

BEFORE THE HON'BLE NATIONAL GREEN
TRIBUNAL, WESTERN ZONE BENCH, PUNE

Application No. 201 /2023 (wz)

(Under section 15 of the National Green Tribunal Act, 2010)

Charan Bhatt

.....Applicant

Versus

Wetland Division, MoEF&CC & Ors

.....Respondents

AFFIDAVIT

THE PROTECTOR IS THE KILLER.

THE PROTECTOR OF THE WETLANDS HAS BETRAYED ITS
DUTY, BECOMING ITS DESTROYER.

1. I, Charan Bhatt, the applicant in OA 201/2023, have filed this application seeking the restoration and protection of wetlands, including the protection and restoration of flora and fauna, wetland protection from eco-criminal activities, including the cessation of unlawful debris dumping, destruction of mangrove ecosystems, stop obstruction of natural watercourses, prevention of illegal conversion of wetlands to non-wetlands, endangerment of avian species, and the degradation of the overall wetland ecological system.
2. The applicant submits that the sasunavghar wetland and environmental violations have been facilitated through the complicity of the District Collector, Tehsildar, Maharashtra Pollution Control Board (MPCB), Vasai Virar Municipal Corporation (VVCMC) officials, and the failure of the State

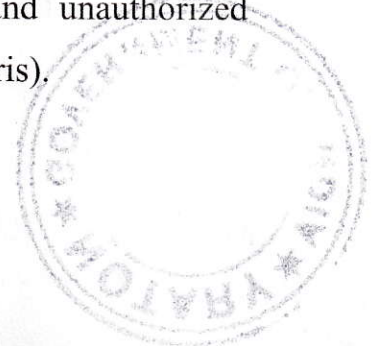


Wetland Environment Department and the Urban Development Department to perform their statutory duties.

In complete violation of the Hon'ble National Green Tribunal, no effective measures have been taken to protect and restore the Sasunavghar wetland. The authorities inaction has resulted in the continued degradation of this vital ecosystem and hand in glove of corruption, Hon'ble National Green Tribunal order using for the corruption by the MPCB, Vasai Tahasil, Palghar collector official's and Maharashtra State Electricity Board (mseb) and VVCMC giving protection and allowing anti-environment activities in the sasunavghar wetland.

3. The applicant submits that the Hon'ble NGT, in its order dated 15.01.2024, *Original Application, whether any dumping is being done in the area and whether illegal construction is being done there, if any and if yes, who are the persons who are doing these activities and any action taken by the Government Authorities in this regard, the measures to be suggested, compensation to be levied from the violators and the measures for restoration of the area.* As per the order VVCMC officials and District collector officials not submitted violators' detail. **As per the Hon'ble National Green Tribunal order nothing is happening in ground:**

- a. The wetland restoration process has not yet commenced.
- b. No action has been initiated under the Environment Protection Act, Water Prevention and Control Act, or Wetland Rules.
- c. No action has been taken against illegal constructions, illegal RMC plants, hazardous waste dispose, and unauthorized disposal of soil and construction waste (debris).

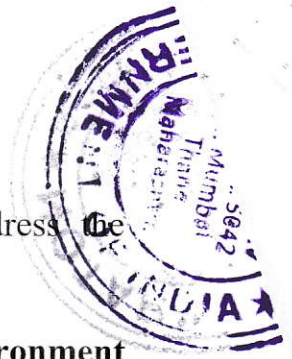


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- d. No mangrove protection or restoration efforts have been started.
 - e. No action has been taken in accordance with the Polluter Pays Principle, and violators have not been penalized.
 - f. Not disclosing the violators names and action taken report.
 - g. Not lodging the FIR against the wetland violators and environment damagers.
4. All the Palghar district authority, VVCMC authority, MPCB authority protecting the violators delaying the proceeding as much possible, corruption motive.
5. The applicant submits that the Joint Committee report exposes the failure of the authorities and respective departments as follows:
- a. **Failure of the Vasai Tahsildar, Sasunavghar Talathi, Palghar District Collector, and the District Wetland Committee:** They neglected their responsibility in preventing construction waste (debris), hazardous waste dumping, and soil illegally dumped in wetlands, which resulted in the elevation of low-lying areas and the illegal conversion of wetlands into non-wetland zones.
 - b. **Failure of the VVCMC Commissioner, VVCMC Waste Assistant Commissioner, and the Planning Department:** They failed to address the illegal construction activities, unauthorized RMC plants, unlawful development permissions, and damage to water bodies caused by these illegal activities, which were detrimental to the environment.
 - c. **Failure of the Maharashtra Pollution Control Board (MPCB):** The MPCB approved RMC plants operating in

wetlands, air and water pollution, failing to address the environmental damage caused by these operations.



