

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH AT PUNE**
(UNDER SECTIONS 14 AND 15 READ WITH SECTIONS 17, 18(1)
AND 20 OF THE NATIONAL GREEN TRIBUNAL ACT, 2010)
ORIGINAL APPLICATION NO. 80 OF 2025

Vanashakti & Anr

... Applicants

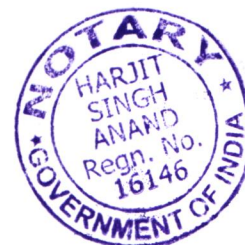
Versus

CIDCO & Ors

... Respondents

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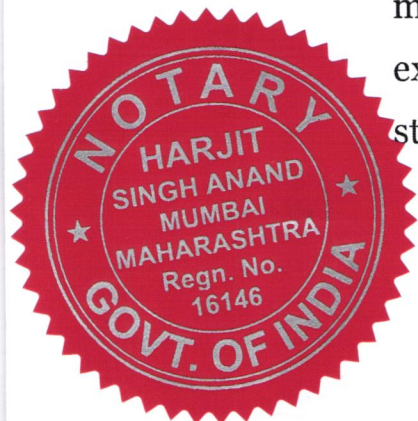
CIDCO & Ors

... Respondents

**AFFIDAVIT IN REPLY ON BEHALF OF
RESPONDENT NOS. 8, 9, 10**

We, (1) Supriya Chetan Dhindale, the Respondent No. 8, (2) Mr. Nikhil Chetan Dhindale, the Respondent No. 9 and (3) Geetanjali Chetan Dhindale, the Respondent No. 10 do hereby solemnly affirm and say as under :

1. We say that we have perused the copy of the Original Application and other related papers along with all annexures, documents, photographs, reports and materials relied upon therein.
2. We deny each and every allegation, contention and averment made in the said Application. Save and except what is expressly admitted herein, we deny each and every statement, contention, allegation and averment contained in



②

the Application, whether expressly or impliedly stated. The Applicants are put to strict proof of all their allegations.

3. We crave leave to add, alter and amend the reply and/or file an additional reply dealing para-wise with the averments in the said Application if need arise with leave of this Hon'ble Tribunal.
4. We state that the said Application proceeds on a fundamentally erroneous factual and legal premise, and is an attempt to project a non-existent environmental issue by selectively presenting incomplete and misleading material. The Applicants are put to strict proof of all assertions, particularly in view of the fact that the allegations made are serious in nature but are unsupported by any credible, verifiable or legally admissible evidence. It is further submitted that the "pleadings are vague, lacking in material particulars and insufficient to invoke jurisdiction", thereby failing to satisfy even the basic threshold required for invocation of jurisdiction under the National Green Tribunal Act, 2010.
5. We say that the present Application is essentially premised on two principal allegations, namely :
 - (a) that the lands in question are forest lands and
 - (b) that illegal activities and/or excavation are being carried out by Respondent Nos. 8 to 10.



We say that the aforesaid allegations are wholly incorrect and denied. It is categorically submitted that the lands in question are not forest lands. It is further denied that any illegal activity, including excavation of any nature whatsoever, is being carried out on the lands in question.

6. The extraordinary environmental jurisdiction of this Hon'ble Tribunal is therefore wrongly invoked for what is essentially an Adivasi land, camouflaged as an forest land and environmental grievance.
7. We say and submit that the present Application is wholly misconceived, untenable and liable to be dismissed in limine, as it fails to disclose any legally sustainable cause of action within the framework of environmental jurisprudence. The entire edifice of the said Application is constructed on conjectures, assumptions and speculative assertions, without any demonstrable environmental injury or statutory violation. The Applicants have sought to invoke the extraordinary jurisdiction of this Hon'ble Tribunal without placing on record any scientific study, environmental impact assessment, report from a competent statutory authority, or any other material capable of establishing ecological degradation, pollution, biodiversity loss or environmental harm. It is well settled that environmental adjudication, particularly before this Hon'ble Tribunal, must be founded on credible and scientific material, and cannot be based on mere apprehensions, perceptions or unverified claims. The



present Application, being devoid of such foundational material, does not meet the threshold requirement of raising a “substantial question relating to the environment” and is therefore liable to be rejected at the very threshold.

8. We further submit that the said Application is a classic instance of an attempt to artificially convert a non-environmental issue into an environmental dispute by mischaracterising the legal and factual position of the land in question. The Applicants have selectively relied upon isolated portions of planning documents and have deliberately ignored binding statutory notifications and Government records which conclusively determine the legal status of the said lands. By doing so, the Applicants have created a misleading narrative suggesting that the lands in question continue to retain forest character and are subject to restrictions under environmental laws. This approach is not only legally impermissible but also constitutes a clear abuse of the process of this Hon’ble Tribunal. We submit that environmental jurisdiction cannot be invoked on the basis of selective interpretation or incomplete disclosure of records, and any attempt to do so must be discouraged at the threshold in order to preserve the sanctity and purpose of environmental adjudication. It is well settled that the jurisdiction of this Hon’ble Tribunal is attracted only when a substantial question relating to environment arises, supported by credible material. The Hon’ble Supreme Court in various Matters has held that environmental adjudication



must be founded on cogent material demonstrating environmental harm, and cannot be invoked on the basis of mere apprehensions or unsubstantiated allegations.

9. We submit that the present Application is further liable to be dismissed on account of material suppression and lack of bona fides on the part of the Applicants. It is a settled principle of law that a litigant approaching a Court or Tribunal invoking discretionary jurisdiction is under an obligation to make a full and candid disclosure of all relevant and material facts. In the present case, the Applicants have deliberately failed to disclose binding Government Resolutions, statutory notifications and sanctioned planning modifications which go to the root of the controversy and conclusively determine the legal status of the lands in question. The selective presentation of facts and reliance on incomplete portions of documents is not an innocent omission but a calculated attempt to mislead this Hon'ble Tribunal into proceeding on an incorrect factual foundation. Such conduct disentitles the Applicants from any relief and renders the Application liable to be rejected at the threshold.
10. We further submit that the Application proceeds on a fundamental mischaracterisation of the legal status of the land, which lies at the very heart of the Applicants' case. The entire grievance of the Applicants is premised on the assumption that the lands in question are "forest lands" and are therefore subject to restrictions under the Forest



(6)

(Conservation) Act, 1980 and allied environmental laws. This assumption is demonstrably incorrect and is contrary to the statutory record. The Applicants have sought to derive such conclusion by relying upon isolated references in planning documents, without appreciating that the legal character of land is determined by binding statutory notifications and sanctioned planning decisions, and not by preliminary or incomplete classifications. The mischaracterisation of the land as forest is therefore not merely an error, but a foundational flaw which vitiates the entire Application. It is a settled principle that a litigant who approaches a court without full and candid disclosure is not entitled to any relief. The Hon'ble Supreme Court has held in various Matters that suppression of material facts is sufficient to non-suit a litigant at the threshold.

11. It is respectfully submitted that the Applicants have attempted to elevate a planning annotation into a legally determinative classification, while simultaneously ignoring the operative and binding portions of the same statutory framework. By selectively referring to certain entries and suppressing others, the Applicants have created a misleading impression that the lands in question continue to be governed by forest-related restrictions. This approach is legally impermissible and contrary to the settled principles governing interpretation of statutory documents, which require that such documents be read as a whole and not in a piecemeal manner. When the relevant Government



Resolutions, statutory notifications and sanctioned modifications are read together, the position becomes unequivocally clear that the lands in question do not retain any forest character in law. The failure of the Applicants to present this complete picture is a serious infirmity which strikes at the very maintainability of the present proceedings.

12. The lands in question were restored to and placed in possession of the Adivasi occupants more than 56 years ago, and the said position has remained undisturbed ever since. The Applicants have approached this Hon'ble Tribunal without candid disclosure of the binding Government Resolutions dated 14.01.1970 and 26.07.1971, the statutory de-reservation Notification dated 25.01.1974 issued under Section 27 of the Indian Forest Act, 1927, and the sanctioned modification dated 16.09.2019 under Section 31(1) of the MRTP Act, 1966, whereby Survey No.57 stood deleted from the forest zone. The deliberate omission of these foundational public documents constitutes material suppression and lack of utmost good faith, which by itself is sufficient to non-suit the Applicants at the threshold.

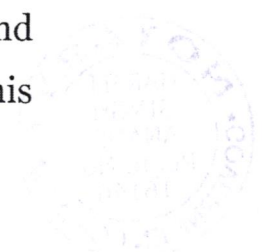
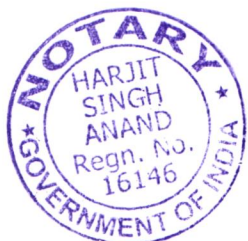
Facts of the present Matter –

13. We submit that the lands bearing Survey No. 57 at Village Nanoshi, Taluka Panvel, District Raigad (“the lands in question”), along with adjoining survey numbers, are Adivasi lands which have been in the lawful, continuous and undisturbed possession of tribal occupants for several



decades. The Respondent Nos. 8 to 10 belong to the Scheduled Tribe community and are recognized occupants of the lands in question under the applicable revenue and governmental framework. It is respectfully submitted that the lands in question are not merely parcels of immovable property, but constitute the primary source of livelihood, residence and socio-economic security for the Respondents and their families. Any attempt to restrain or interfere with the use and enjoyment of such lands, particularly on the basis of unfounded and misleading allegations, would result in grave prejudice and would adversely affect the fundamental rights and livelihood of vulnerable tribal landholders.

14. The historical and legal status of the lands in question is firmly rooted in binding Government policy decisions and statutory actions undertaken over several decades. We say that by Resolution No.4268/2703-W dated 14th January, 1970, passed by the Under Secretary to Government of Maharashtra, Revenue and Forest Department, it was resolved that all Lands (i.e. 29,438 Acres 5 Gunthas 12 as spread over 497 number of plots in Kolaba Division) are to be released permanently for cultivation to the respective plot holders By the said Government Resolution the State Government decided to release extensive tracts of land, including the lands in question, for cultivation by existing occupants, with the express objective of regularising and securing the rights of local and tribal communities. This



policy decision was not an isolated administrative measure but formed part of a broader framework aimed at ensuring equitable land distribution and protection of the rights of historically disadvantaged groups. The said Resolution has attained finality and has governed the status and use of the lands in question since its issuance. Hereto annexed at **Exhibit "A"** is the copy of the Resolution dated 14th January, 1970.

15. We say that by further Resolution dated 26th July, 1971, passed by the Under Secretary to Government of Maharashtra, Revenue and Forest Department, it was resolved that all available lands should be deforested and granted to plot holders on permanent basis. The effect of the said Resolution was to remove any residual ambiguity regarding the status of such lands and to confer a degree of permanence and security upon the occupants. These Government actions, taken together, demonstrate a consistent and deliberate policy of the State to divest such lands from forest control and to vest them in the hands of lawful occupants, including tribal communities such as the Respondents. The Applicants have failed to disclose or address these critical Government actions, which have a direct and decisive bearing on the issues raised in the present Application. Hereto annexed as **Exhibit "B"** is the copy of the Resolution dated 26th July, 1971.



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16. We say that by Notification dated 25th January, 1974, issued by Governor of Maharashtra under section 27 of the Indian Forest Act, 1927, the areas specified in the Government Notification 6331-B dated 6th August, 1885, which were declared to be reserved forest under section 19 of the Indian Forest Act, 1878 (VII of 1878) ceased to be reserved Forest from the date of this Notification. The lands in question and adjoining survey numbers fall within the ambit of the said notification. The legal effect of such a notification is not merely administrative but statutory in nature, resulting in the complete cessation of the reserved forest status of the land. Once such de-reservation has taken place in accordance with law, the land cannot be treated as forest land unless it is subsequently re-notified in accordance with statutory procedure, which has admittedly not been done in the present case. Hereto annexed as **Exhibit "C"** is the copy of the Notification dated 25th January, 1974. The said Notifications include the lands in question.
17. We say that by Circular dated 28th July, 1975, issued by the Collector of Kolaba, it was instructed that while distributing the lands care should be taken that the lands under actual possession should be granted to the respective landholders. Hereto annexed at **Exhibit "D"** is the copy of the Circular dated 28th July, 1975.
18. We further submit that the statutory position arising from the aforesaid notifications has remained undisturbed and has



governed the legal character of the land for several decades thereafter. There has been no subsequent notification, declaration or statutory action restoring or reclassifying the said lands as forest. The absence of any such re-notification is of critical importance and completely demolishes the foundation of the Applicants' case. It is a settled principle that once a statutory status is altered in accordance with law, the same cannot be reversed or reintroduced by implication, inference or indirect reference. The Applicants, by seeking to treat the lands as forest despite the absence of any subsisting notification to that effect, are effectively attempting to override a binding statutory act through selective interpretation, which is impermissible in law.

19. We further submit that the said position has been reaffirmed in the statutory planning framework by virtue of the sanctioned modification dated 16th September, 2019, under Section 31(1) of the Maharashtra Regional and Town Planning Act, 1966 (Annexure A-2 / Pg No.87). By the said modification, the lands in question and other similarly situated lands were expressly deleted from the forest zone and included in the adjoining N-7 or developable zone. The said modification forms part of the sanctioned Development Plan and carries statutory force. It is pertinent to note that the Applicants have selectively relied upon an earlier stage of the planning process while deliberately ignoring the final sanctioned position under Section 31(1). When the statutory modification is read as a whole, it unequivocally establishes

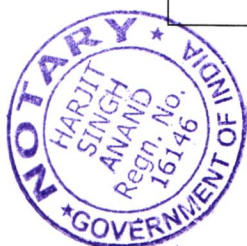


that the lands in question do not retain any forest classification. The Applicants' attempt to rely on incomplete or preliminary planning entries, while suppressing the final and binding position, is misleading and contrary to the official record.

Schedule – A

Schedule for sanctioned modifications

Sr. No.	Sanctioned Modification No.	Modification No.	Proposal as Published under section 26 of the MR & TP Act, 1966	Proposal submitted to Government under section 30 of the MR & TP Act, 1966	Modification sanctioned under section 31 (1) of the MR & TP Act, 1966
14	EP-14	M24	Forest shown on S no.18, 20, 32, 36, 50,51, 52, 53, 55, 57, 58, 59 at Village Nanoshi, Panvel	S no.18, 20, 32, 36, 50,51, 52, 53, 55, 57, 58, 59 <u>to be deleted from Forest</u> and are to be <u>included in the adjoining N7 zone as shown in the Plan</u>	Modification under section 30 is proposed to be sanctioned



20. Without prejudice to the aforesaid and assuming without admitting that reliance can be placed on the planning framework, it is specifically submitted that the Applicants' reliance on the classification described as "EP-14" is wholly misconceived and legally untenable. The said classification, on a plain and holistic reading of the sanctioned Development Plan and accompanying schedules, does not confer any final or legally binding forest status upon the lands in question. "EP" or "Excluded Portion" denotes an intermediate or transitional category within the planning process, reflecting areas kept outside the immediate scope of final sanction at a particular stage, and cannot be equated with a statutory declaration of forest. The Applicants have selectively extracted a portion of the planning table and have ignored the operative and determinative column reflecting the proposal submitted under Section 30 and the final sanction under Section 31(1) of the MRTP Act, 1966, which clearly records deletion of the said survey numbers from forest reservation. It is impermissible in law to read a statutory document in a truncated or piecemeal manner so as to arrive at a conclusion contrary to its final and sanctioned effect. When the planning record is read as a whole, the only conclusion that emerges is that the lands in question do not retain any forest classification.



