



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

Execution Application No.11 of 2022
Original Application No.194 of 2018
(Earlier O.A. No.17/2018 (WZ)
(Disposed off on 16.12.2020)

IN THE MATTER OF

Ashish Rohidas Shinde
& another

APPLICANTS

Vs.

Lonavla Municipal Council
& others

RESPONDENTS

AFFIDAVIT

I, Mr. Pandit Khandu Patil, Age adult, Occ: Chief Officer, Lonavla Municipal Council, having address at LMC Building, Lonavla, Taluka Maval, District Pune, do hereby state on solemn affirmation, as under :

- 1) I say that the Lonavla Municipal Council had scheduled the work for removing the encroachment on 20th December, 2022 of adjoining land bearing Survey No.24 at Bhushi in the Indrayani River admeasuring 257 sq.mtrs. on the basis of the demarcation dated 24th December, 2019. For the same, the local police had provided aid in assisting the demolition, by providing about 4 to 5 police personnel.

- 2) I say that the work of demolition was commenced between 10:30 AM to 11:00 AM on 29th December, 2022. At that time, Mr. Prakash Porwal had resisted the same, by showing demarcation of the year, 2009. However, at that time, he was shown that the work is being done, in pursuance of the demarcation dated 24th November, 2019, which was got done by the Joint Committee formed, as per the orders in O.A. No.17/2018.
- 3) The entire encroachment is between the land bearing Survey No.24 and the Indrayani River. Therefore, the Lonavla Municipal Council used two Excavators of make 'JCB' and 30 workers. The same started from the gate situated on the Eastern side to approach the area of encroachment. With the aid of JCBs, encroachment of about 100 sq.mtrs. between the land bearing Survey No.24 and Indrayani River has been removed. For the same, it was required to access the said encroachment through the Indrayani River which had about 3 feet of water. Because of the presence of water, the JCB machines could not ply or run faster and the speed was reduced. They were required to collect the encroached soil and also transport it back. On 29th December, 2022, the work of removal of encroachment was done between 11:00 AM to 6:00 PM with one hour lunch break in between.



- 
- 4) The speed of the said work was hampered also, by obstruction caused by Mr. Prakash Porwal personally. He was continuously sleeping in the path of the JCB machine. At one occasion, he also climbed upon the bucket of it. At that time, around 5 to 6 police personnel from the Lonavla Police Station (City) were present. For the reasons known to them, they did not intervene or took any action against Mr. Porwal, though they were requested by the staff and the workers.
- 5) The area of encroachment is difficult to access, as the machines are required to travel through the water. For removing the entire encroachment, it shall take about five days working, considering the dumped soil is required to be transported to the main road for further dumping.
- 6) The Lonavla Municipal Council proposed to complete the work within a period of one month. The Lonavla Municipal Council is also making provisions of engaging other larger machinery. On 29th December, 2022, the removal of the encroachment reached upto where there are 8 numbers of trees, viz., mango and chikku. The Lonavla Municipal Council intends to uproot the said trees and replant them at appropriate place.

7) I further request the Hon'ble Tribunal, by way of this Affidavit to direct the Superintendent of Police (Rural), under which the Lonavla Police Station (City) comes, to give specific direction to the police to take action against Mr. Prakash Porwal or, if any person is deputed by him. In the event he creates any hurdle or obstruction of further removal of any encroachment, removing Mr. Prakash Porwal from the said site, filing and registering a complaint u/s 353 IPC for obstructing the official work. The same shall to speed up the work of removal of encroachment.

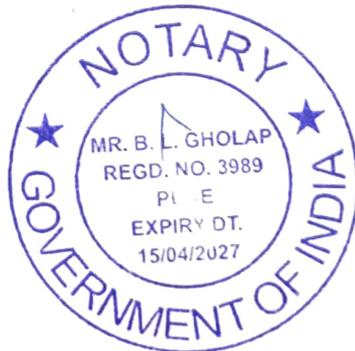
Pune,
Dated : 19.1.2023

Prakash
DEPONENT
Chief Officer
Lonavla Municipal Council

VERIFICATION

Verified at Pune on this 19th day of January, 2023 that the contents of the present Affidavit are true and correct and nothing material has been concealed therefrom.

Prakash
DEPONENT
Chief Officer
Lonavla Municipal Council



BEFORE ME

[Signature]
MR. B. L. GHOLAP
NOTARY, GOVT. OF INDIA
PUNE

Noted and Registered
at Serial Number
Date:- 19 JAN 2023

