

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

ORIGINAL APPLICATION NO. 33/ 2018

Mr. Sanjay alias Bala Bhegade & Ors. ... Applicants

Versus

State of Maharashtra & Ors. ... Respondents

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Advocates for Respondent No.18

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

ORIGINAL APPLICATION NO. 33/ 2018

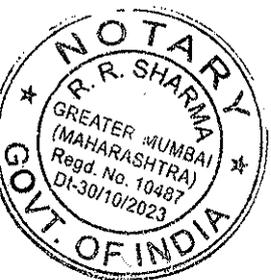
- | | | |
|--|---------------------------------|----------------|
| <p>1. Mr. Sanjay alias BalaBhegade,
 MLA Maval Constituency,
 Office at 2337/Balaji Chambers,
 Talegaon-Chakan Road,
 Talegaon-Dabhade. Taluka - Maval
 District. Pune, PIN- 410 507.</p> |]
]
]
]
]
]
] | |
| <p>2. Mr. Sachin Hiranman Mohite.
 R/at Village Kale, Post: Pavana Nagar.
 Taluka Maval
 District: Pune, PIN- 410 406.</p> |]
]
]
] | |
| <p>3. Mr. BabanBhauKalekar,
 R/at Village Kale, Post Pavana
 Nagar, Taluka Maval,
 District: Pune, PIN- 410 406.</p> |]
]
]
]
] |]...Applicants |

Versus

- | | | |
|---|------------------|--|
| <p>1. The State of Maharashtra
 Through Department of Environment,
 Room No.217 (Annex), Madam Kama
 Marg. Mumbai-400 032.</p> |]
]
]
] | |
| <p>(1-A) The Secretary,
 Revenue and Forests Department,
 Government of Maharashtra,
 Mantralaya, Mumbai-400 032.</p> |]
]
]
] | |
| <p>2. Pune Metropolitan Region
 Development Authority(PMRDA)</p> |]
] | |



- Survey No. 152-153, Maharaja
Sayajirao Sayaji Gaikwad Bhavan,
Aundhgaon, Aundh, Pune-411007.]]]
3. **Maharashtra State Biodiversity Board,**]
Jaiv- Vividha Bhavan, Civil Lines,]
Nagpur, Maharashtra, 440001.]
4. **HomiJesia,**]
R/at Survey/Gat No.68/3,]
GevandaKhadak, At Pavananagar,]
Taluka Maval, Dist.- Pune]
Pin- 410 406.]
5. **Surendra Pandurang Naravekar**]
R/at Gat No.148/1, Village Pale, Pama,]
At Pavananagar, Taluka Maval,]
Dist.- Pune, Pin- 410 406.]
6. **Dinesh Dharmachand Patel**]
R/at Survey No.51, Village Shevati,]
AtPavananagar, Taluka Maval,]
Dist.- Pune, Pin- 410 406.]
7. **Vijay Punjabi**]
R/at Gat No. 439, 440, Village Tikona.]
At Pavananagar, Taluka Maval,]
Dist.- Pune, Pin- 410 406.]
8. **Abhay S. Choksy**]
R/at Gat No. 536, Village Tikona,]
At Pavananagar, Taluka Maval,]
Dist.- Pune, Pin- 410 406.]
9. **Linesh Patel**]
R/at Gat No.93, Village Pale,]
Pama, At Pavananagar, Taluka Maval,]
Dist.- Pune, Pin- 410 406.]



10. **Mr. Desai,**]
R/at Amarja Hills, Plot No.33/36, Village]
Mahagaon, at Pavanagar, Taluka Maval,]
Dist.- Pune, Pin- 410 406.]
11. **Ravi Khemkar,**]
R/at Gat No. Nil, Village Tilona]
Pavanagar, Taluka Maval,]
Dist.- Pune. Pin- 410 406.]
12. **(a) Manoj Sainani**]
(b) Sumit Chawla]
R/at Amarja Hills, Mahagaon,]
at Pavanagar, Taluka Maval,]
Dist.- Pune. Pin- 410 406.]
13. **Mr. Mehata**]
R/at Plot No.2/5/8 Mahagaon,]
Amarj Hills, Pavananagar,]
Taluka Maval, District Pune.]
AtPavanagar, Taluka Maval,]
Dist.- Pune. Pin- 410 406.]
14. **Ashish Singh Chawla,**]
R/at Mahagaon,]
Amarja Hills, Pavananagar,]
Taluka Maval, District Pune]
Dist.- Pune, Pin- 410 406.]
15. **Yashwant Shelania (Chourasia)**]
R/at Mahagaon, Amarja Hills,]
Pavananagar, at Pavanagar,]
Taluka Maval, Dist.- Pune.]
Pin- 410 406.]
16. **Radhika Akash Shah,**]
R/at Gat No. Nil, Village Tikona,]



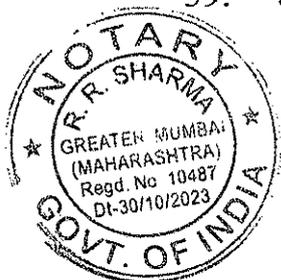
- At Pavananagar, At Pavanagar, Taluka Maval, Dist.- Pune, Pin- 410 406.]]
17. **Anant Mehata**]
R/at Mahagaon,]
Amarja Hills, Plot No.40, Pavananagar.]
Taluka Maval, District Pune.]
18. **D.B. Mowdawala,**]
R/at Survey No. 06/02 Village]
ThakursaiPavananagar, at Pavanagar,]
Taluka Maval. Dist- Pune, Pin- 410 406.]
19. **Dr.Sonawala**]
R/at Gat No. 576/A, 576/B, Village]
TikonaPavananagar, at Pavanagar,]
Taluka Maval, Dist.- Pune, Pin- 410 406.]
20. **KalparajDharmSing**]
R/at Survey No.34/02,03 Gevande]
KhadakPavananagar, at Pavanagar,]
Taluka Maval,Dist.- Pune, Pin- 410 406.]
21. **Rastik Hariya**]
R/at Survey No. 64/14 GevandeKhadak]
Pavananagar, Taluka Maval, Dist.- Pune]
Pin- 410 406.]
22. **CalimatiD'silva**]
R/at Survey No.39/4, Village Thakursai,]
At Pavananagar, Taluka Maval, Dist.- Pune,]
Pin 410 406.]
23. **ArdeshirShapurNariyalwala**]
R/at, Gat No.447 Village Tikona at]
Pavananagar, Taluka Maval,]
Dist. – Pune, Pin- 410 406.]



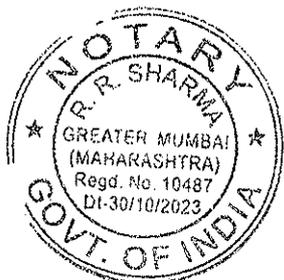
24. **Firoz Irani**]
Rat, Survey No. Nil, Gat No. Nil, Village]
Shindgaon at Payananagar, Taluka]
Maval, Dist.- Pune, Pin- 410 406.]
25. **Gopal Dinubhai Amin**]
R/at, Survey No.58/1, Village Thakursai]
At Pavananagar, Taluka Maval, Dist.-Pune,]
Pin- 410 406.]
26. **Tinna Madam**]
R/at, Survey No. Nil, Gat No. Nil,]
Village Ambegaon, (Pin 410 406) At]
Pavananagar, Taluka Maval, Dist.- Pune]
27. **Senepi Lobo**]
Rat, Cat No. 534 Village Tikona at]
Payamanagar, Taluka Maval,]
Dist. – Pune, Pin- 410 406.]
28. **Deepak M Mehta**]
R/at. A/2 Sterling Apartment 38 Peddar]
Road Mumbai, Pin 400926.]
29. **InsiaLamakIjjudin**]
R/at, Gat No. 568 and 569 Village]
Tikona, At Pavananagar, Taluka Maval,]
Dist.- Pune, Pin- 410 406.]
30. **Punit Shetti**]
R/at, Amarja Hills, Survey No. Gat No.]
9 Village Mahagaon at Pavananagar,]
Taluka Maval, Dist.- Pune, Pin- 410 406.]
31. **Mr. Katariya**]
R/at, Gat No.537 Village Varu at]
Pavananagar, Taluka Maval,]
Dist.- Pune, Pin- 410 406.]



