

**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)

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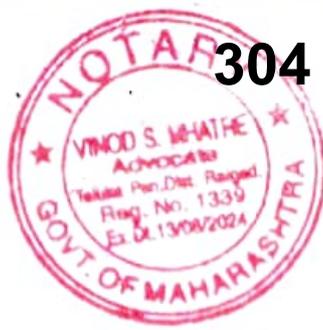
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| | Development Branch, Grade 1 Raigad-Alibaug to Incharge. District Administrative Officer, Urban Development Branch, Grade 1, Raigad-Alibaug. | |
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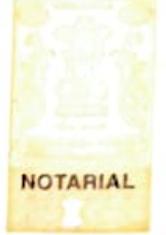
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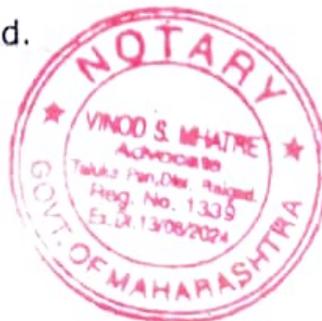


AFFIDAVIT IN REPLY ON BEHALF OF RESPONDENT NO.

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

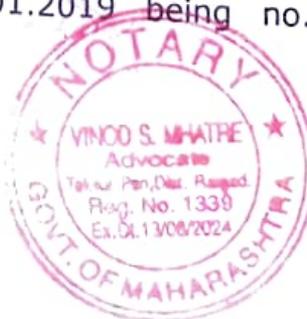
I say that, I am filing this Affidavit in Reply on behalf of Respondent No.1. The contents of this affidavit are based upon the official record that are available to me. Nothing in this affidavit be treated as admission of something stated in the Application unless it is clarified, answered or otherwise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

1. That on 14.12.2022 this Hon'ble Tribunal considered the report on the present answering Respondent and its submissions and on the other hand also took note of certain contentions of the Applicant. The answering Respondent is filing present Reply in pursuance of the said order dated 14.12.2022, the contentions of the Applicant and also in general a detailed reply to the Application above mentioned.





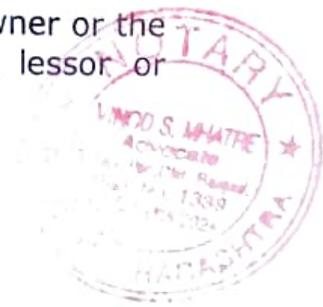
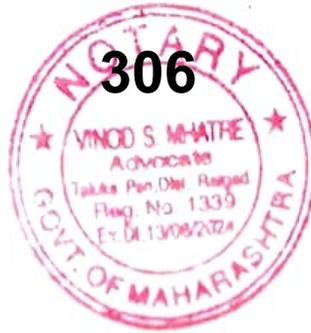
2. The answering Respondent respectfully state that the Applicant in the present case contend that his land bearing survey no.265/A/2/A and survey no. 265/A/3 is having several varieties of and species of tress having medicinal value. The Respondent raise a concern that the said land is proving to be 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. The Applicant is seeking spare his land from being put to use for construction of road and a playground and on the other hand is seeking monetary compensation from the present answering Respondent. Thus the Applicant is blowing hot and cold in the same instance and hence the present Application deserves no consideration and ought to be dismissed. This is a humble respectful submission of the present answering Respondent, the details of which are as follows.
3. 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.



4. The answering Respondent first and foremost submit that the answering Respondent as per law under the Maharashtra Regional and Town Planning Act 19667 (the MRTPA Act 1966) has offered the Transferable Development Rights (TDR) for said land use. However, the Applicant have made demand for monetary compensation. In light of the same the Applicants are in fact not having any grievance under the environmental law but are seeking monetary compensation. The answering Respondents respectfully submit that this Hon'ble Tribunal does not have the jurisdiction to entertain such grievance of civil nature or issue covered under\ revenue related/land compensation.
5. The answering Respondent submits that as per the law under the MRTPA Act, 1966 under section 126, the Planning Authority, Development Authority or Appropriate Authority has three modes to compensate for the "land required or reserved for any of public purposes specified in any plan or scheme". The section 126 of MRTPA Act, 1966 reads as follows:

"126. (1) Where after the publication of a draft Regional plan, a Development or any other plan or town planning scheme, any land is required or reserved for any of the public purposes specified in any plan or scheme under this Act at any time, the Planning Authority, Development Authority, or as the case may be, [any Appropriate Authority may, except as otherwise provided in section 113A] [acquire the land,—

- (a) by agreement by paying an amount agreed to, or
- (b) in lieu of any such amount, by granting the land-owner or the lessee, subject, however, to the lessee paying the lessor or





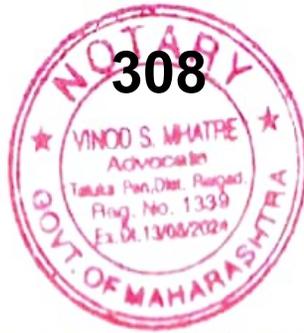
depositing with the Planning Authority, Development Authority or Appropriate Authority, as the case may be, for payment to the lessor, an amount equivalent to the value of the lessor's interest to be determined by any of the said Authorities concerned on the basis of the principles laid down in the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, Floor Space Index (FSI) or Transferable Development Rights (TDR) against the area of land surrendered free of cost and free from all encumbrances, and also further additional Floor Space Index or Transferable Development Rights against the development or construction of the amenity on the surrendered land at his cost, as the Final Development Control Regulations prepared in this behalf provide, or

(c) by making an application to the State Government for acquiring such land under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013,

and the land (together with the amenity, if any so developed or constructed) so acquired by agreement or by grant of Floor Space Index or additional Floor Space Index or Transferable Development Rights under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, as the case may be, shall vest absolutely free from all encumbrances in the Planning Authority, Development Authority, or as the case may be, any Appropriate Authority.]”

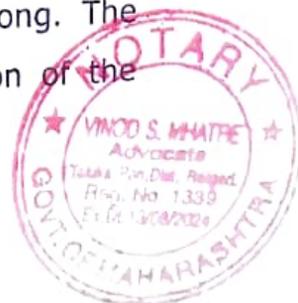
6. Thus, as per the above-mentioned provision the answering Respondent - Pen Municipal Corporation has 3 modes to put the land to use for public purpose. It is important to note that the above-mentioned provision includes the mode of compulsory acquisition. However, the answering Respondent submits that as per the above mentioned clause b of section 126 of the MRTD





Act 1966 the TDR are being given to the applicants in lieu of the said land. It is important to note here that the powers conferred under the above provision are in an eitheror manner. It therefore means that Planning Authority, Development Authority or Appropriate Authority are empowered to use the land for public purposes by compensating the land owner by any of the above three modes. The answering Respondent is not under any obligation to be guided by the wish of the land owner so far as they are fairly and asper law, compensated. In the present case the Applicants are being compensated by way of the TDR that is being given to them in lieu of their land. Accordingly, the answering Respondent has given the intimation to the Applicants to hand over the land of 3500sq. mt. which is coming under the 24 m development road and asper the above provision TDR is given to them. Without prejudice to this submission, it is respectfully submitted that asper clause c of section 126 of MRTP Act 1966 the answering Respondent has not made any request or passed and resolution for such compulsory acquisition which is provided only under the said clause c of section 126 of MRTP Act 1966.

7. The Applicants have contended in the Original Application that they are not given any hearing before their land is asked to be surrendered for the public purpose of construction 24 m road. The answering respondent respectfully submits that such contention is contrary to records and is therefore wrong. The answering Respondent while considering the finalization of the





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Draft Development Plan (Secondly revised), had held a public hearing for taking the decision under section 24(4) of the MRTP Act, 1966. The said process was conducted on 05.08.2014 to 07.08.2014 and 11.08.2014 to 12.08.2014. During such hearing the Applicant were also present and had raised objections with regards to their land coming under reservation no. 5 for Primary School and also road. Their objection was considered as per the law. The said objection were found to be untenable and hence the said reservation was continued. The true copy of the said proceedings dated 5.08.2014 to 07.08.2014 and 11.08.2014 to 12.08.2014 is annexed as **Annexure R-1 pages 12 to 17** The attendance sheet dated 11.08.2014 showing the presence of the Applicants for said hearing is annexed here with as **Annexure R-2 pages 18 to 25**

8. The Answering Respondent further submits that the Applicants are actually are ready and willing to surrender their land for the said public purpose as mentioned above. This is crystal clear from the fact that the Applicants have infact made a demand for money as compensation in lieu of surrendering their land for such public purposes. The Applicants had sent a letter dated 28.02.2021 to the Metropolitan Commissioner, Mumbai Metropolitan Regional Development Authority Mumbai. The names of the present Applicants is clearly mentioned in the said letter. In the said letter the Applicants have specifically stated as follows:





"While responding to the notices to the Municipal Council, the affected farmers have submitted to the Municipal Council that the farmers should get the appropriate amount of compensation as prescribed under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

"It is clear from the above that the applicants are in fact aggrieved by the issue of fair compensation and are demanding monetary and refusing to accept TDR. It is respectfully submitted that the grievance of the Applicants are not of the environmental concerns but are covered under the law of fair compensation the Applicants are therefore misleading this Hon'ble Tribunal. The true copy of the letter dated 28.02.2021 sent by Applicants to the Metropolitan Commissioner, Mumbai Metropolitan Regional Development Authority Mumbai is annexed herewith as **Annexure R-3 pages 26 to 42** The answering Respondent submits that the said letter is already under consideration for appropriate action. The true copy of the letter issued by Incharge, District Administrative Officer, Urban Development



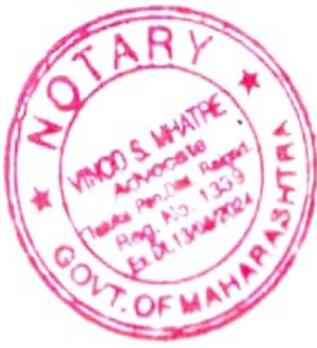
Branch, Grade 1 Raigad-Alibaug to Incharge. District Administrative Officer, Urban Development Branch, Grade 1, Raigad-Alibaug is annexed here with as **Annexure R-4 pages 43 to 45** The answering Respondent respectfully submit that the Applicants are asking for monetary compensation which is clear from the letter that the Applicants have sent to the Hon'ble Member of Parliament, which is annexed Annexure A-12 in the above-mentioned Original Application

9. The answering Respondent respectfully submit that the Applicants are actually circumventing the remedy available to them under sections 49 and 127 of the MRTTP Act, 1966
10. The answering Respondent respectfully submits that in light of the above submissions the present above mentioned Original Application deserves to be dismissed.
11. 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



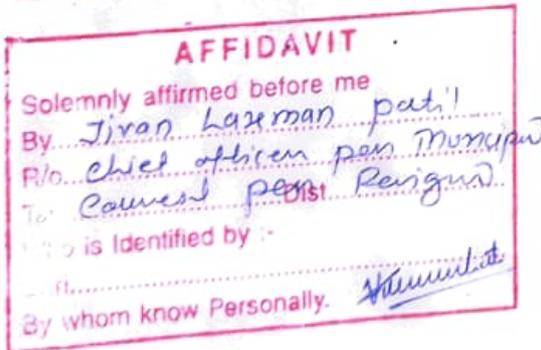
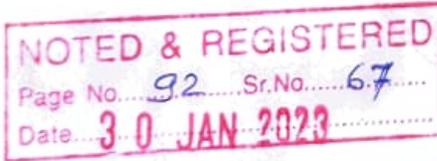
VERIFICATION:

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 30th day of January, 2023.


DEPONENT

Jivan Laxman Patil
Chief Officer
Pen Municipal Council





पेण नगरपरिषद, पेण, जिल्हा-रायगड

प्राारूप विकास योजना(दुसरी सुधारणा) कलम २६ अन्वये प्रसिद्ध केलेल्या प्रारूप विकास योजनेवर प्राप्त हरकती/सुचनांची सुनावणी होऊन नगरपरिषदेने कलम २८(४) खाली घेतलेल्या निर्णयाबाबतचे प्रपत्र

दिनांक : ०५/०८/२०१४ ते ०७/०८/२०१४ आणि ११/०८/२०१४ ते १२/०८/२०१४

| १. क्र. | अर्जदाराचे नाव व पत्ता | आरक्षण क्र. व नाव/ स.नं./ गट नं./ विनियम क्र. | हरकत/सुचनेचे स्वरूप | सुचना/हरकतीचा थोडक्यात तपशिल तसेच अर्जदार यांनी तोंडी मांडलेले म्हणणे | नियोजन समितीचा निर्णय |
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| ०१ | श्री. मोतीराम ही. बोरकर, रा. म्हाडा वसाहत, पेण श्री. राजेंद्र हरीचंद्र पाटील. बोरीवली, मुंबई श्री. शशांक बाबुराव म्हात्रे श्री. किरण जनार्दन टिळक मध्यंड क्र. ५३९, १६० म्हाडा कॉलनी, पेण | ९ मी. वि. यो. रस्ता स. नं. २६६, २६७ अ, अं. मू. क्र. १४०, १३९ | आमचे मालकीचे स. नं. २६६, २६७ अ या जागेवरील प्रस्तावित रस्ता रद्द करावा तसेच स. नं. २६७ मधील मूळंड क्र. ५३९ रस्ता जुन्या विकास नकाशाप्रमाणे किंवा परिचमेला उपलब्ध असलेला ९.०० रस्त्याचा उपयोग करून जोडावा. | मंजूर म्हाडा रेखांकनाप्रमाणे रस्ता विचारत घ्यावा. सुनावणीचे वेळी निदर्शनास आलेली वस्तुस्थिती व उपस्थित केलेले मुद्दे | नियोजन समितीचा निर्णय नेहळत मान्य केले आहे. नकाशावरील बदल क्र. (स-१) |
| ०२ | श्रीम. सुनंदा वसंत धामणे, कौडाळ तळे, पेण | आरक्षण क्र. ५ प्राथमिक शाळ व १५ मी. वि. यो. रस्ता | आरक्षण क्र. ५ या मिळकती मध्ये शाळेसाठी आरक्षित केलेली मिळकत आरक्षणातून उठवून सदरची मिळकत निवासी कारणासाठी ठेवण्यात यावी. व १५ मी. रुंदीचा रस्ता रद्द करावा. | पूर्वीच्या D.P. plan मध्ये same आरक्षण आहे. तरीही काढण्याचा विचार करण्यात यावा ही विनंती. पूर्व मंजूर रेखांकनातील रस्त्याच्या आखणी प्रमाणे १५.०० मी. रस्त्याच्या आखणीत बदल करावा व प्राथमिक शाळेऐवजी, प्राथमिक शाळा व खेळाचे मैदान असे एकत्रित नामाभिधान करणे. जगा आरक्षणातून काढून | नियोजन समितीची शेकास मान्य केली आहे. सं. नं. २०५/अ/२अ शे. नं. ०-३२-१ रे. आर. पैकी जगा आरक्षणातून काढून |

Page 1

T.P.O (ALIAS)

पेण नगरपालिका परिषद
अध्यक्ष

पेण नगरपालिका परिषद
अध्यक्ष

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| <p>१४२ दि. पुनायटेटे शुभ ओंफ सिन्डरेस अंड डेक्लरएस, युनिक बाजार, पेण, तर्केष मीसरा श्री. सविन्क. झुंगारपुरे श्री. उदर विष्णु साहे. श्री. परमंड उमार्दन पोट्टे, नरेश उमार्दन आठवले, श्री. उदर श्रीकांत म्हाडे</p> | <p>आरक्षण क्र. १६- गार्डन, आरक्षण क्र. १७- हिर्येस्सरी व शॅटनिटी रोम स.नं. २१६/२ व २१६/७</p> | <p>आमचे स.नं. २१६/२ व २१६/७ वा जागेवर आरक्षण क्र. १६- गार्डन व आ.क्र. १७- हिर्येस्सरी व शॅटनिटी रोमचे आरक्षण दरीशिले आहे. ते मान्य नाही.</p> | <p>संपूर्ण जागा योजनेचे श्रदान व हिर्येस्सरीमध्ये जाते. (पुमीडीन) आरक्षण रद्द करण्याची शिन्ती आहे.</p> | <p>श्रद्धादाने माडलेली वाच अयोग्य आहे. नियोजन समितीची शिफारस मान्य केली आहे.</p> |
| <p>१४३/ श्री. मंदार बसवंत साहे फर्निती शिवा व. साहे श्री. राजेंद्र व. साहे श्रीमती किशोरी व. साहे श्री. उदर शंकर साहे श्री. पद्मकर व. साहे श्री. दिनाकर व. साहे श्री. ज्ञानेश व. साहे कानुर बाबू. पोट्टे ज्ञानेश, पेण</p> | <p>आरक्षण क्र. ४- खोखचे श्रदान स.नं. २६१ अ/२, २६१ अ/२ब, २६१ अ/३, २६१ ब, २६१ अ, २६३अ/१, २६३ अ/४</p> | <p>आमचे मालकीचे स.नं. २६१ अ/२ब, स.नं. २६३अ/१, २६३ अ/४ वा जागेत खोखचे श्रदान, रस्ता व सोसायट्या प्रस्तावित आहेत. त्याला शिरोय आहे.</p> | <p>जागेवर झाले आहेत. (४००) यनस्वती शीवरी आहेत. आरक्षण क्र. १४ व १५ कब्रस्थानचे बाजूस जमिन आहे, रस्ता परावरून जातो, जागा N.A. झाली आहे व नगरपरिषदेने Development Charge भरून घेतला आहे.</p> | <p>मंजूर शि. यो. मध्ये ना शिकास शिमागात जागा अंतर्गत असल्याने आरक्षण कायम ठेवण्यात यावे. अर्जदाराने माडलेली वाच अयोग्य आहे. नियोजन समितीची शिफारस मान्य केली आहे.</p> |
| <p>१४४ शिवांगर टागाट्टर बळवंत शिवांगर शिवांगर भावळ पदंकर उमार्दन पोट्टेरा वकील प्रविण शिवराज व. बळवंतरा. पंथ श्री. सदाशिव म्हुं पवार श्री. शिरीश शं. म्हाडे</p> | <p>आरक्षण क्र. २१- बनिवा स.नं. ३७८/१, ३७८/२</p> | <p>आमचे मालकीचे स.नं. ३७८/१ व ३७८/२ वा जागेवर बनिवाचे आरक्षण टाकले आहे ते रद्द करावे.</p> | <p>जुन्या शि. यो. मध्ये ना शिकास श्रेंव होते आता बनिवा आहे ते रद्द करण्यात यावी.</p> | <p>मंजूर शि. यो. मध्ये पूर्वा ना शिकास शिमागात जागा दर्शिलेला होतो. आता आरक्षणरद्दकाले आहे. अर्जदाराने माडलेला वाच अयोग्य आहे. नियोजन समितीचा शिफारस मान्य केली आहे.</p> |

