

**BEFORE THE HONBLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH AT NEW DELHI**

ORIGINAL APPLICATION NO.61/2022 (WZ)

Anand Ganesh Sathe and others

... PETITIONER(S)

- VERSUS -

Pen Municipal Council and others.

...RESPONDENT(S)

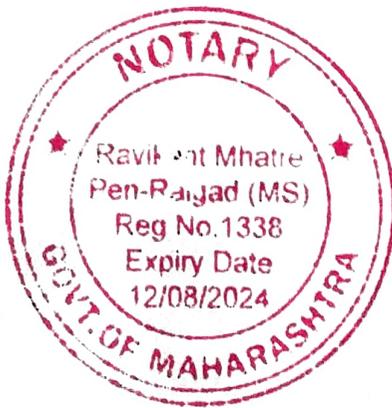
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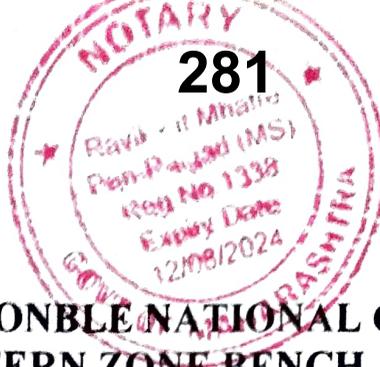
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PRESHIT SURSHE

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**BEFORE THE HONBLE NATIONAL GREEN TRIBUNAL,
WESTERN ZONE BENCH AT PUNE**

ORIGINAL APPLICATION NO.61/2022 (WZ)

Anand Ganesh Sathe and others

... PETITIONER(S)

- VERSUS -

Pen Municipal Council and others.

...RESPONDENT(S)

AFFIDAVIT IN REPLY ON BEHALF OF RESPONDENT NO. 4

I, Jivan Laxman Patil, Age - 48 years, Working as Chief Officer, Pen Municipal Council Dist-Raigad, do hereby state on solemn affirmation as follows:

I say that, I am filing this Affidavit in Reply on behalf of Respondent No.1. The contents of this affidavit are based upon the official record that was available to me. Nothing in this affidavit be treated as admission of something stated in the Petition unless it is clarified, answered or otherwise explained. I may be permitted to file further affidavit if the circumstances so require.

1. The answering Respondent respectfully state that the Applicant in the present case contend that his land bearing survey no.265/A/2/A and survey no. 265/A/3 is having several varieties of and species of tress having medicinal value. The Respondent raise a concern that the said land is proving to be an obstruction for the development of the Pen city. The Applicant states the draft Revised Plan of the Pen City requires the construction of the Playground and a road and the land of the Petitioner is obstruction for the same.

2. The answering Respondent submits that as per the approved second Revised Plan with reservation no.4 playground and 24 meters of road. The answering Respondent respectfully submits that the second Revised Plan for the city of the Pen is approved by the Government notification no.TPS-1715/2485/Case.no.150/15/SM/NV-12 dated 23.03.2017. Thereafter, the development plan (E.P.) for the remaining land was approved vide the Urban Development Department notification dated 29.01.2019 being no.TPS 1715/2485/case no.150/15/EP/NV-12.

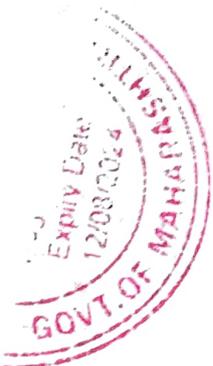
3. The answering Respondent further state that though the above stated revised plan is approved however, there is neither any cutting of the tress and plants in the land of Applicant nor the same is being done yet. It is pertinent to note that the Respondent also has not put forth any proposal for acquisition of the land of the Applicant the details of which mentioned above. Thus, in the present situation the land bearing survey no.265/A/2/A and survey no. 265/A/3 is not acquired at present. More importantly the Respondent will not cut the tree and plants in the said land of the Applicant without the acquisition of the said land and the possession of the same is not handed over to the Respondent officially as per prescribed procedure.

4. The answering Respondent submits that in current situation Pen Municipal Council has not made any proposal for the said land acquisition. There also no such Municipal Council General Body resolution passed or any report for acquisition of the reservation



land of the Applicant.

5. The answering Respondent further submit that as per the Maharashtra Municipal Councils, Nagar Panchayats And Industrial Townships Act 1965 under Section 77, Chief Officer is the only empowered to implement and give effect to the decision of the on the local self-government body. Pen Municipal Council is a local self-governing body. Further it is pertinent to note that the local self-governing body is the deciding authority to make any proposal for compulsory acquisition or not of any land.
6. The answering Respondent submits that in future if there is any decision of the Pen Municipal Council general committee of local self-governing body to acquire the land of the Applicant, then the chief officer is bound to implement the same.
7. The answering Respondent submits that the as per the General Body meeting no. 668 of the Pen Municipal Council, the resolution was passed on 12.08.2016 for the development of the road from national highway no.17 to Bhundapul area by widening the road to 24 meters. Further the Pen Municipal Council has undertaken the said road development work on the land within its possession and entitlement. It is true to say that the land of the Applicant is proving to be obstruction for the said road development. However, neither have the Respondent cut any of the trees or plants from the land of the Applicant nor will the answering Respondent will ever cut the trees and plants without a proper acquisition as per the prescribed law and taking possession of the said land.



- 8. The answering Respondent submits respectfully that the power to change the reservation in the Revised plan is only with the Government of the Maharashtra and not with the answering Respondent. The answering Respondent at present is conducting the road development only on the land which is in possession or is acquired by the Municipal Council.
- 9. In the view of facts and circumstances mentioned here in above, appropriate order may kindly be passed.


 DEPONENT 

Jivan Laxman Patil
 Chief Officer,
 Pen Municipal Council

VERIFICATION:

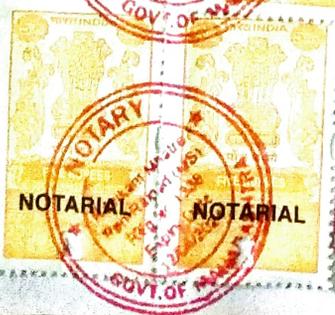
I, the deponent above named do hereby verify that the contents of the above affidavit are true and correct to the best of my knowledge, belief and nothing material has been concealed there from.

Verified at Pen on this 13 day of December, 2022.


 DEPONENT 

Jivan Laxman Patil
 Chief Officer,
 Pen Municipal Council

 BEFORE ME
 Adv. Ravikant H. Mhatre
 BA,LLB.
 NOTARY Govt.of Maharashtra
 Block No 5,Ravikiran Bldg.
 Chinchpada, Pen, Dist, Raigad (MS)



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