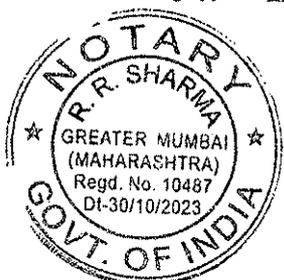
32. **Shreyas Sankhe**]
R/at. Survey/Gat No.5/1/2/Village]
GevandeKhadak, At Pavananagar,]
Taluka Maval, Dist.- Pune, Pin- 410 406.]
33. **Kumendra S. Chakrawarti**]
R/at. Gat/Survey No.19/1/F Village]
GevandeKhadak, At Pavananagar,]
Taluka Maval, Dist.- Pune, Pin- 410 406.]
34. **J. Rajanikant Shroff**]
R/at, Survey No./Gat No. 50A Village]
Pavana Nagar, At Pavananagar, Taluka]
Maval, Dist.- Pune, Pin- 410 406.]
35. **Pradip Thampi**]
R/at, Survey No Gat No. 29, Amarja]
Hills, Village Mahagaon, At]
Pavananagar, Taluka Maval, Dist.- Pune]
Pin- 410 406.]
36. **Deep Trivedi**]
R/at, Survey No. 147, Village Pale at]
Pavananagar, Taluka Maval, Dist. -Pune]
Pin- 410 406.]
37. **DevdattaGangawan**]
R/at, Gat No. Nil Village Tikona]
At Pavananagar, Taluka Maval,]
Dist. – Pune, Pin- 410 406.]
38. **Kishore Choudhari**]
R/at, Gat No.31/2, Village Dudhiware at]
Pavananagar, Taluka Maval,]
Dist.- Pune, Pin- 410 406.]
39. **Jitendra Sartandel**]



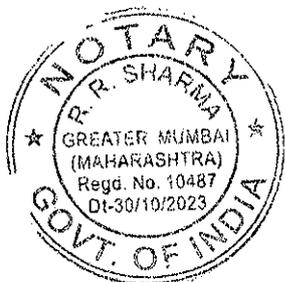
- R/at, Gat No.36/1 Village Dudhiware]
 At Pavananagar, Taluka Maval,]
 Dist.- Pune, Pin- 410 406.]
40. **Joseph D'Souza**]
 R/at, Survey No.32/8 Village Thakursai]
 at Pavananagar, Taluka Maval, Dist. -]
 Pune, Pin- 410 406.]
41. **Motilal C. Bijlani**]
 R/at, Gat No.577, Village Tikona at]
 Pavananagar, Taluka Maval, Dist. -]
 Pune, Pin- 410 406.]
42. **Shekhar Dadarkar**]
 R/at, Gat. No. Nil, Village]
 Thakursai/GavandeKhadak at]
 Pavananagar, Taluka Maval, Dist. -]
 Pune, Pin- 410 406.]
43. **N.L. Narula**]
 R/at, Survey No.114/B Village]
 Ambegaon at Pavananagar, Taluka]
 Maval, Dist.- Pune, Pin- 410 406.]
44. **M.S. Gilotra**]
 R/at, Gat No. 601 and 604 Village]
 Tikona at Pavananagar, Taluka Maval,]
 Dist.- Pune, Pin- 410 406.]
45. **Vivek Manohar Lutharia**]
 R/at, Gat No.601 and 604, Village]
 Tikona at Pavananagar, Taluka Maval,]
 Dist.- Pune, Pin- 410 406.]
46. **Samir Sariya**]
 R/at, Gat No.40/2 A, B, C, D Village]
 Shevani at Pavananagar, Taluka Maval,]



- Dist.- Pune, Pin- 410 406.]
47. **Atul Dayal**]
R/at, Survey No./Gat No. Nil, Village]
Tikona at Pavananagar, Taluka Maval,]
Dist.- Pune, Pin- 410 406.]
48. **Amol DamodarMahale**]
R/at, Gat No. 93, Village Pale at]
Pavananagar, Taluka Maval, Dist.- Pune]
Pin 410 406.]
49. **Nahid Nurul Hasan Bhaiji**]
R/at, Gat No. Survey No. Nil, Village-]
Shindgaon at Pavananagar,]
Taluka Maval, Dist. - Pune]
Pin- 410 406.]
50. **Dilip Sanghvi**]
R/at, 801 Abhay Building N.S. 9th Road]
Juhu, Mumbai, Pin- 400049.]
51. **Chandrakant Sajjanlal Choksi**]
R/at, Survey No. Gat No. Nil Village]
Shindgaon at Pavananagar, Taluka Maval,]
Dist. - Pune, Pin- 410 406.]
52. **Imran Attarwala Wela**]
R/at, Gat No.112 Village Ambegaon at]
Pavananagar, Taluka Maval,]
Dist.- Pune, Pin- 410 406.]
53. **Sandhya Chanda Mohan Wadkar**]
R/at, Survey No.113, Village Ambegaon]
at Pavananagar, Taluka Maval,]
Dist.- Pune, Pin- 410 406.]
54. **Haresh Balani**]



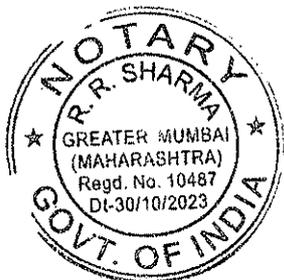
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 Dist.- Pune, Pin- 410 406.]
55. **Vishal Dadlani**]
 R/at, Survey No. Gat No. Nil, Village]
 Tikona at Pavananagar,]
 Taluka Maval, Dist.- Pune, Pin- 410 406.]
56. **Anand Shevale**]
 R/at, Amarja Hills Bungalow No. 12,]
 Village Mahagaon.]
 At Pavananagar, Taluka Maval,]
 Dist.- Pune, Pin- 410 406.]
57. **Sammy Lalla**]
 R/at, Gat No. Nil Village Tikona]
 At Pavananagar, Taluka Maval,]
 Dist.- Pune, Pin- 410 406.]
58. **RahulbhaiDholkiya**]
 R/at, Gat No, 144/1 Village Pale, Pama]
 At Pavananagar, Taluka Maval, Dist-]
 Pune, Pin- 410 406.]
59. **Sunil Aditya Choksi**]
 R/at, Gat No.570/A, 570/B Village]
 Tikona at Pavananagar, Taluka Maval,]
 Dist.- Pune, Pin- 410 406.]
60. **LashitLallubhaiSanghavi**]
 R/at, Gat No.58/25 Village Thakursai]
 At Pavananagar, Taluka Maval,]
 Dist.- Pune, Pin- 410 406.]
61. **MehernoshDaruwalla,**]
 R/at 401, Marker Mansion,]
 623 Lady Jahangir Road,]



- Dadar, Parsi Colony, Mumbai- 400 014.]
62. **Samir Shah**]
R/at, Survey No.112, Village Ambegaon]
At Pavananagar, Taluka Maval,]
Dist.- Pune, Pin- 410 406.]
63. **Rajesh Shendge**]
R/at, Survey No.4/20, Village Gevande]
Khadak at Pavananagar, Taluka Maval,]
Dist.- Pune Pin 410 406.]
64. **Sumit Sunil Chakrawarti**]
R/at, Survey No.17/5, Village]
SindhgaonArPavananagar, Taluka]
Maval, Dist.- Pune, Pin- 410 406.]
65. **Khurshid Daruwala**]
R/at, Gat No.571, Village Tikona]
At Pavananagar, Taluka Maval,]
Dist.- Pune, Pin- 410 406.]
66. **JojarKhurakiwala**]
R/at, Ume Kunj Bungalow, Sarvey No.]
Gat No. Nil, Village Thakursai at]
Pavananagar, Taluka Maval,]
Dist.- Pune, Pin 410 406.]...Respondents

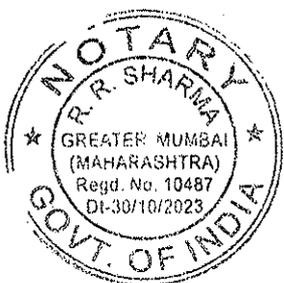
AFFIDAVIT-IN-REPLY OF RESPONDENT NO.18 TO THE

ORIGINAL APPLICATION



I, MR. DARAYUS B. MOWDAWALA, aged 76 years, Indian Inhabitant, resident of Survey No. 06/02 Village- ThakursaiPavananagar, at Pavanagar, Taluka Maval. Dist- Pune, Pin- 410 406, the Respondent No.18, do solemnly state on oath and affirm as under:-

1. I have gone through the above Original Application (the “**Application**”) and the documents filed along with the same by the Applicants. I am familiar with the facts of the case and am competent to depose to the facts in this Affidavit-in-Reply (the “**Reply**”).
2. I am filing this Reply for the limited purpose of opposing the Application and the grant of any reliefs against Respondent No.18 viz. myself. I crave leave of this Hon’ble Tribunal to file a further affidavit or affidavits, should the need arise.
3. At the outset, I deny all allegations, contentions and submissions made in the Application, which are contrary to or inconsistent with what is stated in this Reply. Further, I oppose the reliefs prayed for in the Application in so far as they pertain to the Respondent No. 18. None of the allegations, contentions or submissions in the

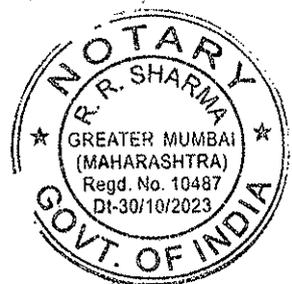


Application which have not been specifically dealt with or denied by me, should be deemed to be admitted.

4. Before dealing with the Application on merits, I submit that the Application ought to be rejected at the threshold as regards the Respondent No. 18 on the basis of the following preliminary objections:

I. The Application is time barred

5. The Respondent No. 18 acquired the land bearing S. No. 6, Hissa No. 2 admeasuring 1.60 Hectares in Village Thakursai, Maval Taluka, Mawal District, Pune (the “**said Land**”) in March 1999.
6. The Respondent No. 18 commenced and completed construction of a structure upon the said Land sometime in the year 2000. This is evidenced by the gharpatti dated 31st March 2000 issued by the Gram Panchayat of Thakursai for the period 1st April 1999 to 31st March 2000. It is pertinent that a gharpatti is issued by the Gram Panchayat only upon completion of the structure which is being assessed to tax thereby. A copy of the gharpatti dated 31st March 2000 issued by the



Gram Panchayat of Thakursai for the period 1st April 1999 to 31st March 2000 is annexed hereto and marked **Exhibit A**.