- FINAL LIST

धन नगरपालिका परिषद

पेण नगर

Pen Nagar Parishad, Pen, Dist. Raigad
Draft Development Plan (Secondly revised)

Plan (Second Amendment) Form regarding the decision taken by the Municipal Council under Section 28(4) after hearing the objections/suggestions received on the Draft Development Plan published under Section 26.

Date: 05.08.2014 to 07.08.2014 and 11.08.2014 to 12.08.2014

| Sr. No. | Name & Address of the Applicant | Reservation No. & name/S.No./ CTS No./ Gat No. Approved Development Plan | Brief details of the suggestions/objections as well as the statement made orally by the applicant | Decision of the Planning Committee | Decision of the Municipal Council | |
|---------|---|--|---|--|---|--|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| 1 | Moriram D. Borkar R/o MHADA Colony, Peu. Rajendra Harischandra Patil, | 9 Mtr Road S.No.266, 267A, CTS No.140, 539 | Type of Objection/ Suggestion The proposed road on the site of our land S.No.266, 267A should be cancelled. Similarly, the plot no.539 road in s.no.267 should be | Facts noticed and issues raised during the hearing 5 The road should be considered as per approved MHADA drawings. | 6 Considering the approved layout of roads in Mhada Colony, it is necessary to change the layout | 7 The recommendation of the Planning Committee has been accepted. |

| | | | | | |
|--|--|---|--|---|---|
| <p>Borivali, Mumbai. Shashankar Baburao Mhatre Kiran Jandardhan Tilak Plot No.539, 140, MHADA colony, Pen.</p> | <p>Smt. Sunanda Vasant Dhamne, Kondal Talav, Pen</p> | <p>Reservation No.5 Primary School and 15 Mtr proposed road</p> | <p>connected as per old development map or by using the 9 m. available on the west side.</p> | <p>of the 9 Mtr. road.</p> | <p>Change No.M-1</p> |
| <p>2</p> | <p>Smt. Sunanda Vasant Dhamne, Kondal Talav, Pen</p> | <p>Reservation No.5 Primary School and 15 Mtr proposed road</p> | <p>In reservation no.5, the property reserved for the school should be withdrawn from the reservation and the said property should be kept for residential purposes. Further, 15 m. Wide road should be cancelled.</p> | <p>It is requested to consider the removal even though the previous D.P. Plan has the same reservation.</p> | <p>As per the road plan in the earlier approved drawing, the 15 M. road plan should be changed and instead of primary school, combined primary school and playground should be named.</p> |
| <p>2</p> | <p>Smt. Sunanda Vasant Dhamne, Kondal Talav, Pen</p> | <p>Reservation No.5 Primary School and 15 Mtr proposed road</p> | <p>In reservation no.5, the property reserved for the school should be withdrawn from the reservation and the said property should be kept for residential purposes. Further, 15 m. Wide road should be cancelled.</p> | <p>As per the road plan in the earlier approved drawing, the 15 M. road plan should be changed and instead of primary school, combined primary school and playground should be named.</p> | <p>The recommendati on of the Planning Committee has been accepted. Similarly, by deleting the land S.No.275/A/2 A area admeasuring 0.32.5 H R out of from the reservation.....</p> |

| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
|-----|---|---|--|--|--|--|
| 142 | <p>The United Group of Builders & Developers, Unique Bazar, Pen, through its Partners - Sachin K. Shrangarpure, Uday Vishun Sathe Dharmendra Janardhan Pote. Mahesh Janardhan Athavale Jayant Shrikant Mhatre</p> | <p>Reservation No.56 - Garden, Reservation No.57 - Dispensary & Maternity Home bearing S.No.216/2 and 216/7</p> | <p>The Reservation No.56 for Garden and Reservation No.57 for Dispensary & Maternity Home shown in our land bearing S.No.216/2 and 216/7 is not acceptable.</p> | <p>The entire land is being consumed for playground and dispensary. (landless), hence, requested to cancel the reservation.</p> | <p>The facts stated by the Applicant are improper.</p> | <p>The recommendation of the Planning Committee has been accepted.</p> |
| 143 | <p>Mandar Yashwant Sate. Smt. Smita Y. Sathe. Rajesh Y. Sathe Smt. Vaishali Y. Sathe, Arvind Ganes Sathe Prabhakar G. Sathe Vinayak G. Sathe Anand G. Sathe Karpur Baug, Dhasti Ali, Pen.</p> | <p>Reservation No.4 - Playground. S.No.265 A/2 265A/Kh 265A/3 265 B 283 A 283 A/1 283A/4</p> | <p>There is a provision of playground, road and Societies in our lands S.No.265 A/2, 265A/Kh 265A/3, 265 B, 283 A 283 A/1, 283A/4. We are opposing for the same.</p> | <p>There are trees. (400) medicinal plants are three. There is land on the side of reservation no.14 graveyard, the road passes through the house, the site has become N.A. and the development charge has been recovered by the Muncipiial Council.</p> | <p>As the land includes in the No Development area as per the Approved Development Plan, the reservation should be confirmed. The facts stated by the Applicants are improper.</p> | <p>The recommendation of the Planning Committee has been accepted.</p> |

| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
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| 144 | Kishor Damodhar Koli, Smita Kishor Gavande. Dhananjay Janardhan Kavita Pravin Pimparkar, All R/o Koliwada, Pen, Sadashiv Lahu Pawar Jitendra S. Mhatre | Reservation No.21 Garden S.No.378/1, 378/4 | The reservation of garden has been kept in our land S.No.378/1, 378/4, the same should be cancelled. | In the old Development Scheme, there was No Development Area. Now, there is a garden, the same should be cancelled. | Earlier in the approved Development Plan, the land was shown in the No Development area. Now, it is under reservation. The facts stated by the Applicants are improper. | The recommendation of the Planning Committee has been accepted. |

Sd/-
President,
Pen Municipal Council

sd/-

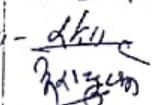
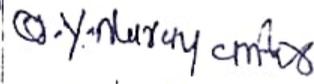
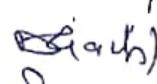
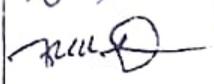
sd/-

दि. ११/०१/२०१४

मिशनरी एजिन्सि सहाय्ये आर्थिकी पत्रांत

| अ.क्र. | सहाय्याचे नांव | पदावकाश | सदस्य |
|--------|---------------------------|-----------------|------------------|
| १) ✓ | श्री. जे. आर. पायकरकर | आयुक्तिक सहाय्य | <i>Yamun</i> |
| २) ✓ | श्री. संतोष तावडे | — | P. |
| ३) ✓ | श्री. वि. वि. वि. वि. वि. | — | <i>Prabhakar</i> |
| ४) | श्री. प्रिन्स जे. पाटील | न.प. सहाय्य. | |
| ५) | श्री. अजिंक्य र. पाटील | — | |
| ६) | श्री. जे. जे. जे. जे. जे. | | |

