



BEFORE THE NATIONAL GREEN TRIBUNAL WESTERN ZONE
BENCH, PUNE

ORIGINAL APPLICATION NO.134 OF 2024 (WZ)

Shri. Arvind S. Hivrale

}

.... Applicant

Versus

Member Secretary MPCB,
& Ors.

}

.... Respondents

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FOR APPLICANT



Affidavit in Compliance of the Orders passed on 26-11-24 in 134/23

BEFORE HON'BLE NATIONAL GREEN TRIBUNAL, WZ BENCH AT PUNE

Shri Arvind S. Hirale

VERSUS

Member Secretary, MPCB & Others.

....) Respondents.

Affidavit in Compliance of the Orders passed on 26 - 09 - 2024 & 26 - 11 - 24

1, Dhammapriya Gaikwad, Tahsildar, Naigaon (Kh.), having my office at Naigaon (Kh.) - Nanded - Degloor road, District Nanded do hereby file the Affidavit in Reply to the Application filed by the Applicant on behalf of the R.N. 2 & 3 respectively as authorized by the Competent Authority in compliance of Orders passed by this Hon'ble Tribunal dated 30 th April 2024, 26-09-2024 & 26-11-2024 & also as per the MPCB- Report submitted by the MPCB before Hon'ble Tribunal to furnish information to the MPCB about the Brick Kiln Owners Names & mining permissions to initiate appropriate actions at MPCB end as under:

I say & submit that the Respondent No.3 had earlier submitted the information about the illegal excavation of soil and actions initiated for stoppage thereof by imposition of burden on such lands as well as illegal operation of Brick Kilns in the jurisdiction of Naigaon (Kh.) by its Marathi Letter dated 14-06-2024 & 27-06-2024 respectively. However, it appears that the Marathi Letters sent to the Sub Regional Officer, MPCB at Nanded were not perused and taken into consideration. I crave leave to refer to & rely upon those communications as & when necessary.

I have therefore communicated information earlier sent into Marathi into English Action Taken Report vide Letter dated 05-12-2024. A copy of the said Letter addressed to the Sub Regional Officer, MPCB, Nanded with a copy thereof sent to the Regional Officer, MPCB, Chhatrapati Sambhaji Nagar is enclosed & marked as an Annexure-R-1. The Report in the form of Letter addressed to the Sub Regional Officer, MPCB, Nanded is self-explanatory.

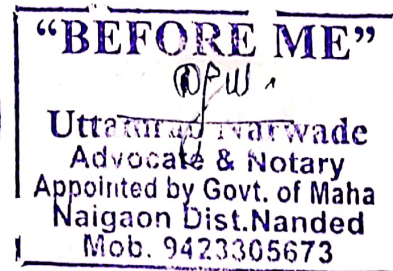
I have been authorized to file the Affidavit on behalf of the R. Nos. 2 & 3 respectively. Hence, I have filed 2 separate Vakalatnama on behalf of R. Nos. 2 & 3 respectively.

Dated this 11 th December, 2024 at Naigaon (Kh.).

For & On behalf of the Respondent Nos. 2 & 3 respectively.

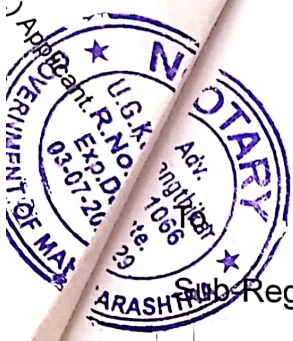

(Dr. Dhammapriya Gaikwad) तहसिलदार नायगांव (खै.)

Tahsildar, Naigaon (Kh.)



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Date- 05/12/2024

Annexure R-1



Sub-Regional Officer,
Maharashtra Pollution Control Board, Nanded,
Lahoti Complex 2nd Floor,
Vajirabad, Dist. Nanded
(gronanded@mpcb.gov.in)

Subject - Compliance of Orders dated 26.09.2024 and 26.11.2024 passed by Hon'ble NGT, WZ Bench at Pune.

Reference -

- 1) Various Orders passed by Hon'ble NGT, (WZ) Bench at Pune in OA No.134 of 2023
- 2) SRO, MPCB, Nanded Report in compliance of Order dated 04.07.2023 about complete of Shri. Arvind Hivrale Dated 28.08.2023

Kind Attention: SRO MPCB, Nanded.