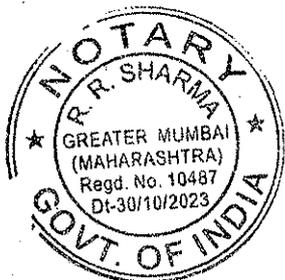
7. The construction carried out by the Respondent No. 18 is (in part) the cause of action on the basis of which the present Application has been filed. The documents annexed above show that the cause of action on the basis of which the Application has been filed (as regards Respondent No. 18) arose, at the latest in the year 2001.
8. The Application is admittedly filed under Sections 14 and 15 of the National Green Tribunal Act, 2010 (the “NGT Act”).
9. Under Section 14(3) of the NGT Act, no application under that Section can be entertained unless it is made within a period of 6 months from the date on which the cause of action for such dispute first arose. This Hon’ble Tribunal has the power to condone a delay of up to 60 days in the filing of an application under Section 14, in the event the Applicants are able to show that they were prevented from filing the same within a period of 6 months.
10. Under Section 15(3) of the NGT Act, no application under that Section can be entertained unless it is made within a period of 5



years from the date on which the cause of action for such dispute first arose. This Hon'ble Tribunal has the power to condone a delay of up to 60 days in the filing of an application under Section 15, in the event the Applicants are able to show that they were prevented from filing the same within a period of 5 years.

11. The present Application was filed on 31st March 2018 i.e. 17 years from the date on which the cause of action first arose. There is therefore a delay of approximately 16 years and 12 years in the filing of the present Application under Sections 14 and 15 of the NGT Act, respectively. Since the delay is well beyond 60 days, the said delay cannot be condoned.

12. The Applicants have sought to attribute the substantial delay in preferring the present Application to the following reasons: (i) that the Applicants were in the process of gathering information through the Right to Information Act, 2005 (the "RTI Act") about the alleged environmental destruction. This process, according to the Applicants, was time intensive; (ii) that it took the Applicants time



to understand that the alleged environmental degradation was taking place.

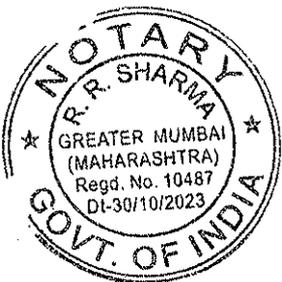
13. Without prejudice to the Respondent No. 18's contention that the NGT Act does not contain any provision under which the delay in the filing of an application under Sections 14 or 15 can be condoned beyond a period of 60 days, the reasons cited by the Applicants do not adequately explain the gross delay in the filing of the present Application, at least in so far as the Respondent No. 18 is concerned, for the following reasons:

- (a) The cause of action arose, at the latest, in the year 2001. The Applicants first applied for documents under the RTI Act in the year 2017 i.e. 17 years later. This gross delay on the part of the Applicants in seeking this information is entirely unexplained in the Application.
- (b) It is the Applicants' case that they obtained copies of documents under the RTI Act on payment of fees therefore on 4th September 2017 (*Annexure 'B' to the Application*). Assuming whilst denying that the Applicants could not have



applied to this Hon'ble Tribunal earlier, the Applicants were certainly aware of the cause of action underlying the present Application at the latest on 4th September 2017. The Application then ought to have been filed within 6 months from the said date i.e. on or before 4th March 2018. The Application has, however, been filed thereafter, on 31st March 2018. Viewed even from this perspective, the Application is time barred. The Applicants have neither sought nor obtained any condonation of this delay from this Hon'ble Tribunal.

- (c) The Applicants' contention that it took some time for them to understand that the alleged environmental degradation was taking place is wholly without merit. The Applicants are persons who live in the area in which they claim the alleged environmental degradation took place. There is therefore be no reason why it took the Applicants 17 years to become cognizant of the alleged environmental degradation.



14. In the circumstances, the Applicants' explanation on the basis of which the Application is stated to be within time, ought to be rejected by this Hon'ble Tribunal.

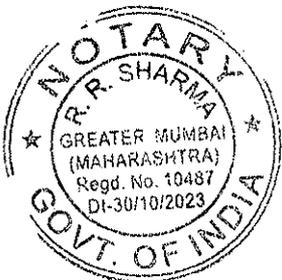
15. The Application is, for the reasons set out above, time barred.

II. The Application falls outside the scope of jurisdiction of this Hon'ble Tribunal

Directions for demolition of structures as sought cannot be granted

16. The Application alleges that the Respondents, including the Respondent No. 18, have constructed structures in the Pavananagar region contrary to the provisions of the Maharashtra Regional and Town Planning Act, 1966 (the "MRTP Act"). The Applicants have, pursuant to the above allegation, sought that Respondent No. 2 be directed under Section 14 of the NGT Act to demolish 51 structures (including that of the Respondent No. 18) mentioned in paragraph 17 of the Application.

17. Under Section 14(1) of the NGT Act, this Hon'ble Tribunal has jurisdiction over all civil cases where a substantial question relating



to the environment is involved. The above power under Section 14(1) can be exercised by this Hon'ble Tribunal only when the substantial question relating to the environment arises out of the implementation of the enactments specified in Schedule I of the NGT Act. The enactments specified in Schedule I of the NGT Act do not include the MRTP Act. Under the MRTP Act, the responsibility to inquire into and adjudicate upon issues of alleged non compliance with the provisions of the MRTP Act falls squarely upon the Planning Authority having territorial jurisdiction over the area in question. The Planning Authority in the present case is the Pune Metropolitan Region Development Authority (the "PMRDA") i.e. the Respondent No. 2 herein.

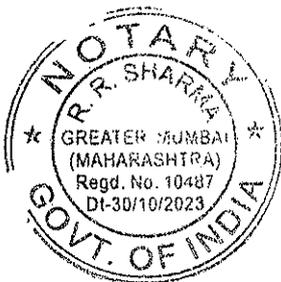
18. As set out above, issues of alleged non compliance with the provisions of the MRTP Act cannot be gone into by this Hon'ble Tribunal. Consequently this Hon'ble Tribunal cannot issue any directions in respect of alleged non compliance of the provisions of the MRTP Act. The Respondent No. 18 therefore submits that this Hon'ble Tribunal does not have the jurisdiction to issue directions to



the PMRDA under Section 14 or any other provision of the NGT Act, as prayed for in the Application.

Prayer for restitution cannot be granted

19. In so far as the relief claimed under Section 15 of the NGT Act is concerned, the Respondent No. 18 submits that under Section 15(1)(a) of the NGT Act, this Hon'ble Tribunal is inter alia, empowered to provide for relief and compensation to the victims of pollution and environmental degradation arising under the enactments specified in Schedule I. Schedule I enlists the following seven enactments: (i) The Water (Prevention and Control of Pollution) Act, 1974; (ii) The Water (Prevention and Control of Pollution) Cess Act, 1977; (iii) The Forest (Conservation) Act, 1980; (iv) The Air (Prevention and Control of Pollution) Act, 1981; (v) The Environment (Protection) Act, 1986; (vi) The Public Liability Insurance Act, 1991; and (vii) The Biological Diversity Act, 2002. The present Application alleges environmental degradation arising on the basis of alleged violations by the Respondents of the MRTP Act. In light of the fact that the MRTP

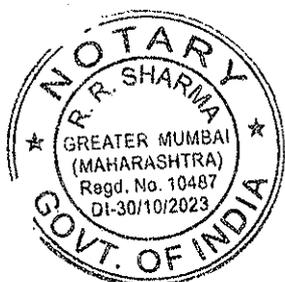


Act is not enlisted in Schedule I of the NGT Act, this Hon'ble Tribunal does not have jurisdiction to grant any relief of the nature set out in Section 15(1)(a).

20. The Respondent No. 18 submits, for the reasons set out above, that the reliefs sought in the present Application fall outside the scope of this Hon'ble Tribunal's jurisdiction under Sections 14 and 15 of the NGT Act.

III. The Application fails to make out any case of environmental destruction or degradation against the Respondent No. 18

21. Section 15(1)(c) empowers this Hon'ble Tribunal to order restitution of the environment. Although the Applicants have, in prayer (d) of the Application, sought directions for restitution of the environment, the Applicants have provided no particulars of: (i) the condition of the environment prior to the alleged destruction or degradation, in so far as the Respondent No. 18 is concerned; (ii) particulars of where the alleged destruction or degradation attributed to the Respondent No. 18 has occurred; (iii) particulars of what destruction or degradation has been caused by the Respondent No. 18. The



Applicants have, therefore, made out no case whatsoever for the grant of reliefs under Section 15(1)(c) of the NGT Act.

22. The Application is based upon the allegation that the Respondents have carried out construction on the hilltops and hill slopes in the Pavnanagar region. It is the Applicants' case that the Respondents have, in the course of such construction, carried out destruction and degradation to the environment by reducing the green cover in the region and cutting the hilltops and hill slopes upon which the construction has been carried out.