दि. 9/1/2014 एकताराने अप्रत्येकी पत्र

| क्र.सं | एकताराने नांव | पत्ता पत्र नं | सही |
|--------|--|---|--|
| 1) | श्रीमती सुशोभा लालदे 1 टा. 6 ता. विठोबा गा. (पुणे) को. वा. लि. 6 | तरेगाडी, पेण 9369730073, 9226655961 |  |
| 2) | श्रीमती नमिता गजानन लक्ष्मी | विठोबा गाडी, पेण | वसिधा ग. 21/1/14 वी. |
| 3) | The United Group of Builders, Dhulegaon near Dhule जगादेन झाले | मिर्जा गाडी - पेण |  |
| 4) | श्री. रामचंद्र दामोदर पाटील को. म. म. राम (पुणे) | श्रीका - पेण 8007495360 |  |
| 5) | लक्ष्मीबाई उमाकांत पाटील गुंफा रामचंद्र पाटील | शिववाडी |  |
| 6) | श्री. बाबां कृष्ण गेवळ | दामा गाडी पेण |  |
| 7) | शंकर रामा नाईक | कोलीवाडा पेण | शंकर रामा नाईक. |
| 8) | श्री. सुभाषीना आठवले | देवगाडी पेण | Mrs. Athavale |
| 9) | श्री. लक्ष्मीकांत देवदास | विठोबा गाडी पेण MS 6 पेण |  |
| 10) | उषाबा नारायणकर | जगादेन गाडी को. म. म. राम काठ्याण |  |
| 11) | दत्तात्रय नामन वाडगाडी | दामा गाडी पेण |  |
| 12) | सुधाश्री गोविंद वाडगाडी | दामा गाडी पेण | सुधाश्री 11/1/14 |
| 13) | संजय वल्लभ मिर्जेकर | गोविंदवाडी को. म. म. राम |  |
| 14) | ना. व. भूषण प्रताप देवदास | दामा गाडी - पेण |  |
| 15) | अशोक गोलाराम देवदास | गंगल गाडी, पेण |  |
| 16) | श्री. साधुजी सादुप सादुपे स. नं. 60/2, एकती सुभाषी | विठोबा, पेण 9000597878 |  |
| 17) | श्री. सुरेश पी सिन्हा Emerald developers | Behind Pen Court |  |
| 18) | विशाल मधुकर शास | दामा गाडी पेण शिववाडी |  |

19

हरिवंश दासोने नांग

पत्नी/पुत्रां नं

सही

19) श्री. विठ्ठल रामोतर नांग

पेठ नांगनागा

PSB

20) विठ्ठल जीता माहेज

9850789706

श्री. विठ्ठल पौ

PSB

21) सुखराम बाळराज मल

महाराष्ट्र

PSB

22) अनाथ माहेज पाटील

दामारकी पेठ

PSB

23) आत्माराम विठ्ठलजी पाटील

प. नं 36515, 352916
9619378539

PSB

24) विठ्ठल बाळराज मल

महाराष्ट्र

PSB

25) Jagdish Mhatre

Pen 8652447777

26) Prabhakar. H. Tandale

Karve, Pen

PSB

27) रामचंद्र अमर जोशी

पेठ

श्री. श्री. जोशी

28) उदय दत्ताराम पाटील

पेठ नांगनागा

PSB

29) विठ्ठल बाळराज मल

महाराष्ट्र

PSB

30) नरेश का. माहेज

महाराष्ट्र, नांगनागा, पेठ

PSB

39) रामेश प्र. सोरो.

कावडी मलाव, पेठ.

PSB

32) आनंद र. देवदास

S. R. COMPLEO Pen

PSB

33) अरविंद रामेश साठे

कावडी मलाव पेठ

PSB

34) मंदाक माहेज साठे

— " —

PSB

35) आनंद रामेश साठे

— " —

PSB

36) Kiran. Anand. Prorjary.

9594890911

PSB

37) Prullankar Vivek Mahan

9422034945

PSB

ठळक व दाराचे नाव
मेवा अनिल जोशी

अविनाश अनिल जोशी

शा. शिक्षण मंडळ देवगड
असहकारिता मंडळ पुणे
मुंबई विद्युत् वृक्षण
जीवन जगायें मातो

४३) अरुण जाधव राभाजे

४४) मुंबई जे. मॅरी
असहकारिता मंडळ पुणे
असहकारिता मंडळ पुणे
१ मा. मंगला - २. डि. मंगला मंगला
मंगला मंगला पु. ४००००२

पत्ता / क्षेत्र

ठगुमान उापी
२२०२२२५५८

- ८

दा. मंगला मंगला
पुणे असहकारिता
पुणे असहकारिता

मु. मंगला मंगला पु. वंगला
मंगला मंगला मंगला
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मुंबई

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मंगला मंगला

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S. S. S. S.
Sr. S. S.

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Date : 11.8.2014

ATTENDENCE SHEET OF MEMBERS OF PLANNING
COMMITTEE

| Sr No. | Name of the Member | Designation | Signature |
|--------|----------------------|--------------|-----------|
| 1. | Mr. A.R. Patharkar | Govt. Member | Sd/- |
| 2. | Mr. Santosh Tawade | Govt. Member | Sd/- |
| 3. | Mrs. Nita Chaudhari | Govt. Member | Sd/- |
| 4. | Mrs. Pritam L. Patil | Member N.P. | |
| 5. | Mr. Anirudh R Patil | Member N.P. | |
| 6. | Mrs. Sehenaz Mujawar | | |

Date : 11.8.2014

ATTENDENCE SHEET OF OBJECTIONERS

| Sr No. | Name of the Objector | Address | Signature |
|--------|---|---|-----------|
| 1. | Smt. Sushila Salunke & others through Vishwas | Tare Aali, Pen, 9769770073 9226658961 | Sd/- |
| 2. | Smt. Vanita Gajanan Salvi | Vitthal Aali, Pen. | Sd/- |
| 3. | The United group of Builders & Developers, Janardhan Athavale | Unique Bazar, Pen, | Sd/- |
| 4. | Ramchandra Dattatray Patil, Mrs. Manisha Ramchandra Patil | Shirki Pen, 8007495360 | Sd/- |
| 5. | Laxmikant Umakant Patil, Yuvraj Ramchandra Patil etc | Ramwadi | Sd/- |
| 6. | Gopal Krishna Kelkar | Datar Ali, Pen | Sd/- |
| 7. | Shankar Rama Naik | Koliwada, Pen | Sd/- |
| 8. | Mrs. Suhasini Athavale | Dev Ali, Pen | Sd/- |
| 9. | Laxmikant K. Desai | Sidhhaka vishwa Mandal, Pen | Sd/- |
| 10. | Ujwala Narayankar | Jankalyan Complex, Kalyan | Sd/- |
| 11. | Dattatraya Waman Gadgil | Datar Ali, Pen | Sd/- |
| 12. | Sadashiv Govind Gadgil | Hanuman Ali, Pen. | Sd/- |
| 13. | Sanjay Vasant Mirlekar | Gvindbaug, Kaundal, Pen | Sd/- |

| | | | |
|-----|--|--------------------------------------|------|
| 14. | Narayan Jagannath Deshmukh | Devnagari, Pen | Sd/- |
| 15. | Ashok Shantaram Deshpande | Gangal Ali, Pen. | Sd/- |
| 16. | Mrs. Sayali Sandip Salunke S.No.60/2 for hearing on objections | Chinchpada, Pen 9020597878 | Sd/- |
| 17. | Mukesh P. Sinha, Emerald Developers | Behind Court, Pen. | Sd/- |
| 18. | Kishor Madhukar Gavande | Datar Ali, Pen Raigad | Sd/- |
| 19. | Kishor Damodar Koli | Koliwada, Pen 9850989706 | Sd/- |
| 20. | Santosh Goma Patil | At Post Kashmire, Pen | Sd/- |
| 21. | Suryakant Balkrishna Mhske | Kanhoba, Pen | Sd/- |
| 22. | Dhananjay Janardhan Patil | Datar ali, Pen | Sd/- |
| 23. | Atmaram Limbaji Patil | S.no.365/5 9619378579 | Sd/- |
| 24. | Vijay Jain | Mahali Marg, Pen | Sd/- |
| 25. | Jagdish Mhatre | Pen 8652447777 | Sd/- |
| 26. | Prabhakar H. Tandel | Pen | Sd/- |
| 27. | Ramchandra Shankar Joshi | Pen | Sd/- |
| 28. | Uday Dattaram Patil | Gangalali, Pen | Sd/- |
| 29. | Laxman Rameshwar Sathe | Jackwell, Pimpaldoh, Pen | Sd/- |
| 30. | Naren V. Jadhav | Madhumilan, M.Gandhi Road, Pen | Sd/- |

