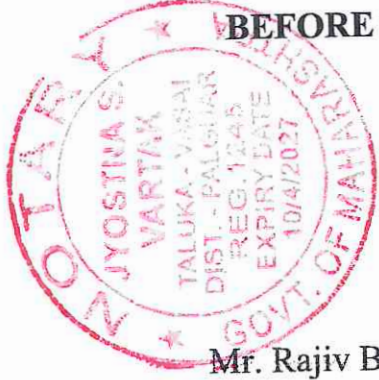


BEFORE THE NATIONAL GREEN TRIBUNAL WESTERN ZONE

BENCH, PUNE

ORIGINAL APPLICATION NO. 147 OF 2025



Mr. Rajiv Bhagelu Gupta

....Applicants

Versus

The District Collector, Palghar and Ors

....Respondents

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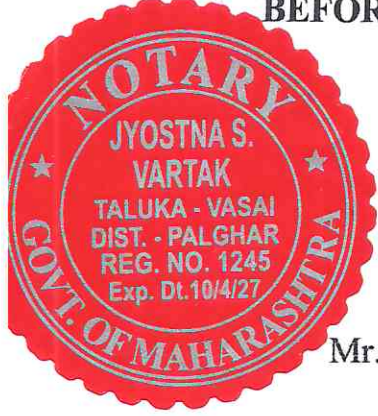
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BEFORE THE NATIONAL GREEN TRIBUNAL WESTERN ZONE

BENCH, PUNE

ORIGINAL APPLICATION NO. 147 OF 2025




Mr. Rajiv Bhagelu GuptaApplicant

Versus

The District Collector, Palghar and OrsRespondents

**AFFIDAVIT IN REPLY FILED ON BEHALF OF THE RESPONDENT****NO.2**

1. I, Arun Verma, Indian adult, the Trustee of Gnyanodaya Multipurpose High School & Jr. College, Gnyanodaya Education Trust addressed at Kolhi, Kaman-Bhiwandi Road, Vasai (East), Taluka Vasai, District Palghar. Maharashtra- 401208, the Respondent No. 2 herein, do hereby state on solemn affirmation:-
2. I say that I have read through and understood the contents of Original Application No. 147 of 2025 and thus I am competent to depose the said matter. At the very outset I say that the said Original Application is



constrained to make statements regarding the academic performance of young students such as the children of the Applicant in the present matter, and the same has been necessitated due to the malafide and frivolous manner in which the Applicant has filed the present Original Application before this Hon'ble Tribunal.


4. It is also submitted that it is evident that the Applicant has suppressed material facts and made false statements on oath in the Original Application and is guilty of *suggestio falsi* and *suppressio veri*. The Applicant has not disclosed that he has filed PILs in the Hon'ble Bombay High Court and various proceedings and complaints under the Maharashtra Land Revenue Code against the Respondent No.2, and has further not disclosed that none of these proceedings have resulted in findings against the Respondent No. 2 by any Court or Authority.
5. It is further submitted that the Applicant, in exercise of his vendetta against the Respondent No. 2, has already filed two Public Interest Litigation Petitions in the Hon'ble Bombay High Court, inter alia, making allegations that the structures of the Respondent No.2 are unauthorised and should be demolished. It is pertinent to note that both PILs, namely PIL 8 of 2020 and PIL 63 of 2023, were omnibus and vague petitions regarding various alleged unauthorised structures,



including the institutions of the Respondent No.2 and have been disposed off by the Hon'ble Bombay High Court in the following manner:

- a. **PIL No. 8 of 2020** -Vide an order dated 4.07.2022, the Hon'ble Bombay High Court disposed of the said PIL with the directions that unauthorised structures due for demolition should be informed to the Court in an affidavit and that notice boards should be installed on unauthorised structures informing the public about the unauthorised nature of the structure. A copy of the order dated 4.7.2022 in PIL No 8 of 2020 has been annexed hereto and marked as **Annexure A-1**.

- b. **PIL No. 63 of 2024** - The Hon'ble High Court vide its order dated 8.11.2023 directed the Petitioner to make a detailed representation to relevant Municipal Commissioner without vague allegations about any unauthorised constructions and further directed the Corporation to take appropriate steps warranted in law based on the representation of the Petitioner. A copy of the order of the Hon'ble High Court dated 8.11.2023 in PIL 63 of 2024 has been annexed hereto and marked as **Annexure A-2**.

- 
6. It is submitted that no action has been taken against the Respondent No.2 pursuant to the aforesaid orders of the Hon'ble High Court as the structures of the Respondent No.2 are not unauthorised.
 7. I accordingly say that the Applicant, being aggrieved by the fact that the institutes of the Respondent No.2 are still operational has filed this Original Application on concocted grounds trying to raise various allegations regarding town planning and development permissions under the garb of being substantial questions pertaining to the environment.
 8. I say that a perusal of the Original Application reveals that:
 - a. The Applicant has admitted at para 8 of the Application that the institutions of the Respondent No. 2 are located on the plot bearing survey no 11D.
 - b. The Applicant has further stated at para 6 of the Original Application that the land bearing survey no 11A (which is a distinct plot of land) was listed to be part of the ESZ of Tungreshwar Wildlife Sanctuary.

c. There is no correlation between the land on which the buildings of the institution of the Respondent No.2 are constructed on and the ESZ of Tungreshwar Wildlife Sanctuary or Sanjay Gandhi National Park.

d. The institutions of the Respondent No. 2 are also not located on any forest land whatsoever, and in fact the same has not been pleaded by the Applicant. Instead it has been pleaded by the Applicant at para 14,22 and 23 of the Applicant that the access road to the institutions of the Respondent No.2 has been made across "5.96 acres" of forest land. It is submitted that such allegations are false. The said "access road" is actually a State highway, and has not been constructed by the Respondent No.2. The area owned and occupied by the Respondent No.2 is approximately 1 acre and there is no question of the Respondent No.2 building a 5.96 acre access road to the same. Images of the Gates of the institutions of the Respondent No.2 showing the so-called access road have been annexed hereto and marked as **Annexure A-3.**






- e. At para 24, the Applicant has made a vague allegation that the access road has been made using forged documents. It is submitted that the Respondent No.2 has not constructed the said road and has no knowledge of the documents pertaining to it
- f. In fact, the survey no 11A was formally denotified as a forest on vide a notification dated 23rd June 1942, However, the structures of the Respondent No. 2 are anyway located on a distinct plot, namely the plot bearing survey No 11D which is admittedly not forest land. No part of the structures of the Respondent No.2 are located on the land bearing survey no 11A. A copy of the notification dated 23rd June 1942 has been annexed hereto and marked as **Annexure A-4**
- g. The Applicant has also said at para 19 that the Respondent No.2 has not obtained clearances like ESZ Committee NOCs and Forest Clearances for its constructions as required under the Commencement Certificates. However, the said permissions only require such clearances to be obtained *if applicable*, and accordingly the clearances have not been sought by the Respondent No.2 as the Respondent No.2 is not required to

obtain such clearances, as its institutes does not fall on forest land or in any ESZ.

- h. At para 20 of the Original Application, the Applicant has stated that the Applicant has wrongfully claimed that the river flowing beside its institutions is a nallah and not a river. It is submitted that the description of the said stream being an open nallah is specified in the Development Plan Remarks, and is not a figment of imagination of the Respondent No.2 who is not at liberty to refer to any stream of water in any manner beyond its legal recognition. At any rate, the Respondent no. 2 denies any allegation of water pollution or obstruction of flow caused to the nallah by its actions, and states that the Respondent No.2 is committed to ensuring the nallah remains completely unaffected by the operation of the institutions of the Respondent No.2. It is further submitted that the Respondent MPCB has done a site visit of the said nallah and the institutions of the Respondent No.2 pursuant to the order of this Hon'ble Court dated 11.12.2025, and that the Respondent no. 2 will abide by the recommendations or findings of the said site inspection, if any, regarding the preservation of the nallah. The Respondent No. 2 craves leave of





this Hon'ble Tribunal to produce the said DP remarks before this Hon'ble Tribunal.


- i. The Respondent No. 2 categorically denies that it has encroached on the nallah or has in anyway violated an flood mitigation plan as alleged in Para 25 of the Application.
- j. The Respondent no. 2 also categorically denies any illegal tree felling conducted by it. The Respondent No. 2 has not cut any trees for the construction of its educational institutions on the subject plot.
- k. The Respondent No.2 further denies the patently false allegation at para 26 of the Original Application that the Respondent No.2 is extracting over 20,000 litres of Groundwater per day without an NoC from the Central Ground Water Authority. The Respondent No, 2 is utilising borewell water well under the applicable limits for NoCs and is not required to obtain an NoC

for the same. The Applicant cannot be permitted to make completely fictitious allegations against the Respondent.

9. Although the Respondent No.2 emphatically states that there is no merit to any of the allegations of the Applicant, it is further pertinent to note that it is settled law that this Hon'ble Tribunal is not expected to examine statutory town planning in the absence of a substantial environmental question. A copy of the judgment of the Hon'ble Supreme Court in the matter of the *Auroville Foundation v Navroz Kersasp Mody* 2025 INSC 347 has been annexed hereto and marked as **Annexure A-5**.

10. It is submitted that beyond the above summarised allegations of the Applicant, the Applicant has also raised the following town planning related allegations against the Respondent No. 2:

- a. That the entirety of survey no 11 is allegedly a green zone and the institutions of the Respondent No.2 could not have been constructed therein. I repeat and reiterate that the constructions made by the Respondent no. 2 are lawful and not made in ecologically sensitive areas or on forest land or in green zone



areas. I say that the legend of the maps annexed at page 108 and 112 show that the land bearing survey no 11D is not a green zone area. It is further submitted without prejudice that Green Zones are not No Development Zones, and certain types of constructions are permitted in Green Zones under the UDCPR. It is submitted that Commencement Certificates were admittedly issued to the Respondent No.2 as the construction of the Respondent No.2 of its educational premises are prima facie permissible on the land bearing survey no 11D.


- b. That the institutions of the Respondent No.2 have not been built in conformity with URDPFI Guidelines, 2014, Model Building Bye Laws 2016 and the National Building Code 2016. I say that not only this allegation false, it is unrelated completely to issues within the jurisdiction of this Hon'ble Tribunal.
- c. The PWD department has allegedly cancelled the Building Safety Certificate issued to the institutions of the Respondent No.2 in May 2025. I say that this revocation of the PWD safety certificate due to some non submission of documents by the Respondent No.2. namely the 7/12 extract. I say that the issue of

the 7/12 extract for the property of the Respondent was created due to frivolous allegations and complaints made by the Applicant himself, and were finally resolved in favour the Respondent No.2 by the Hon'ble Revenue Minister vide his order dated 7.10.2025. I say that the Respondent No.2 has accordingly submitted a revised application for renewal of the safety certificate on 13.02.2026, a copy of which has been annexed hereto and marked as **Annexure A -6**. I say that the issue is now pending before the PWD for its decision and is even otherwise not an issue that requires to be adjudicated by this Hon'ble Tribunal.

d. The Applicant has also alleged that one of the buildings of the Applicant allegedly does not have an occupancy certificate. I say that the said issue regarding the occupancy certificate has also been created by the Applicant by frivolous and false complaints related to the 7/12 extracts of the plot, and similarly does not require to be adjudicated by this Hon'ble Tribunal.


11.I say that the Applicant himself is also in receipt of notices for unauthorised constructions made by him under the Maharashtra





Regional and Town Planning Act, 1966 and his bonafides on town planning related issues is woefully deficient. The Applicant is not in a position to litigate such issues in an honest manner and is guilty severe irregularities with relation to his own property. However, at the cost of repetition, I say that none of the aforesaid allegations raised by the Applicant about the alleged irregularities of the Respondent No. 2 in relation to building and town planning norms and clearances are accurate, and at any rate are not issues that need to be deliberated upon by this Hon'ble Tribunal as per the ratio of the Hon'ble Supreme Court of India in the aforementioned judgment of *Auroville Foundation v Navroz Kersasp Mody* 2025 INSC 347.

12. In relation to the contents of Paragraph No.1, it is denied that the Applicant is an environmentally conscious citizen. The Applicant has done nothing to contribute to the conservation and environmental preservation efforts in and around the Tungareshwar Wildlife Sanctuary or the Sanjay Gandhi National Park or the respective ESZ areas in and around the Sanctuary and National Park.





13.I further say that the annexures at pages 109- 111,114-128 of the copy of the Application served to the Respondent No.2 are entirely illegible and the Respondent No.2 is therefore unable to address these annexures.

14. I say that the Original Application is rife with unsubstantiated and random allegations against the Respondent No.2. There is no merit to this Application, which is an abuse of the process of law.I say that this Hon'ble Tribunal should not entertain the present Application, which deserves to be dismissed *in limine* with strong strictures against the Applicant.

Solemnly Affirmed at Vasai)

Dated this 11th Day of April 2026)

Arun Varma

Deponent

Arun Varma

Identified by me for Advocate Ronita

BEFORE ME

Jyostna S. Vartak

**JYOSTNA SAMEER VARTAK
ADVOCATE & NOTARY
Shop No. 04, Sneh Park Bldg.,
Near Vasai Court, Tal-Vasai,
Dist.-Palghar - 401 201.**

RONITA BHATTACHARYA

Advocate for the Respondent No. 2

BEFORE ME



Notary Register Sr No.	204
Date:	11.04.26

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BEFORE THE NATIONAL GREEN TRIBUNAL,
WESTERN

ZONE BENCH, PUNE

ORIGINAL APPLICATION NO. 147 OF 2025

Mr. Rajiv Bhagelu GuptaApplicants

Versus

The District Collector, Palghar

and OrsRespondents

AFFIDAVIT IN REPLY FILED ON BEHALF
OF THE RESPONDENT NO.2

On this dated of 2026

RONITA BHATTACHARYA

Advocates for the Respondent No. 2

17, 1st Floor, Rohit Chambers,

Janmabhoomi Marg,

Fort, Mumbai -400001

Email: ronita.b6@gmail.com

Mobile No. 9920097464

Advocate Code No. I20386

ANNEXURE A-1

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

PUBLIC INTEREST LITIGATION NO. 8 OF 2020

Mr. Rajiv Bhagelu Gupta ... Applicants

vs.