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21. It is respectfully submitted that the cumulative effect of the statutory notification dated 25th January 1974 and the sanctioned planning modification dated 16th September, 2019, leaves no manner of doubt that the lands in question do not fall within the category of forest lands. The Applicants' attempt to re-characterise the lands in question as forest on the basis of incomplete planning references, private interpretation and misplaced reliance on judicial precedent is legally unsustainable. Such an approach, if accepted, would amount to disregarding binding statutory acts and permitting reclassification of land through inference rather than law. We further submit that the very foundation of the present Application namely, that the lands in question are forest lands is demonstrably false, and once this foundational premise fails, the entire Application is rendered untenable and liable to be dismissed. Once the foundational assumption of forest status fails, no cause of action survives for consideration by this Hon'ble Tribunal.

22. We say that on 15th March, 2022, the Respondent No.8 addressed letter to the Forest Department, seeking their opinion as to whether the provisions of Forest are applicable to the lands in question alongwith other Survey Nos. By reply letter dated 29th November, 2022, addressed by the Forest Department to the Respondent No.8 it was clarified that opinion regarding the lands in question alongwith other Survey Nos. cannot be given as the aforesaid Survey nos. are



not in possession of the Forest Department. Hereto annexed at **Exhibit "E"** is the copy of the reply letter dated 29th November, 2022, addressed by the Forest Department. It is respectfully submitted that a plain reading of the reply issued by the Forest Department itself unequivocally demonstrates that the lands in question do not fall within the category of forest lands and, consequently, the same are neither in the possession, custody nor under the administrative control of the Forest Department. The said official communication, emanating from the competent authority, conclusively reinforces the consistent stand of Respondent Nos. 8 to 10 that the lands in question have no subsisting forest character in the eyes of law. In view thereof, the contrary allegations sought to be advanced by the Applicants are ex facie misconceived, contrary to the official record, and liable to be rejected at the threshold.

bsisting forest character in the eyes of law. In view thereof, the contrary allegations sought to be advanced by the Applicants are ex facie misconceived, contrary to the official record, and liable to be rejected at the threshold.

23. We say that it is alleged by the Applicants that the Respondent Nos.8 to 10 are continuing illegal excavation of the top soil, flattening / levelling of the hill, and deforestation at Survey No.57 in contravention of Environment (Protection) Act, 1986 read with Development Control and Promotion Regulations ("DCPR") of the Sanctioned Plan ("DP") of NAINA.



24. While denying the said allegation, we say that the fact is that no deforestation and/or illegal excavation and/or any illegal activity of flattening the hill slopes are being carried out on the lands in question as on today. The said allegations are vague, unsubstantiated and devoid of material particulars. The Applicants have failed to identify with precision the nature, extent, timing or location of any alleged activity, and have instead made sweeping and generalized assertions which do not meet the threshold required for adjudication. It is submitted that no activity in violation of any environmental statute has been undertaken by the Respondents, and the allegations to the contrary are based on conjecture and assumption rather than verifiable fact.
25. It is pertinent to note that a portion situated on the hill slope of Survey No. 57 had become hazardous on account of severe soil erosion. There existed an imminent and substantial risk of landslides, which could have caused serious damage to the adjoining lands and surrounding environment.
26. Therefore, the excavation and allied work was undertaken strictly after obtaining due permission from the Additional Collector, Raigad, and upon payment of the Royalty / requisite charges, in accordance with applicable laws. Hereto annexed as **Exhibit "F Colly"** are the copies of permissions as well the details of Royalty paid. We appointed M/s. Mhatre Infra Projects Pvt. Ltd., through its authorised representative,



Mr. Sandesh Atmaram Mhatre for carrying out the excavation and the allied work.

27. Without prejudice to the foregoing denial of any illegality, we submit that limited and regulated soil-related work, if any, undertaken at the site was carried out strictly in accordance with permissions granted by the competent Revenue Authority and upon payment of requisite royalty, in compliance with applicable statutory provisions. The Applicants have deliberately failed to disclose these permissions and have sought to portray every form of land-related activity as inherently illegal, which is factually incorrect and legally unsustainable. It is well recognised that certain categories of excavation or soil removal, when carried out under due authorisation and subject to regulatory oversight, constitute lawful activity and do not attract the rigours of environmental prohibition. The Respondents have at all times acted within the framework of law and under the supervision of competent authorities.

28. It is respectfully submitted that the limited soil removal, slope trimming and stabilisation work undertaken at site in furtherance of the precautionary principle and public safety obligations, with the sole objective of preventing landslide, soil slippage and environmental degradation due to severe erosion. The actions of Respondent Nos. 8 to 10 therefore constitute preventive environmental protection measures rather than any ecological violation. The said action is far



from causing environmental damage, the said work reduced the risk of slope collapse, debris flow, downstream siltation and threat to adjoining habitations and lands.

29. It is further respectfully submitted that any limited work undertaken at the site was necessitated considering the physical condition of the land, particularly in areas affected by soil erosion and slope instability. We state that such work was undertaken with due care and caution, with the objective of stabilising the terrain and preventing further degradation, including the risk of landslides, soil slippage and downstream siltation. Far from causing environmental harm, such measures are consistent with the precautionary principle and the doctrine of sustainable development recognised in environmental jurisprudence. The Applicants have sought to portray such controlled and preventive activity as destructive, without any basis, and in doing so have inverted the very principles of environmental protection.
30. We further submit that the Application is conspicuously silent on any credible scientific material demonstrating environmental harm. There is no environmental impact assessment, no study conducted by any statutory authority, no report of any Government agency, and no technical data establishing ecological degradation, biodiversity loss, alteration of natural drainage or any adverse environmental consequence. In environmental jurisprudence, particularly before this Hon'ble Tribunal, findings of environmental



violation must be founded on scientific and technical evidence, and not on subjective perceptions or visual impressions. The reliance placed by the Applicants on photographs and general assertions, without any supporting scientific analysis, is wholly insufficient to establish a case of environmental violation. The Hon'ble Supreme Court has emphasized that environmental findings must be based on scientific material and credible evidence, and not on mere assumptions or generalized allegations. It is respectfully submitted that the entire narrative sought to be constructed by the Applicants is based on apprehension rather than evidence. The Applicants have sought to create an impression of large-scale environmental damage without placing on record any credible or verifiable material to substantiate such claims. The law does not permit adverse findings to be drawn merely on the basis of suspicion or possibility; there must be demonstrable and measurable impact supported by evidence. In the absence of such material, the allegations made in the present Application remain speculative and cannot form the basis of any relief.

31. It is respectfully submitted that even assuming without admitting that any activity was undertaken, the Applicants have failed to demonstrate any proximate, real or measurable environmental injury arising therefrom. The law requires that environmental claims be supported by evidence of actual or imminent harm, and not by speculative or remote possibilities. In the absence of any such demonstrable injury,



the invocation of jurisdiction under the National Green Tribunal Act is wholly unjustified.

32. We say that the photographs annexed at Annexure A-10 (Pg. No. 172) are denied as being irrelevant and misleading. The said photographs do not pertain to or depict the lands in question and therefore, cannot be relied upon in support of the present Application.
33. We further submit that the photographs annexed by the Applicants are misleading, unverified and incapable of establishing the allegations sought to be made. The said photographs do not disclose the precise location, date, time or context in which they were taken, nor do they establish that the same pertain to the lands in question. It is trite that photographs, in the absence of proper authentication and correlation with the subject property, cannot be relied upon as proof of any alleged activity, much less as evidence of illegality or environmental harm. The Applicants have sought to create an impression of large-scale damage through selective and decontextualised visual material, which is legally insufficient and cannot be accepted as evidence.
34. We say that with reference to the averments in Paragraph 20 read with Annexure A-13 (Pg. No. 198), it is alleged that a legal notice dated 26.03.2025 was served upon Respondent Nos. 8 to 10. It is respectfully submitted that the said notice was never received by the Respondent. The reliance placed by



the Applicants on alleged legal notices is misplaced and misleading. We state that no valid or properly addressed notice was ever served upon them. The documents annexed by the Applicants themselves indicate that the notices were either sent to incorrect or incomplete addresses or were otherwise not duly served in accordance with law. In the absence of proper service, the contents of such notices cannot be relied upon, nor can any adverse inference be drawn against the Respondents. The Applicants cannot take advantage of their own defective service to allege inaction or non-response on the part of the Respondents.

35. The Respondents submit that the Applicants have sought to rely upon provisions of the Development Control and Promotion Regulations and the Maharashtra Regional and Town Planning Act, 1966 in a manner which is legally impermissible. The said provisions regulate development activity in the context of planned construction and land use change and cannot be extended to regulate or prohibit every form of land-related activity. The Applicants have attempted to blur the distinction between regulated excavation under revenue laws and development under planning laws, thereby creating an artificial basis for alleging violation. Such conflation is contrary to the statutory scheme and renders the allegations unsustainable.



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36. We further submit that the Applicants' reliance on the judgment in T.N. Godavarman Thirumulpad v. Union of India is entirely misplaced and inapplicable to the facts of the present case. The ratio of the said judgment extends the protection of the Forest (Conservation) Act, 1980 to lands which are either recorded as forest in Government records or otherwise answer the description of forest in law. However, the said principle cannot be invoked in a situation where the land has already been de-reserved and its statutory character has been altered by a valid notification issued under the Indian Forest Act, 1927. The applicability of the Forest (Conservation) Act is contingent upon the subsistence of forest status in law; once such status ceases by virtue of a statutory act, the extended interpretation contemplated under the said judgment does not revive or recreate such status. The Applicants, by relying on the said judgment while simultaneously ignoring the binding de-reservation notification, have misapplied the law and have sought to extend the ratio beyond its permissible limits. The reliance placed by the Applicants on T.N. Godavarman Thirumulpad v. Union of India (1997) 2 SCC 267 is misconceived and Misplaced. The said Judgment extends protection only to lands which are recorded as forest or retain forest character in law. Where the land has been validly de-reserved by statutory notification, the applicability of the Forest (Conservation) Act does not survive.



The said Application also deserves to be dismissed with costs on following other grounds:-

37. **Lack of Locus Standi:**

We say that without prejudice to the aforesaid, it is submitted that the present Application suffers from lack of locus standi. The Applicants have failed to demonstrate any direct or specific legal injury or violation of any statutory right in respect of the lands in question. While proceedings before this Hon'ble Tribunal may be invoked in public interest, it is well settled that such jurisdiction cannot be exercised on the basis of vague allegations or without proper factual foundation.

38. **Frivolous and Unsubstantiated Proceedings:**

We say that the present Application is based on conjectures, surmises and unverified assertions without any supporting material. No scientific data, records or expert report has been placed on record to substantiate the allegations. The Application is therefore liable to be dismissed as being devoid of merit. The Respondents further submit that the Applicants have erroneously invoked environmental principles such as the precautionary principle and sustainable development without appreciating their true scope and application. These principles are intended to prevent environmental harm and to promote responsible and balanced use of natural resources. In the present case, any



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limited work undertaken at the site was in furtherance of these very principles, with the objective of addressing soil erosion, slope instability and potential environmental risk. The Applicants have sought to invert these principles by portraying preventive and regulated activity as harmful, which is contrary to the established jurisprudence governing environmental protection.

39. Application is barred by Limitation

We further submit that the present Application is ex facie barred by limitation as contemplated under Section 14(3) of the National Green Tribunal Act, 2010. The Applicants have failed to disclose any specific date of occurrence of any alleged environmental violation and have instead sought to rely upon vague and continuing allegations in order to bring the Application within limitation. It is well settled that a recurring or continuing allegation cannot be used as a device to overcome the statutory bar of limitation in the absence of a fresh and identifiable cause of action. The Applicants' own pleadings indicate that the alleged activities, if any, were known to them well prior to the filing of the Application, and no explanation has been offered for the delay. It is well settled that limitation under Section 14 of the NGT Act cannot be bypassed by describing a stale cause of action as a continuing wrong in the absence of a fresh and identifiable cause. The Application is therefore liable to be rejected on this ground alone.



40. Applicants have erroneously conflated the concept of “development activity” with regulated excavation or soil-related work

We further submit that the Applicants have erroneously conflated the concept of “development activity” with regulated excavation or soil-related work. The two operate in distinct legal domains. Development, within the meaning of the Maharashtra Regional and Town Planning Act, 1966, relates to construction and land use change requiring planning permission, whereas regulated excavation or removal of soil pursuant to revenue permissions and royalty payment is governed by an entirely different statutory framework. The Applicants’ attempt to treat all forms of land-related activity as “development” so as to allege violation of planning regulations is therefore fundamentally flawed and contrary to settled legal principles. In the absence of any construction or development activity requiring planning sanction, the reliance on provisions of the MRTP Act and DCPR to allege illegality is misplaced.

41. Gradient Survey Report is unreliable, unilateral and devoid of any statutory or evidentiary value

We submit that the so-called Gradient Survey Report relied upon by the Applicants is wholly unreliable, unilateral and devoid of any statutory or evidentiary value. The said report is stated to have been prepared by a private agency at the



instance of the Applicants and has not been verified, authenticated or endorsed by any competent Government authority or statutory body. It is well settled that technical conclusions relating to environmental sensitivity, slope stability or ecological impact must emanate from recognised expert bodies or statutory authorities and not from privately commissioned reports prepared without regulatory oversight. The methodology adopted, the parameters considered and the conclusions drawn in the said report have not been subjected to any scrutiny or validation. In the absence of such credibility, the said report cannot form the basis of any adverse inference against the Respondents. It is settled that privately commissioned reports, lacking statutory backing or independent verification, cannot form the basis of adverse findings. Environmental adjudication must rely on credible and recognised expert bodies.

42. **Misuse of Environmental Jurisdiction:**

We say that it is respectfully submitted that the jurisdiction of this Hon'ble Tribunal is meant for protection of the environment based on credible material and not for entertaining speculative or motivated claims. The Hon'ble Supreme Court in their Judgements in other similar Matters has cautioned against misuse of public interest litigation and has held that such jurisdiction must not be allowed to be abused for extraneous or oblique purposes.