23. It is pertinent that the above allegations have been made against all the Respondents *en masse*. The Application contains no specific allegations or material to establish that the Respondent No. 18 has carried out any environmental degradation or destruction. Even Annexure D (colly.) to the Application, does not contain any reference to the Respondent No. 18. None of the Google Map photographs even purport to show any environmental degradation or destruction on the part of the Respondent No. 18. Annexure E, which purports to contain photographs of the Respondents'



properties, contains a single photograph of the Respondent No. 18's property viz. the photograph in the middle of page 1065. Rather than evidencing any environmental destruction or degradation, this photograph shows that there is substantial green cover on the said Land.

On Facts / Merits:

24. It has been prayed, on the basis of the preliminary points set out above, that the present Original Application be dismissed. In addition to the above, even on facts, no case has been made out against the Respondent No. 18 as set out in detail herein. Consequently, the present Original Application ought to be dismissed as regards the Respondent No. 18. Alternately, the Respondent No. 18 ought to be deleted from the array of parties to the present Original Application.
25. The Western Ghats traverse through six states in India viz. Gujarat, Maharashtra, Goa, Karnataka, Kerala and Tamil Nadu. The Western Ghats constitute a global biodiversity hotspot. The Ministry of Environment and Forests, with a view to preserve the biodiversity



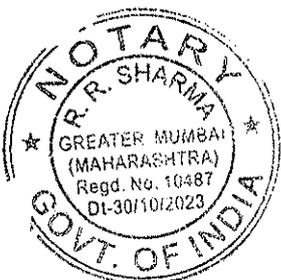
existing within the Western Ghats, has issued resolutions from time to time.

The Environmental Impact Assessment Notification of 2006

26. The Ministry of Environment and Forests, by its Notification dated 14th September 2006 dealt with the environmental impact of existing as also new projects or activities. The above notification, imposed a requirement of getting environmental clearance for existing as also new projects. The various types of projects requiring environmental clearance were set out in the Schedule to the above notification. It is pertinent that the construction of a farm house / forest house of the sort constructed by the Respondent No. 18 does not fall within the ambit of the above notification. The environmental impact notification dated 14th September 2006 therefore does not apply to the Respondent No. 18.

Government Resolution dated 13th November 2013

27. The Ministry of Environment and Forests, by its Resolution dated 13th November 2013 issued directions under Section 5 of the Environment Protection Act, 1986. The Ministry, by its directions



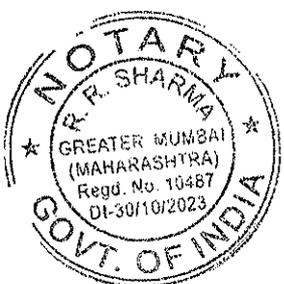
created / designated various areas in the above States as eco sensitive areas / zones. The following activities were banned in the above eco sensitive areas / zones: viz. (i) mining, quarrying and sand mining; (ii) setting up / operating thermal power plants; (iii) building or construction projects of 20,000 sq. meters area and above; (iv) township and area development projects with an area of 50 ha and above and / or with built up areas of 1,50,000 sq. meters and above; and (v) red category industries.

28. The above Government Resolution sets out the areas designated as eco sensitive areas / zones state wise. Within each state, the eco sensitive areas / zones are set out district wise, taluka wise and village wise. A perusal of the above Government Resolution shows that Thakursai village which is situated in Mawal Taluka in Pune District in Maharashtra State is not designated an eco sensitive area / zone. Given that the said Land on which the Respondent No. 18 has constructed a structure is situated in Thakursai Village, the above Government Resolution does not apply to the Respondent No. 18.

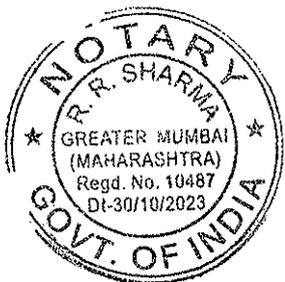


29. In addition to the above, the Respondent No. 18 submits that he has not, as a matter of fact, carried out any environmental degradation or destruction to the said Land, as more particularly set out below:

- (a) There is a tarred and metalled main road commencing from the entrance to Pavananagar on the old Mumbai Pune Highway. This road goes onward to Pavana Dam, Thakursai, Tikona and villages beyond Tikona. The same has been in existence for well over two decades. The said Land as set out above is situated in District Pune, Taluk Mawal, Village Thakursai (near Pavana Dam). The said Land abuts this main road on its lakeward side. This road at Village Thakursai is neither on a hill top nor on a hill slope. In light of the above, the question of the Respondent No. 18 carrying out any construction on a hill top or a hill slope does not arise. Given that the above road abuts the said Land the question of making approach roads to the said Land also does not arise. The above is borne out from the photograph of the Respondent No. 18's property at the centre of page 1065 of the Application.



- (b) The said Land was practically barren at the time when it was purchased. This is clear from photographs taken by the Respondent No. 18 in the year 2000, shortly after purchasing the said Land and in the course of construction of a structure thereon. Copies of the photographs taken by the Respondent No. 18 in or around the year 2000 are annexed hereto and marked as **Exhibits B-1, B-2 and B-3**.
- (c) The Respondent No. 18 has, thereafter, grown a large number of indigenous trees and plants on the said Land. The above is borne out by: (i) the 7/12 extract in respect of the said Land which notes the presence of various trees on the said Land. Mainly, the 7/12 extract shows that almost 250 mango trees have been grown on the said Land. It is pertinent that the Government Resolution dated 13th November 2013 specifically includes mango trees as one of the domesticated plant species which have evolved on the Western Ghats; (ii) the photograph at page 1065 of the Application, which shows a significant growth in green cover on the said Land as compared to the barren state in which the said Land was when



it was purchased. A copy of the 7/12 extract in respect of the said Land is annexed hereto and marked as **Exhibit C**.

- (d) This Hon'ble Tribunal had, by an order dated 30th June 2020, constituted a committee to inquire into the allegations raised by the Applicants and submit a report to this Hon'ble Tribunal. Pursuant to the said order, the committee so constituted submitted a report dated 11th August 2021 (the "**Report**"). The Respondent No. 18 states that he has not yet been served with a copy of the Report. The Respondent No. 18 craves leave of this Hon'ble Tribunal to file a further affidavit dealing with the Report as and when the same is served upon him.
- (e) The Application places heavy reliance on an undated report prepared by one Dr. Rahul Mungikar (the "**Mungikar Report**"). The Mungikar Report is at Annexure F to the Application. The Mungikar Report contains no specific allegations against the Respondent No. 18. The only mention of the Respondent No. 18's property in the Mungikar Report



is in Table 1 thereof, at page 1086 of the Application. The said table contains an entry relating to photo plate 29 (which is to be found at page 1065 of the Application and includes, in the centre of the page, a photograph of the Respondent No. 18's property). The said entry merely states, "*Construction along hill slope & in valley*". However, as set out above, the structure upon the said Land is neither on a hill top nor on a hill slope for the reasons set out above. The Mungikar Report therefore also does not establish any case of environmental destruction or degradation against the Respondent No. 18.

30. The Respondent No. 18 submits that it is clear from what is set out above that the Application fails to establish any circumstances which warrant the grant of reliefs against the Respondent No. 18. In the circumstances, the Application ought to be dismissed against the Respondent No. 18 with costs.
31. The Respondent No. 18 craves leave to file further affidavits (i) to place on record subsequent events that may arise which are relevant to the matter at hand; (ii) to place on record his response to the

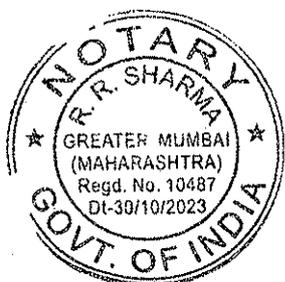


report dated 11th August 2021 filed pursuant to the order of this Hon'ble Tribunal dated 30th June 2020 once service of the same has been effected upon him; and (iii) to place on record his response to the report to be filed pursuant to the order of this Hon'ble Tribunal dated 16th January 2023 as and when the same is served upon him.

32. The Respondent No. 18 deals with the Original Application paragraph wise:
33. With reference to paragraph I and II of the Original Application the Respondent No. 18 states that the same need no reply.
34. With reference to paragraph III of the Original Application the Respondent No. 18 denies that he has engaged in illegal or anti environment construction or encroachment on a hill top or hill slope as alleged or at all. The Respondent No. 18 denies that he has violated laws or rules related to environmental protection as alleged or at all. The Respondent No. 18 denies that this Hon'ble Tribunal can take cognizance of or adjudicate alleged violations of the MRTP Act or the Maharashtra Land Revenue Code, 1966 as alleged or at all.