| | | | |
|-----|--|---|------|
| 31. | Rajesh P. Sansare | Kavandal Talav, Pen | Sd/- |
| 32. | Anand R. Helavali | S.R. Complex, Pen | Sd/- |
| 33. | Arvind Ganesh Sathe | Kapurbaug, Pen | Sd/- |
| 34. | Mandar Yashwant Sathe | Kapurbaug, Pen | Sd/- |
| 35. | Anand Ganesh Sathe | Kapurbaug, Pen | Sd/- |
| 36. | Kiran Anand Pujary | 9594990911 | Sd/- |
| 37. | Bavdhankar Vivek Mohan | 9422034195 | Sd/- |
| 38. | Megha Anil Joshi | Hanuman Ali, 9209929558 | Sd/- |
| 39. | Avinash Anil Joshi | Hanuman Ali, 9209929558 | Sd/- |
| 40. | Shashikant Bhiku Deokar | Datar ali, | Sd/- |
| 41. | Sadashiv Lahu Pawar Sudhir Vishnu Kelkar | Pen Pen Datar Ali | Sd/- |
| 42. | Jivan Janardhan Mhatre | At Lakhole, Post Vadhar, Tal. Pen, Dist. Raigad | Sd/- |
| 43. | Bhaskar Janu Rabhane | At. Wadgaon, Tal. Pen, Dist. Raigad | Sd/- |
| 44. | Mahendra J. Modi Alil, Pradeshik private LTD. 1 st floor, Marin Drive, Mumbai- 400 002 | Mumbai | Sd/- |

दिनांक : 21/02/2021

प्रति,

मा. महानगर आयुक्त साहेब,
मुंबई महानगर प्रदेश विकास प्राधिकरण,
बांद्रा, मुंबई

यांसी ...

विभागाय आयुक्त कॉलेज विभाग गांधी आवारा
कौन्सिल भवन, नवी मुंबई - ४०० ११४
पत्रव्यवस्था नोंदणी शाखा
आवक क्रमांक - 116 MAR 2021
दिनांक - 21/02/21
शाखेचे नाव -
पत्रव्यवस्था शाखा

विषय : पेण नगरपरिषद नगराध्यक्षांच्या कुटुंबाच्या जमिनी व कुटुंबाच्या बेनामी जमिनींकरीता सन २०१३ मध्ये मंजूर करून घेतलेला बेकायदेशीर सुधारित आराखड्या नुसार पेण शहरास बाह्यवळण रस्त्याच्या संपूर्ण जमिनी ताब्यात नसताना तुकड्याने केलेल्या रस्त्यांच्या कामाची देयके पारित होऊ नयेत व बाह्यवळण रस्त्याचा मंजूर निधी शासन खाती समायोजित होणेबाबत.

महोदय,

आम्ही सन २०१३ सुधारित आराखडा जिल्हा रायगड पेण शहर बाह्यवळण रस्त्याने बाधीत होणारे शेतकरी तथा जमीनधारक खालीलप्रमाणे निवेदन सादर करित आहोत.

पेण शहर सन १९८८ च्या प्रारूप विकास योजनेत नगराध्यक्षा श्रीमती. प्रिती ललित पाटील यांचे स्वतःच्या कुटुंबाच्या जमिनी (२४३३ गुठे) व कुटुंबाच्या बेनामी जमिनी (काही दशक एकरात) यांना लाभ कसा होईल यादृष्टीने नियोजन करून सन १९८८ च्या आराखड्यात सोईचे मुलभूत बदल करून दिनांक १७/१२/२०१३ रोजीच्या नगरपरिषदेच्या सभेत पाशवी बहुमताच्या आधारे ठराव क्र. २९४ अन्वये दुसऱ्या सुधारित आराखड्यास मंजूरी करवून घेतलेली आहे. याबाबत शेतकरी तथा जमिनधारक यांना ज्ञात झालेवर या आराखड्यातील पेण शहर बाह्यवळण रस्त्याने बाधीत होणारे शेतकरी तथा जमिनधारक एकत्र येवून शासनास व आपणांस दिनांक ३०/०५/२०२० रोजी सविस्तर निवेदन सादर केलेले आहे. (सदरच्या निवेदनाची प्रत या निवेदनासोबत जोडलेली आहे, कृपया अवलोकन करावे ही विनंती.) या निवेदनात २०१३ च्या आराखड्यानुसार बाह्यवळण रस्त्याकरीता जमिनी देणेस स्पष्टपणे नकार दर्शविलेला आहे. याची कृपया आपले स्तरावर नोंद घेणेत यावी ही विनंती.

महाराष्ट्र प्रादेशिक नियोजन व नगररचना अधिनियम १९६६ नुसार ज्या रस्त्यांच्या कामाकरीता निविदा मागविणे प्रस्तावित असेल त्या रस्त्यांकरीता आवश्यक शेतजमिनी जमीनधारकांकडून तथा शेतकऱ्यांकडून महाराष्ट्र शासन भूसंपादन कायद्याप्रमाणे जमीन भूसंपादन प्रक्रिया यशस्वीपणे पार पाडून जमिनीची ताबा पावती करून ती कामे निश्चित करून निविदा प्रक्रिया राबविणे आवश्यक असताना पेण नगरपरिषदेने सदर प्रक्रियेची अंमलबजावणी न करता मनमानीपणे बेकायदेशीररित्या निविदा प्रक्रिया राबविली आहे.

पेण शहर बाह्यवळण रस्त्याने बाधीत होणारे ज्यांच्या मालकीच्या जमिनी आहेत त्यांना प्रत्यक्ष सूचना अगर नोटीस दिलेली नसताना त्यांना याबाबत कोणतीही माहिती नसताना व जमिनींच्या ताबापावती नसताना नगराध्यक्षा पाटील कुटुंबियांच्या स्वार्थासाठी बेकायदेशीरपणे पेण नगरपरिषदेने ई-निविदा

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सूचना २०१९-२० दिनांक २१/०८/२०१९ रोजी कामाचा कालावधी दोन वर्षांचा नमूद करून जमिनी ताब्यात नसताना कशाच्या आधारे दिला ? याचा खुलासा होत नाही. निविदांची स्पर्धा होऊ नये व इतर ठेकेदारांस रस्त्याची कामे मिळू नयेत म्हणून निविदेचा कालावधी कमी ठेवून स्थानिक वृत्तपत्रात जाहिरात देवून नगराध्यक्षांच्या मर्जीतला व पाटील कुटुंबियांनी पोसलेला (पेण नगरपरिषदेची ९० टक्के कामे हाच ठेकेदार करतो.) त्यांचा ठेकेदार श्री. राजु पिचीळका यांना सर्व बाह्यवळण रस्त्याची सात कंत्राटे देण्यात आली आहेत. या निविदा प्रक्रियेत मोठा भ्रष्टाचार झालेला आहे. तो आपल्या स्तरावरून शोधून काढला जाईल अशी आम्हास आशा आहे. या सात निविदांत शासन निर्णय उद्योग उर्जा व कामगार विभाग क्र. भांकस-२०१४/प्र.क्र.८२/भाग ३ दिनांक ०१/१२/२०१६ चा भंग झाल्याचे स्पष्टपणे निदर्शनास येत आहे. याबाबत जे जबाबदार असतील त्यांच्यावर कारवाई होणे गरजेचे आहे व निविदा रद्द होणे इष्ट होईल. कारण सदर निविदा देणेची संपूर्ण प्रक्रिया आणि अभिकरण / कंत्राटदार यांची निवड पारदर्शक झालेली नाही.