The State of Maharashtra & Ors. ... Defendants

WITH

PUBLIC INTEREST LITIGATION (ST) NO. 92282 OF 2020

WITH

PUBLIC INTEREST LITIGATION NO. 7 OF 2020

Terence Roman Hendriques ... Applicants

vs.

The State of Maharashtra ... Respondents

Thru the Govt. Pleader

The Commissioner PMC, Shivaji Nagar

Pune and Ors.

WITH

PUBLIC INTEREST LITIGATION NO. 7 OF 2020

Terence Roman Hendriques ... Applicants

vs.

The State of Maharashtra ... Respondents

Thru the BP High Court and Ors.

Mr. Ajay S. Jaiswal for the Petitioner.

Mr. P. P. Kakade – GP a/w. Smt. R. A. Salunkhe, AGP for the State – Respondent
no. 1 in PIL(ST)/92282/2022 for Respondent nos. 1, 3, 4 and 6 in PIL/08/2022
and for Respondent no. 1 in PIL/07/2020.

Mr. Ashutosh Gole for Respondent no. 16 in PIL/7/2020.

Ms. Swati Sagvekar for Respondent nos. 2 to 4 VVMC in PIL/7/2020 and for Respondent no. 2 in PIL/8/2020 and for Respondent nos. 2 and 3 in PIL(ST)/92282/2020.

Mr. S. V. Chaugule for Respondent nos. 7 and 8 in PIL/8/2020 for Respondent NO. 4 IN PIL(ST)/92282/2020 for Respondent no. 17 in PIL/7/2020.

CORAM : A. K. MENON &

M.S. KARNIK , JJ.

DATED : 4th JULY, 2022

P.C. :

1. On 6th June, 2022 the Court has observed that only one aspect covered in the Judgment and Order dated 26th February, 2022 in Suo Motu Public Interest Litigation No. 1 of 2020 remained to be considered viz. disclosure of the number of demolitions ordered, number of caveats lodged and number of demolition orders implemented along with the number of cases in which demolition orders could not be carried out.

2. It is however submitted by Mr. Jaiswal today that there are several structures which are illegal and demolition is yet to take place. Some partial demolition is carried out. Some structures still stand are occupied and are being used for commercial purposes. Schools are being run from these structures. The parents of the children who are getting their wards admitted to these schools have no way of ascertaining that the school building is illegal and facing an order of demolition.

3. Ms. Sagvekar states that the Corporation shall now ensure that all these structures which are facing demolition orders are listed, verified and suitable cautionary boards of a permanent nature are affixed on the outer wall of the school alerting members of the public and all concerned to the effect that structures are not legal and that there are orders for their demolition and hence members of the public shall take notice of the same.

4. We accept the statement and pass the following order :

- (i) Affidavit disclosing particulars per paragraph 1 above shall be filed within four weeks from today.
- (ii) Let the Notice boards alerting the public at large be fixed in terms of paragraph 3 above within a period of four weeks from today.
- (iii) Petition is disposed in the above terms.

(M. S. KARNIK, J.)

(A. K. MENON, J.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

PUBLIC INTEREST LITIGATION NO. 8 OF 2019

Stamp No. 30103-2019

Mr. Rajiv Bhagelu Gupta

).....Petitioner

V/s

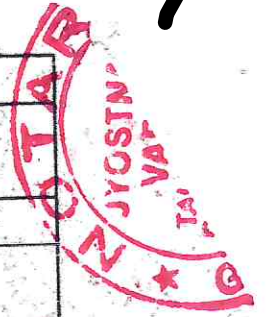
The State of Maharashtra and Ors.).....

Respondents

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CIVIL APPELLATE JURISDICTION

PUBLIC INTEREST LITIGATION NO. OF 2019

Mr. Rajiv Bhagelu Gupta

)....Petitioner

V/s

The State of Maharashtra and Ors.

)...Respondents

SYNOPSIS

The Petitioner is social and Human Rights Activist and has preferred this Public Interest Litigation to bring this Hon'ble Court the various excess, unauthorized and illegal construction of School and College building for the same, in Vasai Virar City Municipal Corporation in the absence of permission for the same from the concerned authorities. Numerous complaints lodged by the Petitioner for preventing and demolishing the abovementioned illegal and unauthorized construction, however there has been no action taken by the Respondents herein. The protecting the lands and revenues belonging to the Government and used for illegal and unauthorized construction, saving innocent persons from being cheated and lured into buying illegal and unauthorized premises. That in spite of various complaint letters and reminders, bringing the said illegal and unauthorized constructions in the said area, to the notice of the Respondents herein and due to the grave failure of the Respondents to take appropriate action as per law, in spite of acknowledging the fact of the said illegal constructions, therefore the petitioners have preferred this petition.



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The Petitioners state that for a proper understanding of the various illegal and unauthorized constructions of unauthorized and illegal construction of School and College building in the vicinity of Vasai Virar City Municipal Corporation (VVCMC).

II).POINTS TO BE URGUED:-

1. Whether unauthorized and illegal constructions can be permitted to exist in the vicinity of Vasai Virar City Municipal Corporation (VVCMC).
2. Whether unauthorized and illegal constructions in the vicinity Vasai Virar City Municipal Corporation (VVCMC) are liable to be demolished and call for strict action against the wrong doers.
3. Whether the Respondents are justified in being mute spectators to the illegal and unauthorized construction in the said vicinity in spite of various complaint letters by the petitioners.
4. Whether any action as per law is warranted against the erring officers of the Respondents who have failed to perform their duties in preventing illegal and unauthorized construction in the aforesaid vicinity.
5. Whether the sub-Registrar of Assurances can be prevented from registering the documents in respect of illegal and unauthorized construction flats in order to prevent the innocent buyers from being duped.
6. Any other issue that arises in the course of proceedings.

III).ACTS TO BE RELIED

1. Constitution of India, 1950
2. Maharashtra Municipal Corporation Act, 1949
3. Maharashtra Regional Town Planning Act, 1966
4. Maharashtra Land Revenue Code, 1960
5. Civil Procedure Code, 1908

6. Registration Act, 1909

IV).AUTHORITIES

Nil at Present

sd/

Advocate for Petitioner



ART OF JUDICATURE

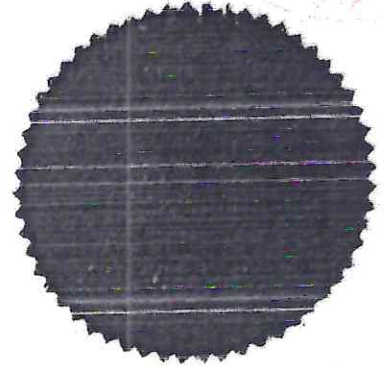
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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

PUBLIC INTEREST LITIGATION NO. OF 2019

Mr. Rajiv Bhagelu Gupta)....Petitioner

V/s

The State of Maharashtra and Ors.)...Respondents



DIST:-PALGHAR

राजिव भगेलु गुप्ता



In the matter of Article 226 & 227 of the Constitution of India

And

In the matter of various excess, unauthorized and illegal construction of School and College building for the same, in Vasai Virar City Municipal Corporation

And

In the matter of various excess, unauthorized and illegal construction by way of change in user while construction, in the absence of permission for the same from the concerned authorities

And

In the matter of numerous complaints lodged by the Petitioner for preventing and



21/04/2027

demolishing the
abovementioned illegal
and unauthorized
construction, however
there has been no action
taken by the Respondents
herein.

And

In the matter of
protecting the lands and
revenues belonging to the
Government and used for
illegal and unauthorized
construction

And

In the matter of saving
innocent persons from
being cheated and lured
into buying illegal and
unauthorized premises.

Mr. Rajiv Bhagelu Gupta)

754, Chinchoti-bhivandi road,)

Ashram school,)

Khindipada, Kaman, Vasai (East))

Palghar-401208)

Mobile:-9890525464)

Mail Id:-rajeevgupta9890@gmail.com.....Petitioner



राजिव भगेलु गुप्ता



1).The state of Maharashtra)
 Through the Govt.Pleader)
 Having office at PWD Building)
 High Court)

2).The Municipal Commissioner)
 Vasai-Virar City Municipal)
 Corporation(VVCMC))
 Having his office at Virar (east))
 Tal:-Vasai,Dist:-Thane-401305)

3).The District Collector)
 Office of District Collector,Palghar)
 ChintupadaRoad,Udyog Nagar,))
 Palghar-401404)

4).The Tehsildar)
 Office of Tehsildar)
 KillaRoad,Koliwada,Vasai (West))
 Palghar-401201)

5).The Education Officer ,Palghar)
 LokmanyaNagar,Vishnu Nagar,))
 Palghar-401404)

6).Sub-Divisional Magistrate)
 Office-KillaRaod,Koliwada,)



21/11/2021

Vasai (west,)
Palghar-401201)

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7).Gyanodaya Multipurpose Vidyalaya)
Hindi-English Medium)
(Regd No.E-16850)
Vill:-Kohli (Chinchoti),)
BhiwandiRoad,Kaman,Vasai (East),)
Palghar-401 202)

8).Tungareshwar Academy Trust)
Vill:-Pelhar,Tungareshwar Academy,))
Beside Sayali Petrol Pump,))
Vasai Phata,))
Tehsil:-Vasai,District:-Palghar)

).....Respondents

To,

The Hon'ble Chief Justice and other Hon'blePuisne Judges of
The High Court of Judicature at Mumbai

HUMBLE PUBLIC INTEREST LITIGATION PETITION OF THE
PETITIONER ABOVENAMED

21/11/2022



5



MOST RESPECTFULLY SHEWETH:-

" The prospects of future cannot be built on illegal dome"
Anonymous.

1. If education means a continuous reconstruction we find that the present system of education in India has lost that dynamic character. Critical analysis of the whole problem will show that none of the aims - Vocational, knowledge, moral, social, personality building, and living- has been fulfilled in India.
2. The education given in our schools and colleges is isolated from life. The curriculum as formulated and as presented through the traditional methods of teaching does not give the students insight into the everyday world in which they are living. When they complete their studies, they feel ill adjusted in society.
3. The education system must make its contribution to the development of healthy habits, attitudes and qualities of character so that the students become responsible and disciplined citizens of the country after the completion of their studies.
4. Such a development is not possible until a suitable atmosphere has been provided to the students during their academic career through the spectacles of books our



21/04/2027 DMZ 21541

students have seen the drama of the vast world, but through their own naked eyes they may not get even a bird's eye view of the things they are to face in life. There is a wide gap between theory and practice.

5. The Government of India lays emphasis to primary education up to the age of fourteen years. It is also called as primary education. The Government of India has also banned child labour in order to ensure that the children do not enter unsafe working conditions.
6. However, both free education and the ban on child labour are difficult job due to prevailing economic disparity and social conditions. More than two third of all recognized schools at the elementary stage are government run or supported, making it the largest provider of education in the Country.
7. The Right of Children to Free and Compulsory Education (RTE) Act, 2009 as well as Article 21 A, inserted in the Constitution of India through the Constitution (Eighty-Sixth Amendment) Act, 2002, became operational on 1st April, 2010. This milestone achievement was marked by the Prime Minister's address to the Nation.
8. The Prime Minister Dr. Manmohan Singh has said that the Right to Education Act will realize the dreams of many

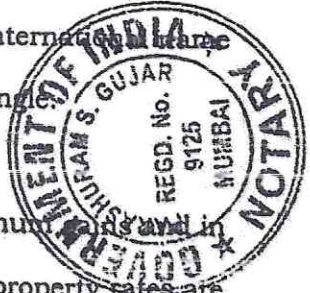
21/12/2012





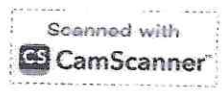
children across the nation. This demonstrates our national commitment to the education of our children and to the future of India. We are a nation of young people. Education will determine the well-being of our nation. Education is the key to progress. It empowers the individuals. If we nurture our children through right to education then India's future is secured". The RTE Act entitles every child with the right to full time elementary education of satisfactory and equitable quality in a formal school which satisfies certain essential norms and standards.

9. Education has become a business due to increase in more schools and institutes which are opened to provide education. The privatization of educational institutes also helped it to become from educational institutes to a business and in thwart of making money due to the incessant demands for schools in order to combat the population of children and the fact that standard of Municipal Schools are such that the it is the last think that the parents think on the earth to set up their child in Mumbai Municipal schools, and then there are people who take advantage of such situation and set up schools by giving an international name to it and come up like mushrooms in the jungle.



10. With minimum investment lies maximum profits and in the area of Mumbai and its vicinity where property rates are high there are people who under the guise to show their noble deeds and nobility embark upon an illegal act, thus

21/04/2025



encroaching upon lands and further carrying out illegal constructions of entire building with the help and blessings of local politician who gives them protection and immunity either for money or by having a stake in admissions and thus school starts blooming. Then over the time period they have 2000 and odd students and then mercy is being sought under the name of these students.



11. Many such incident have been brought to the knowledge of this Hon'ble court and once such incident was with respect to Tungreshwar Academy Trust against whom there has been innumerable and indefinite orders that the school building which is an illegal construction is required to be demolished. Last such order in the knowledge of the Petitioner is the order passed in Civil W.P. No 13366 of 2018 wherein vide order Dt 18th December 2018 it was once again ordered that the school building should be demolished by the trustees on or before 5th May 2019 and in absence of the same, the school building should be demolished by Vasai Virar Municipal Corporation and the expenses incurred for the same should be borne upon the trustees of the school. Hereto annexed and marked as **Exhibit A - Colly** is the copy of the said order and the previous order passed in PIL pertaining to the demolition of the school building. However till date the said building is still erect at the same place where it is located, which is in the green forest belt. Hereto annexed and marked as **Exhibit - B** are the copy of the

21/01/2022



photographs showing that the building is yet to be demolished.



