

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

**Original Application No. 194 of 2024 (WZ)**

**IN THE MATTER OF:**

**SATYAPRAKASH B. SHARMA**

**... APPLICANT**

**VERSUS**

**MPCB & OTHERS**

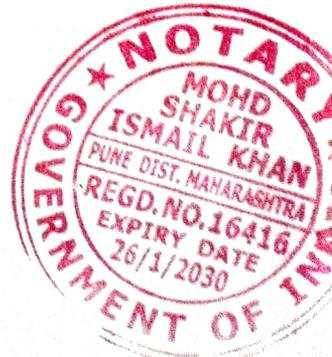
**...RESPONDENTS**

**AFFIDAVIT IN COMPLIANCE OF THE HON'BLE  
TRIBUNAL'S ORDER DATED 28.04.2025**

I, Pramod Kudale, Deputy Collector, Illegal Construction Department, Pune Metropolitan Region Development Authority (PMRDA), do hereby solemnly affirm and state as under:

1. I say that this affidavit is filed in compliance with the Hon'ble Tribunal's Order dated 28.04.2025, wherein directions were issued to Respondent No. 10 (PMRDA) to submit details regarding the outcome of the personal hearing extended to the landowners and the decisions taken in respect of the constructions in question.
2. I say that the Hon'ble Tribunal had specifically directed Respondent No. 10 to apprise it of the outcome of the personal hearing conducted for the landowners, which was initially scheduled for 20.01.2025. Due to personal difficulties cited by the landowners, the hearing was adjourned and subsequently held on 15.05.2025.





3. I say that during the hearing, the landowners, the Administrator of Kharabwadi Grampanchayat, and the Applicant were present. The Applicant insisted that Respondent Nos. 2 to 7 must independently manage their wastewater/sewage discharge from their respective lands.
4. I say that the landowners submitted documents substantiating their ownership and the existence of constructions prior to the establishment of PMRDA. These documents included the 8A Extract and tax receipts from the Grampanchayat, confirming the levy of taxes on the properties. A sample copy of the Grampanchayat Kharabwadi Assessment List Extract (Format No. 8) and a tax receipt of Rs. 10,823/- dated 18.05.2025 are annexed hereto as **Annexure-I**.
5. I say that the following directions were given by Tahasildar:
  - 5.1 Shri R.R. Chaure, Gramsevak, and Shri S.B. Karande, Administrator, were directed to convene a joint meeting with the Applicant and the residents of Kharabwadi to facilitate the removal of municipal solid waste through the Grampanchayat.
  - 5.2 It was observed that the constructions of the Applicant and Respondent Nos. 2 to 7 have been in existence since 2002, with some structures being over 20 years old. To ensure compliance with the Maharashtra Regional and Town Planning Act, 1966, the landowners were advised to submit requisite applications to the Building Permission Development Department of PMRDA for regularization.
  - 5.3 In pursuance of the hearing held on 15.05.2025, the Chief Town Planner, PMRDA, was entrusted with the authority to take a final decision on sewage and solid waste disposal pertaining to the constructions of the Applicant and Respondent Nos. 2 to 7. The decision of the Chief Town Planner shall be binding on all parties, including the Applicant and Respondent Nos. 2 to 8. **Annexure-II**



6. I say that according to the directions given by the Hon'ble NGT, hearing of dated 15/05/2025, Grampanchayat takes hearing of Applicant and Respondent 2 to 7 on 21/05/2025 and It was further resolved and directed that the concerned landowners, at their own expense and responsibility, shall connect their wastewater to the underground sewerage line located north of Bhairavnath Temple and also clean the concern land of the Applicant.
7. I say that during a subsequent hearing with the Grampanchayat authorities, it was revealed that a sewerage line exists in the area. However, the Grampanchayat alleged that the Applicant had removed/destroyed a portion of the sewerage line passing through his plot. Accordingly, it was deemed appropriate for the Grampanchayat (Respondent No. 9) to initiate necessary action against such obstruction.
8. I say that the Respondent No. 10 has duly complied with the Hon'ble Tribunal's directions by conducting the hearings and concluding that the constructions were permitted prior to PMRDA's establishment. The Grampanchayat (Respondent No. 9) remains the competent authority to address the restoration of the sewerage line to prevent any discharge of sewage onto the Applicant's land.