43. **No cause of action survives against private tribal landholders -**

It is respectfully submitted that no legally sustainable cause of action is disclosed against Respondent Nos. 8 to 10, who are lawful tribal occupants and holders of Adivasis lands recognised by successive Government resolutions and revenue records. The entire Application proceeds on an erroneous assumption that the lands in question continues to retain forest character, which assumption stands completely rebutted by statutory notifications and sanctioned planning modifications. In absence of any subsisting forest status or demonstrated environmental harm, no actionable environmental dispute survives against these Respondents.

44. **Abuse of Process:**

We say that the present proceedings are a classic abuse of the process of this Hon'ble Tribunal, initiated with the sole object of :

- (a) obstructing lawful enjoyment of Adivasi / tribal land
- (b) creating pressure through environmental allegations
- (c) trying to obtain indirect orders affecting Adivasis rights.

The Applicants are attempting to misuse environmental jurisdiction for collateral purposes and the same needs to be deprecated. We say that in the absence of any substantiated



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environmental violation, the present Application appears to have been filed without sufficient cause and results in unnecessary prejudice to the Respondents.

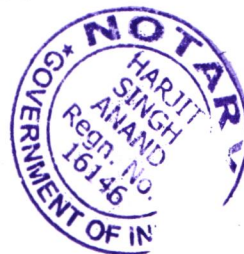
We further submit that the present proceedings constitute a clear abuse of the process of law and an unwarranted invocation of environmental jurisdiction. The Applicants have sought to use the platform of this Hon'ble Tribunal to advance a case which is not supported by law, fact or evidence, and have attempted to create an environmental issue where none exists. The jurisdiction of this Hon'ble Tribunal, which is meant to address genuine and substantiated cases of environmental harm, cannot be permitted to be misused for speculative or motivated claims. Entertaining such proceedings would not only prejudice the Respondents but would also dilute the sanctity and purpose of environmental adjudication. The Hon'ble Supreme Court has consistently held that jurisdiction under public law remedies, including environmental jurisdiction, cannot be invoked on the basis of speculative, unsubstantiated or motivated allegations, and such proceedings are liable to be dismissed at the threshold with appropriate costs.

45. In view of the facts and circumstances set out hereinabove, we respectfully submit that the present Application fails to disclose any legally sustainable cause of action against Respondent Nos. 8 to 10. The entire case of the Applicants is premised on an erroneous assumption regarding the forest



status of the land, which stands conclusively disproved by statutory notifications and sanctioned planning modifications. In the absence of any subsisting forest classification and in the absence of any credible evidence of environmental violation, the very basis for invoking the jurisdiction of this Hon'ble Tribunal ceases to exist. It is well settled that where the foundational premise of a proceeding is found to be incorrect, the proceedings themselves cannot be sustained.

46. It is respectfully submitted that the balance of convenience is entirely in favour of the Respondents. The Respondents are lawful occupants of Adivasi lands which have been recognised and protected under binding Government actions for several decades. Any restraint order or adverse direction, based on unverified and misleading allegations, would cause serious and irreversible prejudice to their livelihood, residence and economic security. On the other hand, the Applicants have failed to demonstrate any immediate or irreparable environmental injury warranting intervention. The equities of the case therefore strongly favour dismissal of the present Application.
47. We further submit that the present proceedings, based on incorrect and misleading allegations, directly interfere with the lawful enjoyment and possession of lands belonging to members of the Scheduled Tribe community. The Respondents state that such interference, particularly when



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founded on false or unsubstantiated claims, has the effect of undermining the constitutional protections afforded to tribal communities under Article 21 of the Constitution of India. The use of environmental allegations as a means to disrupt or interfere with the rights of vulnerable landholders is a matter of serious concern and deserves to be deprecated.

48. As stated hereinabove the Respondent Nos. 8 to 10 are Adivasis and belong to the Scheduled Tribe community and are lawfully enjoying Adivasi lands as their livelihood resource. In the event it is established that the present proceedings have been instituted on knowingly false, malicious, vexatious or misleading allegations with the object of interfering with the lawful enjoyment of the said Adivasi lands, causing mental harassment, securing coercive interim orders or obstructing the livelihood rights of the tribal landholders, the Respondent Nos. 8 to 10 reserve their rights to initiate such civil, criminal and statutory proceedings as may be available in law, including appropriate proceedings under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, against the Applicants and/or other people who are involved in filing the present proceedings before this Hon'ble Court.

49. It is respectfully submitted that the use of false environmental allegations to interfere with the possession, enjoyment and livelihood rights of Adivasi landholders may attract the consequences contemplated under Sections



3(1)(g), 3(1)(p) and 3(1)(q) of the said Act, apart from other remedies available in law.

50. It is therefore respectfully submitted that the present Application is not only devoid of merit but is also a fit case for imposition of exemplary and deterrent costs. The Applicants have invoked the jurisdiction of this Hon'ble Tribunal without any scientific basis, by suppressing material documents and by advancing speculative allegations, thereby causing unnecessary harassment to the Respondents and consuming valuable judicial time. Unless such conduct is discouraged by imposition of realistic costs, it would open the floodgates for similar unsubstantiated proceedings.
51. We say that the present Application is a fit case for imposition of exemplary and deterrent costs. The Applicants have invoked the environmental jurisdiction of this Hon'ble Tribunal on the basis of suppression of material Government Notifications, absence of scientific evidence and speculative allegations, thereby causing serious prejudice to Respondent Nos. 8 to 10 and consuming valuable judicial time.
52. It is respectfully submitted that unless such frivolous, misleading and unsubstantiated environmental proceedings are visited with realistic and exemplary costs, the same would encourage similarly placed Applicants to repeatedly approach this Hon'ble Tribunal on false or incomplete facts.



- 32
53. The imposition of substantial costs in the present matter would therefore serve the larger interest of environmental justice by setting a salutary precedent, preserving the sanctity of this Hon'ble Tribunal's jurisdiction, discouraging abuse of process and deterring future litigants from filing speculative proceedings unsupported by official records or scientific material.
54. The balance of convenience is entirely in favour of Respondent Nos. 8 to 10, who are lawful tribal holders of Adivasis lands recognised by Government Resolutions and statutory records. Any blanket restraint order founded on unverified allegations would cause grave and irreversible prejudice to their lawful possessory, livelihood and developmental rights, whereas the Applicants have failed to establish any immediate environmental injury supported by scientific material.
55. In the totality of the facts and circumstances, it is evident that the present Application is founded on a complete misreading of statutory records, suppression of material documents and absence of any credible evidence of environmental violation. The Applicants have failed to establish even a prima facie case warranting interference by this Hon'ble Tribunal. The Respondents therefore respectfully submit that the Application deserves to be dismissed at the threshold with appropriate costs.



56 In the above circumstances it is respectfully prayed that the present Application be dismissed with exemplary costs, as the same is founded on suppression of public records, misleading photographs, vague allegations and speculative assertions, causing serious prejudice to the lawful rights of tribal landholders and unnecessarily invoking the environmental jurisdiction of this Hon'ble Tribunal.



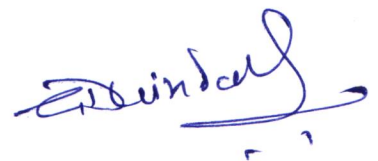
Supriya Chetan Dhindale
Respondent No. 8



Nikhil Chetan Dhindale
Respondent No. 9



Advocate for Resp No. 8 to 10



Geetanjali Chetan Dhindale
Respondent No. 10



VERIFICATION

We, (1) Supriya Chetan Dhindale, the Respondent No. 8, (2) Mr. Nikhil Chetan Dhindale, the Respondent No. 9 and (3) Geetanjali Chetan Dhindale, the Respondent No. 10 above named, do hereby state on solemn affirmation that whatever is stated herein above is true and correct to the best of my own knowledge and on the basis of the records available and I believe the same to be true and correct.

Solemnly declared at Mumbai]

Dated this 23rd day of April, 2026]

Dhindale

Supriya Chetan Dhindale
Respondent No. 8

Nikhil

Nikhil Chetan Dhindale
Respondent No. 9

Geetanjali

Geetanjali Chetan Dhindale
Respondent No. 10

Identified by me;



[Signature]

Advocates for Respondent No. 8 to 10

BEFORE ME

Before me;

[Signature]

**HARJIT SINGH ANAND
ADVOCATE & NOTARY
GOVT. OF INDIA**



Sr. No. 3429 Page No. 157
Date 23 APR 2026

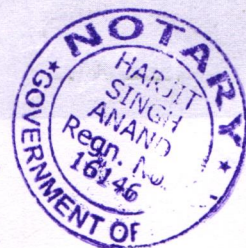


Government of Maharashtra,
Revenue and Forests Department,
Resolution No. 111/4260/27025-4,
Secretary's Office, Bombay-22,
Dated: 14th January 1970.

Resolution:- In Kolaba District Dalhi lands were given out to Adiwasis for cultivation. The issue of granting Dalhi khand plots permanently to Adiwasis was under consideration for some time past. The total extent of Dalhi lands in Kolaba Division and Roha Sub-Division is 29,438 Acres 5 Gunthas and 12 As. (11913-1 Hectares) spread over 497 number of plots. After a full examination of this matter Government is now pleased to issue the following instructions :-

- i) All Dalhi forest lands given on eksali basis should now be released permanently for cultivation to the respective plot holders;
- ii) The right to the land should vest with the actual tenants and not to the Headman (Naik) who executes the agreement at present for the Co-cultivator.
- iii) The lands under cultivation should be surveyed and such plots as are unproductive or unfit for permanent cultivation should be resumed by the Forest Department and equivalent alternative land suitable for cultivation should be released to the respective plot holders.
- iv) Such of these lands as are on the border of forests should be disforested and transferred to Revenue Department for release to respective plot holders.
- v) Such of these lands as are in the midst of the forest should also be disforested and released to the respective plot holders. However the control over the lands should remain with the forest department. For this purpose the forest officers should be empowered to

P.T.O.



19 JAN 1970

exercise the powers of revenue officers on the lines of the orders issued in respect of forest villages and settlements vide Government Resolution No.FLD.4267/I/Y, dated 22nd May 1967;

vi) In all cases such lands should be given to the existing plot holders on impartible and inalienable tenure as occupants +Class II;

vii) The permanent grant of land to the ~~xxxxxx~~ plot holders should be so made that the private land held by the plot holders ~~xxxxxx~~ as owner or tenant or both and the ~~xxxxxx~~ Government land to be granted to him would not together exceed one economic holding ;

viii) In order to avoid a recurrence of the problem, no Dalhi forest lands should hereafter be leased.

19 JAN 1970

By order and in the name of the Governor of Maharashtra,
V.S. Rulkarni
(V.S. RULKARNI)

Under Secretary to Government of Maharashtra,
Revenue and Forests Department.

Spare copy

To:

- The Chief Conservator of Forests, Maharashtra State, Poona
- The Commissioner Bombay Division, Bombay
- The Conservator of Forests, Thana Circle, Thana
- The Collector of Kolaba-Alibag
- The Revenue and Forests Department 'A' Branch
- The Revenue and Forests Department 'W' Branch
- The Divisional Forests Officer, Kolaba-Alibag
- The Sub-Divisional Forests Officer, Roha-Sub-Division, Roha, District Kolaba
- Personal Assistant to Minister (Forests)
- Personal Assistant to Deputy Minister (Forests)

FOR COPY



TRUE COPY

ADVOCATE HIGH COURT

chitnis
Koparkar

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Dalhi lands :
Lensed for cultivation Permanent
grant of-

Government of Maharashtra,
Revenue and Forests Department,
Resolution No.FLD.4268/27023-W,
Sachivalaya, Bombay-22, 26th July, 1971.

Read :- Government, Resolution, Revenue & Forests Department
No.FLD.4268/27023-W, dated 14th January 1970.

RESOLUTION :- In Government Resolution, Revenue & Forests
Department No.FLD.4268/27023-W, dated 14th January 1970,

Government has taken a decision that the Dalhi lands in Kolaba
District which were given on lease to plot holders should be
granted permanently to these holders. As per instructions
issued in para 1 (iii) of that Government Resolution, Dalhi
lands were to be surveyed and such of the plots as are un-
productive or unfit for cultivation were to be resumed by the
Forest Department and equivalent alternative land suitable for
cultivation was to be released to the respective plot holders.
However, on examination of this question, it is now found that
there are no alternative lands available in Kolaba District

29 JUL 1971

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which could be given to these Dalhi holders.

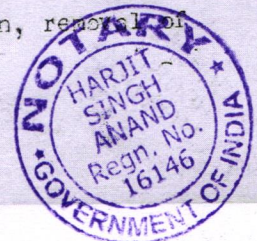
If these unproductive lands are not distributed, Dalhi plot
holders are bound to get very small area. Government has,

therefore, decided that all the available Dalhi lands should
disforested and

be granted to these Dalhi plot holders. Accordingly in modifi-
-cation of the orders issued in para 1(iii) of the Government
Resolution under reference Government is pleased to direct

that the enquiry regarding fitness or suitability of the Dalhi
lands need not be held and that all the 29000 acres of Dalhi
land should be distributed among the 5200 plot holders.

2. The Chief Conservator of Forest should not take
further immediate steps regarding disforestation, removal of



tree growth and survey and demarcation of these lands
and grant of these lands on permanent basis.

By order and in the name of the Governor of Maharashtra,

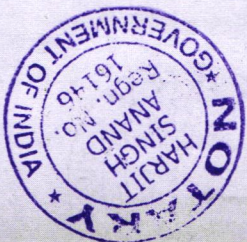
Under Secretary to Government of Maharashtra,
Revenue and Forests Department.

Copies to:-

- The Chief Conservator of Forests, Maharashtra State, POONA.
- The Commissioner, Bombay Division, Bombay.
- The Conservator of Forest, Thana Circle, Thana.
- The Collector of Kolaba, Alibag.
- The Revenue and Forests Department, 'A-II' Section Officer.
- The Revenue and Forests Department, 'W' Branch.
- The Divisional Forest Officer, Kolaba, Alibag.
- The Sub-Divisional Forest Officer, Roha Sub-Division,
Roha District, Kolaba.
- Personal Assistant to Minister (Forests)
- Personal Assistant to Deputy Minister (Forests).

-x-x-x-

MJ.24.7.