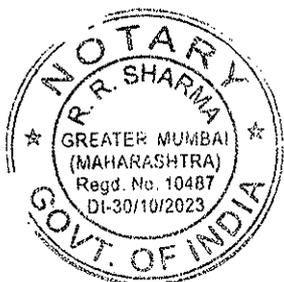


35. With reference to paragraph IV of the Original Application the Respondent No. 18 denies that he has in any manner damaged the environment as alleged or at all. In the premises, the question of the Respondent No. 18 being directed to restitute the environment or being asked to pay compensation for damage allegedly done to ecology or society does not arise.
36. With reference to paragraph 1 of the Original Application the Respondent No. 18 states that he is not aware of the particulars of the Applicant No. 1 as alleged or at all and puts the Applicant No. 1 to the strict proof thereof.
37. With reference to paragraph 2 of the Original Application the Respondent No. 18 states that he is not aware of the particulars of the other Applicants as alleged or at all and puts the other Applicants to the strict proof thereof. The said Land is situated in Thakursai Village. Thakursai Village has not been designated an eco sensitive zone as per the Government Resolution dated 13th November 2013.
38. With reference to paragraph 3 of the Original Application the Respondent No. 18 states that the same needs no reply save that the



said Land is situated in Thakursai Village. Thakursai Village has not been designated an eco sensitive zone as per the Government Resolution dated 13th November 2013.

39. With reference to paragraph 4 of the Original Application the Respondent No. 18 states that the entire Mawal Taluka has not been designated an eco sensitive zone. Only certain villages within the Mawal Taluka have been designated as eco sensitive zones. Thakursai Village in which the said Land is situated is not designated an eco sensitive zone as per the Government Resolution dated 13th November 2013.
40. With reference to paragraph 5 of the Original Application the Respondent No. 18 states that the same needs no reply.
41. With reference to paragraph 6 of the Original Application the Respondent No. 18 denies that he has indulged in any of the activities set out in the paragraph under reference. The Respondent No. 18 states that there is no specific allegation made against him in that regard.



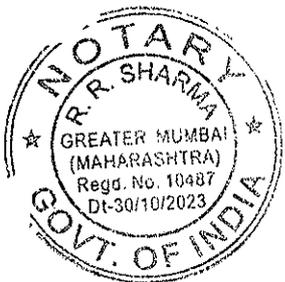
42. With reference to paragraph 7 of the Original Application the Respondent No. 18 states that Thakursai Village in Mawal Taluka where the said Land is situated is not designated an eco sensitive zone as per the Government Resolution dated 13th November 2013.
43. With reference to paragraph 8 of the Original Application the Respondent No. 18 denies that he is politically influential or “economically strong” as alleged or at all. The Respondent No. 18 denies that he has constructed his structure on a hill top or hill slope or that he has destroyed the ecology or environment as alleged or at all.
44. With reference to paragraph 9 of the Original Application the Respondent No. 18 denies that he has created various approach roads as alleged or at all as the said Land abuts the main road. The Respondent No. 18 denies that he has violated the law as alleged or at all. The Respondent No. 18 denies that he has cut any tree in the process of construction as alleged or at all. The Respondent No. 18 reiterates that he had constructed the structure on the said Land almost 20 years ago. The question of spreading dust or adversely



affecting the ambient air quality as on the date of the Original Application does not arise.

45. With reference to paragraph 10 of the Original Application the Respondent No. 18 denies that he has disturbed or destructed the natural contour of a hill top or hill slope or cut trees as alleged or at all. The Respondent No. 18 denies that the said Land is situated in an eco sensitive zone or that he has created an artificial tableland on a hill top for constructing his structure as alleged or at all. The Respondent No. 18 denies that he has committed any act endangering human life or creating permanent destruction to the environment or surroundings as alleged or at all.

46. With reference to paragraph 11 of the Original Application the Respondent No. 18 denies that the said Land or the structure standing thereon is in an eco sensitive zone, or on a hill top or on a hill slope as alleged or at all. In the premises, the question of making any hill barren does not arise as alleged or at all. The Respondent No. 18 denies that the structure constructed by him is "huge" as alleged or at all. The Respondent No. 18 denies that the permissions



obtained by him are not legal or valid as alleged or at all. Assuming whilst denying that the Respondent No. 18 has breached the provisions of the MRTP Act, as set out above, this Hon'ble Tribunal does not have jurisdiction to adjudicate such alleged breach. The Respondent No. 18 denies that the structure on the said Land is illegal as alleged or at all.

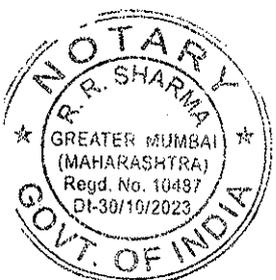
47. With reference to paragraph 12 of the Original Application the Respondent No. 18 denies that his structure is situated on a hill top or hill slope or has contributed in any manner to the need to conserve soil moisture or development of nurseries as alleged or at all.

48. With reference to paragraph 13 of the Original Application the Respondent No. 18 denies that he has in any manner destroyed or contributed to the destruction of grass feeding animals as alleged or at all. The Respondent No. 18 denies that he has indulged in any activity resulting in diminishing the ecology or environment as alleged or at all. The Respondent No. 18 denies that he has been



responsible for the alleged diminution or alleged disappearance of ecology or environment as alleged or at all.

49. With reference to paragraph 14 of the Original Application the Respondent No. 18 states that the same needs no reply except to state that the Report of the Western Ghats Ecology Expert Panel does not show any infraction on the part of the Respondent No. 18 of the NGT Act or any statute set out in the Schedule thereto.
50. With reference to paragraph 15 of the Original Application the Respondent No. 18 states that the same needs no reply except that the same does not constitute any answer to the Respondent No. 18's plea of limitation as set out herein in detail.
51. With reference to paragraph 16 of the Original Application the Respondent No. 18 denies that he is an illegal encroacher or has violated the provisions of law as alleged or at all. The Respondent No. 18 denies that he has constructed his structure on a hill top or a hill slope as alleged or at all.
52. With reference to paragraph 17 of the Original Application the Respondent No. 18 denies that his structure is illegal as alleged or at

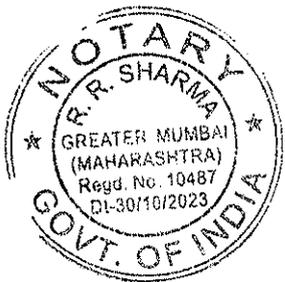


all. The Respondent No. 18 denies that he has constructed on a hill top or a hill slope or in a reserved forest area as alleged or at all. As regards the table under paragraph 17 the Respondent No. 18 is not dealing with any entry thereof except entry no. 15 as the same do not concern him. As regards entry no. 15 of the table, the Respondent No. 18 states that he has received notices under the MRTP Act which he is dealing with separately. As set out above, this Hon'ble Tribunal has no jurisdiction to deal with notices issued under the MRTP Act.

53. With reference to paragraph 18 of the Original Application the Respondent No. 18 denies that the said Land is situated on a hill top or a hill slope as alleged or at all. Insofar as the said Land is concerned, no Google map images have been provided to even prima facie establish any environmental degradation as alleged or at all. The Respondent No. 18 states that the said Land was initially barren but has now been afforested with indigenous plants and trees by the Respondent No. 18.



54. With reference to paragraphs 19, 20 and 21 of the Original Application the Respondent No. 18 craves leave to refer to or rely upon the orders / judgement of the Hon'ble Supreme Court as also the Hon'ble National Green Tribunal when provided for their true meaning and legal effect. The Respondent No. 18 denies that the same apply to the facts as set out herein.
55. With reference to paragraph 22 of the Original Application the Respondent No. 18 denies that the said Land or the structure thereon is located on a hilltop or hill slope as alleged or at all. The Respondent No. 18 denies that he has levelled the land or flattened the hill area or cut trees or contributed to soil erosion or land slide or mud slide as alleged or at all.
56. With reference to paragraph 23 of the Original Application the Respondent No. 18 states that the facts set out herein are not such as can constitute a loss (let alone irreparable or otherwise) to the biodiversity on the Western Ghats as alleged or at all. The Respondent No. 18 denies that the facts set out herein cause any restrictions on the animals in the area as alleged or at all.



57. With reference to paragraph 24 of the Original Application the Respondent No. 18 craves leave to refer to or rely upon the orders / judgement of the Hon'ble National Green Tribunal when provided for its true meaning and legal effect. The Respondent No. 18 denies that the same applies to the facts as set out herein.
58. With reference to paragraph 25 of the Original Application the Respondent No. 18 craves leave to refer to or rely upon the orders / judgement of the Hon'ble Supreme Court as also the Hon'ble National Green Tribunal when provided for their true meaning and legal effect. The Respondent No. 18 denies that the same apply to the facts as set out herein.
59. With reference to paragraph 26 of the Original Application the Respondent No. 18 craves leave to refer to or rely upon the orders / judgement of the Hon'ble National Green Tribunal when provided for its true meaning and legal effect. The Respondent No. 18 denies that the same applies to the facts as set out herein.
60. With reference to paragraph 27 of the Original Application the Respondent No. 18 denies that the construction of the structure on

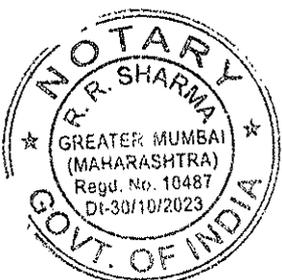


the said Land has resulted in any degradation of the environment as alleged or at all. The Respondent No. 18 denies that any photograph annexed as part of Annexure E to the Petition reveals any degradation of the environment on the part of the Respondent No. 18 as alleged or at all.