12. The Petitioner submits that immediate action is required to be taken as beside the present one there are innumerable such schools being cropping up and mushrooming to cater the demands of private schools. The construction of the structure is a paradigm of the kind of illegalities that have taken place since the construction has been made within the Blue Flood Line and in an area which forms part of the green belt without any building permission and totally in violation of law. We find no justification in the contention of the Fourth Respondent that no action be proceeded against it because a large number of students have been admitted. Such illegalities are sought to be justified by adverting to the human aspects involved. Having due regard to the aforesaid position of which the Court cannot be oblivious, we have recorded the assurance of the counsel for the Fourth Respondent, on instructions, that all the trustees of the Fourth Respondent shall file their personal affidavits undertaking that the unauthorized construction shall be removed voluntarily and completely on or before 31 May 2014.



13. The Petitioners states that the belt of Vasai Virar was under in order to control the illegality and create proper civic infrastructure to the residents who have been increasing over year and year, Vasai Virar Municipal Corporation for

21/04/2014

formed in order to maintain and provide civic infrastructure and regulate development activities. With a view to regulate development and construction activity The City and Industrial Development of Maharashtra Limited (for short 'CIDCO'), a Government of Maharashtra owned Company was given a status of Special Planning Authority under the provisions of the Maharashtra Regional and Town Planning Act, 1966 (for short 'the MRTP Act').



14. The subject matter is the issue of illegal schools and colleges running without proper permission and carrying out illegal constructions in belt of Vasai - Virar which comes under Vasai - Palghar Municipal corporation. It is required that CIDCO as well the local municipal should carry out survey with respect to the illegal construction some of which has been clearly elaborated in detail hereafter in the present petition. The Petitioner herein has given detailed admission of the local corporation admitted that there has been illegal construction of schools and colleges beyond the permissible limits or either the entire construction activity is on the basis of forged and fabricated documents.



15. For a part of Vasai- Virar, the Municipal Corporation of Vasai- Palghar Municipal Corporation (for short 'the said Corporation') is the Planning Authority within the meaning of MRTP Act. For certain areas, the CIDCO is the Planning Authority and for the remaining areas, MIDC is the Planning Authority. The present Public Interest Litigation has been

21/04/2012

filed to bring to the notice of this Court, the failure of the three Planning Authorities to prevent large scale illegal constructions and their failure to perform its statutory duty to remove the illegal constructions. A grievance redress mechanism is required to be set up which shall enables the citizens to lodge complaints about the illegal constructions. The three Planning Authorities are expected to take a prompt action against the illegal constructions both by way of prevention and demolition. The documents filed on record will show that that inspite of the Corporation themselves contending/admitting that the construction is illegal or the permission is bogus and fabricated as the permission was never there for construction of the building, have failed to take any steps to take a note of the same and demolish the same.

16. The present Writ Petition under Article 226 and 227 of the Constitution of India is being filed by the Petitioner to enforce fundamental rights, particularly the Right to Life (Article 21) & Right to Equality (Article 14) guaranteed by the Constitution. The Petitioner is a public spirited individual and is carrying out number of acts and activities for the local citizens. The Petitioner is a deep believer in the life, philosophy, teachings and follower of religious God. He has endeavoured throughout his life to promote the life and teachings of Holy Books. He shares the values of justice, equality, kindness, non-violence and compassion enshrined in the teachings of Holy Books as well as the values of

Prakash DNR 2/6/21

17. The Petitioner is a citizen of India, doing business with annual income of about Rs.4,50,000/- per annum, looking after the public activities from address at 754, Chinchoti-bhivandi road, Ashram school, Khindipada, Kaman, Vasai (East), Palghar-401208. The email address of the Petitioner is israjeevgupta9890@gmail.com and mobile no. +91-9890525464. A true copy of the PAN Card

21/10/2023 @ 11:23 AM the Petitioner bearing PAN No. AJOPG444M. Attached herewith and marked as Annexure A-1 at pages 70 of the Petitioner does not have any personal interest or persona gain or private motive or any other oblique reason in filing this Writ Petitioner in Public Interest. The Petitioner has not been involved in any other civil or criminal or revenue litigation, which could have legal nexus with the issues involved in the present Petition.

18. That there has been illegality and the rampant illegal construction of schools and colleges being carried out without following the Development Control rules and plans. The Respondent No.10 is Hindi-English Medium school which is Registered No.16850 situated at Vill:-Kohli (Chinchoti), Bhiwandi Road, Kaman, Vasai (East), Palghar-401202, Survey No.11D. The Trustee named Mr. Ramkrishna Verma has illegally constructed the school

21/10/2023 @ 11:23 AM

building without specific permission from the concerned authorities. Hereto marked & Exhibited Exhibit B-1 is the photograph of Respondent No. 7 illegal construction.

19. With reference to Survey No.11D the Letter dated 03.12.2018 from the Respondent No.6 to the Respondent No.4 to investigate and take action as per law of Illegal construction on Survey No.11/D. Hereto marked and Exhibited as "Exhibit C" is the copy of the Letter dated 03.12.2018 from the Respondent No.6 to the Respondent No.4. Again the Letter dated 28.01.2019 the Respondent No.6 to the Respondent No.4 to investigate and take action as per law of Illegal construction on Survey No.11/D but no action has been taken till date. Hereto marked and Exhibited as "Exhibit C-1" is the copy of the Letter dated 28.01.2019 from the Respondent No.6 to the Respondent No.4.

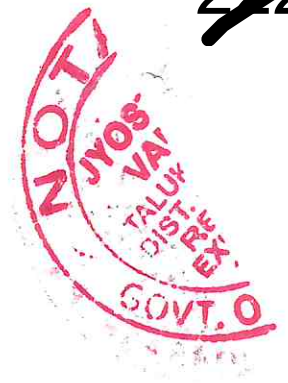
20. With reference to Survey No.11D the Letter dated 06.02.2019 from the Respondent No.4 to Mandal Adhikari to investigate and take action as per law of Illegal construction on Survey No.11/D. Hereto marked and Exhibited as "Exhibit D" is the copy of the Letter dated 06.02.2019 from the Respondent No.4 to Mandal Adhikari.

21. With reference to Survey No.11D RTI dated 14.08.2019 by the petitioner about the permission of Illegal construction. Hereto marked and Exhibited as "Exhibit E" is the copy of the RTI dated 14.08.2019 by the petitioner. Reply dated 26.08.2019 by Respondent No.2 where it is stated that no permission was given for construction of

21/08/2019

238
structure. Hereto marked and Exhibited as "Exhibit E-1" is the copy of the Reply dated 26.08.2019 by Respondent No.2.

222

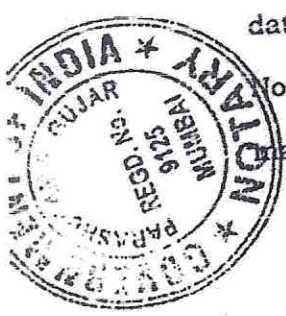


22. With reference to Survey No.11D the Letter dated 25.09.2019 by the petitioner to the Respondent No.2 to take an action on the Respondent No.7. Hereto marked and Exhibited as "Exhibit F" is the copy of the Letter dated 25.09.2019 by the petitioner to the Respondent No.2.

23. With reference to Survey No.11D Letter dated 14.10.2019 from Respondent No.3 to Respondent No.2 to take an action on the complaint of the petitioner. Hereto marked and Exhibited as "Exhibit G" is the copy of the Letter dated 14.10.2019 from Respondent No.3 to Respondent No.2.

24. That the RTI dated 07.10.2019 by the petitioner to the Respondent No.2 about the illegal construction at vill:-Kolhe Survey No.11/D. Hereto marked and Exhibited as "Exhibit H" is the copy of the RTI dated 07.10.2019 by the petitioner to the Respondent No.2. The Reply dated 06.11.2019 by the Respondent No.2 to the RTI of the petitioner where the documents were provided to the petitioner. Hereto marked and Exhibited as "Exhibit H-1" The following documents provided along with Reply are Notice dated 12.03.2016 from Respondent no.3 to the Respondent No.7 under section 52,53,54 & 55 of M.R.T.P,1966 . Hereto marked and Exhibited as "Exhibit H-2" along with

21/11/19 04/2/2019



"Exhibit H-3". Annexure 6 of ArunVerma of Respondent No.7. Hereto marked and Exhibited as "Exhibit H-4". The Complaint dated 13.03.2019 by Vasai ShramikVikasSamiiteeto the Respondent No.3 against the Respondent No.7. Hereto marked and Exhibited as "Exhibit H-5" is the copy of the Complaint dated 13.03.2019 by Vasai ShramikVikasSamiitee to the Respondent No.3.



25. That there has been illegality and the rampant illegal construction being carried out without following the Development Control rules and plans. The Respondent No.8 has illegally constructed school building without specific permission from the concerned authorities at Village- Pelhar, Survey No.282/1.

26. With reference to Survey No.282/1 the RTI dated 12.08.2019 by the Petitioner to the Respondent No.2 information about the construction. Hereto marked and Exhibited as "Exhibit I" is the copy of the RTI dated 12.08.2019 by the Petitioner to the Respondent No.2. The Reply dated 26.08.2019 was provided by the Respondent No.2 the Petitioner where it is mentioned no permission for construction was given to the Respondent No.8. Hereto marked and Exhibited as "Exhibit I-1" is the copy of the Reply dated 26.08.2019 was provided by the Respondent No.2 the Petitioner.

21/08/2019



27. With reference to Survey No.282/1 the Complaint dated 25.09.2019 by the Petitioner to the Respondent No.2 against the Respondent No.8. Hereto marked and Exhibited as "Exhibit J" is the copy of the Complaint dated 25.09.2019 by the Petitioner to the Respondent No.2. The Letter from Respondent No.3 to the Respondent No.4 to take action on Respondent No.8. Hereto marked and Exhibited as "Exhibit K" is the copy of the Letter from Respondent No.3 to the Respondent No.4 to take action on Respondent No.8.



28. With reference to Survey No.282/1 The RTI dated 07.10.2019 submitted by the Petitioner to the Respondent No.2. Hereto marked and Exhibited as "Exhibit L" is the copy of the RTI dated 07.10.2019 submitted by the Petitioner to the Respondent No.2. The Reply dated 05.11.2019 by Respondent No.2 to the Petitioner. Hereto marked and Exhibited as "Exhibit L-1" is the copy of the Reply dated 05.11.2019 by Respondent No.2 to the Petitioner

29. With reference to Survey No.282/1 the Letter dated 13.11.2018 from Respondent No.2 to the Respondent No.5 Hereto marked and Exhibited as "Exhibit M" along with Annexure-1 Hereto marked and Exhibited as "Exhibit M-1" and Annexure-6 Hereto marked and Exhibited as "Exhibit



21/11/18 @ 12:51 PM

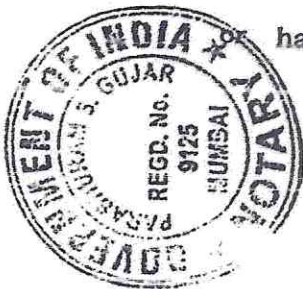
30. With reference to Survey No.11D the Petitioner has submitted complaint to various authorities to take an action on the Respondent No.7. Hereto marked and Exhibited as "Exhibit N" complaint by the petitioner to various authorities. Then also no action has been taken on the Respondent No.7 and still the illegal structures exist.

31. With reference to Survey No.11D the Petitioner has also submitted letter dated 27.11.2018 to the Respondent No.3 to take action on the Respondent No.7 and direct the Respondent No.7 to return the land to the authority. Till date no action has been taken by the Respondent No.3. Hereto marked and Exhibited as "Exhibit O" is the copy of the letter dated 27.11.2018 by the petitioner to the Respondent No.3.

32. The Respondent No.7 requested to the Respondent No.2 to provide Tax for excess illegal structure. Hereto marked & Exhibited as Exhibit P is copy of the Respondent No.7.

1. In light of the aforesaid facts, the following issues have arisen:

- 1) Whether it was incumbent upon the Planning Authority body to initiate action in respect of the unauthorised construction or not?
- 2) Whether it is incumbent upon the Planning authority to implement D.C. Rules or not?
- 3) Whether there is infringement of Art 14 and Art 21 in respect of the citizens who are residing in the said vicinity?
- 4) Why the Planning authority have not adopted any survey or have set up a committee in the respect of



21/11/2018

unauthorised construction work where people can complain and grievance can be adhered.

- 5) Why FIR has not been registered under the provisions of MRTP against the offenders?
- 6) Why excess, unauthorised and illegal construction of School and College building in Vasai Virar City Municipal Corporation.
- 7) unauthorised construction work has not been demolished inspite of the knowledge to the planning authority and Vasai Virar City Municipal Corporation.
- 8) Why action should not be taken against erring officials, builders, influential and powerful people who have permitted or have indulged in unauthorised constructions.

2. The Petitioner has filed this Petition for directions to protect and safeguard fundamental rights of citizens under Article 21 and 14 of the Constitution, since the Petitioner has no alternate efficacious remedy but to approach this Hon'ble Court under Article 226 and 227 of the Constitution of India for the reliefs prayed for herein.

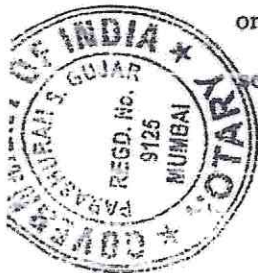
3. The Petitioner has for the first time filed this Petitioner in respect of the subject-matter, i.e., for issuance of directive in respect of safeguarding fundamental rights under Article 21 and 14 as there is need that construction has to be as per



21/01/2023

approved plan and Planning authorities against the aforesaid Respondents in India.