This office has already sent the information available with the mining officer about the excavation of soil for the purposes of various brickkilns and permissions if any obtained by the owners/operators of brickkilns for such excavation and actions initiated by District Mining Officer, Nanded against such land owners vide letter dated 14.06.2024 and 27.06.2024 respectively. The copies of both the Letters addressed to your office are enclosed for ready reference. (Annexure A and B respectively). The said communications specifically given the information is as under-


a) Letter dated 24.05.2024 This office has already communicated the Information in respect of the excavation of soil, sand and tree cutting as well as use of fertile soil for manufacturing bricks vide Letter dated 24.05.2024. The soil used for the manufacturing of bricks was stated to be obtained from the land owners having requisite permission for the same. However, the soil storage and use thereof by the brickkilns were observed to be illegal (without permission of the competent authority). Therefore, the burden was imposed on the respective lands where brickkilns were in operation without proper permission.

The equipment's used for illegal sand dredging and excavation of soil have been confiscated and further burden have been imposed on the respective lands in respect of illegal storage of soil and sand on those premises. Thereafter no unauthorized excavation of soil and sand dredging have so far been done at a place of the antient temple where the complainant has communicated that illegal excavation and mining was said to be done.

b) Letter dated 14.06.2024-With regard to the order passed by Hon'ble NGT in the OA No. 134 of 2023 dated 30.04.2024, Talathi of Sajja-Raher had caused visit and inspection of all brickkilns and Inquired about obtaining of permissions for backlinks from MPCB. It was observed that no permissions have been obtained from the MPCB. A List of such brickkilns is enclosed herewith and marked as an Annexure C. Your office has been requested to initiate appropriate action against such brickkilns.

This report is already submitted in compliance of the report submitted by you to Hon'ble NGT and with reference to your letter dated 10.06.2024. This office instructed the concerned responsible officer/s to ensure that illegal excavation of soil and sand dredging should be immediately stopped and necessary burden in the form of penalty shall be imposed as per established practice. If any other information is required please let us know so that it can be Immediately submitted.

Thank You.


(Dr. Dhammapriya Gaikwad)

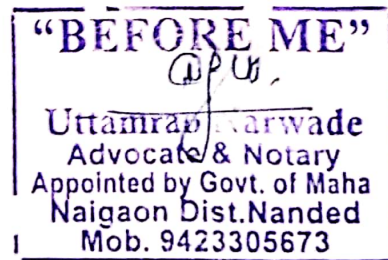
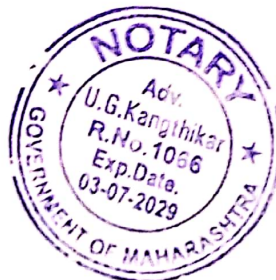
Tahsildar Naigaon (kh.)

Copy submitted to Regional Officer, MPCB, Chhatrapati Sambhajinagar

(roa@mpcb.gov.in)


तहसिलदार नायगांव (खे.)
(Dr. Dhammapriya Gaikwad)

Tahsildar Naigaon (kh.)



Tru Translation of Tahsildar Naigaon (Kh.) c0mmunication to SRO, MPCB Nanded
dtd 27.06.2024

Tahsil Office Naigaon (Kh.)

Email-tahnaigaon@gmail.com	Contact No. 02465-259499
Branch- Minor Minerals	Outward No.2024/Minor Mineral/Ka.Vi-177

The Sub-Regional Officer,
Maharashtra Pollution Control Board,
Lahoti Complex, 2nd Floor, Wazirabad, Nanded.

Tehsil Office, Naigaon (Kh.)
Phone: 02465-259499

Subject: Complaint regarding illegal excavation of soil, tree felling, and sand extraction at Mauje Raher, Tal.Naigaon (Kh), Dist. Nanded.

Reference

1. Report from Talathi Sajja-Raher, dated 21/05/2024
2. Your Office- Letter No. MPRNI/Uprakanan/Tansha/128/24, Dated 10/06/2024

With reference to the subject and Reference No. 2 above, a complaint was received by this office from Mr. Arvind S. Hivrare, resident of Raher, Tal. Naigaon (Kh), Dist. Nanded. The Hon'ble National Green Tribunal, Western Zone, Pune, took suo-motu cognizance of the matter and passed an order on 30/04/2023. The order directed this office to submit a report regarding the illegal extraction of sand and soil.