61. With reference to paragraph 28 of the Original Application the Respondent No. 18 denies that any alleged survey report would show any destruction of the environment by the Respondent No. 18 as alleged or at all.

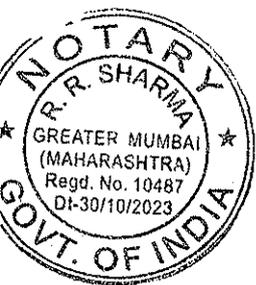
62. With reference to paragraph 29 of the Original Application the Respondent No. 18 denies that he has done any construction on a hill top or hill slope as alleged or at all. The Respondent No. 18 denies that Annexure F to the Petition shows any alleged environmental degradation on the part of the Respondent No. 18 as alleged or at all.

63. With reference to paragraph 30 of the Original Application the Respondent No. 18 denies that the structure on the said Land amounts to a building or construction project of the nature banned



under the survey report prepared under the chairmanship of Dr.Kasturirangan Committee as alleged or at all. The Respondent No. 18 denies that the structure on the said Land amounts to a project of the nature banned or requiring approval under the EIA Notification 2006 as alleged or at all. The Respondent No. 18 denies that the structure on the said Land is in violation of rules or regulations as alleged or at all. The Respondent No. 18 denies that the said Land falls within an eco sensitive area or is located on a hill as alleged or at all. In the premises the question of requiring permission for construction to be done on high altitude hills does not arise as alleged or at all. The Respondent No. 18 denies that the structure on the said Land has caused an environmental impact (whether irreversible or not) as alleged in the Petition or at all. The Respondent No. 18 denies that the said Land or the structure thereon has caused or may cause a permanent loss of habitats for animals or insects as alleged or at all.

64. With reference to paragraph 31 of the Original Application the Respondent No. 18 denies that the said Land or the structure thereon has contributed to pollution or environmental degradation as alleged



or at all. The Respondent No. 18 denies that the structure is situated on a hill top or hill slope or illegal as alleged or at all. The Respondent No. 18 denies that the Applicants are entitled to any relief qua any act or omission on the part of the Respondent No. 18 as alleged or at all.

65. With reference to paragraph 32 of the Original Application the Respondent No. 18 denies that the structure on the said Land disturbs the environment, ecology or biodiversity as alleged or at all.
66. With reference to Ground A of the Original Application the Respondent No. 18 denies that he has engaged in any construction activity on a hill top or any activity pertaining to extraction of minerals as alleged or at all.
67. With reference to Ground B of the Original Application the Respondent No. 18 denies that the structure on the said Land is constructed on a hill top or hill slope as alleged or at all.
68. With reference to Ground C of the Original Application the Respondent No. 18 denies that the structure on the said Land is situated on a hill top or hill slope or has destroyed forest or green



cover or damaged the biodiversity of Mawal Taluka as alleged or at all. The Respondent No. 18 reiterates that the structure and the said Land are located at Thakursai Village which is not an eco sensitive zone as per the Government Resolution dated 13th November 2013. The Respondent No. 18 denies that the structure is illegal as alleged or at all.

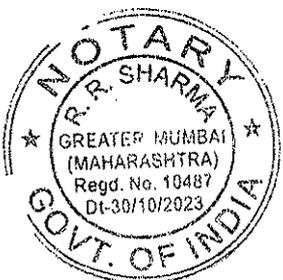
69. With reference to Ground D of the Original Application the Respondent No. 18 denies that the structure has been constructed on a hill top or hill slope or that the same has disturbed the ecology or environment in the Mawal area as alleged or at all. The rest of the paragraph is denied in toto as not being applicable to the Respondent No. 18 as alleged or at all.

70. With reference to Ground E of the Original Application the Respondent No. 18 once again denies that the structure is constructed on a hill top or a hill slope as alleged or at all. The said Land abuts the tarred and metalled road as set out herein. Consequently, the question of the Respondent No. 18 constructing an approach road does not arise.



71. With reference to Ground F of the Original Application the Respondent No. 18 denies that during the process of construction of the structure trees were cut as alleged or at all. The Respondent No. 18 denies that the ambient air quality was dented at the time of construction of the structure as alleged or at all. The Respondent No. 18 denies that the structure has been constructed on a hill top or a hill slope as alleged or at all. The Respondent No. 18 denies that he has created an artificial tableland on a hill top as alleged or at all. Consequently the question of permanent destruction of the environment or surroundings as a result thereof does not arise as alleged or at all. The Respondent No. 18 denies that the structure on the said Land has ever endangered human life as alleged or at all.

72. With reference to Ground G of the Original Application the Respondent No. 18 once again denies that the said Land and structure is situated on a hilltop or hill slope or falls within an eco sensitive zone as alleged or at all. The question of showing any no objection certificate for construction in a eco sensitive zone does not arise.



73. With reference to Ground H of the Original Application the Respondent No. 18 denies that the said Land or structure are situated on a hill top or a hill slope or violate any environmental rules or norms as alleged or at all. The Respondent No. 18 reiterates that alleged violations of the MRTP Act cannot be adjudicated upon by this Hon'ble Tribunal.
74. With reference to Ground I of the Original Application the Respondent No. 18 denies that the said Land or the structure thereon is situated on a hill top or hill slope or has resulted in evaporation of soil moisture or soil erosion as alleged or at all. The Respondent No. 18 denies that he has created any threat to the environment as alleged or at all.
75. With reference to Ground J of the Original Application the Respondent No. 18 denies that the structure on the said Land has ever had any part to play in the alleged diminishing of rare species or animals or flora or fauna or in disturbing biodiversity as alleged or at all. The Respondent No. 18 denies that Thakursai Village falls within a eco sensitive zone as alleged or at all. The Respondent No.



18 denies that there is any need to reinstitute or restore the said Land to its original as the Respondent No. 18 has not made any change that requires to be reinstated or restored as alleged or at all.

76. With reference to Ground K of the Original Application the Respondent No. 18 denies that he has made any construction on a hill top or hill slope or a reserved forest area as alleged or at all.

77. With reference to Ground L of the Original Application the Respondent No. 18 denies that Google maps images show existence of hills and green cover in the past as regards the said Land which has been allegedly destroyed now as alleged or at all. The Respondent No. 18 denies that he has engaged in illegal construction or hill cutting or tree cutting or deforestation as alleged or at all. The Respondent No. 18 denies that the said Land has turned barren as alleged or at all.

78. With reference to Ground M of the Original Application the Respondent No. 18 states that he will refer to such judgments as may be produced for their true meaning and legal effect. The Respondent No. 18, based on what is set out in the paragraph under



reply, states that the said judgements do not apply to the Respondent No. 18's case as set out herein.

79. With reference to Ground N of the Original Application the Respondent No. 18 denies that the said Land is situated in a eco sensitive zone as alleged or at all. The Respondent No. 18 denies that land use pattern of the said Land has been changed or that the same has resulted in or may result in soil erosion as alleged or at all.
80. With reference to Ground O of the Original Application the Respondent No. 18 once again denies that the said Land or the construction thereon has been made on hilly area as alleged or at all. The Respondent No. 18 denies that the structure on the said Land has had any effect on the territorial ecology or has resulted in a loss of biodiversity as alleged or at all.
81. With reference to Ground P of the Original Application the Respondent No. 18 denies that Annexure E to the present Petition evidences any ecological issue having arisen on account of the actions or omissions of the Respondent No. 18 as alleged or at all.

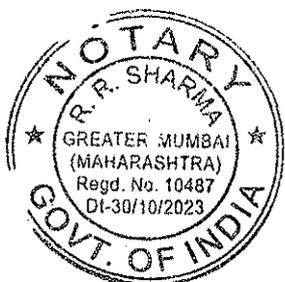


The Respondent No. 18 denies that the structure on the said Land is located on a hill top or hill slope as alleged or at all.

82. With reference to Ground Q(1) of the Original Application the Respondent No. 18 denies that the Thakursai Village in which the said Land is situated forms part of a eco sensitive zone as alleged or at all. The Respondent No. 18 denies that the structure on the said Land is situated on a hill top or hill slope as alleged or at all.
83. With reference to Ground Q(2) of the Original Application the Respondent No. 18 states that the same needs no reply.
84. With reference to Ground Q(3) of the Original Application the Respondent No. 18 denies that the structure on the said Land forms a part of any cluster as alleged or at all. The question of the structure being deemed to be more than 20,000 sq. mts does not arise as alleged or at all.
85. With reference to Ground Q(4) of the Original Application the Respondent No. 18 denies that the hill development program covers the said Land or the structure thereon as alleged or at all.