4. That this Hon'ble Court has the jurisdiction to entertain and try this Petition.
5. That the Petitioner craves leave to alter, amend or add to this Petition.
6. That the Petitioner seeks leave to rely on documents, a list of which, along with true typed copies has been annexed to this Petition.
7. That this Petition has been made bona fide and in the interest of justice.
8. That the Petitioner has not filed any other Petition before this Hon'ble Court or before any other Court seeking the same relief.
9. **In the facts and circumstances, it is most respectfully prayed that your Lordships may graciously be pleased to:**
 - a. Issue a Writ of Mandamus or any other appropriate Writ order or Direction directing the Respondents their agents, servants, jointly and severally forthwith conduct a survey in



[Handwritten signature]

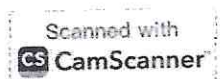
respect of excess, unauthorized and illegal construction of School and College building for the same, in Vasai Virar City Municipal Corporation and steps taken in respect of such constructions / structures in and around the vicinity of Virar - Vasai Nagar Corporation and to take steps to demolish the same as the same affects the right of the citizens.



- b. Issue an appropriate Writ Order or Direction in the nature of Mandamus to Respondents jointly and severally to remove all unauthorised construction after the survey is conducted with respect to illegal construction of buildings and other unauthorised construction.
- c. Issue an appropriate Writ Order or Direction in the nature of Mandamus to Respondents jointly and severally to take preventive steps taken for overseeing, supervising such illegal construction activities in the respective areas.
- d. Issue an appropriate Writ Order or Direction in the nature of Mandamus to Respondents jointly and severally takes steps to restore the unauthorised construction work on the plot and land as mentioned above or as set out under the Survey conducted by the respondents.
- e. Issue an appropriate Writ Order or Direction in the nature of Mandamus to Respondents jointly and severally not to change the use of the land for any purpose other than for which it is primarily earmarked in the Master Plan or as per C rules of the planning authority.



Signature





f. Pass such other order or orders which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case,

AND FOR THIS ACT OF KINDNESS THE PETITIONER AS IN DUTY BOUND SHALL EVER PRAY.

[Handwritten signature]

(Advocate for Petitioner)

(Explains & interpreted by me to the petitioner in Hindi)
Mumbai

Date:- 28/11/2013

[Handwritten signature]

(Petitioner)

BEFORE ME

[Handwritten signature]
P. S. GUJAR
ADVOCATE & NOTARY
UNION OF INDIA
GREATER MUMBAI
REGD NO. 9125

Sr. No. 6100 Reg. No. 08
Page No. 92 Dt. 28/11/13

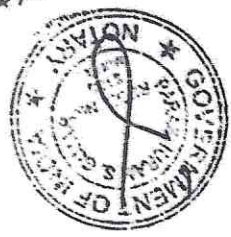




VERIFICATION

I, Mr. Rajiv Bhagelu Gupta, the petitioner herein above, Aged:-
41 years, doing business, do solemnly declare that whatever is
stated in para No.1 to.....herein above PIL is true and correct
to my knowledge and I believe the same to be true and
whatever is stated in para ...to Is stated on information
and belief and I believe the same to be true

21/11/2019



Solemnly affirmed and declared at Mumbai)

Dated *26th* day of November, 2019)

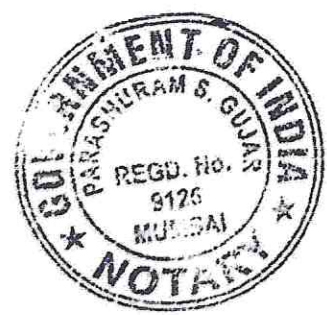
(Petitioner)

21/11/2019
(Petitioner)

Ashraf
Advocate for Petitioner
*Explains & Introduced by me
in Hindi to the petitioner*
Ashraf

BEFORE ME
Before me *[Signature]*
P.S. GUJAR
ADVOCATE & NOTARY
UNION OF INDIA
GREATER MUMBAI
REGD NO. 9125

Sr. No. *6101* Reg. No. *08*
Page No. *22* Dt. *28/11/2019*



ANNEXURE A-2

1

15-PIL 63-23.doc

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

PUBLIC INTEREST LITIGATION NO.63 OF 2023

Rajiv Bhagelu Gupta ... Petitioner
V/s.
The State of Maharashtra & Ors. ... Respondents

Mr. Ajay Jaiswal for the Petitioner.
Mr. O. A. Chandurkar, Addl. GP, Mrs. R. A. Salunkhe, AGP for
Respondent Nos.1, 3, 5 to 7, 9, 10 and 12 to 19.
Ms. Swati Sagvekar for Respondent Nos.2 and 4.

**CORAM : DEVENDRA KUMAR UPADHYAYA, CJ. &
ARIF S. DOCTOR, J.**

DATE : 08th NOVEMBER 2023

P.C.:

Heard learned Counsel representing the Petitioner,
learned Additional Government Pleader representing the
Respondent-State and learned Counsel representing Respondent
Nos.2 and 4.

2. Having regard to the nature of the grievances raised
in this Public Interest Litigation, we find it appropriate that the
Petitioner may approach the Municipal Commissioner of the
concerned Municipal Corporation by making an appropriate
application/representation setting out his grievances and taking

all the pleas, which may be available to him. Thus, the Petitioner is permitted to make such an application/representation to the Municipal Commissioner of the concerned Municipal Corporation within a fortnight from today and in case any such application/representation is made, the same shall be considered and appropriate decision/action, which may be warranted under law, shall also be taken by the Municipal Commissioner, at his end.

3. We specifically direct that the application/representation made by the Petitioner under this order shall contain clear and specific pleas and not vague allegations, so that the Municipal Commissioner may examine the grievances of the Petitioner, if any, and may take appropriate action/decision.

4. This Public Interest Litigation Petition stands disposed of in the aforesaid terms.

(ARIF S. DOCTOR, J.)

(CHIEF JUSTICE)



AJAY.S.JAISWAL

LL.M.,M.A.,PGDIPR,PGDCL&IT
ADVOCATE HIGH COURT

Correspondence- 87, 4 th Floor, Anandashram, R.G.Thadani Marg, Worli Sea face, Mumbai-18
Office-131, Beside City Bakery, Dr.A.B.Road, Worli Naka, Mumbai-400 018
Cell:- 9833955979
E-mail:ajayjaiswal1210@gmail.com

READ/SPEED POST/HAND DELIVERY

Date:- 26/12/2022

To,

- 1) The state of Maharashtra
Through the Govt. Pleader
Having office at PWD Building
High Court
- 2) The Municipal Commissioner
Vasai-Virar City Municipal
Corporation(VVCMC)
Having his office at Virar (east)
Tal:-Vasai,Dist:-Thane-401305
- 3) Town Planning Department
Chintupada Road, HDIL
Paradise City, Phase-1,
Palghar
- 4) Town Planning Department
Vasai-Virar City Municipal Corporation,
Vasai, Palghar
- 5) The District Collector
Office of District Collector, Palghar
Chintupada Road,Udyog Nagar,
Palghar-401404
- 6) The Education Officer ,Palghar
Lokmanya Nagar,Vishnu Nagar,
Palghar-401404
- 7) The Tehsildar
Office of Tehsildar
Killa Road,Koliwada,Vasai (West)
Palghar-401201
- 8) Block Development Officer
Panchayat Samitti Vasai,
Opposite Vasai Court,
Vasai (W), Palghar



- 9). Sub-Divisional Magistrate
Office-Killa Raod, Koliwada,
Vasai (west),
Palghar-401201
- 10). The Collector of stamps and
Joint District Registrar
Siddhivinayak Residency, Galla No.20,
Vevoor, Palghar-401404
- 11). Chief Executive Officer,
Zilla Parishad, Palghar
- 12). The Revenue and Forest Department
Mantralay, Mumbai-400032
- 13) Sub Divisional Office, Bhiwandi
8328+FG7, Thane road, Gulzar Nagar,
Biwandi, Maharashtra-421 302
- 14). Divisional Officer (Mandal Adikari), Vasai
Vasai, Palghar
- 15). Sub Divisional Officer, Vasai
Revenue Department
Vasai, Palghar
- 16). Resident Deputy Collector
1st Floor, Collector Thane Office,
Thane
- 17). The Deputy Secretary Revenue-1
Mantralay, Mumbai
- 18). Divisional Commissioner Konkan
Konkan Bavan, C.B.D. Belapur,
Navi Mumbai-400614
- 19). The Senior Inspector
Arnala Sagar Police Station,
Virar, Palghar
- 20). Shri Ramkrishna Kavdiram Verma
C/701 and 702 Peninsula Park,
D-mart Shopping Complex,
Virar (West), Palghar

21). Arun Ramkrishna Verma
C/701 and 702 Peninsula Park,
D-mart Shopping Complex,
Virar (West), Palghar

22). Vinod Ramkrishna Verma
C/701 and 702 Peninsula Park,
D-mart Shopping Complex,
Virar (West), Palghar

23). Shri Arvind Kantilal Shah
Shop No.6, Kedarnath Bldg.
- 100 ft. road, Opp. Rasleela Bldg.
Ambadi Raod, Vasai (West)
Palghar

24). Shri Prashant Padmakar Patil
Niket Padmakar Patil
• Ganesh Apartment Vaslai Naka
Beside Vaslai Gram panchayat
Vasai (West)-Palghar

25). Parag Mathew Rodrigues
Gracy Mathew Rodrigues
103, Tiberius above TBZ Jewelers
Near Bishop House, Stalla,
Barampur, Vasai (West), Palghar

).....Respondents

Ref:-

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
PUBLIC INTEREST LITIGATION NO. ST/33015 OF 2022

Mr. Rajiv Bhagelu Gupta)....Petitioner
V/s

The State of Maharashtra and Ors.)...Respondents

Respected Sir,

I am concerned for the abovenamed petitioner. The above PIL was filed on 23/12/2022. Please find enclosed Entire Compilation of the matter under the subject as and by way of service of the

same on you. The aforesaid matter will be listed accordingly. When you may remain present if you so desire.

Yours Sincerely,



Advocate for the Petitioner

Mumbai

Date:-26/12/2022



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL
APPELLATE JURISDICTION

PUBLIC INTEREST LITIGATION NO. OF 2022

Mr. Rajiv Bhagelu Gupta

)...Petitioner

V/s

The State of Maharashtra and Ors.

)...Respondents

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4.	Memo of registered Address		32
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	schools building on land bearing S.N0.11/D of village Koli, Taluka Vasai, Palghar		
14.	The copy of The 7/12 extract showing name of the Respondent No.23	A-9	224-253
15.	The copy of the Agreement for sale dated 28/12/2018, General Power of Attorney dated 28/12/2018, Possession letter dated 28/12/2019 and the Sale Deed dated 16/10/2020	A-10-colly	155-324
16.	The copy of the complaint dated 05/04/2021 submitted by Kisandeo Shivpujan Gupta to the Tehsildar to take an action	A-11	315-317
17.	The copy of Panchnama of the dug plot was provided	A-12	318-323
18.	The copy of The Respondent No.5 was issued letter dated 09/11/2021 to the Respondent No.7 to take action on the Respondent No.23 for violating the conditions of permission	A-13	324-328
19.	The copy of Kisandeo Shivpujan Gupta's RTI Application dated 08/02/2021 to the Respondent No.12 and Reply dated 15/03/2021	A-14	327-336

PIL ST No. 33015/2022

20.	The copy of RTI Application dated 07/04/2021 to Respondent No.5 and Reply dated 11/05/2021	A-15	333
21.	The copy of Kisandeo Shivpujan Gupta's RTI Application dated 15/03/2021 to Respondent No.5 and Reply dated 31/03/2021 and 31/05/2021	A-16	342-35
22.	The copy of Kisandeo Shivpujan Gupta submitted RTI Application dated 22/11/2021	A-17	351-363
23.	The copy of the Petitioner submitted Complaint dated 10/11/2021 to the Respondent No.5 to take an action for illegally transferring the tribal land	A-18	365-389
24.	The copy of The Petitioner had submitted Complaint dated 08/12/2021 to the Registrar to take an action for cheating and forgery by the Respondent No.20 and 21	A-19	365-322
25.	The copy of leave and license agreement between the Respondent No.22 and a person named Sakharam Yashwant Kamadi	A-20	373-412
26.	The copy of the Petitioner submitted complaint dated 09/02/2022 to the	A-21	412-423



	Respondent No.4 to take in action on The Respondent No.21		
27.	The copy of the Respondent No.2 had sent reply to the Petitioner	A-22	415-419
28.	The copy of the forged 7/12 document submitted by the Respondent No.21 and 22	A-23	423-424
29.	The copy of the Petitioner has submitted complaint dated 16/03/2022 to the Respondent No.3 for rehearing of the matter	A-24	429-431
30.	The copy of the Petitioner had submitted Complaint dated 16/03/2022 to the Respondent No.10 to take action against the Respondent No.21 and 22 for annexing forged 7/12 extract	A-25	432-433
31.	The copy of the Petitioner had submitted complaint dated 21/03/2022 to various authorities	A-26	435-438
32.	The copy of the Petitioner had submitted RTI Application dated 23/03/2022 to the Talati	A-27	439-443
33.	The copy of the documents of the Respondent No.12 dated 10/07/2008 where the conditions has been imposed on the Respondent No.23 while transferring the Tribal Land	A-28	444-450