- d. Failure of the State Wetland Authority and Environment Department:** There was a lack of monitoring and maintenance of the wetlands, which further contributed to the ongoing degradation of these vital ecosystems.
6. The applicant submits that the joint committee report, along with the report from the Palghar District Collector, in mentioned that Respondents No. 10 and 11, **Rajesh Nanda and Shashikant Mahatre**, along with others, **have illegally dumped soil/debris converted wetland into non-wetland**, penalized the respondent 10 and 11 Rajesh Nanda and Shashikant Mahatre and his partners 10,75,87,220 (ten corers seventy five lakh eighty seven thousand two hundred twenty rupees) and rest pending cases more than 400 corers this 44 cases out of 241 still 196 cases still pending not survey and land filling wetland damage details not submitted, amounting to more than **30 million brass of soil and construction waste (debris)**, hazardous waste has been dumped in the Sasunavghar wetland area. This act constitutes a clear violation of environmental laws and regulations, facilitating the illegal conversion of a designated wetland into a non-wetland, water bodies damage, destroyed mangrove habitat cutting/buried, damage thereby undermining the integrity of the entire wetland ecosystem.
7. The applicant submits that in the Sasunavghar wetland, more than **30 million brass dumped of soil, construction debris, hazardous waste and illegal construction, illegal RMC plants and damage to water bodies, water and air pollution and mangrove habitats have been complete destroyed**. These actions have been undertaken with the intent of financial gain, resulting in illegal

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earnings exceeding 1000 of crores government officials, agents, debris mafia, land mafia, corruption, bribes, eco-criminal, land owner all are earn benefits from illegal wetland damage unlawful activities. Such activities constitute a violation of the Environment Protection Act, 1986, offenses under the Water (Prevention and Control of Pollution) Act, 1974, offenses under the Air (Prevention and Control of Pollution) Act, 1981. These financial gain from unlawful and anti-environmental, criminal activities also offenses under the Prevention of Money Laundering Act (PMLA).

8. The applicant submits that the responsible authority for protecting the environment have instead contributed to its destruction. These include Palghar District Collector Govind Bodke, Vasai Tahsildar Avinash Kosti, Talathi of Sasunavghar, VVMC Commissioner, VVMC Asst Commissioner, VVMC Town planning department, officials from the MPCB Thane Region SRO and RO. These officers have failed to control illegal activities and have allowed corruption to thrive. It is evident that these officials have neither taken nor will take any action against anti-environmental activities or the collusion of mafia groups involved in environmental degradation.
9. The Sasunavghar wetland spans an approximate radius of more than 6 kilometers. A significant portion of this area has been filled with soil, debris, hazardous waste, and illegal constructions. There are also illegal RMC plants, damaged water bodies, and destroyed mangrove habitats. The pollution discharged into the air and water, as well as the degradation of wetland and mangrove habitats, have had detrimental effects on birdlife and microorganisms. All of this

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occurred in the presence of the District Collector, Vasai Tahsildar, Sasunavghar Talathi, MPCB officials, and VVCMC officials.

10. The applicant submits that the Hon'ble National Green Tribunal issued an order dated 23.10.2024, directing the respondents to submit their replies within three weeks. ***Meanwhile, the State Pollution Control Board is instructed to act on each of the contents of the Joint Committee Report, ensure compliance with environmental rules, and prevent any further violations as recorded in the Joint Committee report.*** The Maharashtra Pollution Control Board (MPCB), Vasai Virar City Municipal Corporation (VVCMC), the District Collector of Palghar, and the Vasai Tehsildar are involved in the wetland damage due to their negligence and dishonesty in their duties. **The illegal conversion of the Sasunavghar wetland, including soil and debris dumping and other anti-environmental activities, has led to penalties will go more than ₹2000 crores to many people are involved, illegal financial earning from wetland damage more than thousands of corers by different peoples, illegal earning eco-criminal activities other still not came into record. The illegal earnings from the wetland damage constitute criminal offenses. Restoration of the Sasunavghar wetland is estimated to take six to eight months, while the ecosystem's full recovery may take two to three years.** Therefore, only MPCB cant possible there are too many department involvement required recovery the penalty, find out the voilaters, department violation and more for that it is requested that a committee be appointed under the Hon'ble National Green Tribunal, including members from the Enforcement Directorate (ED), Central/State Home Department, DGP-level police officer, Tax