It is requested that your office take the necessary action at your level and send the required report to this office at the earliest, so that it can be presented before the Hon'ble National Green Tribunal during the proposed hearing on 08/07/2024. Accordingly, based on Reference No. 2. Talathi Sajja-Raher, Tal. Naigaon (Kh), Dist. Nanded, has submitted a report to this office.

As per the report from Reference No.2, action has been taken from time to time regarding illegal soil and sand extraction in the riverbed near Raher. On 10/04/2024 12 suction pipes, 16 iron tanks, and 02 anchors, which were being used for illegal excavation, were seized. Additionally, on 29/05/2024, a boat and equipment used for

illegal sand extraction from the Godavari riverbed at Mauje Raher were burned and destroyed.

Regarding the illegal storage of sand, action has been taken on the farmers' land records, fines have been imposed. Where illegal soil stockpiles were found on the lands belonging to Brickkilns they were subject to orders from this office burden have been imposed vide Ref. No.2022/Goun Khanij/Kavi- 10/08/2022 and 12/09/2022). Based on these orders, the illegal stockpiles were confiscated under the amendment orders No.1548, 1549, 1550, 1562, 1563, 1565, and 1566.



A team has been formed by this office to prevent illegal excavation and transportation of sand and soil. This team is ensuring that no such activities are carried out. This report is submitted for your information and further necessary action.

(Enclosures: Copy of Amendment orders & Change Reports)

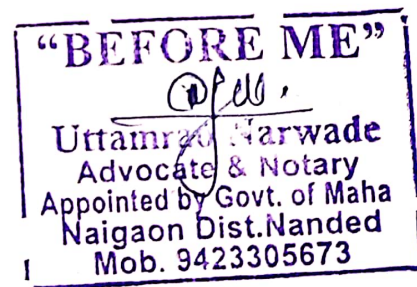
Copies to:

✓ The Hon'ble National Green Tribunal, Western Zone, Pune - For information.

The District Collector, Nanded - For information.

The Sub-Divisional Officer, Biloli - For information.

Dhambriya
तहसिलदार नायगांव (खै.)
(Dr. Dhammapriya Gaikwad)
Tehsildar, Nandgaon (Kh)

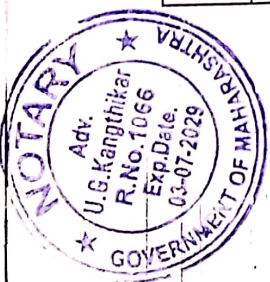


Mauje Raheer, Tal. Nalgaon (Khal), Dist. Nanded- List of Brick Kilns Owners in the said area

Sr.	Brick Kilns Owners	Original Owner	Gat No.	Present status of Brick Kilns with the quantity of Bricks stored in the premises
	Govind Gangadhar Narwade	Original Owner	5	250,000
2.	Gangadhar Pralhad Belkar	Dhurpatbai Ramchandra Panchal	220	30000
3.	Sayyad Sayyed Rasul Ahmed	Keshrabai Raosaheb Narwade	220	30000
4.	Sayyad Khadir Abdul Rehman	Parvatibai Ramji Dake	191	55000
5.	Gafar Beg Hussein Beg	Rajendra Maroti Narwade	141	90000
6.	Madhav Shankar Bogare	Maroti Dattaram Hivrale	396	30000
7.	Govind Gopal Narwade	Vyankubai Vyankat Panchale	395	180000
8.	Madhav Patil Hiwarale	Sunil Dumne	198	90000
9.	Ganesh Tejerav Narwade	Original Owner	486	80000
10.	Sayyad Rauf Sayyadmiya	Sheikh Shafiuddin Tajuddin	107	160000
11.	Mirza Imam	Ananda Panchal	220	220000
13.	Sayyad Alisab Maulasab	Ashok Madhavrao Pillewad	182	45000