TRUE COPY

ADVOCATE HIGH COURT

महाराष्ट्र शासन राजपत्र, ऑक्टोबर ३, १९७४/जानियन ११, शके १८९६

महसूल व वन विभाग

मुंबई-४०० ०३२, दिनांक २५ जानेवारी १९७४

भारतीय वन अधिनियम, १९२७ (सन १९२७ चा भारताचा अधिनियम क्रमांक १३)

क्रमांक एफएलडी. १३७३/२०७१४०-उद्यम (८).—भारतीय वन अधिनियम, १९२७ (सन १९२७ चा भारताचा अधिनियम क्रमांक १३) यातील कलम २७ अन्वये प्रदान करण्यात आलेल्या शक्तींचा वापर करून महाराष्ट्र शासन असा निदेश देत आहे की, उक्त अधिनियमाच्या कलम १९ अन्वये शासकीय अधिभूता क्रमांक ६३३१-ब, दिनांक ६ ऑगस्ट १८८५ यात राखीव वन म्हणून जाहीर केलेले पुढील क्षेत्र राखीव वन म्हणून राहणार नाही.

वनसुची क्रमांक	भूभाषण क्रमांक	क्षेत्र	विवरण
१	५०	३२ १६ ०	हवटर
	५१	२० १२ ०	१३ ११ पूर्व.—मालकी सर्व्हे नंबर ४१
	५२	१९ ३२ ०	८ २१ पश्चिम.—राखीव वन सर्व्हे नंबर १०२ फे.
	५३	१७ ३० ०	८ ०१ दक्षिण.—राखीव वन सर्व्हे नंबर १०२ फे.
	५४	१५ ३३ ०	७ १८ उत्तर.—मालकी सर्व्हे नंबर ६०, ६३, ६४, ४८ व १९, राखीव वन सर्व्हे नंबर १०२ फे. मंडळित वन सर्व्हे नंबर १२.
	५५	१५ २२ ०	४ ६७
	५६	५ २८ ०	२ ३०
	५७	१३ ३२ ०	५ ६८ एकत्रित भाग.
	५८	७ ०८ ०	३ ११
	५९	१५ ३२ ०	५ ११
	९४३	२५ ० ०	५८ ०९
२	३१ फे.	४ ३५ ०	१ १७ पूर्व.—मोजे मांगली गावची शीव.
	५० फे.	४ ४ २८ ०	२२ १३ पश्चिम.—राखीव वन सर्व्हे नंबर ३१ फे.
	५१	२३ ० ०	२४ १० दक्षिण.—राखीव वन सर्व्हे नंबर १०२ फे.
	५२	२३ ० ०	२४ १० उत्तर.—मोजे पाटणोळी गावची शीव.
३	१८	२४ १० ०	३ ५८ पूर्व.—राखीव वन सर्व्हे नंबर ३०, ३३, ३४ व १०२ फे.
	२०	२४ १० ०	१ ८९ पश्चिम.—मालकी सर्व्हे नंबर ३७, ३८ व ४० नाला.
	३५	१९ १६ ०	७ ८५ दक्षिण.—राखीव वन सर्व्हे नंबर १०२ फे.
	३६	२० १५ ०	८ २५ उत्तर.—मालकी सर्व्हे नंबर १६, १७, २१, २२, २३ व २६, राखीव वन सर्व्हे नंबर २८, २९.
	७२	२५ ० ०	२१ ४९

महाराष्ट्राचे राज्यपाल क्षेत्री आदेशानुसार व.नामाने,

य. शं. रत्नफर्णा, शासनाचे अवर सचिव.

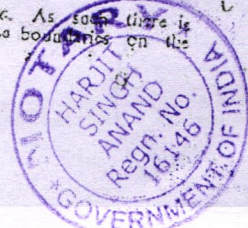
REVENUE AND FORESTS DEPARTMENT
Sachivalaya, Bombay-400 32, dated 25th January 1974

INDIAN FOREST ACT, 1927 (XVI of 1927)
3631
No. FLD. 1373/207140-W(8).—In exercise of the powers conferred by section 27 of the Indian Forest Act, 1927 (XVI of 1927), the Government of Maharashtra is pleased to direct that the areas specified below which in Government Notification No. 6331/D, dated 6th August 1935, was declared to be reserved forest under section 19 of the Indian Forest Act, 1878 (VII of 1878), shall cease to be reserved forest from the date of issue of this Notification.

Schedule
District: Kolaba, Taluka: Puvel, Village: Nagoshi Gothghar.

Serial No.	Name of Village	Survey No.	Area		Boundaries
			A.	G.	
1	Nagoshi Gothghar				
		50	32	16	13-11
		51	20	12	8-21
		52	19	32	8-1
		53	17	39	7-18
		54	0	11	0-13
		55	11	22	4-67
		56	5	28	2-30
		57	13	32	5-58
		58	7	8	2-91
		59	14	32	5-99
		131	70		

सत्यप्रत



Maharashtra Government Gazette, October 3, 1974/Ashwin 11, Saka 1896

1216

REVENUE AND FORESTS DEPARTMENT

Sachivalaya, Mumbai-400 032, dated 25th January 1974

(Indian Forest Act, 1927 (XVI of 1927), Notification No. 16)

No. FLD. 1373/207140-W(8).—In exercise of the powers conferred by section 27 of the Indian Forest Act, 1927 (Act XVI of 1927), the Government of Maharashtra is pleased to direct that the areas specified below, which were declared to be reserved forest under Government Notification No. 6331-B, dated 6th August 1885, issued under Section 19 of the said Act, shall cease to be reserved forest from the date of issue of this Notification.

SCHEDULE

District Kulaba, Taluka Panvel, Village Nagoshi Gothghar

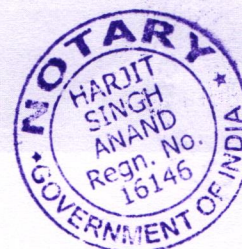
Serial No.	Name of Village	Survey No.	Area		Boundaries
			A. g.	Hectare	
1	Nagoshi-Gothghar	50	32	13.11	East—Malki Survey No. 41. West—Reserved Forest Survey No. 102 p. South—Reserved Forest Survey No. 102 p. North—Malki Survey Nos. 60, 63, 64, 48, 49 and 99, Reserved Forest Survey Nos. 102p, 92. <i>Combined part.</i> As such there is no boundaries on the village map.
		51	16	8.21	
		52	20	8.01	
		53	12	7.18	
		54	19	0.13	
		55	32	4.67	
		56	17	2.30	
		57	30	5.58	
		58	0	2.91	
		59	13	5.99	
			11		
			22		
			5		
			28		
			13		
			32		
	7				
	8				
	14				
	32				

REVENUE AND FORESTS DEPARTMENT

Sachivalaya, Bombay-32, dated 25th January 1974

Indian Forest Act, 1927 (XVI of 1927)

No. FLD. 1373/207140-W(8).—In exercise of the powers confirmed by section 27 of the Indian Forest Act, 1927 (XVI of 1927), the Government of Maharashtra is pleased to direct that the areas specified below which is Government Notification No. 6331-B, dated 6th August 1885, was declared to be reserved forest under section 19 of the Indian Forest Act, 1878 (VII of 1878), shall cease to be reserved Forest from the date of issue of this Notification.



42

Schedule

District Kolaba, Taluka Panvel, Village Nagoshi gothghar.

Serial No.	Name of Village	Survey No.	Area		Boundaries
			A. g.	Hectare	
1	Nagoshi-Gothghar	50	32	13.11	East—Malki Survey No. 41. West—Reserved Forest Survey No. 102 p. South—Reserved Forest Survey No. 102 p. North—Malki Survey Nos. 60, 63, 64, 48, 49 and 99. Reserved Forest Survey Nos. 102p, 92. Combined by Nos. As such there is no boundaries on the village map.
		51	16	8.21	
		52	20	8.01	
		53	12	7.18	
		54	19	0.13	
		55	32	4.67	
		56	17	2.30	
		57	30	5.58	
		58	0	2.91	
		59	13	5.99	
			11		
			22		
			5		
			28		
			13		
			32		
			7		
	8				
	14				
	32				



Maharashtra Government Gazette, October 3, 1974/Ashwin 11, Saka 1896

Serial No.	Name of village	Survey No.	Area		Boundaries
			A. g.	Hectare	
2	Nagoshi-Gothghar	319 102p	4 35 54 28	1.97 22.13	West—Village boundary of Sangurli. East—Reserved Forest Survey No. 102 part. South—Reserved Forest Survey No. 102 part. North—Village boundary of Patnoli.
		-- Total .. --	59 23	24.10	
3	Nagoshi-Gothghar	30 33 34 102p	33 34 24 10 19 16 50 15	13.69 9.81 7.85 20.25	East—Reserved Forest Survey Nos. 30, 33, 34 and 102 p. West—Malki Survey Nos. 37, 38 and 40 Nalla. South—Reserved Forest Survey No. 102 p. North—Malki Survey Nos. 16, 17, 21, 23 and 26. Reserved Forest Survey Nos. 28 and 29.
		-- Total .. --	72 35	29.49	

By order and in the name of the Governor of Maharashtra,

V. S. KULKARNI,
Under Secretary to Government.

REVENUE AND FORESTS DEPARTMENT

Sachivalaya, Mumbai-400 032, dated 25th January 1974

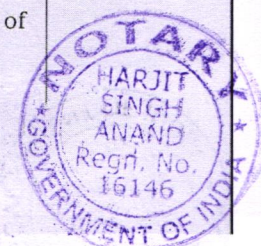
Indian Forest Act, 1927 (XVI of 1927), Notification No. 16

No. FLD. 1373/207140-W(9).—In exercise of the powers conferred by section 27 of the Indian Forest Act, 1927 (Act XVI of 1927), the Government of Maharashtra is pleased to direct that the areas specified below, which were declared to be reserved forest under Government Notification No. 6331-A, dated 6th August 1885, issued under Section 19 of the said Act, shall cease to be reserved forest from the date of issue of this Notification.

SCHEDULE

District Kulaba, Taluka Panvel, Village Manchar (Tarf Avroli)

Serial No.	Survey No.	Area		Boundaries
		A. g.	Hectare	
1	141	141 11	57.17	East—Village boundary of Moze Sangurli. West—Survey Nos. 21, 22 and Village boundary of Kundewhal. South—Survey No. 141 pt. and Village boundary of Moze Sangurli. North—Survey No. 21 and Village boundary of



49

Moze Chipale.

By order and in the name of the Governor of Maharashtra,

V. S. KULKARNI,
Under Secretary to Government.

REVENUE AND FORESTS DEPARTMENT

Sachivalaya, Bombay-32, dated 25th January 1974

Indian Forest Act, 1927 (XVI of 1927)

No. FLD. 1373/207140-W(9).—In exercise of the powers confirmed by section 27 of the Indian Forest Act, 1927 (XVI of 1927), the Government of Maharashtra is pleased to direct that the areas specified below which is Government Notification No. 6331-A, dated 6th August 1885, was declared to be reserved forest under section 19 of the Indian Forest Act, 1878 (VII of 1878), shall cease to be reserved Forest from the date of issue of this Notification.

District Kolaba, Taluka Panvel, Village Manchar (Tarf Avroli)

Serial No.	Name of village	Survey No.	Area Hectares	Boundaries
1	Manchar Tarf Avroli	141 H	57.17	East—Village boundary of Moze Sangurli. West—Malki Survey No. 22, Village boundary of Kundewhal, Reserved Forest Survey No. 141 pt. South—Reserved Forest Survey No. 141 pt. Village boundary of Moze Sangurli. North—Malki Survey No. 21 and Village boundary of Moze Chipale.

By order and in the name of the Governor of Maharashtra,

V. S. KULKARNI,
Under Secretary to Government.



TRUE COPY

ADVOCATE HIGH COURT

SUBJECT: Disposal of Dalhi LandsNo.75/A-15/Dalhi Lands.
Collectorate Kolaba,
Alibag, Date: 28/7/1975.CIRCULAR.

As per existing practice, the District Inspector Land Record carried out Survey work of outer boundary of the compact block of marginal Dalhi land as a whole and not of each inner plot under the Vahivat of each of the plot holders. In the meeting held on 7/11/74, the Pahasildar Pen has pointed out that the inner demarcation as per actual possession with the individual plot holders is required to be made. However it is noticed that the Forest Department is unable to show as to how much area the Dalhi land is under actual possession of the individual plot-holders, the inner demarcation as per actual possession with the individual plot-holders. It is a fact that unless area under each individual lessee is demarcated and mapped it will not be possible for the Pahasildar to distribute the Dalhi lands because Pahasildar is to distribute the land to respective plot-holders only.

With a view to see that un-necessary hardship is not caused in distribution of the Dalhi plots to the plot holders and to enable immediate distribution of the Dalhi plots, following instructions are issued.

1. Where the Forest Deptt. is unable to show as to how much area is under actual possession of the individual plot-holders, in these cases the Pahasildar should institute legal enquiries and distribute plots to the existing plot holders though the names are differred with those communicated by the Forest Department instead of awaiting individual plot measurement by the D.I.L.R.
2. While distributing the lands it should be watched that the land under actual possession, should be granted to the respective plot-holders:-

P.P.O.



46

-2-

- (3) The Survey work will be taken up by the D.I.L.R. in due course of time after issue of land grant orders.
- (4) As the D.I.L.R. has to carry out survey and demarcation work as per Pahasildar's orders, the measurement charges should be recovered from each plot-holder (i.e. grantee), the condition to that effect be inserted in the land grant order.
- (5) The exact area could only be ascertained after the Survey work by the D.I.L.R. and there be any change in the area erratum can be issued by the Pahasildar as per measurement plan.
- (6) As regards payment of occupancy price, the Pahasildars should refer to rule 14 of the M.I.R. (Disposal of Govt. lands) Rules-1971.

It should be ensured that the possession of marginal Dalhi land is taken over as per measurement plans supplied by the D.I.L.R. such ixmd plans would show only outer boundary of the Dalhi Plots. All the Pahasildars should see that Dalhi Land taken over so far is distributed by the end of September 1975 without any excuse.

As approved by
the Collector.

Sd/-S.M. Shinde
For Collector, Kolaba.

TO,

The Pahasildar Mahad, Mangaon, Loha, Pen, Panvel,
Ali'ag, Uran, Karjat, Khalapur, Sudhagad.

Copy forwarded to the Sub Divisional Officers (all)

Copy to the D.I.L.R. Kolaba Ali'ag.

Copy with compliments to the Divisional Forest
Officer Kolaba/Sub Divisional Forest Officer Roha.

2/- They are requested to send fortnightly return regarding progress in distribution of Dalhi lands in the midst of the forest, since such lands are to be distributed by them.

O.C. Signed by
the R.D.C.

Sd/-
For Collector, Kolaba.