*Shakir*



VERIFICATION:

I, the deponent above-named, do hereby solemnly affirm and declare that the contents of paragraphs 1 to 8 of this affidavit are true and correct to the best of my knowledge and belief, and no part thereof is false or misleading. The annexures referred to herein are true copies of the original documents as per office records.

DEPONENT

Place: PMRDA

Date: 11<sup>th</sup> June 2025

*Pranod Kudale*  
11/6/25  
(Pranod Kudale)

Deputy Collector, Illegal Construction Department,  
PMRDA

Authorised Signatory

ANNEXURES:

Annexure-1: Certified copy of Grampanchayat Kharabwadi Assessment List Extract (Format No. 8) and Tax Receipt.

Annexure-II: Translation of the order of the hearing conducted with the Applicant, Respondent Nos. 2 to 8, and Grampanchayat Kharabwadi (Respondent No. 9).

**BEFORE ME**

*Moht Shakir Ismail Khan*

MOHT SHAKIR ISMAIL KHAN  
ADVOCATE & NOTARY  
GOVERNMENT OF INDIA

11 JUN 2025

**NOTED & REGISTERED**

At Sr.No.- 1049/2025

Date- 11 JUN 2025





मा.तहसिलदार तथा पदनिर्देशित अधिकारी पुणे महानगर प्रदेश विकास प्राधिकरण पुणे.

यांचे समोरील कामकाज

पु.म.प्र.वि.प्रा./अ.बां.नि.वि./जा.क्र. १९१२

दि. ३/६/२०२५

श्री.सत्यप्रकाश बस्तीराम शर्मा  
सर्व्हे नं १६७ प्लॉट नं १५ कामगार नगर  
पिंपरी,पुणे-४११०१८

अर्जदार

विरुद्ध

१. श्री. अशोक सहादू खराबी
२. श्री. अमित नंदराम खराबी
३. श्रीमती. संगीता जालिंदर खराबी
४. श्री. राजेंद्र धोंडीबा खराबी
५. श्री .नंदाराम धोंडीबा खराबी
६. श्री .सुरेंद्र रामचंद्र खराबी
७. श्री. अमोल शांताराम खराबी

गैरअर्जदार/जाबदार/सामनेवाले

मा.राष्ट्रीय हरित लवाद (पुणे खंडपीठ ) यांचेकडील OA NO.१९४/२०२४ मधील आदेशानुसार संबंधित प्रकरणाची दिनांक १५/५/२०२५ रोजी सुनावणी घेण्यात आली. सदर सुनावणीमध्ये श्री सत्यप्रकाश शर्मा,अशोक खराबी तर्फे प्रवीण खराबी, सुरेंद्र खराबी, संगीता खराबी तर्फे प्रमोद खराबी ,अमोल खराबी ,ग्रामपंचायत खराबवाडी तर्फे ग्रामपंचायत अधिकारी आर.आर. चौरे ,प्रशासक एस. बी कारंडे हजर होते.

सुनावणीवेळी उपस्थित वादी,प्रतिवादी यांनी तोंडी युक्तिवाद दाखल केला.वादी तथा अपिलार्थी यांनी मौजे खराबवाडी तालुका खेड जिल्हा पुणे,येथील गट नंबर ३७८/३ मधील अस्वच्छता ,सांडपाणी व्यवस्था याबाबत सामने वाले यांनी स्वतःच्या जागेतून मलनिसरण व्यवस्था करणे बाबत नमूद केले.