34.	The copy of letter from the Respondent No.10 to the Respondent No.19	A-29	51-
35.	The copy of the Petitioner as filed RTI dated 25/07/2022 to the Assistant Commissioner of Police, Nalasopara and reply was provided which shows that F.I.R has been lodge against the only one accused but no action has been taken	A-30	577-51
36.	The copy of the Petitioner has submitted Complaint dated 31/07/2020 to the Gram Sevak , Medhe Gram Panchayat to Investigate and lodge complaint under M.R.T.P	B	503-505
37.	The copy of the Petitioner submitted RTI dated 31/07/2020 to the Respondent No.2	B-1	506-506
38.	The copy of the Respondent No.2 replied dated 26/08/2020 to the Petitioner	B-2	503-571
39.	The copy of the Letter dated 29/10/2020 from Panchayati Samittee, Vasai to Gram Panchayat Sarpanch/ Village Development Officer, Medhe Gram Panchayatn	B-3	572-575

258

242



40.	The copy of the letter dated 09/09/2020 from 259 Panshad, Palghar to Block Development Officer, Panchayat Samitti, Vasai	B-4	515-517
41.	The copy of the Petitioner has filed RTI dated 08/07/2020 to Gram Sevak, Medhe Gram Panchayat	B-5	518-520
42.	The copy of the Group Panchayat Medhe has replied dated 29/07/2020 to the Petitioner	B-6	524-522
43.	The copy of the documents were provided to the petitioner by the Panchayat, Medhe	B-7- Colly	523-569
44.	The copy of the Petitioner has filed complaint dated 25/11/2020 to The Respondent No.3 against VP-0222 against the illegal construction	C	530-532
45.	The copy of the Respondent No.2 (VVCMC) replied dated 15/12/2020	C-1	533-535
46.	The copy of the Petitioner has submitted complaint dated 07/01/2020 to Respondent No.3 against VP-0222	C-2	536-538
47.	The copy of the Petitioner has submitted RTI dated 22/02/2021 to Respondent No.3 against VP-0222	C-3	539-581
48.	The copy of the VVCMC letter dated 15/05/2015 to the Respondent No.15	C-4	582-588

	of the Revised Development Permission		
49.	The copy of the Development Agreement dated 23/05/2014 between Respondent No.14 and Respondent No.15	C-5	571-0
50.	The copy of the petitioner submitted complaint dated 11/12/2020 to Respondent No.2 & 3 to take action against the demolition of G+3 unauthorised construction	D	630-132
51.	The copy of the Petitioner had submitted RTI dated 10/12/2020 to Respondent No.3	D-1	632-693
52.	The copy of the reply dated 14/01/2021 was given to the Petitioner	D-2	695-898
53.	The copy of the office of Upper Tensildar (Non Agriculture) Vasai issued letter dated 21/08/2012 to Adminisrator, CIDCO	D-3	632-633
54.	The copy of the Petitioner submitted RTI dated 03/03/2021 to Special Planning Authority	D-4	710-713
55.	The copy of the RTI reply dated 08/03/2021 from VVCMC to the petitioner.	D-5	714-712



55.	The copy of the Annexure-1 unauthorised construction	D-6	713-715
56.	The copy of the Photograph of the unauthorised construction	D-7	716-717
57.	The copy of the 7/12 extract	D-8	718-723
58.	The copy of the Agreement dated 22/04/2012 between Respondent No.16	D-9	724-738
59.	Copy of PAN Card and Adhaar Card of the Petitioner		739
60.	Vakalatnama		-
61.	Affidavit of Petitioner		740-746
62.	Declaration of Petitioner		-
●.	63.	<u>Last page</u>	<u>746</u>

Affidavit
(Advocate for Petitioner)

Mumbai

Date: 23/12/2022

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
PUBLIC INTEREST LITIGATION NO. OF 2022

Mr. Rajiv Bhagelu Gupta

)....Petitioner

V/s

The State of Maharashtra and Ors.

)...Respondents

DIST:-PALGHAR

SYNOPSIS

1. CHALLENGE IN BRIEF

The Petitioner is social and Human Rights Activist and has preferred this Public Interest Litigation to bring this Hon'ble Court the various excess, unauthorized and illegal construction of School and College building for the same, in Vasai Virar City Municipal Corporation in the absence of permission for the same from the concerned authorities. Numerous complaints lodged by the Petitioner for preventing and demolishing the abovementioned illegal and unauthorized construction, however there has been no



action taken by the Respondents herein. The protecting the lands and revenues belonging to the Government and used for illegal and unauthorized construction, saving innocent persons from being cheated and lured into buying illegal and unauthorized premises. That inspite of various complaint letters and reminders, bringing the said illegal and unauthorized constructions in the said area, to the notice of the Respondents herein and due to the grave failure of the Respondents to take appropriate action as per law, inspite of acknowledge the fact of the said illegal constructions, therefore the petitioners have preferred this petition.

2. The Petitioner state that for assisting this Hon'ble Court in the better understanding of the various illegal and unauthorized constructions of unauthorized and illegal construction of School and College building in the vicinity of Vasai Virar City Municipal Corporation (VVCMC).

II).POINTS TO BE URGUED:-

1. Whether unauthorized and illegal constructions can be permitted to exist in the vicinity of Vasai Virar City Municipal Corporation (VVCMC).
2. Whether unauthorized and illegal constructions in the vicinity Vasai Virar City Municipal Corporation (VVCMC) are liable to be demolished and call for strict action against the wrong doers.
3. Whether the Respondents are justified in being mute spectators to the illegal and unauthorized construction in the said vicinity inspite of various complaint letters by the petitioners.
4. Whether any action as per law is warranted against the erring officers of the Respondents who have failed to perform their duties in preventing illegal and unauthorized construction in the aforesaid vicinity.
5. Whether the sub-Registrar of Assurances can be prevented from registering the documents in respect of illegal and unauthorized construction flats in order to prevent the innocent buyers from being duped.
6. Any other issue that arises in the course of proceedings.





III. ACTS TO BE RELIED

1. Constitution of India, 1950
2. Maharashtra Municipal Corporation Act, 1949
3. Maharashtra Regional Town Planning Act, 1966
4. Maharashtra Land Revenue Code, 1960
5. Civil Procedure Code, 1908
6. Registration Act, 1909

IV. AUTHORITIES

Nil at Present

Date 23/2/2012

[Signature]
 Advocate for Petitioner

1



IN THE COURT OF JUDICIAL MAGISTRATE
FIRST CLASS AT ...
... ..

vs.
...

The State of West Bengal and Ors. vs. Respondents

DATE:

Handwritten signature or text

In the matter of Article 226 & 227 of the
Constitution of India

And

In the matter of various excess, unauthorized
and illegal construction of Schools and
Colleges building for the same, in Vasai Virar
City Municipal Corporation

And

In the matter of various excess, unauthorized
and illegal construction by way of change in
user while construction, in the absence of
permission for the same from the concerned
authorities

And

In the matter of violation of provisions of
Maharashtra Land Revenue Code 1966 and
(Disposal of Government Land) Rules 1971

And

In the matter of numerous complaints lodged
by the Petitioner for preventing and
demolishing the abovementioned illegal and
unauthorized construction and to take action
under Maharashtra Regional and Town
Planning, 1966 (M.R.T.P) however there has
been no action taken by the Respondents
herein.

And

In the matter of Forgery, Fraud and Cheating
by the Respondents

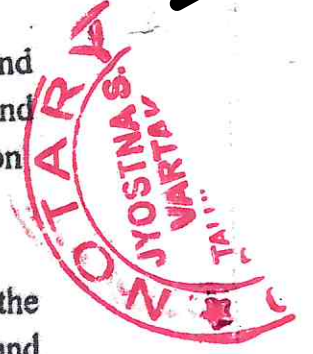
And

21/04/2021

In the matter of protecting the lands and revenues belonging to the Government and used for illegal and unauthorized construction

And

In the matter of saving innocent students of the schools and colleges from being cheated and lured by the illegal and unauthorized schools and colleges.



1). Mr. Rajiv Bhagelu Gupta
Age:- 43 years Occ:- Business
754, Chinchoti-bhivandi road,
Ashram school, Khindipada,
Kaman, Vasai (East), Palghar-401208
Mobile:- 9890525464
Mail Id:- rajeevgupta9890@gmail.comPetitioner

Versus

1) The state of Maharashtra
Through the Govt. Pleader
Having office at PWD Building
High Court

2). The Municipal Commissioner
Vasai-Virar City Municipal
Corporation (VCCMC)
Having his office at Virar (east)
Tal:- Vasai, Dist:- Thane-401305

3). Town Planning Department
Chintupada Road, HDIL



21019@123456

11). Chief Executive Officer,
Zilla Parishad, Palghar

12). The Revenue and Forest Department
Mantralay, Mumbai-400032

13) Sub Divisional Office, Bhiwandi
8328+FG7, Thane road, Gulzar Nagar,
Bhiwandi, Maharashtra-421 302

14). Divisional Officer (Mandal Adikari), Vasai
Vasai, Plaghar

15). Sub Divisional Officer, Vasai
Revenue Department
Vasai, Plaghar

16). Resident Deputy Collector
1st Floor, Collector Thane Office,
Thane

17). The Deputy Secretary Revenue-1
Mantralay, Mumbai

18). Divisional Commissioner Konkan
Konkan Bavan, C.B.D. Belapur,
Navi Mumbai-400614

19). The Senior Inspector
Arnala Sagar Poilce Station,
Virar, Palghar

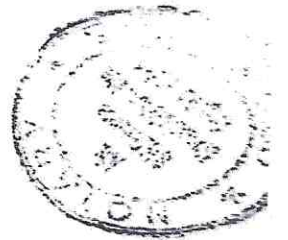


21/11/19 @ 11:22 AM

5

MAHAR.

- 20). Shri Ramkrishna Kavdiram Verma
C/701 and 702 Peninsula Park,
D-mart Shopping Complex,
Virar (West), Palghar
- 21). Arun Ramkrishna Verma
C/701 and 702 Peninsula Park,
D-mart Shopping Complex,
Virar (West), Palghar
- 22). Vinod Ramkrishna Verma
C/701 and 702 Peninsula Park,
D-mart Shopping Complex,
Virar (West), Palghar
- 23). Shri Arvind Kantilal Shah
Shop No.6, Kedarnath Bldg.
100 ft. road, Opp. Rasleela Bldg.
Ambadi Raod, Vasai (West)
Palghar
- 24). Shri Prashant Padmakar Patil
Niket Padmakar Patil
Ganesh Apartment Vaslai Naka
Beside Vaslai Gram panchayat
Vasai (West)-Palghar
- 25). Parag Mathew Rodrigues
Gracy Mathew Rodrigues
103, Tiberius above TBZ Jewelers
Near Bishop House, Stalla,
Barampur, Vasai (West), Plaghar).....Respondents



21/01/2019

To,

7

The Hon'ble Chief Justice and other Hon'ble Puisne Judges of
The High Court of Judicature at Mumbai



HUMBLE PUBLIC INTEREST LITIGATION PETITION OF
THE PETITIONER ABOVENAMED

MOST RESPECTFULLY SHEWETH:-

“Education is the mother of Leadership. School is building which has four wall with tomorrow inside”

1. The future of a country is shaped in its classrooms. Implementing a sound education system based on a holistic approach to learning is quintessential for ensuring that every student gets the best learning environment to flourish. As education is the most important and basic right everyone should have, it is our moral duty to facilitate the perfect learning environment for our students. With the educational journey playing the foundation role in one's career, there are contrary views with respect to the type of education system and approaches we need to take.

2. But education has become a business due to increase in more schools and institutes which are opened to provide



21/11/19 [Signature]

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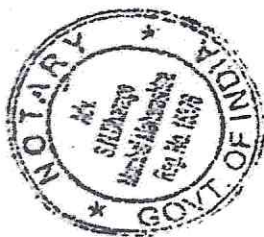
education. The privatization of educational institutes also helped it to become from educational institutes to a business and in thwart of making money due to the incessant demands for schools in order to combat the population of children and the fact that standard of Municipal Schools are such that the it is the last think that the parents think on the earth to set up their child in Mumbai Municipal schools, and then there are people who take advantage of such situation and set up schools by giving an international name to it and come up like mushrooms in the jungle.

3. With minimum investment lies maximum gains and in the area of Mumbai and its vicinity where property rates are high there are people who under the guise to show their noble deeds and nobility embark upon an illegal act, thus encroaching upon lands and further carrying out illegal constructions of entire building with the help and blessings of local politician who gives them protection and immunity either for money or by having a stake in admissions and thus school starts blooming.
4. The Respondent No. 20, 21 and 22 along with Respondent No. 23 has constructed illegal and unauthorised schools and colleges by submitting forged and bogus documents to the various authorities thus cheating the authorities. The Petitioner has to bring notice



21/01/2018 @ 10:25 AM

with reference Plot of Survey No.11/D/2 (VP-6108) where illegal and unauthorised school has been constructed by submitting forged and bogus documents. That one Shri Sakharam Yesha Kamadi was allotted land with S. No. 115 i.e [Plot of Survey No.11/D/2 (VP-6108)], admeasuring area 0H-84 R-0 ,village:- Koshti, Tal;- Vasai, Dist:- Palghar. The allottee had committed the breach of conditions of Maharashtra Land Revenue Code 1966 and (Disposal of Government Land) Rules 1971 of Rule 15 (2) and therefore Sub-divisional officer, Bhiwandi had passed an order dated 08/09/2001 and hence the land was liable to be vested with the Government by taking possession from the Allottee named Shri Sakharam Yesha Kamadi. Hereto marked and Exhibited as "Exhibit-A is RTI Application dated 21/04/2022 submitted by the petitioner and received reply along with copy of order dated 08/09/2001 by Sub-divisional officer, Bhiwandi against Shri Sakharam Yesha Kamadi - Hereto marked and Exhibited as "Exhibit-A-1. Thereafter Shri Sakharam Yesha Kamadi filed appeal in the Court of Resident Deputy Collector (Appeal), Thane U/s 247 of Maharashtra Land Revenue Code 1966 against the order passed by the Sub-divisional officer, Bhiwandi, in the proceedings No. BD/Revenue/Land matter/SR-431 dated 08/09/2001. Hereto marked and exhibited as "Exhibit-A-2 is the R.T.S Appeal No.112 of 2001 filed by Shri Sakharam Yesha Kamadi.