TRUE COPY

ADVOCATE HIGH COURT

Exhibit "E"



महाराष्ट्र वन विभाग



महाराष्ट्र शासन

उप वनसंरक्षक, अलिबाग यांचे कार्यालय, अलिबाग

वृक्षवल्ली आम्हा सोपरे

मु.पो.हिराकोट तलावाजवळ अलिबाग ता.अलिबाग जि.रायगड पी .नं.402 201

दूरध्वनी क्र 02141-222016/222216 Email ID:dycfalibag@mahaforest.gov.in

जावक क्रमांक ब/20/जमीन/खा.वने/२०२५/2022-23

दिनांक २७/11/2022

प्रति,

श्रीमती सुप्रिया धिंदाळे,

रा. नानोशी ता.पनवेल, जि. रायगड

विषय: - मौजे नानोशी ता. पनवेल जि. रायगड येथील स.नं. 50 ते 53, 55, 57 ते 59 चे क्षेत्रास वनाचे तरतुदी लागू आहेत अगर कसे याबाबत अभिप्राय मिळणेबाबत...

संदर्भ:-1) आपला दिनांक 15/03/2022 रोजीचा अर्ज.

2) या कार्यालयाकडील पत्र क्र. ब/20/जमिन/खा.वने/8441, दिनां 31/3/2022.

3) वन परिक्षेत्र अधिकारी, उरण यांचेकडील पत्र क्र. अ/20/जमिन/45, दि.13/04/2022.

4) सहा. वनसंरक्षक, पनवेल यांचे पत्र क्र. अ/जमीन/38, दि. 13/04/2022.

आपलेकडील उपरोक्त संदर्भित अर्जान्वये मौजे नानोशी ता. पनवेल जि. रायगड येथील स. नं. 50 ते 53, 55, 57 ते 59 चे क्षेत्रास वनाचे तरतुदी लागू आहेत अगर कसे याबाबत यांना अभिप्राय मिळणेबाबत विनंती केली आहे.

शासन महसुल व वनविभाग यांचेकडील परिपत्रक दिनांक 08.08.2013 मधील निर्देशांप्रमाणे वनेत्तर क्षेत्राबाबत नाहरकत दाखला वनविभागाने देणे अपेक्षित नाही. त्यामुळे वनेत्तर क्षेत्राबाबत वन विभागाकडून कोणतेही भाष्य करणे उचित ठरत नाही. प्रकरणी आपण विनंती केल्याप्रमाणे केवळ खालीलप्रमाणे क्षेत्राचे सद्यस्थितीबाबत अभिप्राय उपलब्ध करून देणेत येत आहेत.

या कार्यालयाचे अभिलेखाची पडताळणी केली असता, मौजे नानोशी ता. पनवेल जि. रायगड येथील स.नं. 50, 51, 52, 55, 57, 58, 59 चे क्षेत्र शासन अधिसूचना क्र. एफएलडी 1373/207140-डब्ल्यू (8), दिनांक 25/01/1974 (महाराष्ट्र राजपत्र दिनांक 03/10/1974) अन्वये निर्वणीकरण झालेले दिसून येत आहे.

तसेच मौजे नानोशी ता. पनवेल जि. रायगड येथील खालील प्रमाणे सर्व्हे नंबरचे क्षेत्र या कार्यालयाचे अभिलेखाप्रमाणे वन विभागाचे ताब्यातील नसल्यामुळे सदर क्षेत्राबाबत भाष्य करता येणार नाही.

अ.नं.	गावाचे नांव व तालुका	सर्व्हे नंबर	क्षेत्र (हेक्टर आर)
1)	नानोशी ता. पनवेल	50	13.1100
2)		51	8.2200
3)		52	8.0100
4)		53	7.1800
5)		55	4.6700
6)		57	5.5800
7)		58	2.9100
8)		59	5.9900



परंतु प्रकरणातील मौजे नानोशी ता. पनवेल जि. रायगड येथील स.नं. 50, 51, 52, 55, 57, 58, 59 चे क्षेत्रालगत राखीव वनाचे क्षेत्र असलेने उप अधिक्षक भुमि अभिलेख, पनवेल यांचेमार्फत वन विभागाचे उपस्थितीत संयुक्त मोजणी करून हदद कायम होणे आवश्यक आहे.

या कार्यालयाचा अभिलेख हा जुने सर्व्हे नंबरवर आधारित असल्याने सदर माहिती जुने गाव व जुने सर्व्हे नंबरपुरतीच नर्थादित रहाणार आहे.

(आशिष वकरे, भा.व.सं.)

उपवनसंरक्षक,

अलिदांग.

प्रत:- सहा.वनसंरक्षक, पनवेल व वन परिक्षेत्र अधिकारी, पनवेल यांचेकडे माहितीसाठी रवाना.



[Emblem]

MAHARASHTRA GOVERNMENT

OFFICE OF THE DEPUTY CONSERVATOR OF FORESTS, ALIBAG

"Vrukshavalli Amha Soyare"

At Post Hirakot Near Talav, Alibag, Tal. Alibag, Dist. Raigad P. No. 402 201
Telephone No 02141-222016/222216 Email ID:dycfalibag@mahaforest.gov.in

Outward Number B/20/Land/Pvt.Forest/2835/2022-23

Date: 29/11/2022

To,
Smt. Supriya Chindale,
R/o. Nanoshi, Tal. Panvel, Dist. Raigad.

Subject: Regarding getting opinion on whether provisions of Forest are applicable to the area of S. No. 50 to 53, 55, 57 to 59 at Mouje Nanoshi, Tal. Panvel, Dist. Raigad...

Reference:

1. Your application dated 15/03/2022.
2. This office letter No. B/20/Land/Pvt.Forest/8441, dated 31/3/2022.
3. Letter No. A/20/Land/45, dated 13/04/2022 from Range Forest Officer, Uran.
4. Letter No. A/Land/38, dated 13/04/2022 from Asst. Conservator of Forest, Panvel.

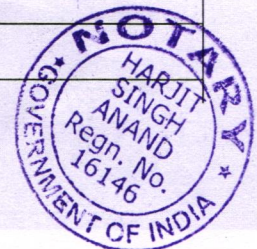
In connection with the above referenced application, you have requested to get an opinion regarding whether the provisions of Forest are applicable to the area of S. No. 50 to 53, 55, 57 to 59 at Mouje Nanoshi, Tal. Panvel, Dist. Raigad.

As per the directions in the Government Revenue and Forest Department Circular dated 08.08.2013, it is not expected to issue a No Objection Certificate regarding non-forest areas from the Forest Department. Therefore, it does not prove appropriate to make any comments from the Forest Department regarding non-forest areas. However, as requested in the application in the matter, the opinion regarding the current status of the area is being made available only as follows.

Upon verification of the records of this office, the De-reservation of the area of Survey Nos. 50, 51, 52, 55, 57, 58, 59 at Mouje Nanoshi, Tal. Panvel, Dist. Raigad has been done vide Government Notification No. FLD 1373/207140-W(8), dated 25/01/1974 (Maharashtra Government Gazette dated 03/10/1974). Therefore, comments regarding the said area cannot be made as it is not under the possession of the Forest Department as per the records of this office.

Also, the area of the following Survey Numbers at Mouje Nanoshi, Tal. Panvel; Dist. Raigad is not in the possession of the Forest Department as per the records of this office, hence comments regarding said area cannot be made.

Sr.No.	Name of Village & Taluka	Survey Number	Area (Hectare Are)
1)	Nanoshi Tal. Panvel	50	13.1100
2)		51	8.2200
3)		52	8.0100
4)		53	7.1800
5)		55	4.6700



50

क्र)	क्र	4.6/00
6)	57	5.5800
7)	58	2.9100
8)	59	5.9900



TRUE COPY

ADVOCATE HIGH COURT

- वाचले :- 1) मे. म्हात्रे इन्फ्रा प्रोजेक्टस प्रा. लि. तर्फे श्री. संदेश आत्माराम म्हात्रे, रा. वास्तु संकल्प, रुम नं.001, प्लॉट नं. 113, एम.सी.सी.एच. सोसायटी, ता. पनवेल यांचे दि.07/01/2025 रोजीचा अर्ज.
 2) महाखनिज प्रणालीद्वारे ऑनलाईन पध्दतीने केलेला अर्ज क्र. MK/TPPA/20250107-95, दि.07/01/2025
 3) तहसीलदार पनवेल यांचेकडील पत्र क्र. जमिनबाब-2/कात-2/19255/2023, दि.31/10/2023
 4) खाणी व खनिजे (विनियमन व विकास) अधिनियम, 1957
 5) महाराष्ट्र गौण खनिज उत्खनन (विकास व विनियमन) नियम, 2013 प्रकरण चार
 6) या कार्यालयाची मंजूर टिपणी दि.04/02/2025 आणि दि.06/02/2025.

क्र.गौखशा/द.मु.उत्ख.परवाना/म्हात्रे इन्फ्रा/2024-25
 अपर जिल्हाधिकारी रायगड यांचे कार्यालय,
 अलिबाग दिनांक : 06/02/2025

खनि अनुज्ञापन

ज्या अर्थी मे. म्हात्रे इन्फ्रा प्रोजेक्टस प्रा. लि. तर्फे श्री. संदेश आत्माराम म्हात्रे, रा. वास्तु संकल्प, रुम नं.001, प्लॉट नं.113, एम.सी.सी.एच. सोसायटी, ता. पनवेल यांनी या कार्यालयात खाण व खनिजे (विनियमन व विकास) अधिनियम 1957 व महाराष्ट्र गौण खनिज उत्खनन (विकास व विनियमन) नियम, 2013 प्रकरण चार मधील तरतूदीनुसार गौजे नानोशी, तालुका पनवेल, जिल्हा रायगड येथील सर्व्हे नंबर/गट नंबर 50,51,52,53,55,57,58 व 59, एकूण क्षेत्र 55-67-0 हे.आर. पैकी क्षेत्र 4-00-0 हे.आर. या जमिनीमध्ये माती/मुरुम/दगड हे गौणखनिज विक्री करण्यासाठी खनि अनुज्ञापन (तात्पुरता गौणखनिज उत्खनन परवाना) मंजूर करावे तसेच महाखनिज प्रणालीद्वारे ऑनलाईन पध्दतीने (डिमांड नोट क्र.268449, दि.07/01/2025) अन्वये अर्ज सादर केला आहे. ज्याअर्थी, खनिज महसूला प्रित्यर्थ खालील रकमा शासनास जमा केल्या आहेत.

अ.क्र.	डि.नो.क्र.	खनिज महसूलाचे विवरण	रक्कम रुपये	चलन क्रमांक	दिनांक
1	268449	अर्ज शुल्क	5,020/-	GRN - MH013969604202425P 553/2024-25	08/01/2025
2	239050	भूपृष्ठ भाडे	36,000/-	348/2024-25	18/09/2024
3	280234	स्वामित्वधन	60,00,000/-	GRN - MH015628939202425 P 622/2024-25	05/02/2025
4	---	टी.सी.एस.	1,23,600/-	203/2024-25	06/02/2025
5	280234	जिल्हा खनिज प्रतिष्ठान	6,00,000/-	UTR No.KKBKR22025020615767062 अन्वये जमा	06/02/2025

त्याअर्थी उपरोक्त अधिनियम व नियमावलीतील तरतूदीस अधिन राहून खालील अटी व शर्तीवर गौजे नानोशी, ता. पनवेल येथील स.नं./ग.नं. 50,51,52,53,55,57,58 व 59, एकूण क्षेत्र 55-67-0 हे.आर. पैकी क्षेत्र 4-00-0 हे.आर. या जमिनीमध्ये माती/मुरुम/दगड हे गौण खनिज उत्खनन व वाहतूकीसाठी तात्पुरता गौणखनिज परवाना मंजूर करण्यांत येत आहे. याबाबतचे विवरण खालीलप्रमाणे आहे.

- अ) गौण खनिजाचे नाव : माती/मुरुम/दगड
 ब) गौण खनिजाचा उपयोग (प्रयोजन) : विक्री
 क) गौण खनिजाचे परवान्यांतर्गतचे परिमाण : 10,000 ब्रास (अक्षरात दहा हजार ब्रास)
 ड) खनिपरवान्याचा कालावधी : दिनांक 06/02/2025 पासून 05/05/2025 पर्यंत

अटी/ शर्ती

- भूपृष्ठभागाखाली खोदावयाच्या खड्ड्याची खोली 06 मीटरपेक्षा अधिक असणार नाही. तसेच पाणी पुरवठ्याच्या पाईप लाईन पासून अगर विद्युत व टेलिफोन तारापासून 50 मीटर अंतरात उत्खनन करता येणार नाही.
- परवानाधारकास उत्खननामुळे खराब झालेल्या पातळीपर्यंत जमिनीची नुकसान भरपाई देणे बंधनकारक राहिल.
- परवानाधारक खनि अनुज्ञेय क्षेत्रातील असलेले कोणतेही झाडे तोडणार नाही.
- कोणत्याही प्राधिकरणाने विनिर्दिष्ट केलेल्या कोणत्याही भूपृष्ठभागावरील कामास निर्बंध असेल.
- उत्खनन क्षेत्रात होणाऱ्या सर्व अपघाताची माहिती संबंधीत सक्षम अधिकारी, जिल्हा दंडाधिकारी व जिल्हा पोलीस अधिक्षक यांना तात्काळ देण्याची जबाबदारी परवानाधारकाची आहे.
- परवान्यातील कालावधी संपल्यानंतर किंवा परवाना रद्द झाल्यानंतर, जमिनीचा ताबा देण्यापूर्वी, परवान्यामध्ये समाविष्ट असलेल्या जमिनीत खोदलेले खड्डे, परवानाधारक सुरक्षितेच्यादृष्टीने बुजवितील किंवा त्यांना योग्यरित्या कुंपण घातील.
- खनि परवान्याची अंतिम मुदत दिनांक 05/05/2025 पर्यंत आहे किंवा खनिज निर्गत पुस्तक ज्या दिवशी संपली तसेच ऑनलाईन पध्दतीने असेल परंतु दोन्हीपैकी जे आगोदर असेल, त्या दिवशी खनि परवान्याची मुदत संपली असे समजावे.



