

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

**ORIGINAL APPLICATION NO. 84/2022 WZ**

Lalit Kumar Namdeo Chaudhari ..... Applicant


Vs

State of Maharashtra and others ..... Respondents

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1.	Affidavit on behalf of Respondent No. 7 Assistant Director, Town Planning and Valuation Department, Jalgaon.	

Filed by:

Preshit Surshe,  
(Advocate for Respondent no.7)

NGT/WZ/PUNE/INWARD/ 647/2024  
Date 21/05/2024  
Sign 

247-A

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**ORIGINAL APPLICATION NO. 84/2022 WZ**

Lalit Kumar Namdeo Chaudhari ..... Applicant

Vs

State of Maharashtra and others ..... Respondents

**Affidavit on behalf of Respondent No. 7 Assistant  
Director, Town Planning and Valuation Department,  
Jalgaon is as under :**

I, Rajesh Madhukar Patil, Age : 54 years,  
Occu. : Government Service, Working as Assistant  
Director, Town Planning and Valuation Department,  
Jalgaon, on behalf of Respondent No. 7 i.e. Town  
Planning and Valuation Department, Jalgaon, do hereby  
state on solemn affirmation as under :

1. I have gone through the above Original Application and documents filed along with the same. I have also duly and fully acquainted with the facts of the case based on records and papers with the office.
2. I am filing this affidavit in reply for the limited purpose of opposing the application and grant any relief to



the Respondent No.7, Town Planning and Valuation Department, Jalgaon. I crave leave of this Hon'ble Court to file further affidavit if necessary or as advised.

3. The answering Respondent respectfully submit that the second revised Development Plan of Faizpur has been partly sanctioned by the Government vide Notification No.TPS/3514/29/CR-25(B)/UD-9, dated 09.03.2015 which was made applicable with effect from 08.05.2015. Further the Development Plan for 'Excluded Part' has been sanctioned by the Government vide Notification no.TPS/3514/29/CR-25/2014/UD-9, dated 10.09.2016 & the same has come into force with effect from 17.06.2016. (hereinafter referred to as "the said sanctioned Development Plan").

4. The answering Respondent further submits that the in the said 'sanctioned Development plan, there is a 9 meters wide Development Road proposed in some portion along the East and the West bank of the Dhadi river. It is pertinent to mention that the existing burial Ground, Ganpatiwadi & Sawmill are shown in G.No. 555 & 556 Appropriate Authority for acquisition & development of

*Imma*



aforesaid Development Plan Road is Municipal Council, Faizpur i.e. Respondent no.8 in the present OA no. 84 of 2022 (WZ).

5. The answering Respondent further submits that the office of the Respondent no.7 has in fact issued No objection certificate to Municipal Council, Faizpur i.e. Respondent no.8 vide letter no. 1641 dated 28.06.2016 & letter no.2008 dated 09.10.2017 subject to conditions mentioned therein. The said letter mentioning conditions is annexed at Exhibit 'I' of the said OA. The No Objection certificate issued vide letter no.1641 dated 28.06.2016 was subject to some conditions mentioned in the said letter. It is pertinent to consider that the said No Objection Certificate is strictly in light of such important conditions that has to be fulfilled. The said important conditions are extracted herein below:

Condition no.	Particulars of the Condition
3	It will be necessary to take technical and administrative sanction of concerned departments.
5	This office will not be responsible if any legal dispute arises.

*[Handwritten signature]*



6	It will be mandatory to re-ensure that the said land is in possession of the Municipal Council.
11	It will be mandatory to construct proposed North South 9 mts wide Development Plan Road in future.

6. Similarly there are certain important conditions in the letter no.2008 dated 09.10.2017. The said important conditions are extracted for the perusal of this Hon'ble Tribunal as follows:

Condition no.	Particulars of the Condition
4	It will be necessary to take technical and administrative sanction of concerned department.
6	This office will not be responsible if any legal dispute arises.
8	It will be mandatory to re-ensure that the said land is in possession of the Municipal Council.
10	As the proposed work is near the river, NOC from the concerned Department is mandatory.

7. The answering Respondent respectfully submit that in the said sanctioned Development Plan, the 9 mts. wide Development Plan Road is proposed in some portion along East and West bank of Dhadi river. No objection certificate issued by office of Respondent no.7 was subject to condition no.8 mentioned in the letter no. 2008 dated

*Amrith*



09.10.2017 that specify that "It will be mandatory to re-ensure that the said land is in possession of the Municipal Council."

8. The answering Respondent further submit that the 'No Objection Certificate' issued by the office of Respondent no.7 vide letter no. 2008 dated 09.10.2017 that specify the condition as mentioned above is mandatory requirement to be satisfied. It is respectfully submitted that the office of Respondent no.7 has never issued any 'No Objection Certificate' for any kind of construction of illegal structures in the Dhadi river or undertake any development work in the Dhadi river. The permission that was issued vide 'No objection Certificate' subject to the specific conditions mentioned therein is only with respect to the work adjacent to the river.

9. The answering Respondent respectfully submit that it is obligatory on the part of Municipal Council, Faizpur i.e. Respondent no.8 to fulfil all conditions mentioned in the NOC issued by Respondent no.7 i.e. Assistant Director of town Planning, Jalgaon prior to commencement of said development works.




*[Handwritten signature]*

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10. In the view of above circumstances, it is humbly prayed that this Hon'ble Tribunal be pleased to kindly consider the facts and submission mentioned in this affidavit and accordingly pass an appropriate order as may deem fit and proper.



**DEPONENT**

  
Rajesh Madhukar patil



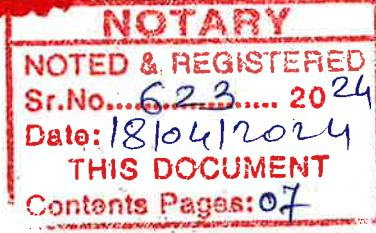
**VERIFICATION**

I, Rajesh Madhukar Patil, Age : 54 years, Occu. : Government Service Working as- Assistant Director, Town Planning and Valuation Department, Jalgaon, on behalf of Respondent No. 7 i.e. Town Planning and Valuation Department, Jalgaon, do hereby state on solemn affirmation that whatever is stated above is true and correct to the best my knowledge and based upon the information derived from the official records available to me.

**DEPONENT**

*[Signature]*

Rajesh Madhukar patil



**SIGNED BEFORE ME**

*[Signature]*  
18/04/2024

**ADV. TANUJA D. CHAUDHARI**  
Notary Public Govt. of India, New Delhi  
S.No.3, Om Chabers, Basement  
Opp. District Court, JALGAON

Solemnly affirmed and signed before  
Shri/Smt. Rajesh b. Madhukar Patil  
of R/o. Assitant Director Town Planning  
whom I know Personally, who is identified  
by Shri. Aadhar card  
of.....  
whom I know Personally.  
Date: 18/04/24.....Notary Public, Jalgaon

*[Signature]*