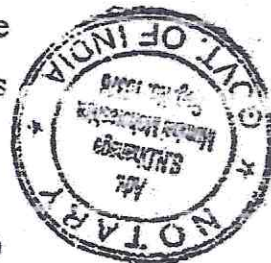


21/04/2022

Then on 09/01/2002 Deputy Collector (Appeal), Thane passed an interim order till the disposal of the matter- Hereto marked and Exhibited as "Exhibit-A-3". Thereafter on 11/07/2003 Deputy Collector (Appeal), Thane passed an Order Appeal has been sent to the Sub-divisional officer, Bhiwandi, for investigation of the above matter- Hereto marked and Exhibited as "Exhibit-A-4".

5. That as per the Order in the Registration No.360 of The Land Mutation Record as per Maharashtra Land Revenue Code 1966 and (Disposal of Government Land) Rules 1971 of Rule 10 clearly indicates that the Survey No. 11/D admeasuring area 0H-84 R-0 of Shri Sakharam Yesha Kamadi has been taken back by the Mandal Adhikari, Vasai. Hereto marked and Exhibited as "Exhibit-A-5" is Registration No.360 of The Land Mutation Record as per Maharashtra Land Revenue Code 1966 and (Disposal of Government Land) Rules 1971 of Rule 10.

6. That the Survey No. 11/D admeasuring area 0H-84 R-0 has been taken back by the Mandal Adhikari, Vasai from Shri Sakharam Yesha Kamadi but it is surprising that Shri Sakharam Yesha Kamadi had sold the 0H-40 R-0 out of admeasuring area 0H-84 R-0 to the Respondent No.23 even though the land has been taken back by the Mandal Adhikari, Vasai as per the Order on the Registration No.360 (Exhibit-A-5) which is violation of provisions of



21/04/2012

Maharashtra Land Revenue Code 1966 and (Disposal of Government Land) Rules 1971.



7. The Respondent No.23 had filed an application dated 15/06/2006 to the Respondent No.5 to obtain land for Industrial Purpose whereby the collector had imposed conditions before passing Order dated 17/11/2018. Hereto marked and exhibited as "Exhibit-A-6 is the Order dated 17/11/2018 passed by collector with conditions imposed on the Respondent No.23. The Respondent No.23 had also filed Affidavit on November, 2018- hereto marked and Exhibited as "Exhibit A-7".
8. That the Respondent No.2 issued commencement certificate dated 03/03/2020 to the Respondent No.23 for proposed schools building on land bearing S.NO.11/D of village Koli, Taluka Vasai, Palghar hereto marked and Exhibited as "Exhibit A-8"
9. The 7/12 extract showing name of the Respondent No.22- hereto marked and Exhibited as "Exhibit A-9". The Respondent No.23 had sold the plot to the Respondent No.21 and 22- hereto marked and Exhibited as "Exhibit A-10-colly" is the Agreement for sale dated 28/12/2018, General Power of Attorney dated 28/12/2018, Possession letter dated 28/12/2019 and the Sale Deed dated 16/10/2020. This is to bring to your notice that the Respondent No.23 has not followed the



21/09/2020 15:50

1~ conditions imposed by the collectors at the time of obtaining permission. As per the conditions the land had to be developed by the Respondent No.23 but he sold the land and it is developed by the Respondent No.21 and 22 which is violation of the conditions imposed on the Respondent No.23.

10. The Petitioner state that the Respondent No.23 had illegally dug the plot without appropriate permission. The complaint dated 05/04/2021 submitted by Kisandeo Shivpujan Gupta to the Tehsildar to take an action- hereto marked and Exhibited as "Exhibit A-11". Thereafter Panchnama of the dug plot was provided- hereto marked and Exhibited as "Exhibit A-12". The Respondent No.5 was issued letter dated 09/11/2021 to the Respondent No.7 to take action on the Respondent No.22 for violating the conditions of permission.- hereto marked and Exhibited as "Exhibit C-13" but no action was taken by the authorities.

11. The Petitioner state that Kisandeo Shivpujan Gupta had also submitted RTI Application dated 08/02/2021 to the Respondent No.12 and Reply dated 15/03/2021 where they denied about the documents hereto marked and Exhibited as "Exhibit A-14 colly. Thereafter RTI Application dated 07/04/2021 to Respondent No.5 and Reply dated 11/05/2021 where they denied about the



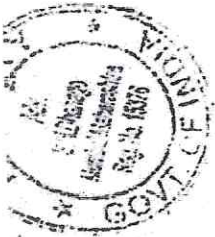
21/05/2021

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documents hereto marked and Exhibited as "Exhibit A-15 colly. Thereafter Kisandeo Shivpujan Gupta has also submitted RTI Application dated 15/03/2021 to Respondent No.5 and Reply dated 31/03/2021 and 31/05/2021 hereto marked and Exhibited as "Exhibit A-16. Thereafter Kisandeo Shivpujan Gupta again submitted RTI Application dated 22/11/2021 hereto marked and Exhibited as "Exhibit A-17. All the authorities had denied the documents which raises suspicious on the authorities.



12. That the Petitioner had submitted Complaint dated 10/11/2021 to the Respondent No.5 to take an action for illegally transferring the tribal land hereto marked and Exhibited as "Exhibit A-18" The Petitioner had submitted Complaint dated 08/12/2021 to the Registrar to take an action for cheating and forgery by the Respondent No.20 and 21- hereto marked and Exhibited as "Exhibit A-19". The Petitioner has obtained leave and license agreement between the Respondent No.22 and a person named Sakharam Yashwant Kamadi where it is clearly seen that some dummy person was used by the Respondent No.20 in the leave and license agreement - hereto marked and Exhibited as "Exhibit A-20". The Petitioner had submitted complaint dated 09/02/2022 to the Respondent No.4 to take an action on The Respondent No.21, 22 and 23 - hereto marked and Exhibited as



21/02/22 @MTC/5611

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"Exhibit A-21". The Respondent No.2 had sent reply to the Petitioner - hereto marked and Exhibited as "Exhibit A-22". It is to be noted that he Respondent No.19 and 20 had forged the documents. They had submitted the documents where they have deliberately deleted the word "Adivasi" from the 7/12 document and submitted it to the authorities. Thus they had cheated and forged and submitted the bogus documents to the authorities. Hereto marked and Exhibited as "Exhibit A-23-colly" is the forged 7/12 document. This how the land was converted from Tribal land to Non-Tribal Land by submitting the forged documents to the various authorities by the Respondent No.19 and 20. The Petitioner has submitted complaint dated 16/03/2022 to the Respondent No.3 for rehearing of the matter- hereto marked and Exhibited as "Exhibit A-24". The Petitioner had submitted Complaint dated 16/03/2022 to the Respondent No.10 to take action against the Respondent No.21 and 22 for annexing forged 7/12 extract- hereto marked and Exhibited as "Exhibit A-25".

13. The Petitioner had submitted complaint dated 21/03/2022 to various authorities- hereto marked and Exhibited as "Exhibit A-26" . The Petitioner had submitted RTI Application dated 23/03/2022 to the Talati to provide information and documents about the transfer of land from the owner Sakharam Kamadi but Talati replies that

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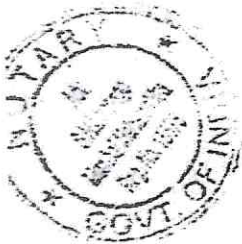
it is not there
"Exhibit A
dated 21/
to take
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14.Tr

it is not there with them- hereto marked and Exhibited as "Exhibit A-27". The Petitioner had submitted Complaint dated 21/03/2022 to the Respondent No.5 & 7 and others to take action against the Respondent No.14 for illegally transferring the land by submitting the forged documents.



14. The Petitioner state that he had obtained the documents of the Respondent No.12 dated 10/07/2008 where the conditions has been imposed on the Respondent No.23 while transferring the Tribal Land- hereto marked and Exhibited as "Exhibit A-28. But it has to be noted that the above document is not mentioned in the Incoming and Outgoing Register (Avak-Javak Kramank) of the department of Respondent No.12. This raises suspicion about the document Exhibhit-28.

15. That as per the Order on the Registration No.360 of Land Mutation Record as per Maharashtra Land Revenue Code 1966 (Disposal of Government Land) Rules 1971 of Rule 10 clearly indicates that the said land to taken back from Shri Sakharam Yesha Kamadi by the Respondent No.14 -the Mandal Adhikari Vasai and Talati Saja Sasundhar, Vasai, Palghar and deduct the name of Shri Sakharam Yesha Kamadi from the record. That shows that land was not belonged to Shri Sakharam Yesha Kamadi who sold to the Respondent No.23 and who sold it to the Respondent No.21 and 22. This shows



21/03/2022

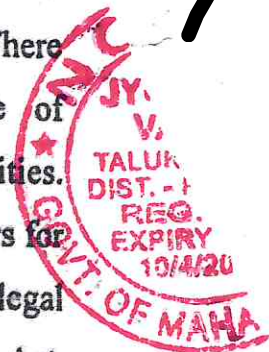
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that whole transfer of land is illegal therefore the land should be taken back by the authorities. The Respondent No.23 had sold the said plot to the Respondent No.21 and 22 without following any of the conditions imposed by the authorities. The Respondent No.21 and 22 has constructed School Building on disputed land S.No. 11/D. The Respondent No.21 and 22 has submitted forged and bogus documents to the authorities and constructed illegal and unauthorised school.

16. That the Respondent No.10 had forwarded the said letter to the Respondent No.19 (Arnala Sagari Police station) to take action on the the Respondent No.21 and other witnesses along with the Seller. But the Respondent No.19 has not taken action against the other accused as per the direction of the Respondent No.10. The Respondent No.19 has not found out where these documents were used. This shows that causal attitude of the Respondent No.19. Hereto marked and Exhibited as "Exhibit A-29" is letter from the Respondent No.10 to the Respondent No.19. The Petitioner as filed RTI dated 25/07/2022 to the Assistant Commissioner of Police, Nalasopara and reply was provided which shows that F.I.R has been lodge against the only one accused but no action has been taken. Hereto marked and Exhibited as "Exhibit A-30" is RTI and Reply along with FIR copy.



21/07/2022 @ 13:52

17. That inspite of many complaints against the Respondent No.21, 22 and 23 no action taken by the authorities. There has been illegal constructions in the absence of permission for the same from the concerned authorities. Many complaints lodged by the Petitioner and others for preventing and demolishing the abovementioned illegal and unauthorized construction under MRTP Act, however there has been no action taken by the Respondents herein.



18. The Petitioner intents to bring to your notice that that Respondent No.19 who is the Director of S.K.Chaudhary Memorial School & Junior College has illegally and unauthorised construction without any appropriate permission from authority on Survey No.5, Hissa No.6. The Petitioner has submitted Complaint dated 31/07/2020 to the Gram Sevak , Medhe Gram Panchayat to Investigate and lodge complaint under M.R.T.P- Hereto marked and Exhibited as "Exhibit B". But no action was taken by the authorities. Thereafter the Petitioner submitted RTI dated 31/07/2020 to the Respondent No.2.-hereto marked and Exhibited as "Exhibit B-1". Then the Respondent No.2 replied dated 26/08/2020 to the Petitioner hereto marked and Exhibited as "Exhibit B-2" . The Letter dated 29/10/2020 from Panchayati Samittee, Vasai to Gram Panchayat Sarpanch/ Village Development Officer, Medhe Gram Panchayatn



21/10/2020

18
 hereto marked and Exhibited as "Exhibit B-3". The Letter dated 09/09/2020 from Zilla Parishad, Palghar to Block Development Officer, Panchayat Samitti, Vasai hereto marked and Exhibited as "Exhibit B-4". Thereafter the Petitioner has filed RTI dated 08/07/2020 to Gram Sevak, Medhe Gram Panchayat. Hereto marked and Exhibited as "Exhibit B-5". The Group Panchayat Medhe has replied dated 29/07/2020 to the Petitioner hereto marked and Exhibited as "Exhibit B-6". The documents were provided to the petitioner by the Panchayat, Medhe hereto marked and Exhibited as "Exhibit B-7 Colly" is list of Documents submitted to the Petitioner. The petitioner through RTI received the various illegality by the Respondent No.19 and filed complaint before the authorities to take Criminal proceedings under MRTTP act,1966 against the Respondent No.19 but no action was taken by the authorities. The complaints lodged by the Petitioner for preventing and demolishing the abovementioned illegal and unauthorized construction, however there has been no action taken by the Respondents herein.

19. The Petitioner brings to notice that illegal construction by way of change in the Respondent No.21 and 22 while construction, in the absence of permission for the same from the concerned authorities. The Respondent No. 21 and 22 had purchased Survey No.24, Hissa No.2/2, 2/7,

21/09/2020

13

2/8, 2/9, 2/10 and 3 at Barampur, VP-0222 Building No.1. from the Respondent No.25. The Respondent No. 21 and 22 has illegally constructed School and College in place of Kinder Garden (K.G) and CFC (Common Facilitation Centre) on Survey No.24, Hissa No.2/2, 2/7, 2/8, 2/9, 2/10 and 3 at Barampur, VP-0222 Building No.1. The Respondent No.21 and 22 has violated the agreement between them and constructed illegal school. The Petitioner has filed complaint dated 25/11/2020 to The Respondent No.3 against VP-0222 against the illegal construction. Hereto marked and Exhibited as "Exhibit C". Thereafter Respondent No.2 (VVCMC) replied dated 15/12/2020. Hereto marked and Exhibited as "Exhibit C-1". School and College in place of Kinder Garden (K.G) school and CFC (Common Facilitation Centre) on Survey No.24, Hissa No.2/2, 2/7, 2/8, 2/9, 2/10 and 3 at Barampur, VP-0222 Building No.1, which itself is violation of the permission and conditions given by the Respondents No.2.