- 29) केंद्रीय प्रदूषण नियंत्रण मंडळाने विहित केलेल्या मर्यादेत ध्वनी प्रदूषण नियंत्रित राहण्यासाठी उपाययोजना करणे बंधनकारक राहिल.
- 30) हा परवाना परवान्याच्या तारखेपासून अमंलात येईल. यापूर्वी उत्खनन केलेल्या खनिजाच्या या परवान्यांत अंतर्भाव नाही. यापूर्वी अनधिकृतरीत्या काढलेल्या खनिजाबद्दल अर्जदार कायदेशीर पात्र राहिल.
- 31) परवान्यातील गौण खनिज सुरंग लावून काढावयाचे असल्यास प्रत्यक्ष उत्खनन चालू करण्यापूर्वी सक्षम अधिकाऱ्यांकडून सुरंग परवाना घेणे आवश्यक आहे. उत्खननासाठी परवानाधारकाने कंट्रोल ब्लारटिंग करावयाचे असून कोणत्याही मालमत्तेचे नुकसान होणार नाही याची जबाबदारी परवानाधारकाची राहिल याबाबत कोणतीही तक्रार असल्यास आणि उत्खननामुळे सार्वजनिक/खाजगी मालमत्तेचे नुकसान झाल्यास त्याची सर्वस्वी जबाबदारी परवानाधारकाची राहिल तसेच परवाना तात्काळ रद्द व दंडनीय कारवाई केली जाईल.
- 32) या खनिज परवान्याची मुदत संपताच परवानाधारक जमिनीचा ताबा जमिन मालकास देईल.
- 33) सदर खनि उत्खनन परवाना ज्याकामासाठी घेतला आहे. त्याच कामासाठी वापरणे आवश्यक राहिल.
- 34) परवान्यातील गौण खनिज काढली नाहीत/हलविली नाहीत. तरी सुध्दा परवान्यातील अटी कायम राहतील.
- 35) सरकारी विभागाने हरकत घेतल्यास परवाना रद्द करण्यात येईल.
- 36) खाणकाम करताना उत्खनन क्षेत्रातील नैसर्गिक चढ उतार कायम राहिल. याची परवानाधारक काळजी घेईल तसेच ज्या दिशेला खाणकाम करावयाचे नसेल त्या चढावर/उतारावर योग्य जातीची पुरेशी झाडे लावावीत की ज्यामुळे जमिनीची धुप होणार नाही.
- 37) खाणीच्या/उत्खनन क्षेत्रातून जर पाण्याचे काही प्रवाह वाहत असतील तर ते खाणी बाहेरील क्षेत्रात योग्यरित्या परिवर्तित करावेत. म्हणजेच खाणीत/उत्खनन क्षेत्रात कमीत कमी पाणी येईल आणि सदर पाण्याचा उपयोग जवळपासच्या लोकवस्तीत होईल.
- 38) खाणकाम/उत्खनन चालू असेल तेव्हा खाण/उत्खनन क्षेत्रातील रस्ते व खाण क्षेत्रात दिवसातून कमीत कमी एकवेळ पाणी शिंपडण्यात यावे.
- 39) कामगारांच्या झोपड्या व तत्सम तात्पुरती बांधकामे उत्खननाच्या/खाणकामाच्या/ सुरंग कामाच्या जागेपासून किंवा खाण मुखपासून कमीत कमी 500 मीटर अंतरावर असावीत तसेच सुरंग वापरासाठी जड यंत्र सामुग्री वापरण्यात येऊ नये.
- 40) खाण/उत्खनन क्षेत्रातील माती/मुरुमाच्या पुर्ण थराचे उत्खनन करून खडक उघडा न पडता खडकावर कमीतकमी 1/2 मीटर जाडीचा माती/मुरुमाचा थर राहिल असे उत्खनन करावे. म्हणजे त्यामुळे खाणकाम/उत्खनन पूर्ण झाल्यानंतर लावलेली झाडे योग्यरित्या वाढविण्यास मदत होईल.
- 41) परवानाधारकाने खनिजाची वाहतूक करण्यासाठी सक्षम अधिकाऱ्यांकडून वाहतूक परवाने सिले नोंद करून घ्यावीत. परवान्याशिवाय खनिजाचे वाहतूक केल्यास ते अनाधिकृत उत्खनन केलेले खनिज ठरवून दंडनिय कारवाई करण्यात येईल.
- 42) खाणकाम करताना खाणमालकांनी खाणीच्या उभ्या भिंती सपाट म्हणजे एका उभ्या पातळीवर आणाव्यात. मात्र कोणतेही परिस्थितीत खाणकाम करताना सध्याच्या डोंगराची उंची कमी होणार नाही हे बंधनकारक राहिल.
- 43) खनिपरवान्याची मुदत कुठल्याही परिस्थितीत वाढवून दिली जाणार नाही.
- 44) खाण/उत्खनन क्षेत्र बुजविण्याची जबाबदारी संपूर्णपणे संबंधित परवानाधारकाची राहिल व अशा खाणी/उत्खनन क्षेत्र न बुजविल्यास त्यामुळे वरीलप्रमाणे कोणताही दुर्दैवी अपघात घडल्यास त्यास संबंधित परवानाधारक जबाबदार राहिल व अशा वेळी त्यांच्यावर तसेच अन्य संबंधितांवर सदोष मनुष्यवधाचा गुन्हा नोंदविण्याची कार्यवाही करण्यात येईल.
- 45) सदर परवाना व या अर्तगत भरणा केलेल्या स्ववामित्वधनाच्या चलनाचा उक्त परवाना मंजूर शासकीय कामाव्यतिरीक्त अन्य कोणत्याही कामासाठी/प्रयोजनास वापर करू नये.
- 46) परवानाधारकाने खालील बाबींमध्ये कायदा मंजूर व वैध करून घ्यावे.

अ) परवाना धारकाने खाणीत काम करताना मजुरांचे हजेरीपट व वेतनपट ठेवावे.

ब) परवाना धारकाने खाणीमध्ये काम करताना मजुरांसाठी वैद्यकीय सुविधा पुरवणे आवश्यक आहे.

क) परवाना धारकाने बालकामगारांना खाणीत कामाला ठेवू नये.

ड) खाणीमध्ये काम करणाऱ्या कामगारांचे कामाचे तास व वेळ निश्चित करून ठेवावे.

(सुनिल थोरवे)

अपर जिल्हाधिकारी रायगड

प्रत :- 1) मे. म्हात्रे इन्फ्रा प्रोजेक्टस प्रा. लि. तर्फे श्री. संदेश आत्माराम म्हात्रे, रा. वास्तु संकल्प, रुम नं.001, प्लॉट नं.113, एम.सी.सी.एच. सोसायटी, पनवेल, ता. पनवेल यांस

2) उपविभागीय अधिकारी पनवेल यांना माहितीसाठी व आवश्यक त्या कार्यवाहीसाठी

3) तहसिलदार पनवेल यांना माहितीसाठी व आवश्यक त्या कार्यवाहीसाठी

(सुनिल थोरवे)

अपर जिल्हाधिकारी रायगड



- 8) ज्यासाठी परवाना दिलेला असेल ते खनिज वगळता इतर कोणत्याही खनिजाचे सक्षम अधिका-याकडून योग्य ती मंजूरी मिळाल्याशिवाय उत्खनन करता येणार नाही किंवा ते काढून घेता येणार नाही.
- 9) प्रत्येक परवानाधारक पुढील महिन्याच्या 10 तारखेच्या आत अनुज्ञेय क्षेत्राच्या ठिकाणाहून काढण्यात आलेल्या मालाचे प्रमाण, परवानाधारकाचे नाव, व खनिजाची केलेली विक्री व त्याची किंमत यांचे मासिक विवरणपत्र नमुना-ड मध्ये संबंधित महसूल प्राधिकारी किंवा जिल्हा खनिकर्म अधिकारी यांना सादर करतील.
- 10) परवानाधारक तिन्हाईत इसनाचे दाव्या विरुद्ध शर्तीपूर्ती करील. तसेच तिन्हाईत इसमाचे हक्क स्वतःच्या जबाबदारीवर परस्पर मिटवील.
- 11) परवाना क्षेत्रातून उत्खनन केलेले गौण खनिज, काढून नेलेले गौण खनिज प्रमाण, विक्री प्रमाणके, कामासाठी नेमलेल्या कामगारांची व त्यांना दिलेल्या पगाराची नोंदवही, या प्रयोजनासाठी आकारणी योग्य असलेले स्वामित्वधन व इतर आकार यांचे संपूर्ण अचूक लेखे ठेवण्याची जबाबदारी परवानाधारकाची असेल.
- 12) परवाना ज्या शर्तीस अधिन राहून देण्यात आला आहे. त्यापैकी कोणत्याही शर्तीचे उल्लंघन झाल्यास परवाना रद्द करण्यात येईल. परवाना रद्द करण्यात आल्यानंतर ज्या जमिनीतून काढण्यात आलेले खनिज त्या जमिनीवर पडलेले असेल तर ते खनिज शासनाच्या संपूर्ण मालकीचे होईल.
- 13) परवान्याची मुदत संपल्यानंतर परवाना क्षेत्रात पडून राहिलेल्या खाणीतील खनिज मालावर व इतर मालमत्तेवर परवानाधारकाचा कोणताही हक्क असणार नाही.
- 14) विभागीय वन अधिकाऱ्याने किंवा त्याबाबतीत प्राधिकृत केलेल्या अशा अधिका-याने निश्चित केलेली नुकसान भरपाईची रक्कम भरल्याशिवाय किंवा त्याच्या पूर्वमान्यतेशिवाय परवाना धारक कोणतेही झाड तोडणार नाही किंवा त्याला इजा पोचवणार नाही.
- 15) परवानाधारक हा भूविज्ञान आणि खनिकर्म संचालक यांनी प्राधिकृत केलेल्या कोणत्याही अधिकाऱ्याला आणि खाणीची जमीन/अनुज्ञेय क्षेत्र ज्यांच्या अधिकार क्षेत्रात येते त्या स्थानिक महसूल किंवा वन प्राधिकाऱ्याला परवानाखालील खाणक्षेत्रात किंवा त्यालगत प्रवेश करण्यास किंवा कोणत्याही वेळी खाणकामाची तपासणी, करण्यास आणि वरील शर्त क्र. 11 अनुसार परवानाधारकाने ठेवलेल्या लेखा पुस्तकातील लेखांची तपासणी करण्यास पाठविणे व विक्री इत्यादींचे तपशिलांची पडताळणी करण्यास परवानगी देईल.
- 16) परवाना दिलेल्या मर्यादपेक्षा अधिक प्रमाणात कोणताही माल काढून नेल्याचे आढळून आले, तो माल सरकारजमा करण्यात येईल आणि महाराष्ट्र जमिन महसूल संहिता, 1966 आणि खाण व खनिज विनियमन व विकास अधिनियम, 1957 या खालील तरतुदीनुसार परवानाधारक दंड व शिक्षेस पात्र असेल.
- 17) परवान्यात मंजूर केलेला खनिज माल काढून संपल्यावर, परवानाधारक परवाना सक्षम अधिकाऱ्याला परत करील आणि काढून नेण्यात आलेल्या खनिज मालाचे प्रमाण, वाहतूकीचे व ज्यांना हा माल विकण्यात येईल त्या पक्षकारांचे नाव आणि त्यासाठी मिळालेली किंमत यांचे तपशील दर्शविणारे संपूर्ण विवरणपत्र सक्षम अधिकाऱ्याला सादर करील आणि सक्षम अधिकाऱ्याने छाननी करण्यासाठी मागणी केल्यानुसार कोणतेही तपशील, पुस्तके इ. त्याच्याकडे सादर करेल.
- 18) परवानाधारक हा परवान्यात मंजुरी दिलेल्या क्षेत्रबाहेर वाहतूकीच्या कोणताही साधनाने पाठविण्यात येणाऱ्या प्रत्येक खनिजासोबत वाहतूक पास नमुन्यामध्ये देईल व तो पास या नियमांत विहित करण्यात आलेल्या तरतुदीनुसार असेल. सादर वाहतूक पासेसची स्थळप्रत किमान 01 वर्षभर संग्रहित करून ठेवावे व तपासणीसाठी मागणी केल्यास सादर करावेत.
- 19) खनिजाची वाहतूक उघड्या वाहनातून न करता ताडपत्रीने किंवा योग्य अशा इतर साधनाने झाकून अथवा गेटल कव्हर असलेल्या यांत्रिक पध्दतीने बंद असलेल्या वाहनातूनच करावी.
- 20) खाणीकडे/उत्खनन क्षेत्राकडे जाणारा कच्चा रस्ता जेव्हा ट्रक वाहतूकीसाठी वापरात असेल तेव्हा न चुकता त्यावर पाणी शिंपडण्यात यावे. तसेच धुळीचे प्रदुषण कमी होण्यासाठी योग्य अशी यंत्रणा उभारण्यात यावी व खाणीकडे जाणाऱ्या रस्त्याच्या दुतर्फी झाडे लावण्यात यावीत जेणेकरून धुळीचे प्रदुषण कमीतकमी होईल.
- 21) कोणतेही पूर्व सूचना अथवा कारण न देता खनि अनुज्ञापन/परवाना रद्द करण्याचा अधिकार/ हक्क अपर जिल्हाधिकारी, रायगड यांनी राखून ठेवला आहे.
- 22) खाणकामाच्या/उत्खननाच्या जागेपासून 50 मी. अंतराच्या आत लोकवस्ती, विद्युत लाईन, टेलिफोन लाईन, रस्ता, पूल, रेल्वे लाईन, रहदारीचा रस्ता, कालवा, मंदीर, मशिद, शाळा, वन जमिनी, नदी, नाला सार्वजनिक बांधकामे असल्यास खाणकाम करता येणार नाही.
- 23) खाणकाम/उत्खनन केवळ दिवसा करण्यात यावे.
- 24) कोणत्याही पुलाच्या किंवा बांधा-याच्या सुरक्षा क्षेत्रात कोणतेही खाणकाम/उत्खनन करता येणार नाही.
- 25) पुरातत्त्वशास्त्राच्या दृष्टीने महत्त्वाच्या नैसर्गिक किंवा मानवनिर्मित ठिकाणाच्या सानिध्यात खाणकाम करण्यात येणार नाही.
- 26) प्रकल्पासाठी पाण्याची जरूरी असल्यास खाणपट्टाधारक आवश्यक त्या प्रमाणात पाणी काढण्यासाठी (गुप्टावरील पाणी किंवा भूजल) सक्षम प्राधिकरणांची आवश्यक ती पूर्वपरवानगी घेईल.
- 27) जर काही सांडपाणी असले तर, पर्यावरण व वन मंत्रालय किंवा केंद्रीय प्रदुषण नियंत्रण मंडळ यांनी विहित केलेल्यामानकानुसार योग्य प्रकारे साठविण्यात येईल व त्यावर योग्यत ती प्रक्रिया करण्यात येईल.
- 28) कोणत्याही वन्य जीवनाचे उल्लंघन करता येणार नाही.