सदर सुनावणी वेळी खराबवाडी ग्रामपंचायत चे ग्रामसेवक व प्रशासक हे हजर होते. संबंधित ग्रामपंचायत प्रशासक यांना दिनांक २१/०५/२०२५ रोजी संबंधित रहिवाशी व अपिलार्थी यांची संयुक्त बैठक घेण्याचे निर्देश देऊन पुढील दोन ते तीन दिवसांमध्ये श्री सत्यप्रकाश शर्मा यांचे उपस्थितीत त्यांच्या भूखंडातील असणारा कचरा काढण्याचे काम ग्रामपंचायतीच्या माध्यमातून पूर्ण

करण्याच्या सूचना देण्यात आल्या.त्यास उपस्थित अपिलार्थी व प्रतिवादी यांनी मान्यता दिली त्याचप्रमाणे संबंधित प्रतिवादी तथा बांधकाम धारक यांना बांधकामाची कागदपत्रे, पुरावे हे नियमानुकूल करणे कामीची कागदपत्रे विकास परवानगी विभागाकडे दाखल करण्यास सांगण्यात आले.

सदर सुनावणीच्या वेळी ग्रामपंचायतच्या वतीने सदर ठिकाणाच्या बांधकामाचे नमुना नंबर ८चे उतारे दाखल करण्यात आले.दिनांक २१/०५/२०२५ रोजीचे बैठकीत घेण्यात येणारे निर्णय व बैठक कार्यवाही इतिवृत्तांत माननीय राष्ट्रीय हरित लवाद (खंडपीठ पुणे), त्याची एक प्रत इकडील कार्यालय व अपीलार्थी यांना सादर करण्याचे निर्देश देण्यात आले.

उक्त सुनावणी मध्ये ग्रामपंचायतीने दाखल केलेले नमुना नंबर ८चे उतारे प्रतिवादी यांचे बांधकाम ,वादी तथा अपिलार्थी यांचे म्हणणे पाहता सदरची बांधकामे ही सन २००२ पासून ची असल्याचे दिसून येत आहे.महाराष्ट्र शासन, ग्रामविकास विभाग व नगर विकास विभाग यांचेकडील वेळोवेळी झालेले शासन निर्णय यांचे अवलोकन करता सदर बांधकामे ही जुनी व त्यातील काही वीस वर्षाहून जुनी व तदनंतरचीही दिसून येतात. यास्तव बांधकाम धारकांना त्यांची बांधकामे महाराष्ट्र प्रादेशिक व नगररचना अधिनियम १९६६ मधील तरतुदीनुसार नियमानुकूल करणे कामी या कार्यालयाकडील विकास परवानगी विभागाकडे अर्ज दाखल करून आवश्यक ती कार्यवाही करण्याची मुभा देणे आवश्यक आहे असे इकडिल मत आहे . तथापि संबंधित बांधकाम धारकांनी आपल्या निवासस्थानातून बाहेर पडणारा सांडपाणी/मलनिसरण याची व्यवस्था स्थानिक स्वराज्य संस्थेच्या मदतीने स्वतःच्या जागेतून सार्वजनिक व्यवस्थेपर्यंत करणे आवश्यक आहे असे इकडिल मत आहे.

या अनुषंगाने ग्रामपंचायत खराबवाडी यांनी दिनांक २१ /०५ /२०२५ रोजी घेतलेल्या बैठकीचे इतिवृत्त या कार्यालयास सादर केलेले आहे. सदर इतिवृत्तानुसार संबंधित बांधकाम धारक यांना स्वखर्चाने व स्वतःच्या मालकीच्या जागेतून सदर सांडपाणी व्यवस्थापनाचे काम त्यांच्या जबाबदारीवर करून सांडपाणी हे ग्रामपंचायत हद्दीतील श्री भैरवनाथ मंदिराच्या उत्तरेस जाणाऱ्या ग्रामपंचायत सार्वजनिक भूमिगत गटर लाईनला जोडून देऊन व्यवस्थापन करण्याचे सूचना देण्यात आल्याचे कळविले आहे.