20. The Petitioner has submitted complaint dated 07/01/2020 to Respondent No.3 against VP-0222.-Hereto marked and Exhibited as "Exhibit C-2" stating to take an action by the authorities. The Petitioner has submitted RTI dated 22/02/2021 to Respondent No.3 against VP-0222 hereto marked and Exhibited as "Exhibit C-3". The VVCMC letter dated 15/05/2015 to the Respondent No.15 of the Revised Development Permission.. Hereto marked and

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Exhibited as "Exhibit C-4" the agreement between Respondent No.21 and 22 regarding the above land. The Development Agreement dated 23/05/2014 between Respondent No.21 and 22 with Respondent No.25-hereto marked and Exhibited as "Exhibit C-5". The Respondent No.21 and 22 had together constructed Kinder Garden School which specific permission from the authorities and violating the law. The complaints lodged by the Petitioner for preventing and demolishing the abovementioned illegal and unauthorized construction, however there has been no action taken by the Respondents herein.

21. The Petitioner has to bring about unauthorized and illegal construction by the Respondent No.24 on the Survey No.66, Hissa No. 1/4 at Vasai. The petitioner submitted complaint dated 11/12/2020 to Respondent No.2 & 3 to take action against the demolition of G+3 unauthorised construction. Hereto marked and Exhibited as "Exhibit D". The Petitioner had submitted RTI dated 10/12/2020 to Respondent No.3. Hereto marked and Exhibited as "Exhibit D-1". Thereafter reply dated 14/01/2021 was given to the Petitioner. Hereto marked and Exhibited as "Exhibit D-2". The office of Upper Tehsildar (Non Agriculture) Vasai issued letter dated 21/08/2012 to Administrator, CIDCO. Hereto marked and Exhibited as "Exhibit D-3". The Petitioner submitted RTI dated

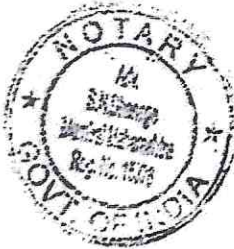


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03/03/2021 to Special Planning Authority. Hereto marked and Exhibited as "Exhibit D-4". The RTI reply dated 08/03/2021 from VVCMC to the petitioner. Hereto marked and Exhibited as "Exhibit D-5". Annexure-1 unauthorised construction. Hereto marked and Exhibited as "Exhibit D-6" and Photograph of the unauthorised construction. Hereto marked and Exhibited as "Exhibit D-7". 7/12 extract. Hereto marked and Exhibited as "Exhibit D-8". Agreement dated 22/04/2012 between Respondent No.23 Hereto marked and Exhibited as "Exhibit D-9". The Petitioner has filed complaints for demolishing the abovementioned illegal and unauthorized construction, however there has been no action taken by the Respondents herein.



22. It is to bring to your notice that many such incidents have been brought to the knowledge of this Hon'ble court and once such incident was with respect to Respondent No.20 to 25 against whom there has been innumerable and indefinite orders that the school building which is an illegal construction is required to be demolished.



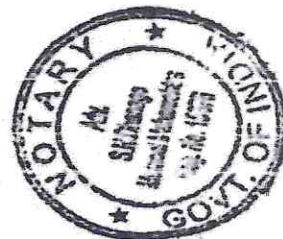
23. The Petitioner submits that immediate action is required to be taken as beside the present one there are innumerable such schools being cropping up and mushrooming to cater the demands of private schools. The construction of the structure is a paradigm of the kind

21/11/2021

of illegalities that have taken place since the construction has been made within the Blue Flood Line and in an area which forms part of the green belt without any building permission and totally in violation of law.

24. The Petitioners states that the belt of Vasai Virar was under In order to control the illegality and create proper civic infrastructure s who have been increasing over year and year, Vasai Virar Municipal Corporation for formed in order to maintain and provide civic infrastructure and regulate development activities. With a view to regulate development and construction activity The City and Industrial Development of Maharashtra Limited (for short 'CIDCO'), a Government of Maharashtra owned Company was given a status of Special Planning Authority under the provisions of the Maharashtra Regional and Town Planning Act, 1966 (for short 'the MRTP Act').

25. The subject matter is the issue of illegal schools and colleges running without proper permission and carrying out illegal constructions in belt of Vasai - Virar which comes under Vasai - Palghar Municipal corporation. It is required that CIDCO as well the local municipal should carry out survey with respect to the illegal construction some of which has been clearly elaborated in detail hereafter in the present petition. The Petitioner herein has



21/04/2012

given detailed admission of the local corporation admitted that there has been illegal construction of schools and colleges beyond the permissible limits or either the entire construction activity is done on the basis of forged and fabricated documents.

26. For a part of Vasai- Virar, the Municipal Corporation of Vasai- Palghar Municipal Corporation (for short 'the said Corporation') is the Planning Authority within the meaning of MRTP Act. For certain areas, the CIDCO is the Planning Authority and for the remaining areas, MIDC is the Planning Authority. The present Public Interest Litigation has been filed to bring to the notice of this Court, the failure of the three Planning Authorities to prevent large scale illegal constructions and their failure to perform its statutory duty to remove the illegal constructions of schools and colleges. A grievance redress mechanism is required to be set up which shall enables the citizens to lodge complaints about the illegal constructions of schools and colleges. The three Planning Authorities are expected to take a prompt action against the illegal constructions both by way of prevention and demolition. The documents filed on record will show that that inspite of the Corporation themselves contending/admitting that the construction is illegal or the permission is bogus and fabricated as the permission

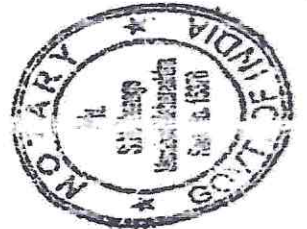


21/05/2013

was never there for construction of schools and colleges, have failed to take any steps to take a note of the same and demolish the same.

27. The present Writ Petition under Article 226 and 227 of the Constitution of India is being filed by the Petitioner to enforce fundamental rights, particularly the Right to Life (Article 21) & Right to Equality (Article 14) guaranteed by the Constitution. The Petitioner is a public spirited individual, and is carrying out number of acts and activities for the local citizens. The Petitioner is a deep believer in the life, philosophy, teachings and follower of religious God. He has endeavoured throughout his life to promote the life and teachings of Holy Books. He shares the values of justice, equality, kindness, non-violence and compassion enshrined in the teachings of Holy Books as well as the values of equality and social justice enshrined in the Constitution of India.

28. The Petitioner is a citizen of India, doing business with annual income of about Rs.4,50,000/- per annum, looking after the public activities from address at 754, Chinchoti-bhivandi road, Ashram school, Khindipada, Kaman, Vasai (East), Palghar-401208. The email address of the Petitioner is rajeevgupta9890@gmail.com and mobile no. +91-9890525464. A true copy of the PAN Card of the Petitioner bearing PAN No. AJOPG444M. Attached



21/12/2012 23/12/12

herewith and marked as Annexure A-1 at pages _____.

The Petitioner does not have any personal interest or any persona gain or private motive or any other oblique reason in filing this Writ Petitioner in Public Interest. The Petitioner has not been involved in any other civil or criminal or revenue litigation, which could have legal nexus with the issues involved in the present Petition.



29. That there has been illegality and the rampant illegal construction being carried out without following the Development Control rules and plans. The Respondent No.20, 21 and 22 has illegally constructed school building without specific permission from the concerned authorities and submitting the forged and bogus document thus cheated the authorities.

1. In light of the aforesaid facts, the following issues have arisen:

- 1) Whether it was incumbent upon the Planning Authority body to initiate action in respect of the unauthorised construction or not?
- 2) Whether it is incumbent upon the Planning authority to implement D.C. Rules or not?



21/11/18 [Signature]



- 3) Whether there is infringement of Art 14 and Art 21 in respect of the citizens who are residing in the said vicinity?
- 4) Why the Planning authority have not adopted any survey or have set up a committee in the respect of unauthorised construction work where people can complain and grievance can be adhered.
- 5) Why FIR has not been registered under the provisions of MRTP against the offenders?
- 6) Why excess, unauthorized and illegal construction of School and College building in Vasai Virar City Municipal Corporation.
- 7) Why unauthorised construction work has not been demolished inspite of the knowledge to the planning authority and Vasai Virar City Municipal Corporation.
- 8) Why action should not be taken against erring officials, builders, influential and powerful people who have permitted or have indulged in unauthorised constructions.



21/11/2017

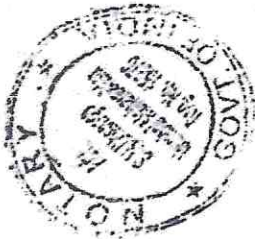
9) Why action should not be taken against erring officials, builders, influential and powerful people for violation of the provision of Maharashtra Land Revenue Code 1966 and (Disposal of Government Land) Rules 1971.

2. The Petitioner has filed this Petition for directions to protect and safeguard fundamental rights of citizens under Article 21 and 14 of the Constitution, since the Petitioner has no alternate efficacious remedy but to approach this Hon'ble Court under Article 226 and 227 of the Constitution of India for the reliefs prayed for herein.

3. The Petitioner has filed this Petitioner in respect of the subject-matter, i.e., for issuance of directive in respect of safeguarding fundamental rights under Article 21 and 14 as there is need that construction has to be as per approved plan and Planning authorities against the aforesaid Respondents in India.

4. That this Hon'ble Court has the jurisdiction to entertain and try this Petition.

5. That the Petitioner craves leave to alter, amend or add to this Petition.



21/01/2021



6. That the Petitioner seeks leave to rely on documents, a list of which, along with true typed copies has been annexed to this Petition.
7. That this Petition has been made bona fide and in the interest of justice.
8. That the Petitioner has not filed any other Petition before this Hon'ble Court or before any other Court seeking the same relief.
9. In the facts and circumstances, it is most respectfully prayed that your Lordships may graciously be pleased to:
- a. Issue a Writ of Mandamus or any other appropriate Writ order or Direction directing the Respondents their agents, servants, jointly and severally forthwith conduct a survey in respect of excess, unauthorized and illegal construction of Schools and Colleges building for the same, in Vasai Virar City Municipal Corporation and steps taken in respect of such constructions / structures in and around the vicinity of Virar - Vasai Nagar Corporation and to take steps to demolish the same as the same affects the right of the citizens.



- b. Issue an appropriate Writ Order or Direction in the nature of Mandamus to Respondents jointly and severally to remove all unauthorised construction after the survey is conducted with respect to illegal construction of schools and colleges.
- c. Issue an appropriate Writ Order or Direction in the nature of Mandamus to Respondents jointly and severally to take preventive steps taken for overseeing, supervising such illegal construction of schools and colleges activities in the respective areas.
- d. Issue an appropriate Writ Order or Direction in the nature of Mandamus to Respondents jointly and severally takes steps to restore the unauthorised construction work on the plot and land as mentioned above or as set out under the Survey conducted by the respondents.
- e. Issue an appropriate Writ Order or Direction in the nature of Mandamus to the Authorities and the concerned police station to take lodge FIR against the Respondents and take appropriate criminal proceeding among them for cheating, forgery and fraud.
- f. Issue an appropriate Writ Order or Direction in the nature of Mandamus to Respondents jointly and severally not to change the use of the land for any purpose other than for which it is primarily earmarked in the Master Plan or as per D.C rules of the planning authority.



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g. Pass such other order or orders which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case,

AND FOR THIS ACT OF KINDNESS THE PETITIONER AS IN DUTY BOUND SHALL EVER PRAY.

[Handwritten signature]

(Advocate for Petitioner)

[Handwritten signature]

(Petitioner)

Mumbai

Date: *23/11/2014*



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VERIFICATION



I, Mr. Rajiv Bhagelu Gupta, the petitioner herein above, Aged:-43 years, doing business, do solemnly declare that whatever is stated in above para in the PIL is true and correct to my knowledge and I believe the same to be true and whatever is stated in para is stated on information and belief and I believe the same to be true

Solemnly affirmed and declared at Mumbai)

Dated 13th day of Dec, 2022)

Rajiv Bhagelu Gupta

(Petitioner)

S. H. Dhanage

Advocate for Petitioner

Before me

BEFORE ME

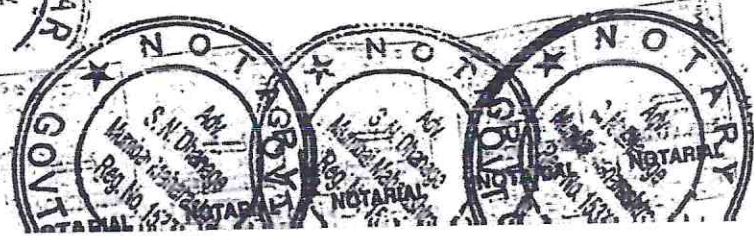
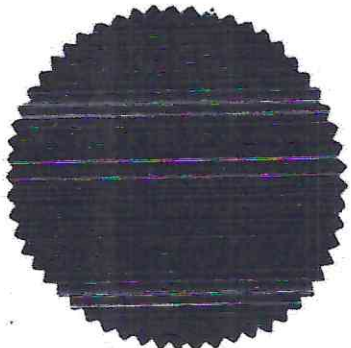
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Adv. S. H. Dhanage
Notary Govt Of India
Regd. No. 15376 MUMBAI (MS)
404-405, 4th Floor, Davar House,
197/199, Near Central Camera Bldg,
D.N. Road, Fort, Mumbai - 400001.