- 29) केंद्रीय प्रदूषण नियंत्रण मंडळाने विहित केलेल्या मर्यादेत ध्वनी प्रदूषण नियंत्रित राहण्यासाठी उपाययोजना करणे बंधनकारक राहिले.
- 30) हा परवाना परवान्याच्या तारखेपासून अमलात येईल. यापूर्वी उल्लंघन केलेल्या खनिजाच्या या परवान्यात अंतर्भाव नाही. यापूर्वी अनधिकृतरीत्या काढलेल्या खनिजाबद्दल अर्जदार कायदेशीर पात्र राहिले.
- 31) परवान्यातील गौण खनिज सुरुंग लावून काढण्याचे अशक्य असल्यास प्रत्यक्ष उल्लंघन वाळू करण्यापूर्वी सक्षम अधिकाऱ्याकडून सुरुंग परवाना घेणे आवश्यक आहे. उल्लंघनासाठी परवानाधारकाने केंद्रात ब्लरटींग करावयाचे असून कोणत्याही मालमत्तेचे नुकसान होणार नाही याची जबाबदारी परवानाधारकाची राहिले याबाबत कोणतीही तक्रार असल्यास आणि उल्लंघनामुळे सार्वजनिक/खाजगी मालमत्तेचे नुकसान झाल्यास त्याची सर्वस्वी जबाबदारी परवानाधारकाची राहिले तसेच परवाना तात्काळ रद्द व दंडनीय कारवाई केली जाईल.
- 32) या खनिज परवान्याची मुदत संपल्याच परवानाधारक जमिनीचा ताबा जमिन मालकास देईल.
- 33) सदर खनिज उल्लंघन परवाना ज्याकामासाठी घेतला आहे. त्याच कामासाठी वापरणे आवश्यक राहिले.
- 34) परवान्यातील गौण खनिज काढली नाहीत/हलविली नाहीत. तरी सुध्दा परवान्यातील अटी कायम राहतील.
- 35) सरकारी विभागाने हक्कत घेतल्यास परवाना रद्द करण्यात येईल.
- 36) खाणकाम करताना उल्लंघन क्षेत्रातील नैसर्गिक वन उतार कायम राहिले. याची परवानाधारक काळजी घेईल तसेच ज्या दिशेला खाणकाम करावयाचे नसेल त्या अडथळी/उतारावर योग्य जातोची पुरेगी झाडे लावावीत की ज्यामुळे जमिनीची धुप होणार नाही.
- 37) खाणीच्या/उल्लंघन क्षेत्रातून जर पाण्याचे काही प्रवाह वाहत असतील तर ते खाणी बाहेरील क्षेत्रात योग्यरित्या परिवर्तित करावेत. म्हणजेच खाणीत/उल्लंघन क्षेत्रात कमीत कमी पाणी येईल आणि सदर पाण्याचा उपयोग जवळपासच्या लोकवस्तीत होईल.
- 38) खाणकाम/उल्लंघन वाळू असलेले वेव्हा खाण/उल्लंघन क्षेत्रातील रस्ते व खाण क्षेत्रात दिवसातून कमीत कमी एकदा पाणी सिंपडण्यात यावे.
- 39) कामगारांच्या झोमके व तत्सम तात्पुरती बांधकामे उल्लंघनाच्या/खाणकामाच्या/सुरुंग कामाच्या जागेपासून किंवा खाण नुसतेपणे कमीत कमी 500 मीटर अंतरावर असावेत तसेच सुरुंग वापरासाठी जड पत्र सामुग्री वापरण्यात येऊ नये.
- 40) खाण/उल्लंघन क्षेत्रातील माती/मुळमाच्या पुर्ण थराचे उल्लंघन करून खडक उघडाने पडता खडकावर कमीतकमी 1/2 मीटर जाडीची माती/मुळमाच्या थर राहिले जसे उल्लंघन करावे. म्हणजेच त्यामुळे खाणकाम/उल्लंघन पुर्ण झाल्यानंतर लायलेली खडे योग्यरित्या धाडविण्यास नदत होईल.
- 41) परवानाधारकाने खनिजाची वाहतूक करण्यासाठी सक्षम अधिकाऱ्याकडून वाहतूक परवाना सिले नोंद करून घ्यावीत. परवान्याशिवाय खनिजाचे वाहतूक केल्यास ते अनाधिकृत उल्लंघन केलेले खनिज उठवून देऊनिय कारवाई करण्यात येईल.
- 42) खाणकाम करताना खाणमालकांनी खाणीच्या उभ्या भिती सपाट म्हणजे एका उभ्या पातळीवर आणाव्यात. मात्र कोणतेही परिस्थितीत खाणकाम करताना सध्याच्या डोंगराची उंची कमी होणार नाही हे बंधनकारक राहिले.
- 43) खनिजपरवान्याची मुदत कुठल्याही परिस्थितीत वाढवून दिली जाणार नाही.
- 44) खाण/उल्लंघन क्षेत्र बुजविण्याची जबाबदारी संपूर्णपणे संबंधित परवानाधारकाची राहिले व अशा खाणी/उल्लंघन क्षेत्र बुजविल्यास त्यामुळे वरीलप्रमाणे कोणताही दुर्दैवी अपघात घडल्यास त्यास संबंधित परवानाधारक जबाबदार राहिले व अशा वेळी त्यांच्यावर तसेच अन्य संबंधितांवर सदोष मनुष्यवधाचा गुन्हा नोंदविण्याची कार्यवाही करण्यात येईल.
- 45) सदर परवाना व या अर्जात भरणा केलेल्या स्वयामित्त्वधनाच्या यलनाचा उक्त परवाना मंजूर शासकिय कामाव्यतिरीक्त अन्य कोणत्याही कामासाठी/प्रयोजनार्थ वापर करता येणार नाही.
- 46) परवानाधारकाने खालील बाबींची पूर्तता करावी.

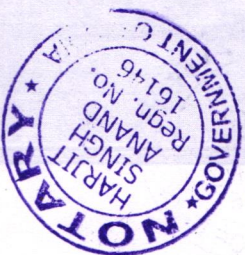
- अ) परवाना धारकाने खाणीत काम करण्याच्या मजुरांच्या सुविधा संपादित ठेवावे.
- ब) परवाना धारकाने खाणीमध्ये काम करण्याच्या मजुरांच्या सुविधा संपादित ठेवावे व सुरवाणे आवश्यक आहे.
- क) परवाना धारकाने बालकामगारांना खाणीत कामासाठी ठेवू नये व त्यांचे शिस्तबद्ध ठेवावे.
- ड) खाणीमध्ये काम करणाऱ्या कामगारांचे काम संपादित ठेवावे.



(किशन ना. जावळे)
जिल्हाधिकारी रायगड

- प्रत :- 1) मे. म्हात्रे इन्फ्रा प्रोजेक्टस प्रा. लि. तर्फे श्री. संदेश आत्माराम म्हात्रे, रा. वास्तु संकल्प, कम नं. 001, प्लॉट नं. 113, एन.सी.सी.एच. सांसायटी, पनवेल, ता. पनवेल यांस
- 2) उपविभागीय अधिकारी पनवेल यांना माहितीसाठी व आवश्यक त्या कार्यवाहीसाठी
- 3) तहसिलदार पनवेल यांना माहितीसाठी व आवश्यक त्या कार्यवाहीसाठी

(किशन ना. जावळे)
जिल्हाधिकारी रायगड



- वाचले :- 1) मे. म्हात्रे इन्फ्रा प्रोजेक्टस प्रा. लि. तर्फे श्री. संदेश आत्माराम म्हात्रे, रा. वास्तु संकल्प, रुम नं.001, प्लॉट नं. 113, एम.सी.सी.एच. सोसायटी, ता. पनवेल यांचे दि.20/03/2025 रोजीचा अर्ज.
- 2) महाखनिज प्रणालीद्वारे ऑनलाईन पध्दतीने केलेला अर्ज क्र. MK/TPPA/20250319-124, दि.19/03/2025
- 3) तहसीलदार पनवेल यांचेकडील पत्र क्र.जमिनबाब-2/कात-2/19255/2023, दि.31/10/2023
- 4) खाणी व खनिजे (विनियमन व विकास) अधिनियम, 1957
- 5) महाराष्ट्र गौण खनिज उत्खनन (विकास व विनियमन) नियम, 2013 प्रकरण चार
- 6) या कार्यालयाची मंजूर टिपणो दि.26/03/2025 आणि दि.02/04/2025.

क्र.गौखशा/द.मु.उत्ख.परवाना/म्हात्रे इन्फ्रा/2024-25
जिल्हाधिकारी रायगड यांचे कार्यालय,
अलिबाग दिनांक : 02/04/2025

खनि अनुज्ञापन

ज्या अर्थी मे. म्हात्रे इन्फ्रा प्रोजेक्टस प्रा. लि. तर्फे श्री. संदेश आत्माराम म्हात्रे, रा. वास्तु संकल्प, रुम नं.001, प्लॉट नं.113, एम.सी.सी.एच. सोसायटी, ता. पनवेल यांनी या कार्यालयात खाण व खनिजे (विनियमन व विकास) अधिनियम 1957 व महाराष्ट्र गौण खनिज उत्खनन (विकास व विनियमन) नियम, 2013 प्रकरण चार मधील तरतूदीनुसार मोजे नानोशी, तालुका पनवेल, जिल्हा रायगड येथील सर्व्हे नंबर/गट नंबर 50,51,52,53,55,57,58 व 59, एकूण क्षेत्र 55-67-0 हे.आर. पैकी क्षेत्र 4-00-0 हे.आर. या जमिनीमध्ये माती/मुरुम/दगड हे गौणखनिज विक्री करण्यासाठी खनि अनुज्ञापन (तात्पुरता गौणखनिज उत्खनन परवाना) मंजूर करावे तसेच महाखनिज प्रणालीद्वारे ऑनलाईन पध्दतीने (डिमांड नोट क्र.296563, दि.19/03/2025) अन्वये अर्ज सादर केला आहे. ज्याअर्थी, खनिज महसूला प्रित्यर्थ खालील रकमा शासनास जमा केल्या आहेत.

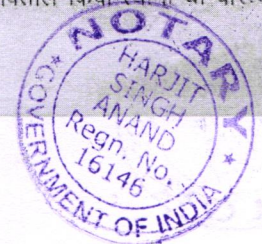
अ.क्र.	डि.नं.क्र.	खनिज महसूलाचे विवरण	रक्कम रुपये	चलन क्रमांक	दिनांक
1	296563	अर्ज शुल्क	5,020/-	GRN - MH018104011202425P 727/2024-25	19/03/2025
2	239050	भूपृष्ठ माडे	35,000/-	348/2024-25	18/09/2024
3	300301	स्वामित्वधन	60,000,000/-	GRN - MH018944209202425 P 728/2024-25	28/03/2025
4	---	टी.सी.एस्.	1,23,600/-	246/2024-25	28/03/2025
5	300301	जिल्हा खनिज प्रतिष्ठान	6,00,000/-	UTR No.KKBKR22025032916466661 अन्वये जमा	29/03/2025

त्याअर्थी उपरोक्त अधिनियम व नियमावलीतील तरतूदीस अधिन राहून खालील अटी व शर्तीवर मोजे नानोशी, ता. पनवेल येथील स.नं./ग.नं. 50,51,52,53,55,57,58 व 59, एकूण क्षेत्र 55-67-0 हे.आर. पैकी क्षेत्र 4-00-0 हे.आर. या जमिनीमध्ये माती/मुरुम/दगड हे गौण खनिज उत्खनन व वाहतूकीसाठी तात्पुरता गौणखनिज परवाना मंजूर करण्यात येत आहे. याबाबतचे विवरण खालीलप्रमाणे आहे.

- अ) गौण खनिजाचे नाव : माती/मुरुम/दगड
- ब) गौण खनिजाचा उपयोग (प्रयोजन) : विक्री
- क) गौण खनिजाचे परवान्यांतर्गतचे परिमाण : 10,000 ब्रास (अक्षरात दहा हजार ब्रास)
- ड) खनिपरवान्याचा कालावधी : दिनांक 02/04/2025 पासून 01/04/2025 पर्यंत

अटी/ शर्ती

- भूपृष्ठभागाखाली खोदावयाच्या खड्ड्याची खोली 60 सेंमी.पेक्षा जास्त असणार नाही. तसेच पाणी पुरवठ्याच्या पाईप लाईन पासून अगर विद्युत व टेलिफोन तारापासून 3 मी. पेक्षा जास्त अंतर राखून घ्यावे लागेल. खनिज उत्खनन करता येणार नाही.
- परवानाधारकास उत्खननामुळे खराब झालेले पाणी, कोणत्याही प्रकारचा मलमूत किंवा खनिज उत्खनन करताना भरपाई देणे बंधनकारक राहिल.
- परवानाधारक खनि अनुज्ञेय क्षेत्रातील असलेल्या कोणत्याही प्रकारचा खनिज उत्खनन करू शकत नाही.
- कोणत्याही प्राधिकरणाने विनिर्दिष्ट केलेल्या कोणत्याही प्रकारचा खनिज उत्खनन करणे किंवा कामास निबंध असेल.
- उत्खनन क्षेत्रात होणाऱ्या सर्व अपघाताची माहिती संबंधित मुरुम अधिकारी, जिल्हा दंडाधिकारी व जिल्हा पोलीस अधिक्षक यांना तात्काळ देण्याची जबाबदारी परवानाधारकाची राहिल.
- परवान्यातील कालावधी संपल्यानंतर किंवा परवाना रद्द झाल्यानंतर, जमिनीचा ताबा देण्यापूर्वी, परवान्यामध्ये समाविष्ट असलेल्या जमिनीत खोदलेले खड्डे, परवानाधारक सुरक्षितेच्यादृष्टीने बुजवितील किंवा त्यांना योग्यरित्या कुंपण घालील.



