

BEFORE THE HON'BLE NATIONAL GREEN
 TRIBUNAL
 WESTERN ZONE BENCH, PUNE
 Execution Application No.13 of 2023
 In
 Original Application No.194/2018
 (Earlier O.A. No.17/2018 (WZ)
 (Disposed off on 16.12.2020)

IN THE MATTER OF

Ashish Rohidas Shinde
 & another

APPLICANTS

Versus

Lonavla Municipal Council
 & others

RESPONDENTS

AFFIDAVIT

I, Shri 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 LMC (Lonavla Municipal Council) had initially commenced the work of removal of encroachment in Indrayani River, abutting the



land owned by Mr. Prakash Porwal, on 29th December, 2022. At that time, an encroachment about 100 sq.mtrs. was removed. Further work could not be continued on account of 8 trees which were required to be uprooted and replanted at appropriate places and for various other reasons.



- 2) The Applicant herein had also preferred another EA No.11/2022, which was disposed off by the Hon'ble Tribunal, vide its orders dated 19th January, 2023. In the said proceedings, the Respondent No.5 had sought permission to replant the trees and granted a period of one month and thereafter, the LMC was granted a period of two weeks to complete the removal of encroachment. The LMC has filed its interim Affidavit, subsequently. However, the LMC, for

various reasons, could not complete the work of removal of the trees and replanting them.

- 3) In response to the present proceedings, the LMC has already filed its Affidavit and had sought time to complete the work.
- 4) I say that the LMC has mobilized its resources and has already commenced the work of removal of encroachment. Earlier Mr. Porwal had resisted to use his premises to remove the encroachment. However, he has permitted the LMC to enter his premises and remove the soil dumped in the river next to his land. The said work, to the tune of about 150 sq.mtrs. or thereabout, is completed by the LMC which is near about 70-75% of total encroachment demarcated by the Deputy Superintended of land records between 3rd October, 2023 and 4th



October, 2023. The encroachment removal is in progress till now. However, the LMC does not have necessary machinery which are required to remove the trees without damaging its roots permanently to replant so that the trees survive. LMC had started the tender process to procure machinery and expert to the same and it requires 3-4 weeks time.

- 5) Mr. Porwal has also made encroachment by making the approach road. However, presently, the same is not removed since the same is required to have access to the property to replant the trees. However, the gate constructed at the approach road has been demolished. Further, any fill overs/left overs, retaining wall will also be swinging bridge removed during the said period of four weeks and the entire area of encroachment, i.e., 257 sq.mtrs., as per the demarcation made by the Deputy



Superintendent of Land Records dated 24th December, 2019. And a final compliance report would be submitted.



Whatever has been stated hereinabove is true and correct to the best of my knowledge, belief and information and, in witness whereof, I have signed this at Pune this 4th day of October, 2023.

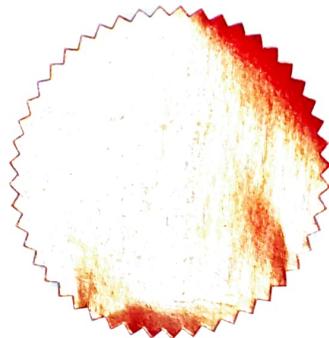
[Handwritten Signature]

AFFIANT
Chief Officer
Lonavla Municipal Council

I know the Affiant



Advocate



BEFORE ME

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

Noted and Registered
at Serial Number 418/2023
Date 04 OCT 2023