बाह्यवळण रस्त्यामधील बाधीत शेतकरी व जमीन धारकांना माहे फेब्रुवारी २०१९ पर्यंत कोणतीही नोटीस तथा वळपना दिलेली नसताना पेण नगरपरिषदेने पेनप/का.४/बांवि/२०१९/४१६८ दिनांक २७/०३/२०१९ रोजीचे पत्रान्वये आपणास सादर केले आहे की, "विकास रस्त्याखालील बहुतांश जागा नगरपरिषदेच्या ताब्यांत आलेली आहे" असे आपणास खोटे दर्शवून पत्र सादर केलेले आहे. नगरपरिषदेकडे दिनांक २६/०३/२०१९ पर्यंत प्रत्यक्षात किती जमिनीची ताबा पत्रके प्राप्त झालेली आहेत याची तपासणी होणे आवश्यक आहे. सदरचे पत्र आपणास देऊन आम्ही बाधीत जमिनीची ताबा पत्र दिलेली नसताना व कामांची बेकायदेशीरपणे निविदा मंजूर करून शेतकरीत तथा जमीन धारकांची घोर फसवणूक करून शासनावरचा विश्वासू गिरस्त करून शेतकऱ्यांस विरोध करण्याची कोणत्याही प्रकारची संधी मिळू नये म्हणून शासनाने दिनांक २३/०३/२०२० रोजी कोरोना महामारीचे प्रतिबंधाकरीता संचारबंदी लागू केल्यानंतर पेण नगरपरिषदेने त्वरीत मार्च २०२० अखेर पेण शहर बाह्यवळण रस्त्यांची कामे सुरु करण्यात आली. यावरून जमीन धारकांना विश्वासात व त्यांचे जमिनीबाबत संमती न घेता काम करण्याचा अधिकार नगरपरिषदेस कोणी दिला याचा खुलासा होणे आवश्यक आहे. याबाबत शासनानेही अद्यापपर्यंत ठोस कार्यवाही का केली नाही याचे आश्चर्य होत आहे. याबाबत काही जागरूक शेतकरी तथा जमीन धारकांनी शासनाकडे ईमेल द्वारे फिर्याद दाखल केल्यानंतर म्हणजेच रस्त्याची कामे सुरु केल्यानंतर दिनांक १४/०४/२०२० पासून माहे मे २०२० या तीव्र कोरोना महामारीच्या कालावधीत बाधीत निवडक जमीन धारकांना पेण नगरपरिषद यांनी विकास हक्क हस्तांतरण (T.D.R.) तत्वावर जमीन अग्रीम ताब्याने नगरपरिषदेकडे हस्तांतरित करावी अंदाजे चौ.मी. क्षेत्रफळ नमुद करून नोटीसा जारी केलेल्या आहेत. म्हणजेच यांना रस्त्याकरीता किती क्षेत्रफळ आवश्यक आहे याची माहिती नसताना तुकड्याने केलेली रस्त्याची कामे कशाच्या आधारे केली ? कंत्राटदाराचीही तयारी नसल्याने कंत्राटदाराने चोरून माती नेऊन कामे केली आहेत याबाबत कंत्राटदारावर शासन दरबारी केस चालू आहेत. शेवटी कंत्राटदार श्री. पाटील कुटुंबाच्या मर्जीतला माणूसचना...

शेतकऱ्यांनी बाधीत होणाऱ्या जमिनीबाबत नगरपरिषदेस नोटीसींना उत्तर देताना शेतकऱ्यांनी बाधीत होणारी जमीन भूसंपादन पुर्नवसन व पुर्नवसन करताना उचित भरपाई मिळण्याचा आणि पारदर्शकतेचा

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१६. अद्येनियम २०१३ अन्वये खिरीत केलेला योग्य मोबदला रक्कम स्वरूपात मिळवा असे नगरपरिषदेस सादर केलेले आहे.

शेतकऱ्यांनी नोटीस संदर्भात लेखी उत्तरे सादर केल्यानंतर कोरोना महामारीच्या संचारबंदीत ज.क.पेन/क.४/बा.दि/२०२०/१९७ दिनांक २६/०५/२०२० अन्वये फक्त दोन दिवसांच्या नोटीसीद्वारे नगरपरिषदेने दिनांक २८/०५/२०२० रोजी सकाळी १०.३० वाजता व दुपारी १२.३० वाजता नगराध्यक्षा यांच्या दखलगत मोबदलासंबंधी बैठक / सुनावणी आयोजित केली असताना या सुनावणी करिता सकाळी १०.३० वाजतेपासून सुमारे १५० ते २०० च्या संख्येने शेतकरी नगराध्यक्षांच्या दालनाबाहेर उभे राहून अपरिचित होते. सहर वेळी सौरात डिस्टेंसींगचा फज्जा उडाला होता. आसन व्यवस्था नव्हती. या सुनावणीकरिता त्यावेळचा कोरोना सेड झोन फनक्ले व ठणे शहरातून काही जमीन धारक उपस्थित होते. सुनावणी सुरु होत नसताना कंट्रोलूम ४०-५० शेतकरी निघून गेले. अखेर दुपारी १-०० वाजता नगराध्यक्षांनी सुनावणी चालू करून संध्याकाळी ४-३० वाजेपर्यंत सुनावणी सुरु होती. नगराध्यक्षांनी रक्कम स्वरूपात जमिनीचा मोबदला मिळणार नाही, विकास हक्क हस्तांतरण (T.D.R.) तत्वावरच जमीन अग्रिम ताब्याने नगरपरिषदेकडे हस्तांतरीत करावी असे फर्माविले असताना जमीन धारकांनी विकास हक्क हस्तांतरण (T.D.R.) तत्वावर जमीन हस्तांतरण करून जमीन देणेस विरोध दर्शविलेला आहे. शासन निर्णयाप्रमाणे जमिनीचा जमीन धारकासमोर शासकीय सर्व्हे करून रस्त्याकरीता जाणाऱ्या जमिनीचे क्षेत्रफळ निश्चित करून शासन निर्णयाप्रमाणे एमएमआरडीए ज्या प्रमाणे रक्कम स्वरूपात मोबदला देतात त्या प्रमाणे रक्कम स्वरूपात मोबदला मिळवा म्हणून मागणी केलेली आहे. सदर जन सुनावणीबाबत नगरपरिषदेने अपरिचित जमीन धारकांना आजतागायत काहीच कळविलेले नाही. तथापी रस्त्याची तुळ्या तुळ्याने कामे केलेली आहेत. यावरून नगरपरिषदेची मुजोरी दिसून येत आहे.

अपेक्षे बाबींवरून नगरपरिषद दादागिरी करून जमीन बळकावू पहात आहे. तथापी आम्ही नीमन स्वाक्षरी करणारे शेतकरी तथा जमीन धारक पेण शहर बाह्यवळण रस्ता करण्याची गरज दाटत असल्यास सन १९८८ च्या विकास आराखड्यानुसार रस्ता करावा. आम्हाला शासन निर्णयाप्रमाणे योग्य रक्कम स्वरूपात मोबदला मिळवा. आम्ही जमीनधारक सहकार्य करण्यात वचनबद्ध आहोत. सन २०१३ चा श्री. पाटील कुटुंबाच्या विकास आराखड्यानुसार जबरदस्तीने काम केल्यास याविरुद्ध उग्र आंदोलन उभारण्यात येईल याची कृपया नोंद घेणेत यावी ही नम्र विनंती.

आपले विश्वासू.

| जमीन धारकाचे नांव | बाधीत जमीन सर्व्हे नं. | स्वाक्षरी |
|-----------------------|------------------------|--------------------|
| श्री. रामोदर ज. पाटील | ३२७/३/क | <i>[Signature]</i> |
| श्री. मंजुबा व. पाटील | ३२७/३/क | <i>[Signature]</i> |

| जमीन धारकाचे नांव | बांधीत जमीन सर्व्हे नं. | स्वाक्षरी |
|---------------------------|-------------------------|---------------------|
| श्री. शशिकांत गोविंद भोईर | 291 / अ | |
| महाराज गोविंद भोईर | 291 / अ | 12.00/3000 |
| कुमार गोविंद भोईर | 291 / अ | कुमार गोविंद भोईर |
| रमचंद्र शा. भोईर | 291 / अ | रमचंद्र शा. भोईर |
| आनंद दा. भोईर | 291 / अ | आनंद दा. भोईर |
| अभिजीत मधुकर भोईर | 291 / अ | |
| महादेव साहु सांबुके | 305 | महादेव सा. सांबुके |
| प्रकाश साहु सांबुके | 305 | प्रकाश साहु सांबुके |
| अनिला बाळकृष्ण सांबुके | 305 | अ. व. सांबुके |
| श्वेता निलेश शिंदे | 305. | S. N. Shinde |
| संतोष बाळकृष्ण सांबुके | 305 | |
| बैला दिनाकर शेंडे | | |
| पद्मद दिनाकर शेंडे | | |
| दत्ताराम दा पाटील | 307/1 | |
| कुमारीराम दामोदर पाटील | 307 / 1 | कुमारी |
| उदय दत्ताराम पाटील | 307/1 | श्री |
| पुष्पलता पोरीराम पाटील | | P. P. Patil |
| | | |
| | | |