इकडील दिनांक १५/०५/२०२५ रोजीच्या सुनावणी दरम्यान अपिलार्थी तथा वादी यांनी सदरील तक्रार ही सांडपाणी/ घनकचरा याबाबतचे असून यावर कार्यवाही होणे आवश्यक असल्याचे नमूद केले आहे. सबब सदर बांधकाम धारकांचे बांधकामाबाबतचे निर्णय हे पुणे महानगर प्रदेश विकास प्राधिकरणाकडील महानियोजनकार, विकास परवानगी विभाग यांचे कडील निर्णयानुसार होतील व सांडपाण्याबाबतचा निर्णय दिनांक १५/०५/२०२५ व २१/०५/२०२५ रोजीचे सुनावणी / बैठक मधील निर्देश हे जाबदार तथा प्रतिवादी यांना बंधनकारक राहतील.

मी, श्री. रविंद्र रांजणे तहसिलदार तथा पदनिर्देशित अधिकारी खालीलप्रमाणे आदेश पारित करित आहे.

आदेश

१. माननीय राष्ट्रीय हरित लवाद (खंडपीठ पुणे) येथील OA NO.१९४/२०२४ मधील प्रतिवादी क.१ ते ७ यांनी इकडील दिं १५ /५/२०२५ रोजीचे सुनावणी मधील निर्देशानुसार ग्रामपंचायत खराबवाडी यांनी दिं २१/५/२०२५ रोजीचे बैठकीतील निर्देशानुसार सांडपाणी व्यवस्थापनाची कार्यवाही करणेची दक्षता घ्यावी.
२. प्रतिवादी क.१ ते ७ यांनी केलेल्या इमारत बांधकामाचे अनुषंगाने महानियोजनकार, विकास परवानगी विभाग,पुणे महानगर प्रदेश विकास प्राधिकरण यांचे निर्णय बंधनकारक राहतील. त्याअनुषंगाने प्रतिवादी क.१ ते ७ यांनी पुणे महानगर प्रदेश विकास प्राधिकरणाकडील "विकास परवानगी विभाग कडे आवश्यक ती कागदपत्रे दाखल करावी.

दि. ३ /६/२०२५ आज रोजी वरील आदेश माझ्या सही व शिक्क्यानिशी निर्गमित करण्यात आला आहे

  
(रविंद्र रांजणे)

तहसिलदार तथा पदनिर्देशित अधिकारी  
अनधिकृत बांधकाम निर्मुलन विभाग  
पुणे महानगर प्रदेश विकास प्राधिकरण पुणे.

प्रति:- १.मा.निबंधक,राष्ट्रीय हरित न्यायाधिकरण पश्चिम क्षेत्र पहिला मजला, बी विंग, नवीन प्रशासकीय इमारत, कौन्सिल हॉल समोर, कॅम्प, पुणे, महाराष्ट्र ४११००१

प्रत:-१ मा.सह आयुक्त अनधिकृत बांधकाम निर्मुलन विभाग, पु.म.प्र.वि.प्रा.पुणे यांना माहितीस्तव.

२ मा.महानगर नियोजनकार विकास परवानगी विभाग, पु.म.प्र.वि.प्रा.पुणे यांना माहितीस्तव.

३ ग्रामपंचायत खराबवाडी,ता.खेड,जि.पुणे.

**Before the Hon'ble Tahsildar and Designated Officer, Pune  
Metropolitan Region Development Authority (PMRDA), Pune**

Today's Proceedings

PMRDA/Unauthorized Construction E./Outward No. 1912

Date: 03/06/2025

Mr. Satyaprakash Bastiram Sharma

Survey No. 167, Plot No. 15, Kamgar Nagar,  
Pimpri, Pune – 411018



Applicant

**Versus**

1. Mr. Ashok Sahadu Kharabi
2. Mr. Amit Nandaram Kharabi
3. Mrs. Sangeeta Jalindar Kharabi
4. Mr. Rajendra Dhondiba Kharabi
5. Mr. Nandaram Dhondiba Kharabi
6. Mr. Surendra Ramchandra Kharabi
7. Mr. Amol Shantaram Kharabi



