interventions are found along the river bank as are stated in point No.3 at serial Nos.1 to 7 be removed within a period of four months;
- (iv) Baner STP shall be upgraded as per the CPCB Guidelines within a period of six months;
- (v) A specific River Management and Rejuvenation Committee be set up for rivers namely Mula and Ramnadi, which shall comprise of atleast one member each from State Pollution Control Board, Pune Municipal Corporation, Pimpri-Chinchwad Municipal Corporation, Collector, Pune, Water Resources Department, Pune Cantonment Board and Khadki Cantonment Board. The Divisional Commissioner shall be the Chairperson of the said Committee. This Committee shall hold meetings every three months in order to appreciate the problems arising with respect to cleaning the riverbeds as well as the banks of the rivers and take necessary measures in that regard consistently. The Committee shall also take care of the redressal of the grievances raised by the public, if any. The Committee shall be constituted within a period of one month.

10. Let a copy of this order be sent to the Chief Secretary, State of Maharashtra for taking necessary steps as directed above.

11. With the above directions, we dispose of the Original Application. No cost.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

September 26, 2022
Original Application No.90 of 2021
npj

Annexure-R-3

BANKSAR BRYTERPROMASANGAPKCI RADARCOAMELA-KUTIA



शहर अभियंता कार्यालय

पुणे महानगरपालिका

जा.क्र.:- २/८५१७/११/१९८७५२

दिनांक :- २८/१२/२०२०

मा.प्रदेशिक परिवहन अधिकारी,
पुणे शहर, पुणे.

विषय :- मौजे संगमवाडी येथील नदीपात्रालगत भराव टाकून वाहनतळ बनवून त्या जागी खाजगी बसेस थांबत असलेबाबत.

उपरोक्त विषयी मौजे संगमवाडी येथील नदीपात्रालगत भराव टाकून त्याजागी मोठ्या प्रमाणात खाजगी बसेस थांबत आहेत. दरम्यानच्या काळात हरित लवाद न्यायालय येथे दावा क्र. ४९/२०१९ दाखल झालेला आहे. त्यामध्ये नदीपात्राच्या जागेत कुठल्याही प्रकारचे अनधिकृत बांधकामे व नदीपात्रामध्ये टाकण्यात आलेला भराव काढून घेऊन व नदीपात्र मूळ स्थितीत प्रस्तापित करणेबाबतचे आदेश देण्यात आलेले आहेत. तसेच हा भाग सन २०१७ च्या मान्य विकास आराखड्यानुसार ग्रीन बेल्टमध्ये समाविष्ट आहे. त्यामुळे या भागामध्ये कुठल्याही इतर बाबींसाठी वापर प्रतिबंधित आहे.

त्या अनुषंगाने बांधकाम विभागामार्फत संगमवाडी पूलाच्या उजव्या बाजूने रस्त्यापासून ते मुळा-मुठा नदीच्या पात्रापर्यंत अनधिकृत पत्राशेड करती कारवाई करणेत आलेली असून नदीपात्रात टाकलेला भराव काढून घेणेचे काम प्रगतीपथावर आहे. तरी सुद्धा सद्यस्थितीत जागेवरती खाजगी बसेस थांबत असल्याचे निदर्शनास येत आहे. त्या अनुषंगाने आपले विभागामार्फत संगमवाडी पूलाच्या उजव्या बाजूने रस्त्यापासून ते मुळा-मुठा नदीच्या पात्रापर्यंत जागा पाहणी करून सदर ठिकाणी थांबत असलेल्या खाजगी बसेस करती हरित लवाद यांच्या निकालाच्या अनुषंगाने योग्य ती कार्यवाही त्वरीत करणेबाबत संबंधितांना सूचित करणेत यावे.

कळावे.

अधिष्ठाक अभियंता

बांधकाम विकास विभाग

पुणे महानगरपालिका

सोबत :- हरित लवादाचे दि.२९/९/२०१९ ची ऑर्डर.