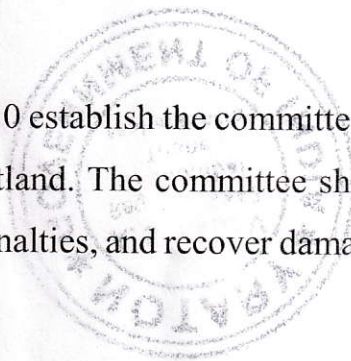
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Department officers from the Central Environment Department, and the Divisional Commissioner. The committee responsibilities should include:

- a. Identifying the source of the construction soil/debris.
- b. Identifying officers who were negligent or dishonest in their duties.
- c. Identifying the violators.
- d. Determining the penalties under the Environment Protection Act and the Land Revenue Act.
- e. Developing an action plan for penalty recovery and revenue loss.
- f. Investigating illegal earnings from the activities.
- g. Monitoring the restoration process and execution of the action plan.
- h. False and fake officials documents submission.
- i. Restore the water bodies and restore the mangrove habitat.
- j. Re-establishing the wetland ecological features.
- k. Identifying those involved in the wetland damage.
- l. Identifying beneficiaries of the illegal activities and earnings.
- m. Implementing scientific disposal of waste.
- n. Reporting all law violations and actions taken.

Prayers:

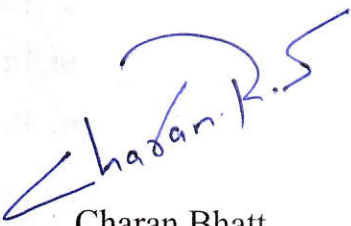
1. The applicant requests that allow para 10 establish the committee for the restoration of the Sasunavghar wetland. The committee should take action against violators, impose penalties, and recover damages,



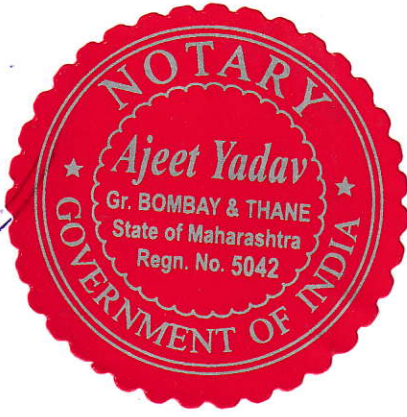
recover penalty. Additionally, cognizable action should be taken against violators and beneficiaries who have illegally profited from the wetland damage and this appointed committee should submit the action taken report every month to Hon'ble National Green Tribunal.

2. The applicant requests cognizable action against respondents 10, 11, and 12 for the conversion of the wetland into non-wetland. The applicant further seeks the imposition of penalties, the cancellation of the development permission, and the commencement certificate VP 6475.
3. The applicant requests an order for the demolition of the RMC plants and illegal structures in the Sasunavghar wetland.
4. The applicant request pass order no third party interest on the sasunavghar wetland.

Date: 18.01.2025
Place: Nalasopara


Charan Bhatt
Applicant-In-Person





Regi. Sr. No.
594/2025

VERIFICATION & AFFIDAVIT

I, Charan Bhatt, adult, do hereby state that I have verified the contents of the above submissions. I affirm that the facts stated therein are true and correct to the best of my knowledge and belief. This affidavit is filed on solemn affirmation and oath.

Place: Nallasopara

Date: 18.01.2025



Charan Bhatt

Charan Bhatt

Applicant In-person



BEFORE ME

Mohammed
18-01-2025

**AJEET S. YADAV
ADVOCATE & NOTARY
GOVT. OF INDIA**