प्रत कार्यवाहीसाठी व माहितीसाठी सविनय सादर :-

- १) आदरणीय ना. श्री. उध्दवजी ठाकरे साहेब
माननीय मुख्यमंत्री - महाराष्ट्र राज्य
तथा मा. अध्यक्ष महोदय, एम.एम.आर.डी.ओ.
- २) मा. ना. श्री. एकनाथजी शिंदे साहेब
सार्वजनिक बांधकाम व नगरविकास मंत्री - महाराष्ट्र राज्य
- ३) मा. ना. श्री. प्राजक्ता तनपुरे साहेब, नगरविकास राज्यमंत्री
- ४) आदरणीय ना. कु. आदितीताई तटकरे मॅडम,
माननीय पालकमंत्री - रायगड जिल्हा
- ५) मा. विभागीय आयुक्त साहेब,
कोकण विभाग, कोकण भवन, नवी मुंबई
- ६) मा. जिल्हाधिकारी मॅडम,
रायगड - अलिबाग
- ७) मा. उपजिल्हाधिकारी तथा उपविभागीय अधिकारी सा. .,
पेण - रायगड

| जमीन धारकाचे नांव | बांधीत जमीन सर्व्हे नं. | स्वाक्षरी |
|--------------------------------|-------------------------|-----------------|
| श्री. सागाट दा पाटेल | 320/3/5 | |
| श्री. राजेंद्रनाथ नागरेव कोडे | 322/2 | |
| श्री. वसुधाकर लक्ष्मण पवार | 304/2 | |
| श्री. शोकेचर मधुकर लडुवीकर | 322/2 | |
| श्री. आरुती राजेंद्रनाथ साठुगे | 3051- | m. B. S. G. |
| श्री. सुरज सुरेश धागेकर | 322/2 | |
| अश्विंद गणेश साठे | 284अ(235)2 284 ब | अश्विंद साठे |
| प्रभाकर गणेश साठे | - 4 - | प्र. ग. साठे |
| विनायक गणेश साठे | - 4 - | वि. सा. साठे |
| आनंद गणेश साठे | - 4 - | A. S. Saath |
| ग. शा. पावळकर रामचंद्र पथिक | 280/ | |
| कार्हीनाथ रामचंद्र पथिक | 280/ | |
| श्रीमती. कल्पना राजेंद्र पथिक | | K. B. Pathil |
| कु. नेजव्ही राजेंद्र पथिक. | | |
| अश्विंद रामचंद्र पथिक | 280/ | |
| मोहन रामचंद्र पथिक | | मो. रा. पथिक |
| दिपक कार्हीनाथ कोडे | 289/अ | दिपक |
| दिनेश कार्हीनाथ कोडे | 289/अ | |
| श्री. गोपीचंद्र आर्डे आर्डे | 291/अ | गोपीचंद्र आर्डे |

Date: 28.02.2021

To,

Metropolitan Commissioner,
Mumbai Metropolitan Regional
Development Authority,
Bandra, Mumbai.

Sub.: According to the illegal revised plan approved in the year 2013 for the family land of the Mayor/President of the Pen Municipal Council and for the unknown land (fabricated) of the family, when the entire lands of the outer ring road are not in possession of the Pen Municipal Council, the payments for the piecemeal road work should not be passed and the sanctioned funds of the outer bypass road should be transferred to the government accounts.

sir,

We, the farmers and land holders affected by the 2013 Revised Plan District Raigad Pen City are submitting the representation as follows:

In the Draft Development Plan of 'Pen City Year 1988', with a view to get benefitted Mayor Smt.Pritam Lalit Patil's own family land (2433 gunthas) and her family's unknown land (a few decades of acres), by making convenient fundamental changes in the plan of 1988, on the basis of heavy majority, in the

Municipal Council Meeting dated 17.12.2013, the Second Revised Plan has been got approved vide Resolution No.297. After the farmers and landowners came to know about this, the farmers and landowners who will be affected by the Pen city bypass road in this plan have come together and submitted a detailed representation to the government and you on 30.05.2020 (A copy of the said statement is attached with this representation, kindly peruse same.) It is requested to take note at your level that in this representation, has clearly denied allotment of land to bypass road as per the 2013 Scheme.

According to the Maharashtra Regional Planning and Town Planning Act,1966, for the roads for which it is proposed to invite for tenders, the necessary agricultural land from the landowners and farmers, as per the Land Acquisition Act, after successfully completing the land acquisition process, executing possession receipts of the lands,

determining the works, and conducting the tender process, when, it is necessary to all these things, the Pen Municipal Council has arbitrarily and illegally conducted the tender process without implementing the said process.

In the absence of direct notification or notice to the owners of the land affected by the bypass road of Pen city, without any information about it and without receipt of possession of the land, illegally for the benefit of the Mayor Patil's family, the Pen Municipal Council issued an E-Tender-2019-2020 dated 21.08.2019 for the work, mentioning a period of two years, when the land is not in possession, on what basis? It is not disclosed. In order to avoid competition of tenders and other Contractors to get the road works, by keeping the tender period short, advertising in the local newspaper, with the favor of the Mayor and the Patil family (the Contractor does 90% of the work of the Municipal Council), their Contractor, Mr. Raju Pichikka has gave seven

contracts. There is massive corruption in this tender process, and we hope that, it will be found out at your level. In these seven tenders, it is clearly observed that, there is a breach of the Government Resolution passed by the Industries, Energy and Labor Department No. BHANKAS-2014/C.No.82/ Part 3 dated 01/12/2016. Therefore, in this regard, it is necessary to take action against the persons, who are responsible and it would be appropriate to cancel these tenders, as the entire process of awarding said tender and selection of agency/Contractor has not been transparent.

When no notice or any ideas has been given to the affected farmers and land holders in bypass road till Feb. 2019, the Pen Municipal Council vide letter No.PNP/D-4/Bamvi/2019/4168 dated 27.03.2019 has informed to you that "Most of the land under development road is in possession of the Municipal Council". A letter has been submitted to you under false pretenses. that the place has come under the

possession of Municipal Council. It is necessary to check how many land possession receipts have actually been received by the Municipal Council till 26.03.2019. By giving the said letter to you, we have not given the possession receipts of the affected land and by illegally approving the tender for the works, grossly deceiving the farmers and land owners, revoking the trust in the government, in order not to give any opportunity to the farmers to protest, when the government on 23.03.2020 has declared the corona epidemic and after the curfew was imposed as a precaution, the Pen Municipal Council quickly started works on the Pen city bypass road by the end of March 2020. From this, it is necessary to disclose that who gave the rights to the Municipal Council to do the work, without taking into confidence of the land holders and without taking their consents regarding the land. It is surprising that, why the government yet has not taken concrete action in this regard. After some conscious farmers and land

holders filed a complaint to the government through email, i.e. after starting the road works, during the period from 14.4.2020 to May, 2020, the selected affected land holders were given notices by the Pen Nagar Parishad to transfer their lands by way of advance possession on the basis of Transfer Of Development Rights (TDR) by mentioning the approximate square feet areas to the Municipal Council. That is, when they do not know how much area is required for the road, on what basis did the road works done in pieces? As there is no preparation of the Contractor, the Contractor has stolen the soil and carried out the works. Government court cases are going on against the Contractor in this regard. Finally the Contractor is a favored man of the Patil family.

While responding to the notices to the Municipal Council, the affected farmers have submitted to the Municipal Council that the farmers should get the appropriate amount of compensation as prescribed

under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

After the farmers submitted their written replies regarding the notice, during the period of curfew on account of Corona Pandemic, the Municipal Council by its Notice O.No.PNP/D-4/Banvi/2020/197, dated 26.5.2020 scheduled a meeting/hearing on 28.05.2020 at 10:30 am and 12:30 pm in the hall of the Municipal President on 28.05.2020 by this only two-days notice dated 26.05.2020. Meanwhile, around 150 to 200 farmers stood outside the Mayor's hall from 10.30 am for this hearing. At that time, social distancing was all the rage. There was no seating arrangement. Some land holders from the then Corona Red Zone of Panvel and Thane city were present for this hearing. 40-50 farmers left because the hearing did not start. Finally at 1-00 pm the Mayor started the hearing and the hearing continued till 4-30 pm. The Mayor has directed

farmers/landowners that, they will not get compensation in cash, they have to transfer their lands by way of advance possession on the basis of Transfer Of Development Rights (TDR). However, the farmers/landowners have strictly opposed to transfer their lands on the basis of Transfer of Development Rights (TDR). The farmers/landowners have demanded that, they should get compensation in cash by conducting the survey in presence of the farmers/landowners and by deterring the area required for the road, as per the Government decision as paid by the MMRDA. By this time, the Pen Nagar Parishad has not informed anything about the said public hearing to the farmers. However, they have done the road work piece by piece, which, shows the arrogance of the Municipal Council.