86. With reference to Ground Q(5) of the Original Application the Respondent No. 18 denies that the structure on the said Land is situated on a ridge of hill tract or on a plateau top which areas are allegedly ecologically sensitive or fragile as alleged or at all.
87. With reference to Ground Q(6) of the Original Application the Respondent No. 18 that the structure or the said Land has affected the functional aspect of the ecosystem in its surroundings as alleged or at all. The Respondent No. 18 denies that the structure or the said Land have created any negative impact on its hydrological services as alleged or at all. The Respondent No. 18 denies that the structure or the said Land grabs all natural source of water available to low line of people or has diverted natural streams or has caused scarcity of water as alleged or at all. The Respondent No. 18 denies that the structure on the said Land has been constructed haphazardly or has disrupted water channels as alleged or at all. The Respondent No. 18 denies that the structure or the said Land is situated on a hill top as alleged or at all. The question of the structure on the said Land increasing the risk of landslides on account of erroneous digging or loosening of soil does not arise. In any event, the Respondent No. 18



denies that he has engaged in erroneous digging or loosening of soil as alleged or at all. The Respondent No. 18 states that the examples of alleged digging on hill tops and slopes do not apply to the said Land or the structure thereon. The Respondent No. 18 denies that he has disrupted natural water percolation or destroyed the ecology as alleged or at all. The Respondent No. 18 denies that he has generated waste as alleged or at all. In the premises, the question of the same impacting free flowing streams or affecting water source(s) of villages downstream does not arise as alleged or at all. The Respondent No. 18 denies that the structure or the said Land has resulted in loss of biodiversity as alleged or at all. The Respondent No. 18 denies that he has taken any steps to affect in any manner the indigenous biodiversity of the area. The Respondent No. 18 denies that the structure or the said Land will affect any forest area or corridors or natural habitats of wild animals as the same is not situated in a forest area as alleged or at all. The Respondent No. 18 denies that the structure or the said Land is situated on a hill top or hill slope and consequently do not alter land use land cover pattern of such areas as alleged or at all. The Respondent No. 18 denies that

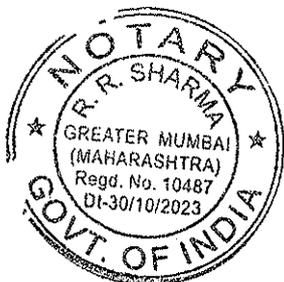


the Hill Development Act applies to the said Land as alleged or at all. The Respondent No. 18 denies that the structure on the said Land has been constructed on slope greater than 1:5 as alleged or at all. The Respondent No. 18 denies that the structure or the said Land is situated in an eco sensitive area as alleged or at all.

88. With reference to Ground R of the Original Application the Respondent No. 18 denies that the Applicants are entitled to any relief qua the Respondent No. 18 or the structure or the said Land as alleged or at all.

89. With reference to the ground of limitation, the Respondent No. 18 reiterates what is set out herein and contends that the present Application at least as regards the Respondent No. 18 is barred by limitation.

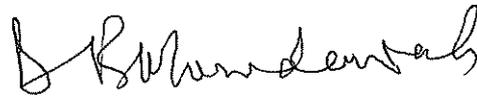
90. With reference to the interim prayers, in the Original Application the Respondent No. 18 denies that the any interim prayers as sought ought to be granted to the Applicants and against the Respondent No. 18, the said Land and the structure thereon as alleged or at all.



91. With reference to the prayers, in the Original Application the Respondent No. 18 denies that the any prayers as sought ought to be granted to the Applicants and against the Respondent No. 18, the said Land and the structure thereon as alleged or at all.
92. In these premises, the Respondent No. 18 states that the captioned Original Application deserves to be dismissed *in-toto* as against the Respondent No.18.

Date: 1st March 2023

Place: Mumbai



Deponent

RESPONDENT NO.18 in OA 33/2018

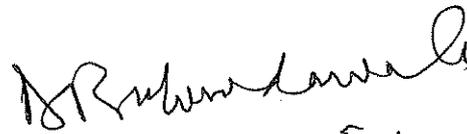


AFFIDAVIT AND VERIFICATION

I, MR. DARAYUS B MOWDAWALA, age about 76 years, resident of Survey No. 06/02 Village- Thakursai Pavananagar, at Pavanagar, Taluka Maval. Dist- Pune, Pin- 410 406, do hereby state that I have submitted this Affidavit on solemn affirmation and oath. I have verified that the facts are true to my personal knowledge. I have not suppressed any material fact known to me and relevant to this matter.

Date: 1st March 2023

Place: Mumbai



Deponent



RESPONDENT NO.18 in OA

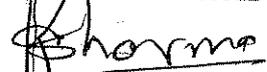
33/2018



Identified by & before me:

Advocate

BEFORE ME



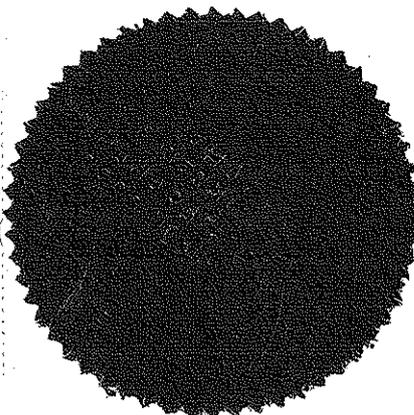
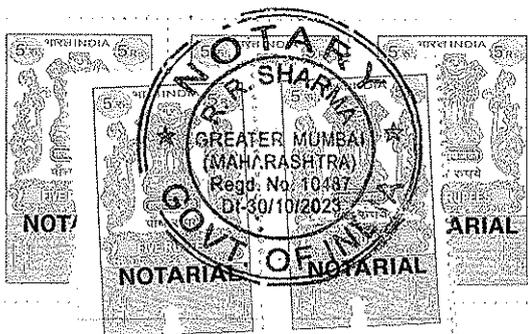
R. R. SHARMA
B.Sc., (Hon.) LL.B.

ADVOCATE HIGH COURT
NOTARY, GOVT. OF INDIA
Flat No. 304, 3rd Floor, Building No.
I-42, Poonam Sagar Complex,
Co. Housing Society, Near Allahabad Bank
Mira Road, (E), Thane, Maharashtra-401107

1 MAR 2023

NOTARY Reg. No. 1133/23

Date..... **1 MAR 2023**.....



बुक नंबर 9

बराबदल पावती (नमुना नं. १०)

महाराष्ट्र राज्यातील ग्रामपंचायतीचा कायदा, सन १९६० चा बजेट व अकौंट (हिशीब) यासंबंधीचे कानून

धो. केशी वी मोडावासा रा. ठाकुरसाई यास
 मे. सरपंच ग्रामपंचायत मु. ठाकुरसाई जि. भायळ, जि. पुणे याजकडून
 ही पावती देण्यात येते की, आपणाकडून खालील तपशीलाप्रमाणे रक्कम आज रोजी बिल नंबर 1084 प्रमाणे

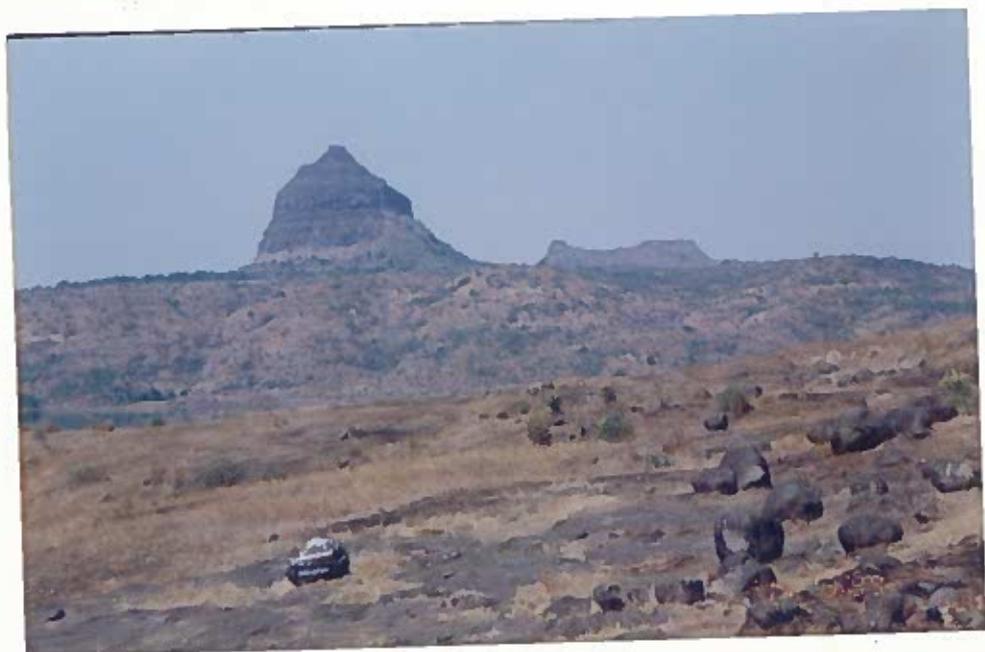
बाब	वसूल केलेल्या करांच्या रकमा			
	मार्गील कर रुपये	पैसे	चालू कर रुपये	पैसे
१ घर पट्टी	—	—	४३६८१	—
२ आरोग्यकर	—	—	९५	—
३ वीजकर	—	—	—	—
४ पाणीपट्टी	—	—	—	—
५ नोटीस फी	—	—	—	—
६ वॉरंट फी	—	—	—	—
एकूण			४३८३१	—

घर नंबर 1084 बद्दलचे
 सन १९ ९९-२००० सालाकरिता
 अक्षरी एकूण रु. चार हजार
तीनशे अठराशे फक्त
 मिळाले तारीख ३१/३/२०००
[Signature]
 वसूल करणाराची सही (ग्रामसेवक)
 टिप-पावती काबंन पेपरवरची छावी.

