

**BEFORE THE NATIONAL GREEN TRIBUNAL SITTING  
AT PUNE**

**ORIGINAL APPLICATION NO. 43 OF 2023(WZ)**

Sagar Kantilal Devre ...Applicant

Versus

The State of Maharashtra & Ors ... Respondents

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**AFFIDAVIT IN REPLY ON BEHALF OF  
RESPONDENT NO. 12 TO 21 TO  
AFFIDAVIT IN REPLY OF  
RESPONDENT NO. 6**

I, Savita Kishor Gorava, the Respondent No.13 herein, residing at 272, Azad Nagar Gokhale Road, Mulund (E) 400081 do hereby state on solemn affirmation as under:

1. I say that I have perused the Affidavit in Reply of Respondent No. 6 dated 24<sup>th</sup> March 2025 (“**Reply**”). Upon making myself conversant with the same, I am making the present Affidavit in Reply on behalf of the Respondent No. 12 to 21 abovenamed, to place on record the true and correct facts pertaining to this case, while expressly reserving my right to file any additional



affidavit if so necessitated. Accordingly, I crave leave of this Hon'ble Tribunal to file any such other and further affidavit.

2. I deny all and singular statements, averments, allegations, and contentions made in the Reply, as if the same are set out hereinafter *in extenso* and *seriatim* traversed, save and except those which have been expressly admitted by me herein. I say and submit that nothing contained in this Reply should be construed to be admitted or deemed to have been admitted as against this Respondent No. 12 to 21 for want of any specific denial or otherwise.
3. The case of the Respondent No.6 in their Affidavit in reply appears to be:
  - a. The Affidavit in Reply of the Respondent No. 12 to 21 should be rejected as the Respondent No. 12 to 21 have failed to justify any "cause of action" alleged to have accrued on them under the provisions of Street Vendors (Protection of livelihood and Regulation of Street Vendors Act, 2014).
  - b. The Respondent No. 12 to 21 do not have any "substantive" or "any other legal rights" vested in them,



to seek any such reliefs permitting them to carry on their activities over the said plot of land. The Respondent No. 12 to 21 also cannot seek any protection under Street Vendor Act, 2014.

- c. That despite repeated 'Evictions' in the year 2009, 2021 and 2023 the Respondent No. 12 to 21 still continue to unauthorize encroach the land and carry out illegal activities of sell clothes, also the similarly situated persons as Respondent No. 12 to 21 are constantly occupying the questioned plot of land, for carrying on their "illegal activities" of selling and reselling the old clothes.
- d. The local corporator, Neighboring Citizens, Association of Persons and Member of Parliament have raised complaints about the Respondent No. 12 to 21 as they carry on their "illegal activities" of selling and reselling the old clothes on the Government land.
- e. The plot of land in question i.e. C.T.S. No.1320/C, 1320(part), belonging to the State Government, is reserved for Recreation Ground, in the Development Plan of Greater Mumbai. It is required to be maintained by MCGM and for that purpose, the office of the Collector, MSD had initiated the process of handing



over the possession of the plot of land to the Municipal Corporation of Greater Mumbai.

- f. As per the order dated 25/04/2023 of the Hon'ble NGT and after holding Joint meeting, with, the Authorities of the MCGM, the "temporary permission" came to be granted, to the Respondent No. 12 to 21, to occupy a 'space' near Octroi Naka, Mulund (East) at the plot of land bearing C.T.S. N0.138 and 139, "for a period of 3 months". But this act cannot be used by the Respondent No. 12 to 21 to claim any such alleged rights to occupy the Government plot of land.

4. That to the general averments of the Respondent No. 6 I say that:

- a. That the Respondent No. 12 to 21 are well protected under Section 3, 18 & 22 of the Street Vendors (Protection of livelihood and Regulation of Street Vendors Act, 2014) as the Respondent No. 12 to 21 are selling and reselling the old clothes on the streets since 2008 and cannot be just evicted without following any procedure of law.
- b. The Respondent No. 12 to 21 have been evicted for the 1st time in the month of April 2023 since 2008. They have been vending on the same place for decades altogether the



vending carried out by the Respondent No. 12 to 21 is during 6.00 - 9.00 am in the morning which is without any disturbance to local persons or any vehicular traffic.

- c. The action of the Respondents in evicting the Respondent No. 12 to 21 in light of order of Hon'ble NGT is illegal and bad in law as Respondent No. 12 to 21 were never made party to the Original Application and the Order was against some Chindi Bazar Vapyar Sangh but the burnt of order was faced by the street vendors who were caring out their vending activities.
- d. The Hon'ble NGT never passed any eviction order against the Respondent No. 12 to 21 the order was passed against chindi bazar vyapar sangh which Respondents No. 12 to 21 are not members nor aware if any such organization exists. The Respondents No. 12 to 21 with the help of local MLA were located near Octroi Naka, Mulund (East) at the plot of land bearing C.T.S. N0.138 and 139, "for a period of 3 months" to carry out their selling and reselling the old clothes.