Based on the above, the Municipal Council is trying to grab the land by acting as a bully. However, we the undersigned farmers and landowners are not ready to give land under any circumstances for the

development of Patil family under the garb of development of Pen city and the Revised Plan of 2013 is not acceptable to us.

Therefore, it is requested to transfer the fund to the Government accounts without passing the payment of piecemeal road works. If the government feels the need to build the Pen city bypass road, it should be done as per the Development Plan 1988 and we should get the compensation in cash as per the Government Resolution. We, the landowners, are committed to cooperation. If it is forced to work as per the development plan of Mr.Patil family, then it may kindly be noted that a fierce agitation will be raised against it.

Yours faithfully,

| Name of landowners | Survey numbers of affected land | Sign. |
|-------------------------|---------------------------------|-------|
| Damodar J. Patil | 397/3/C | Sd/- |
| Mrs. Manjula D.Patil | 397/3/C | Sd/- |
| Shashikant Govind Bhoir | 291/A | Sd/- |
| Kamlakar Govind Bhoir | 291/A | Sd/- |
| Subhash Govind Bhoir | 291/A | Sd/- |
| Ramchandra B. Bhoir | 291/A | Sd/- |

| | | |
|--------------------------------|------------------|------|
| Ananda D. Bhoir | 291/A | Sd/- |
| Abhijit Madhukar Bhoir | 291/A | Sd/- |
| Mahadev Bhau Salunke | 305 | Sd/- |
| Mahadev Bhau Salunke | 305 | Sd/- |
| Prakash Bhau Salunke | 305 | Sd/- |
| Anita Balkrishna Salunke | 305 | Sd/- |
| Shweta Nilesh Shinde | 305 | Sd/- |
| Santosh Balkrishna Salunke | 305 | Sd/- |
| Shaila Dinanath Dave | | Sd/- |
| Popat Dinanath Dave | | Sd/- |
| Dattaram D. Patil | 307/1 | Sd/- |
| Tulshiram Damaji Patil | 307/1 | Sd/- |
| Uday Dattaram Patil | 307/1 | Sd/- |
| Pushplata Poshiram Patil | 307/1 | Sd/- |
| Sagar D. Patil | 397/3/C | |
| Rajendranath Namdev Shinde | 392/2 | |
| Sadashiv Lahu Pawar | 378/2 | |
| Dnyaneshwar Madhukar Badulikar | 393/2 | |
| Maruti Chindubhau Salunke | 305 | |
| Suraj Suresh Ghanekar | 392/2 | |
| Arvind Ganesh Sathe | 265A(2A)2, 265 B | Sd/- |
| Prabhakar Ganesh Sathe | 265A(2A)2, 265 B | Sd/- |
| Vinayak Ganesh Sathe | 265A(2A)2, 265 B | Sd/- |
| Anand Ganesh Sathe | 265A(2A)2, 265 B | Sd/- |
| Smt. Jankibai Ramchandra Patil | 290 | Sd/- |
| Kashinath Ramchandra Patil | 290 | Sd/- |
| Smt. Kalpana Rajendra Patil | | Sd/- |

| | | |
|----------------------------|-------|------|
| Ku. Tejasvi Rajendra Patil | | Sd/- |
| Yashwant Ramchandra Patil | 290 | Sd/- |
| Mohan Ramchandra Patil | | Sd/- |
| Dipak Kashinath Bhoir | 291/A | Sd/- |
| Dinesh Kashinath Bhoir | 291/A | Sd/- |
| Gpichand Bhai Bhoir | 291/A | Sd/- |

Copy humbly submitted for further action and information please :-

01. Respected Shri. Uddhavji Thackeray Saheb,
Hon'ble Chief Minister - Maharashtra State And
Hon. President, MMRDA.
02. Mr. Eknathji Shinde Saheb
Minister of Public Works and Urban
Development - State of Maharashtra
03. Ms. Prajakta Tanpure Madam, Minister of State
for Urban Development
04. Respected Ku. Madam Adititai Tatkare,
Hon'ble Guardian Minister - Raigad District
05. Divisional Commissioner Sir,
Konkan Division, Konkan Bhawan, Navi
Mumbai
06. Hon. Madam Collector, Raigad - Alibaug
07. Deputy Collector and Sub Divisional Officer
Pen - Raigad

Government of Maharashtra

Office of the Collector & District Magistrate,
Raigad-Alibag, Town Planning Branch
Near Hira Kot Talav, Alibag, Tal. Alibag, Dist. Raigad-
402 201

Tel. 02141-222118/220229, Fax No.02141-227451/222025
E-mail. Id - raigaddpo2013@gmail.com

Municipal Council Admn.Br.: NPAdmn/D-1/Pen/Complaint
Appln./2021 Date : 29.07.2021

To,

The Chief Officer,
Pen Municipal Council,
Pen.

Sub.: Regarding action to be taken on the
applications/statements received to the
Government.

Ref. Letter of Asst. Commissioner, Municipal
Council Administration Branch,
Konkan Division, bearing No.SS/D-4/NP-
7/Complaint Appln/Jee.A. Raigad/2021,
dated 05.07.2021

In accordance with the above reference letter,
the following original applications received by this
office are being sent to your office along with this for
the necessary action. Pursuant to the said
applications, necessary planned action should be
taken forthwith and the report of action taken should

be immediately conveyed to the applicants directly and this office should be updated accordingly.

| S. No. | Inward No. | Date of Application | Applicant | Subject |
|--------|------------|---------------------|--|---|
| 1. | 35369 | 28.02.2021 | Damodhar J. Patil and others, R/o : Pen. | According to the illegal revised plan approved in the year 2013 for the family land of the Mayor/President of the Pen Municipal Council and for the unknown land (fabricated) of the family, when the entire lands of the outer ring road are not in possession of the Pen Municipal Council, the payments for the piecemeal road work should not be passed and the sanctioned funds of the outer bypass road should be transferred to the government accounts. |

Sd/-
(Govind Wakad)
Incharge. District Administrative Officer
Urban Development Branch, Grade 1
Raigad-Alibaug

७०३

मुख्याधिकारी,
पेण नगरपालिका

विषय:- शासनाकडे प्राप्त झालेल्या निवेदनावर कार्यवाही करण्याबाबत.

संदर्भ:- सहायक आयुक्त, नगरपालिका प्रशासन शाखा, ककण विभाग यांच्याकडून प्राप्त क. शाशा/कार्या-४/नपा-७/तक्रार अर्ज/जि.अ. रायगड/२०२१ दि. ०५/०१/२०२१.

उरोक्त संदर्भिय पत्रान्वये या कार्यालयाकडे प्राप्त झालेले खालील मूळ अर्ज अर्जित कार्यवाहीसम आणत्या कार्यालयाकडे यासोबत पाठवित आहे. रादर अर्जाच्या अन्वयात आणण्यात येणारे निदेशीत कार्यवाही तात्काळ करावी व केलेल्या कार्यवाहीचा अहवाल अर्जदार यांचे परतपत्र कडून या कार्यालयाने तात्काळ उपयुक्त करावी.

| अ.क्र. | आवक क्र. | अर्जाच्या दिनांक | अर्जदार | विषय: |
|--------|----------|------------------|--------------------------------------|---|
| १ | ३५३१९ | दि. २८/०२/२०२१ | श्री. दामोदर ज. पाटील व इतर, रा. पेण | पेण नगरपरिषद नगराध्यक्षांच्या कुटुंबाच्या जमिनी व कुटुंबाच्या घेनागी जमिनीकरीता सन २०१३ मध्ये मंजूर करून घेतलेल्या वेळापत्रकातील सुधारित आराखड्या नकार पेण सहाय्य वाहतूककलन रस्त्याच्या पूर्ण जमिनी ताब्यात नसताना एकड्यात केलेल्या रस्त्याच्या कामाची देखरे पाहिले होऊ नयेत व वाहतूककलन रस्त्याचा मंजूर निधी शासन खाती उपयुक्तिते होणेबाबत |

पेण नगर परिषद, पेण.

आ.क्र. २५१९ दि. ११/१२/२०२१

- १) सामान्य प्रशासन
- २) वांशकाय
- ३) लेखा
- ४) आरक्षण
- ५) वास्तु
- ६) वास्तु
- ७) वास्तु
- ८)
- ९)
- १०)
- ११) सुदृढीकरण
- १२) संगणक

(Signature)

(मोहिंद दाकड)

प्र. जिल्हा प्रशासन अधिकाारी
नगर विकास शाखा श्रेणी १
रायगड-अलिबाग

श्री. मोरे
२३/१/२०२१

६४७

१/१२/१८