मि. ठि. - सेफी स्टोअर्स, बडगांव-भायळ, जि. पुणे.

Exhibit B1

2327







का.सं. २०,००,०००-१९-एलएच साए/६३.
R.D. No. 10/2/24 of 18-10-40
No. Desk-VL 1582, dt. 4-7-86 From D. G. P. and S. Mumbai

म. गा. २४ म.
R. V. 24 m.

गाव नमुना सात (अधिकार अभिलेख पत्रक) ०००१

[महाराष्ट्र जमीन महसूल अधिकार अभिलेख आणि नोंदवहा (तयार करणे व सुस्थितीत ठेवणे) नियम, १९७१ यातील नियम ३, ५, ६ आणि ७]

गाव दाकुर साई

तालुका आयळ

पान नं. ११



भूमापन क्रमांक	भूमापन क्रमांकाचा उपविभाग	भूधारणा पद्धती	भोगवटादाराचे नाव				खाते क्रमांक	
६	२	२५१	२४	५००	६९९	३४८	५३४	कुळाचे नाव
ताचे स्थानिक नाव			६६६	६६६	६६०	६६९		
लागवडीयोग्य क्षेत्र			६६२	७००	७०३	७०२		
		हेक्टर	आर	७०३				इतर अधिकार
		१	६०	मी. दर्यागजी. भोडावाला				
		१	६०	श्री. तिरा डी. भोडावाला				
		१	६०	७०४				
एकूण		१	६०					
टखरांब (लागवडीयोग्य नसलेले)-								
वर्ग (अ)		-	-					
वर्ग (ब)		-	-					
एकूण		१	६०					
कारणी		रुपये	पैसे					
डी किंवा विशेष आकारणी		०	८३					सीमा आणि भूमापन चिन्हे
		०	८३					

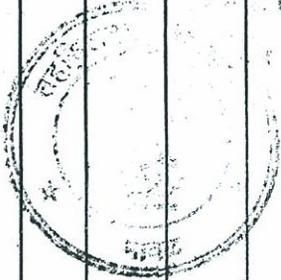
गाव नमुना बारा (पिकांची नोंदवही)

[महाराष्ट्र जमीन महसूल अधिकार अभिलेख आणि नोंदवहा (तयार करणे व सुस्थितीत ठेवणे) नियम, १९७१ यातील नियम २९]

वर्ष	हंगाम	पिकाखालील क्षेत्रांचा तपशील									लागवडीसाठी उपलब्ध नसलेली जमीन	साधन सिंचनाचे साधन	जमीन करणाराचे नाव	शेरा	
		मिश्र पिकाखालील क्षेत्र			निर्भळ पिकाखालील क्षेत्र			स्वरूप	क्षेत्र	जल सिंचनाचे साधन					
		पिकाचे नाव	जल सिंचित	अजल सिंचित	पिकाचे नाव	जल सिंचित	अजल सिंचित								
१	२	३	४	५	६	७	८	९	१०	११	१२	१३	१४	१५	१६
			हे. आ.	हे. आ.				हे. आ.	हे. आ.			हे. आ.			
०	२५	१						गाव						२५	
१	२५	१						गाव				डा. वि. साई	पेठ साई	२०	
५	२५	१						गाव				डा. वि. साई	शिगाफळ साई		
७	२५	१						गाव				डा. वि. साई	शिगाफळ साई	२९	
८	२५	१						गाव				डा. वि. साई	शिगाफळ साई	२६	

गाव नमुना बारा चालू

१	२	३	४	५	६	७	८	९	१०	११	१२	१३	१४	१५	१६
			हे. आ.	हे. आ.		हे. आ.	हे. आ.		हे. आ.	हे. आ.		हे. आ.			
										अर्जाचा नंबर	१७७	नकलची	३४३०		
										अर्जाची तारीख	२९/११/७७	कायद	की		
										नकल तयार तारीख	२९/११/७७				
										दिल्याची					
										तयार					
										महाराष्ट्र					



Handwritten signature and initials in the right margin.

0002

वर्ष:2017-16		गाव नमुना आठ-अ			6/6/2017		
		धारण जमिनीची नोंदवही					
		(आसामीवार खतावणी -- जमाबंदी पत्रक)					
गाव:ठाकुरसाई		तालुका:मावळ			जिल्हा:पुणे		
गाव नमुना सहा मधील नोंद	भूमापन क्रमांक व उपविभाग क्रमांक	क्षेत्र	वसुलीसाठी		एकूण		
			आकारणी किंवा जुडी	दुमाला जमिनीवरील नुकसान	स्थानिक उपकर		
					जि.प.	ग्रा.प.	
(१)	(२)	(३)	(४)	(५)	(६अ)	(६ब)	(७)
खाते क्र.37 दर्याग बी. मोडावाला, विरा डी. मोडावाला.							
सामाईक खाते 6/2		1.60.00	0.83	0	0	0	0.83
	एकूण	1.60.00	0.83	0	0	0	0.83

सुचना : या संकेतस्थळावर दर्शविलेली माहिती ही कोणत्याही शासकीय अथवा कायदेशीर बाबींसाठी कामरती येणार नाही.

माहितीसाठी
गाव कामगार तलाठी
मौक ठाकुरसाई
ता. मावळ, जि. पुणे

गाव नमुना सात

अधिकार अभिलेख पत्रक

(महाराष्ट्र जमीन महसूल अधिकार अभिलेख आणि नोंदवहया (तयार करणे व सुस्थितीत ठेवणे) नियम,
१९७१ यातील नियम ३, ५, ६ आणि ७)

गाव :- ठाकुरसाई

तालुका :- मावळ

जिल्हा :- पुणे

अहवाल दिनांक:- 06-06-2017

भुमापन क्रमांक व उपविभाग	भुधारणा पद्धती	भोगवटदाराचे नांव	
6/2	भोगवटादार वर्ग -1		
शेतीचे स्थानिक नांव	क्षेत्र आकारआणे पै	पो.ख. फे.फा	खाते क्रमांक
क्षेत्र एकक हे.आर.चौ.मी	दर्याग बी. मोडावाला	(704)	37
जिरायत 1.60.00	विरा डी. मोडावाला	(704)	कुळाचे नाव
बागायत -	-----सामाईक क्षेत्र-----	1.60.00 0.83	इतर अधिकार
तरी -			
वरकस -			
इतर -			
एकुण क्षेत्र 1.60.00			
पोटखराब (लागवडीस अयोग्य)			
वर्ग (अ) -			
वर्ग (ब) -			
एकुण पो 0.00.00			
ख			
आकारणी 0.83			
जुडी किवा विशेष			
आकारणी			
	(24),(348),(411),(534),(588),(686),(689),(690),(691),(692), (700),(701),(702),(703),(809)		सीमा आणि भुमापन चिन्हे

सुचना : या संकेतस्थळावर दर्शविलेली माहिती ही कोणत्याही शासकीय अथवा कायदेशीर बाबींसाठी वापरता येणार नाही.

गाव नमुना बारा

अहवाल दिनांक: 06-06-2017

अधिकार अभिलेख पत्रक

(महाराष्ट्र जमीन महसूल अधिकार अभिलेख आणि नोंदवहया (करणे व सुस्थितीत ठेवणे) नियम, १९७१ यातील नियम २९)

गाव: ठाकुरसाई

तालुका: मावळ

जिल्हा: पुणे

वर्ष	हंगाम	पिकाखालील क्षेत्राचा तपशील									निर्भळपिकाखालील लागवडीसाठी उपलब्ध नसलेली जमीन	जल सिंचनाचे साधन	शेरा
		मिश्र पिकाखालील क्षेत्र			निर्भळ पिकाखालील क्षेत्र			स्वरूप	क्षेत्र				
		मिश्रणाचा संकेत क्रमांक	घटक पिके व प्रत्येकाखालील क्षेत्र	पिकांचे नाव	जल सिंचित	अजल सिंचित	पिकांचे नाव			जल सिंचित			
2002-03	खरीप						गवत			1.6000			
2003-04	खरीप						गवत			1.6000			
2004-05	खरीप						गवत			1.6000			
2005-06	खरीप						गवत			1.6000			
2006-07	खरीप						गवत			1.6000			
2007-08	खरीप						गवत			1.6000			
2008-09	खरीप						गवत			1.6000			
2009-10	खरीप						गवत			1.6000			
2010-11	खरीप						गवत			1.6000			
2011-12	खरीप						गवत			1.6000			
2012-13	खरीप						गवत			1.6000			
2013-14	खरीप						गवत			1.6000			
2014-15	खरीप						गवत			1.6000			
2015-16	खरीप						गवत			1.6000			

सुचना : या संकेतस्थळावर दर्शविलेली माहिती ही कोणत्याही शासकीय अथवा कायदेशीर बाबींसाठी कायदेशीरपणे वापरली जाऊ नये. यातून कोणत्याही प्रकारचा दावा येऊ नये. यातून कोणत्याही प्रकारचा नुकसान होऊ नये. यातून कोणत्याही प्रकारचा नुकसान होऊ नये.

माहितीसाठी
ठाकुरसाई
पुणे
जिल्हा, मावळ, जि. पुणे