- 7) खनि परवान्याची अंतिम मुदत दिनांक 01/08/2025 पर्यंत आहे किंवा खनिज निर्गत पुस्तक ज्या दिवशी संपत्तील तोपर्यंत असेल परंतु दोन्हीपैकी जे आगोदर असेल, त्या दिवशी खनि परवान्याची मुदत संपत्ती असे समजले जाईल.
- 8) ज्यासाठी परवाना दिलेला असेल ते खनिज बगळता इतर कोणत्याही खनिजाचे सक्षम अधिका-याकडून योग्य ती मंजूरी मिळाल्याशिवाय उत्खनन करता येणार नाही किंवा ते काढून घेता येणार नाही.
- 9) प्रत्येक परवानाधारक पुढील महिन्याच्या 10 तारखेच्या आत अनुज्ञेय क्षेत्राच्या ठिकाणाहून काढण्यात आलेल्या मालाचे प्रमाण, परवानाधारकाचे नाव, व खनिजाची केलेली विक्री व त्याची किंमत यांचे मासिक विवरणपत्र नमुना-ड मध्ये संबंधित महसूल प्राधिकारी किंवा जिल्हा खनिकर्म अधिकारी यांना सादर करतील.
- 10) परवानाधारक ति-हाईट इसमाचे दाव्या विरुद्ध शर्तीपूर्ती करील. तसेच ति-हाईट इसमाचे हक्क स्वतःच्या जबाबदारीवर परस्पर मिटवील.
- 11) परवाना क्षेत्रातून उत्खनन केलेले गौण खनिज, काढून नेलेले गौण खनिज प्रमाण, विक्री प्रमाणके, कामासाठी नेमलेल्या कामगारांची व त्यांना दिलेल्या पगाराची नोंदवही, या प्रयोजनासाठी आकारणी योग्य असलेले स्वाभित्त्वघन व इतर आकार यांचे संपूर्ण अचूक लेखे ठेवण्याची जबाबदारी परवानाधारकाची असेल.
- 12) परवाना ज्या शर्तीस अधिन राहून देण्यात आला आहे, त्यापैकी कोणत्याही शर्तीचे उल्लंघन झाल्यास परवाना रद्द करण्यात येईल. परवाना रद्द करण्यात आल्यानंतर ज्या जमिनीतून काढण्यात आलेले खनिज त्या जमिनीवर पडलेले असेल तर ते खनिज शासनाच्या संपूर्ण मालकीचे होईल.
- 13) परवान्याची मुदत संपल्यानंतर परवाना क्षेत्रात पडून राहिलेल्या खाणीतील खनिज मालावर व इतर मालमत्तेवर परवानाधारकाचा कोणताही हक्क असणार नाही.
- 14) विभागीय वन अधिकाऱ्याने किंवा त्याबाबतीत प्राधिकृत केलेल्या अशा अधिका-याने निश्चित केलेली नुकसान भरपाईची रक्कम भरल्याशिवाय किंवा त्याच्या पूर्वमान्यतेशिवाय परवाना धारक कोणतेही झाड तोडणार नाही किंवा त्याला इजा पोचवणार नाही.
- 15) परवानाधारक हा भूविज्ञान आणि खनिकर्म संचालक यांनी प्राधिकृत केलेल्या कोणत्याही अधिकाऱ्याला आणि खाणीची जमीन/अनुज्ञेय क्षेत्र ज्यांच्या अधिकार क्षेत्रात येते त्या स्थानिक महसूल किंवा वन प्राधिकऱ्याला परवानाखालील खाणक्षेत्रात किंवा त्यालगत प्रवेश करण्यास किंवा कोणत्याही वेळी खाणकामाची तपासणी करण्यास आणि बरील शर्त क्र. 11 अनुसार परवानाधारकाने ठेवलेल्या लेखा पुस्तकातील लेखांची तपासणी करण्यास आणि माल पाठविणे व विक्री इत्यादींचे तपशिलांची पडताळणी करण्यास परवानगी देईल.
- 16) परवाना दिलेल्या मर्यादेपेक्षा अधिक प्रमाणात कोणत्याही माल काढून नेल्याचे आढळून आल्यास, तो माल सरकारजमा करण्यात येईल आणि महाराष्ट्र जमिन महसूल अधिनियम, 1966 आणि खाण व खनिजे (धिनियमन व विकास) अधिनियमन, 1957 या खालील तरतुदीनुसार कोणत्याही मालाचा दंड व शिक्षेस पात्र असेल.
- 17) परवान्यात मंजूर केलेला खनिज माल काढून संपत्तील परवानाधारक परवाना सक्षम अधिकाऱ्याला परत करील आणि काढून नेण्यात आलेल्या खनिज मालाचे प्रमाण, व त्याची किंमत व ज्यांना हा माल विकण्यात आला त्या पक्षकारांचे नाव आणि त्यासाठी मिळालेली किंमत यांचे तपशील दर्शवणारे संपूर्ण विवरणपत्र सक्षम अधिकाऱ्याला सादर करील आणि सक्षम अधिकाऱ्याने छाननी करण्यासाठी मागणी केलेल्या तपशील कोणतेही तपशील, पुस्तके इ. त्याच्याकडे सादर करेल.
- 18) परवानाधारक हा परवान्यात मंजुरी दिलेल्या क्षेत्रातील वाहतूकीच्या कोणताही साधनाने पाठविण्यात येणाऱ्या प्रत्येक खनिजासोबत वाहतूक पास नमुन्यामध्ये देईल व तो पास या नियमांत विहित करण्यात आलेल्या तरतुदीनुसार असेल. सादर वाहतूक पासेसची स्थळप्रत किमान 01 वर्षभर संग्रहित करून ठेवावे व तपासणीसाठी मागणी केल्यास सादर करावेत.
- 19) खनिजाची वाहतूक उघड्या वाहनातून न करता ताडपत्रीने किंवा योग्य अशा इतर साधनाने झाकून अथवा मेटल कव्हर असलेल्या यांत्रिक पध्दतीने बंद असलेल्या वाहनातूनच करावी.
- 20) खाणीकडे/उत्खनन क्षेत्राकडे जाणारा कच्चा रस्ता जेव्हा ट्रक वाहतूकीसाठी वापरात असेल तेव्हा न चुकता त्यावर पाणी शिंपडण्यात यावे. तसेच धुळीचे प्रदुषण कमी होण्यासाठी योग्य अशी यंत्रणा उभारण्यात यावी व खाणीकडे जाणाऱ्या रस्त्याच्या दुतर्फी झाडे लावण्यात यावीत जेणेकरून धुळीचे प्रदुषण कमीतकमी होईल.
- 21) कोणतेही पूर्व सूचना अथवा कारण न देता खनि अनुज्ञापत्र/परवाना रद्द करण्याचा अधिकार/ हक्क अपर जिल्हाधिकारी, रायगड यांनी राखून ठेवला आहे.
- 22) खाणकामाच्या/उत्खननाच्या जागेपासून 50 मी. अंतराच्या आत लोकवस्ती, विद्युत लाईन, टेलिफोन लाईन, रस्ता, पूल, रेल्वे लाईन, रहदारीचा रस्ता, कालवा, नंदीर, मशिद, शाळा, वन जमिनी, नदी, नाला सार्वजनिक बांधकामे असल्यास खाणकाम करता येणार नाही.
- 23) खाणकाम/उत्खनन केवळ दिवसा करण्यात येणे.
- 24) कोणत्याही मुलाच्या किंवा बांधा-याच्या सुरक्षा क्षेत्रात कोणतेही खाणकाम/उत्खनन करता येणार नाही.
- 25) पुरातत्त्वशास्त्राच्या दृष्टीने महत्त्वाच्या नैसर्गिक किंवा मानवनिर्मित ठिकाणाच्या सांगिच्यात खाणकाम करण्यात येणार नाही.
- 26) प्रकल्पासाठी पाण्याची जरूरी असल्यास खाणपट्टाधारक आवश्यक त्या प्रमाणात पाणी काढण्यासाठी (भूपृष्ठावरील पाणी किंवा भूजल) सक्षम प्राधिकरणांची आवश्यक ती पूर्वपरवानगी घेईल.
- 27) जर काही सांडपाणी असले तर, पर्यावरण व वन मंत्रालय किंवा केंद्रीय प्रदुषण नियंत्रण मंडळ यांनी विहित केलेल्यामानकांनुसार योग्य प्रकारे साठविण्यात येईल व त्यावर योग्यत ती प्रक्रिया करण्यात येईल.



- 28) कोणत्याही वन्य जीवनाचे उल्लंघन करता येणार नाही.
- 29) केंद्रीय प्रदूषण नियंत्रण मंडळाने विहित केलेल्या मर्यादित ध्वनी प्रदूषण नियंत्रित राहण्यासाठी उपाययोजना करणे बंधनकारक राहिल.
- 30) हा परवाना परवान्याच्या तारखेपासून अगंतात येईल. यापूर्वी उल्लंघन केलेल्या खनिजाच्या या परवान्यांत अंतर्भाव नाही. यापूर्वी अनधिकृतरित्या काढलेल्या खनिजाबद्दल अर्जादर कार्यादेशीर पात्र राहिल.
- 31) परवान्यातील गौण खनिज सुरंग लावून काढावयाचे असल्यास प्रत्यक्ष उल्लंघन चालू करण्यापूर्वी रक्षक अधिकाऱ्याकडून सुरंग परवाना घेणे आवश्यक आहे. उल्लंघनासाठी परवानाधारकाने कंट्रोल ब्यारस्टींग करावयाचे असून कोणत्याही मालमत्तेचे नुकसान होणार नाही याची जबाबदारी परवानाधारकाची राहिल याबाबत कोणत्याही तक्रार असल्यास आणि उल्लंघनामुळे सार्वजनिक/खाजगी मालमत्तेचे नुकसान झाल्यास त्याची सर्वस्वी जबाबदारी परवानाधारकाची राहिल तसेच परवाना तात्काळ रद्द व दंडनीय कारवाई केली जाईल.
- 32) या खनिज परवान्याची मुदत संपताच परवानाधारक जमिनीचा ताबा जमिन मालकास देईल.
- 33) सदर खनिज उल्लंघन परवाना ज्याकामासाठी घेतला आहे. त्याच कामासाठी वापरणे आवश्यक राहिल.
- 34) परवान्यातील गौण खनिज काढली नाहीत/हलविली नाहीत. तरी सुध्दा परवान्यातील अटी कायम राहतील.
- 35) सरकारी विभागाने हरकत घेतल्यास परवाना रद्द करण्यात येईल.
- 36) खाणकाम करताना उल्लंघन क्षेत्रातील नैसर्गिक चढ उतार कायम राहिल. याची परवानाधारक काळजी घेईल तसेच चढा दिशेला खाणकाम करावयाचे नसेल त्या चढावर/उतारावर योग्य जातीची पुरेशी झाडे लावावीत की ज्यामुळे जमिनीची धुप होणार नाही.
- 37) खाणीच्या/उल्लंघन क्षेत्रातून जर पाण्याचे काही प्रवाह वाहत असतील तर ते खाणी बाहेरील क्षेत्रात योग्यरित्या परिवर्तित करावेत. म्हणजेच खाणीत/उल्लंघन क्षेत्रात कमीत कमी पाणी येईल आणि सदर पाण्याचा उपयोग जवळपासच्या लोकवस्तीत होईल.
- 38) खाणकाम/उल्लंघन चालू असेल तेव्हा खाण/उल्लंघन क्षेत्रातील रस्ते व खाण क्षेत्रात दिवसातून कमीत कमी एकवेळ पाणी शिंपडण्यात यावे.
- 39) कामगारांच्या झोपड्या व तत्सम तात्पुरती बांधकामे उल्लंघनाच्या/खाणकामाच्या/ सुरंग कामाच्या जागेपासून किंवा खाण मुखापासून कमीत कमी 500 मीटर अंतरावर असावीत तसेच सुरंग वापरासाठी जड यंत्र सामग्री वापरण्यात येऊ नये.
- 40) खाण/उल्लंघन क्षेत्रातील माती/गुरुमाच्या पूर्ण थरात उल्लंघन करून खडक उघडा न पडता खडकावर कमीतकमी 1/2 मीटर जाडीचा माती/गुरुमाचा थर राहिल असे उल्लंघन करावे. म्हणजे त्यामुळे खाणकाम/उल्लंघन पूर्ण झाल्यानंतर लावलेली झाडे योग्यरित्या वाढविण्यास मदत होईल.
- 41) परवानाधारकाने खनिजाची वाहतूक करण्यासाठी रक्षक अधिकाऱ्याकडून वाहतूक परवाने सिले नोंद करून घ्यावेत. परवान्याशिवाय खनिजाचे वाहतूक केल्यास ते अनधिकृत उल्लंघन केलेले खनिज ठरवून दंडनीय कारवाई करण्यात येईल.
- 42) खाणकाम करताना खाणमालकांनी खाणीच्या उच्च भिती सपाट म्हणजे एका उभ्या पातळीवर आणाव्यात. मात्र कोणत्याही परिस्थितीत खाणकाम करताना सध्याच्या डोंगराची चुंची कमी होणार नाही हे बंधनकारक राहिल.
- 43) खनिजपरवान्याची मुदत कुठल्याही परिस्थितीत वाढवून दिली जाणार नाही.
- 44) खाण/उल्लंघन क्षेत्र बुजविण्याची जबाबदारी संपूर्णपणे संबंधित परवानाधारकाची राहिल व अशा खाणी/उल्लंघन क्षेत्रात बुजविल्यास त्यामुळे वरीलप्रमाणे कोणताही दुर्दैवी अपघात घडल्यास त्यास संबंधित परवानाधारक जबाबदार राहिल व अशा वेळी त्यांच्यावर तसेच अन्य संबंधितांवर सदांच मनुष्यबधाचा गुन्हा नोंदविण्याची कार्यवाही करण्यात येईल.
- 45) सदर परवाना व या अंतर्गत भरणा केलेल्या स्ववामित्वधनाच्या चलनाचा उक्त परवाना मंजूर शासकिय कामाव्यतिरीकत अन्य कोणत्याही कामासाठी/परवान्यासाठी वापरता येणार नाही.
- 46) परवानाधारकाने खालील बाबत काळजी घ्यावी.
- अ) परवाना धारकाने खाणीत काम करतानाच्या सुरंगीचे हजेरीपट व वेतनपट ठेवावे.
- ब) परवाना धारकाने खाणीमध्ये काम करतानाच्या सुरंगासाठी वैद्यकीय सुविधा पुरवणे आवश्यक आहे.
- क) परवाना धारकाने बांधकाम पायलट कमीत कमी तसेच नये.
- ड) खाणीमध्ये काम करणाऱ्या कामगारांचे कामे तास व वेळ निश्चित करून ठेवावे.

(किशोरजी. पावळे)

जिल्हाधिकारी रायगड

- प्रत :- 1) मे. म्हात्रे इन्फ्रा प्रोजेक्टस प्रा. लि. तर्फे श्री. संदेश आत्माराम म्हात्रे, रा. वारतु संकल्प, रुम नं.001, प्लॉट नं.113, एम.सी.सी.एच. सोसायटी, पनवेल, ता. पनवेल यांस
- 2) उपविभागीय अधिकारी पनवेल यांना माहितीसाठी व आवश्यक त्या कार्यवाहीसाठी
- 3) तहसिलदार पनवेल यांना माहितीसाठी व आवश्यक त्या कार्यवाहीसाठी

(किशोरजी. पावळे)

जिल्हाधिकारी रायगड



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ADVOCATE HIGH COURT

BEFORE THE HON'BLE NATIONAL
GREEN TRIBUNAL
WESTERN ZONE BENCH AT PUNE
ORIGINAL APPLICATION NO. 80 OF 2025

Vanashakti & Anr ... Applicants
Versus
CIDCO & Ors ... Respondents

AFFIDAVIT IN REPLY ON BEHALF
OF THE RESPONDENT NOS.8 to10

Dated this 23rd day of April, 2026

PMB Legal
Advocates for Respondent No. 8 to 10
603/604, Sharda Chambers, 6th floor,
New Marine Lines, Churchgate,
Mumbai - 400 020