14.	Sayyad Riyaz Sayyadmiya	Ganoji Sambhaji Hivrale	390	15000
15.	Vyankat Ramji Narwade	Original Owner	413	30000
16.	Shivaji Lakshman Narwade	Original Owner	136	110000
17.	Mukid Momin	Digambar Anandarav Narwade	485	90000
18.	Datt Jadhav	Ganesh Gaikwad	236	70000
19.	Sheikh Shafuddin Tajuddin	Shantabai Maroti Panchal	429	40000
20.	Suresh Babarao Hivrale	Mohan Anandarav Hivrale	402	80000
21.	Madhav Ramrao Patil	Keshrabai Raosaheb	404	70000
22.	Ananda Pralhad Hivrale / Ashok Hivrale	Original Owner	214	60000
23.	Shankar Sambhaji Narwade	Bhimrao Dumne	6	35000
24.	Nagesh Manoharrao Raherkar	Original Owner	10	45000



Stamp
Talathi - Saja, Raher, Tal. Naigaon, Dist. Nanded.

U.G. KANCHHIKAR
तलाठी सजा, राहेर
ता. नायगांव जि. नंदेड

"BEFORE ME"
Uttamrao Narwade
Advocate & Notary
Appointed by Govt. of Maha
Naigaon Dist. Nanded
Mob. 9423305673

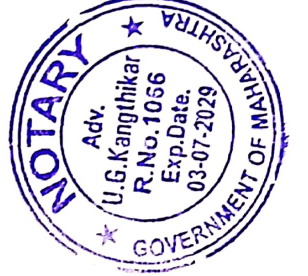
True Translation of Tahsildar Naigaon (Kh.) communication to SRO,
MPCB Nanded dtd 14.06.2024

Tahsil Office Naigaon (Kh.)

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Email-tahnaigaon@gmail.com	Contact No. 02465-259499
Branch- Minor Minerals	Outward No.2024/Minor Mineral/Ka.Vi-

To,
The Sub-Regional Officer,
Maharashtra Pollution Control Board,
Lahoti Complex, 2nd Floor,
Wazirabad, Nanded.



Subject: Original Application No. 134/2023 (WZ), Earlier L.P. No. 09/2023 (WZ) Regarding illegal excavation of soil, sand extraction, deforestation, and the use of fertile soil for brick kilns at Mauje Raheer, Tal. Naigaon, Dist. Nanded, as per the complaint filed by Mr. Arvind Hivrale before the Hon'ble National Green Tribunal, Western Zone, Pune.

Reference:

Letter from the District Collector, Nanded, Ref. No. 2024/Mashaka-2/Go.Kha./VitBh/Te- 2/Pr.Kr. Dated 13/05/2024

Report from Talathi Sajja-Raheer, Dated 21/05/2024.

Respected Sir/Madam,

With reference to the subject matter on the above-mentioned complaint, Original Application No. 134/2023 (WZ), Earlier L.P. No. 09/2023 (WZ) is filed by Mr. Arvind Hivrale before the Hon'ble National Green Tribunal, Western Zone, Pune, regarding the illegal activities such




as soil excavation, sand extraction, deforestation, and the use of fertile soil for brick kilns at Mauje Raheer, Tal. Naigaon (kh.), Dist. Nanded. An order was passed on 30/04/2024, a copy of which is enclosed for your reference. The complaint highlights the illegal activities being carried out at the location.

As per the report submitted by Talathi Sajja-Raheer (Reference No. 2), a field inspection was conducted at all the brick kiln locations in Mauje Raheer. Upon inquiry with the brick kiln owners, it was found that they did not possess the necessary licenses. They had not obtained the required permissions from the Maharashtra Pollution Control Board (MPCB). Furthermore, a list of brick kiln operators at the location, along with an estimate of the number of bricks currently being produced or present at the site, has been submitted to this office.

Therefore, based on the report from Talathi Sajja-Raheer, It has been observed that the brick kiln owners at Mauje Raheer do not have the necessary permits. A list of the brick kiln owners and the estimated number of bricks produce/ available at the site is attached herewith.

It is requested that appropriate action be taken from your end in this matter.


(Dr. Dhammapriya Gaikwad)
Tahsildar Naigaon (kh.)

Copies to:

The District Collector, Nanded - For information and necessary action.

The Sub-Divisional Officer, Biloli - For information and necessary action.


(Dr. Dhammapriya Gaikwad)
Tahsildar Naigaon (kh.)

Tahsildar Naigaon (kh.)