Respondents / Opponents

As per the order in OA No. 194/2024 from the Hon'ble National Green Tribunal (NGT), Pune Bench, a hearing in this case was conducted on 15/05/2025. Present at the hearing were: Mr. Satyaprakash Sharma (Applicant), Mr. Pravin Kharabi (on behalf of Ashok Kharabi), Mr. Surendra Kharabi, Mr. Pramod Kharabi (on behalf of Sangeeta Kharabi), Mr. Amol Kharabi, Gram Panchayat Officer R.R. Chaure and Administrator S.B. Karande (on behalf of Gram Panchayat, Kharabwadi)

**Summary of Hearing:**

Both applicant and opponents presented oral arguments. The applicant alleged issues related to unhygienic conditions and improper sewage management in Gat No. 378/3, Mouje Kharabwadi, Taluka Khed, District Pune, and emphasized the need for the respondents to construct a proper drainage system from their property.

**During the hearing:**

The Gram Sevak and Administrator of Kharabwadi Gram Panchayat were present. They were instructed to hold a joint meeting with the applicant and concerned residents on 21/05/2025, and to clear the garbage from Mr. Sharma's plot within 2-3

days via the Gram Panchayat. All parties, including respondents and the applicant, agreed to this plan. The respondents (construction holders) were directed to submit the necessary construction documents and proofs to the Development Permission Department for legal verification and compliance.

During the hearing, the Gram Panchayat also submitted Form No. 8 records related to construction at the site. It was observed that the construction existed since 2002, making it over 20 years old. Upon review of various decisions by the Government of Maharashtra's Rural and Urban Development Departments, it was found that these were old constructions, with some possibly built post-2002.

Hence, it is the opinion of this office that construction holders should be permitted to apply to the Development Permission Department of PMRDA for regularization of their buildings under the Maharashtra Regional and Town Planning Act, 1966, provided they comply with applicable rules. However, they must also ensure the sewage/wastewater generated from their residences is properly channeled from their own premises to the public sewage system with the help of the local self-government body.

As per the minutes of the 21/05/2025 Gram Panchayat meeting, the respondents were instructed to manage their sewage systems at their own expense and within their own property, and to connect the system to the public underground drainage line running north of Shri Bhairavnath Temple within the Gram Panchayat limits.

During the 15/05/2025 hearing, the applicant emphasized that the complaint was specifically regarding sewage and solid waste, and demanded necessary action. Consequently, the decision on the legality of the construction will be governed by the competent authority of the PMRDA's Development Permission Department, and sewage management instructions issued on 15/05/2025 and 21/05/2025 will be binding on the respondents.

Order by Mr. Ravindra Ranjane, Tahsildar and Designated Officer, Unauthorized Construction Eradication Department, PMRDA, Pune:

## **Order**

1. The respondents (Nos. 1 to 7) are to ensure compliance with sewage management measures as per the hearing dated 15/05/2025 and the Gram Panchayat's meeting held on 21/05/2025.
2. Regarding the constructions made by the respondents (Nos. 1 to 7), they are bound by the decisions of the Chief Planner, Development Permission Department, PMRDA. Accordingly, they must submit the required documents to the Development Permission Department of PMRDA for further action.

Issued under my signature and seal on 03/06/2025

(Ravindra Ranjane)  
Tahsildar and Designated Officer  
Unauthorized Construction Eradication Department  
Pune Metropolitan Region Development Authority (PMRDA), Pune

Copy to:

To,

Hon'ble Registrar, National Green Tribunal, Western Zone, 1st Floor, B Wing,  
New Administrative Building, Opp. Council Hall, Camp, Pune – 411001

Copy-

1. Hon'ble Joint Commissioner, Unauthorized Construction Eradication Department, PMRDA, Pune (For Information)
2. Chief Metropolitan Planner, Development Permission Department, PMRDA, Pune (For Information)
3. Gram Panchayat, Kharabwadi, Taluka Khed, District Pune