5. I shall now deal with the contents of the Reply paragraph-wise:



- a. With reference to the contents of paragraph 1, the same are formal in nature and accordingly, do not merit / warrant any response.
- b. With reference to the contents of paragraphs 2, the same are denied. I say that the Respondents No. 12 to 21 are protected under Section 3 of the Street Vendors (Protection of livelihood and Regulation of Street Vendors Act, 2014) and if any complaints were received against the Respondents No. 12 to 21 by the Respondents. The Respondents No. 12 to 21 were never informed about the same till date so contention of the Respondents about the receiving complaints is false. Also the Respondents No. 12 to 21 never claimed the ownership of the plot which is in dispute. Thus the plot owned by the Government is not disputed.
- c. With reference to the contents of paragraph 3, the same are formal in nature and accordingly, do not merit / warrant any response.
- d. With reference to the contents of paragraphs 4 , the same are denied. I say that the Respondents No. 12 to 21 are well protected under section 3, 18 & 22 of the Street Vendors (Protection of livelihood and Regulation of Street



Vendors Act, 2014) as it lays down the procedure to be followed while evicting street vendors.

- e. With reference to the contents of paragraphs 5, the same are denied. I say that the Respondents No. 12 to 21 are never aware about such action initiated against them by the Respondents or any complaints received against them by the Citizen, Local Politicians and Social workers also the Respondents No. 12 to 21 can never cause obstruction to traffic as they carry out vending during early morning hours so there never can be obstruction to traffic from Respondents No. 12 to 21.
- f. With reference to the contents of paragraph 6, the same are denied. I say that the Respondents No. 12 to 21 were never evicted from the plot of land in dispute and they carry out their activities in light of Street Vendors Act 2014.
- g. With reference to the contents of paragraph 7, the same are denied. I say that Respondents No. 12 to 21 are not members of any association so the communication dated 02/03/2021 by the Respondent no.2 to President/Manager of Association of cloth resellers Respondents No. 12 to 21 are not aware as they were never served notice individually.

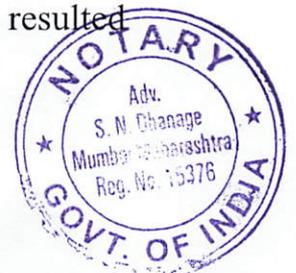


- h. With reference to the contents of paragraph 8, the same are denied. I say that Respondents No. 12 to 21 are not members of any association so the notice of 17/08/2021 by the Respondent No.2 to Representative of Association of cloth resellers Respondents No. 12 to 21 are not aware as they were never served notice individually
- i. With reference to the contents of paragraph 9, the same are denied. I say that Respondents No. 12 to 21 are not aware about any order dated 24/11/2021 implemented / executed by the Respondent on 10/12/2021 removing or evicting unauthorised occupants or encroachment from the said plot as Respondents No. 12 to 21 were never part of any eviction drive carried out by the Respondent No.2.
- j. With reference to the contents of paragraph 10, the same are denied. I say that Respondents No. 12 to 21 are not aware about any actions of evicting the Respondents No. 12 to 21 by the Respondents in the month of December 2021 or January 2023 as they were never evicted from the said location as they are vending as per Street Vendors Act, 2014.
- k. With reference to the contents of paragraph 11, the same are denied. I say that the Respondents No. 12 to 21 never



claimed the ownership or built any structure on the said plot so there is no encroachment from the side of Respondent No. 12 to 21.

- l. With reference to the contents of paragraphs 12 , I say that the same are matters of record and do not merit / warrant any response.
- m. With reference to the contents of paragraph 13, the same are denied. I say that the Respondents No. 12 to 21 came to be relocated by the Respondent No.2 after the order of the Hon'ble NGT. This does not deny the Respondents No. 12 to 21 to leave their rights under Street Vendors act, 2014.
- n. With reference to the contents of paragraph 14, the same are denied. I say that the Respondents No. 12 to 21 issue of permitting them to carry out vending permits not only of the State Government but also of the local Municipal Authority.
- o. With reference to the contents of paragraph 15, the same are denied. I say that the Respondents No. 12 to 21 are not aware of any complaints made by any person or association against them causing obstruction to the traffic”, “nuisance”, “breach of peace” which also resulted

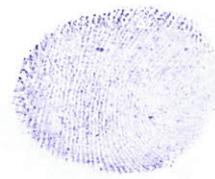


in "the adverse effect on the public health thus allegations of the Respondent No.6 are baseless.

p. With reference to the contents of paragraphs 16 , I say that the same are matters of record and do not merit / warrant any response.

6. Thus in light of the Street Vendors Act, 2014 the Respondents No. 12 to 21 be permitted to carry on with activity unless the Respondents follow proper procedure of law to evict or relocate the Respondents No. 12 to 21. Thus violation of law by the hands of Respondents solely should be a ground to allow the Respondents No. 12 to 21 to vend at the existing plot.

Solemnly affirmed at Mumbai )



Dated this 1st day of April 2025 )

01 APR 2025

(Savita Kishor Gorava)

Before me,

Respondent No.13

Kaustubh Gidh



Advocate for the Respondent No. 12 to 21

**BEFORE ME**  
*Dhanage*

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**NOTED & REGISTERED**  
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BEHALF OF RESPONDENT NO.  
12 TO 21 TO AFFIDAVIT IN  
REPLY OF RESPONDENT NO. 6**

Dated this 1st day of April, 2025

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