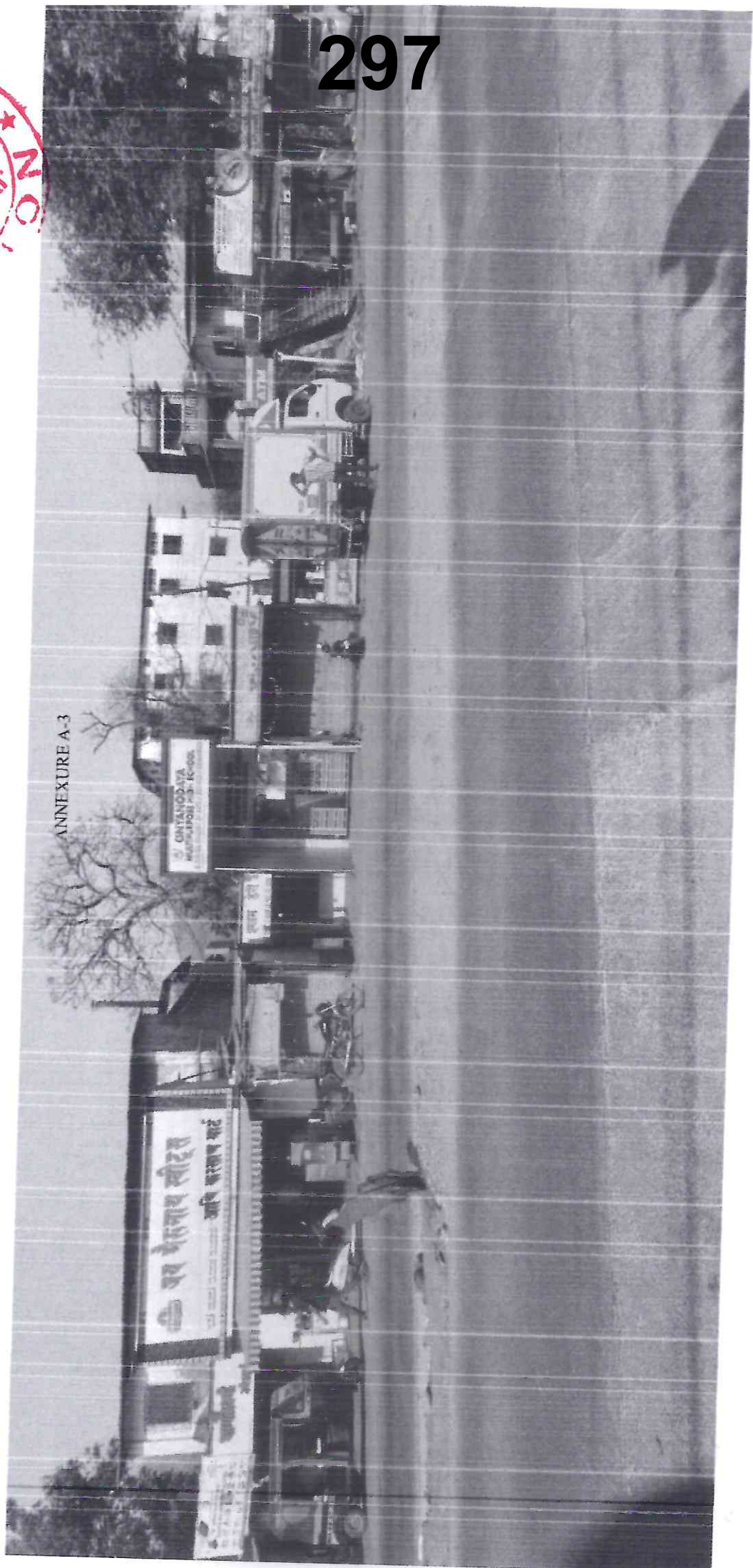
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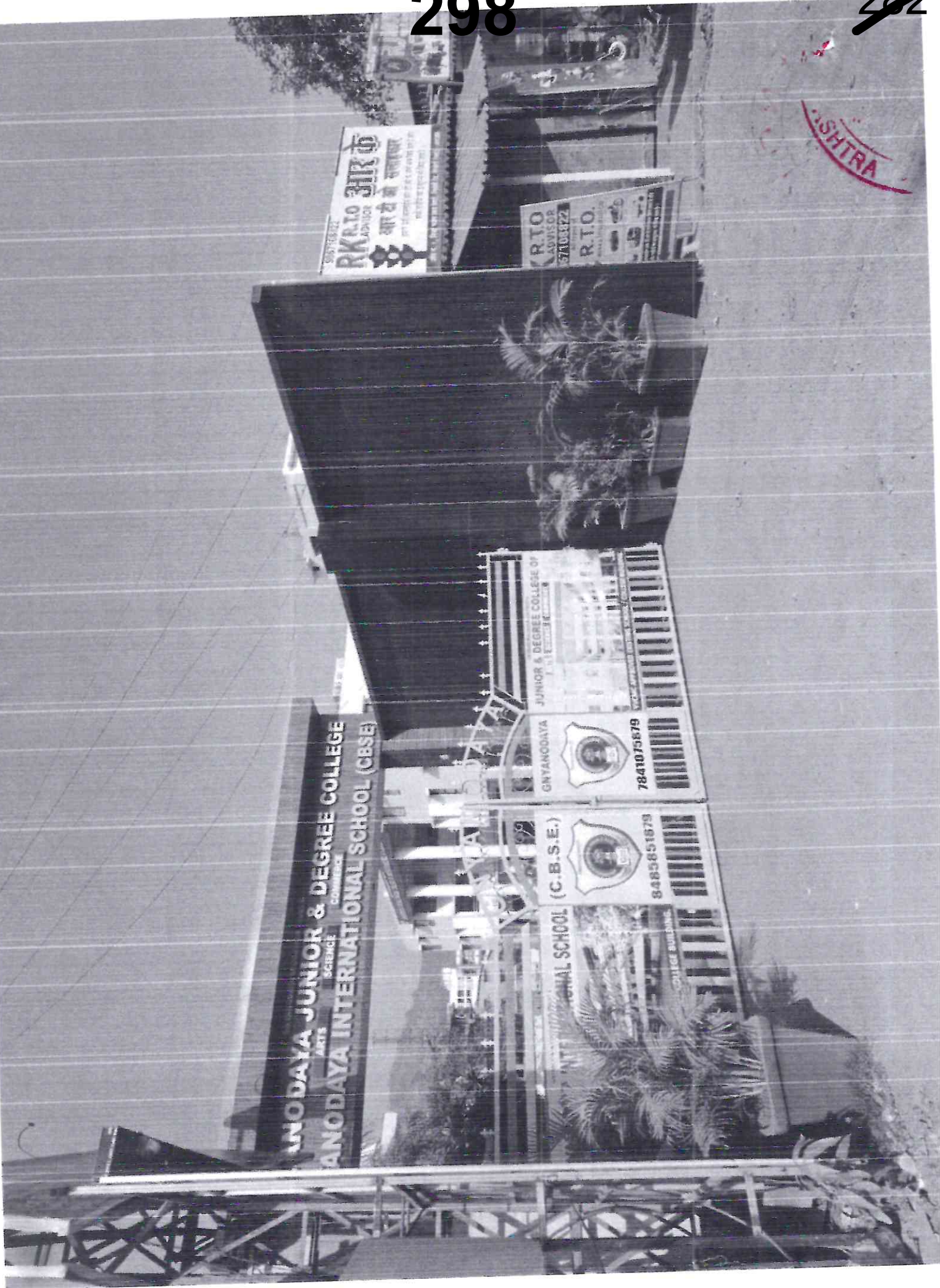
Dated 10 DEC 2022



NO. 1
JYOTI
VARDHAK
TALUKA - VARDHAK
DIST. JYOTI



ANNEXURE A 3



ANODAYA JUNIOR & DEGREE COLLEGE
 ANODAYA INTERNATIONAL SCHOOL (CBSE)

ANODAYA INTERNATIONAL SCHOOL (C.B.S.E.)

GNYANOONYA

JUNIOR & DEGREE COLLEGE OF

RTO ADVISOR
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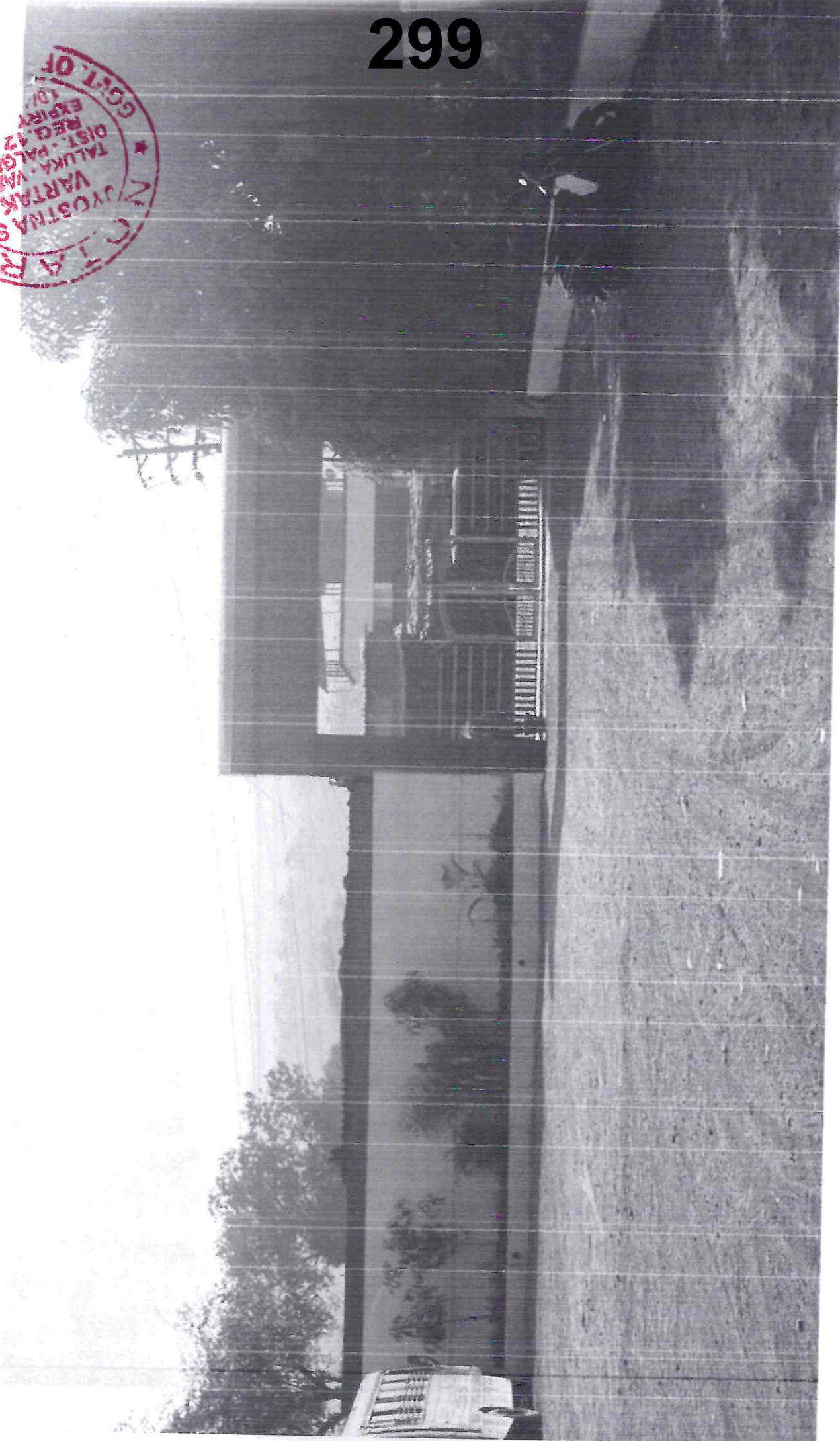
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GOVT. OF
 EXP. 12
 REG. 12
 DIST. PALGAM
 TALUKA. VASANI
 VARTAK
 JYOSTNA S.
 CIARA



Bombay Castle, 10th June 1942.

No. S. 36/18/13203.—With reference to Government Notification, Revenue Department, No. 1555 (d), dated 23rd February 1905, the Government of Bombay is pleased to direct that the land in Bassain taluka of the Thana district specified in the schedule hereto annexed shall cease to be Protected Forest from the date of this notification:—

INDIAN FOREST ACT, XVI OF 1927.
Chinchoti, district Thana

Schedule.

Village Chinchoti; Revision Survey No. 84 (part); area, 19 gunthas. Boundaries:—North—Revision Survey No. 97; East—Revision Survey No. 84 (part); South—Boundary of Kolhi village; and West—Revision Survey No. 89.

No. S. 36/18/13203 (a).—In exercise of the powers conferred by section 27 of the Indian Forest Act, 1927 (XVI of 1927), the Government of Bombay is pleased to declare that the area specified below, which in Government Notification, Revenue Department, No. 1557 (b), dated 23rd February 1905, was declared to be Reserved Forest under section 14 of the Indian Forest Act, 1878 (VII of 1878), shall cease to be Reserved Forest with effect from 19th July 1942:—

INDIAN FOREST ACT, XVI OF 1927.
Chinchoti, district Thana.

Specification of the land to be disafforested.

District Thana, taluka Bassain, village Chinchoti; Original Survey Nos. 38 (part), 40, 41, 42, 43, 44, 80 (part) and 81; Revision Survey No. 97 (part); area, 5 acres 18 gunthas 12 annas. Boundaries:—North—Old Sativi-Kaman Road; East—Revision Survey No. 97 (part); South—Revision Survey No. 84; and West—Revision Survey No. 97 (part).

No. S. 36/18/13235.—With reference to Government Notifications, Revenue Department, Nos. 1555(b), dated 23rd February 1905, and 5271-C, dated 11th July 1904, the Government of Bombay is pleased to direct that the lands in the Bhiwandi taluka of the Thana district, specified in the schedule hereto annexed, shall cease to be Protected Forest from the date of this Notification:—

INDIAN FOREST ACT, XVI OF 1927.
Kandoli (Tari Rahur), district Thana.

Schedule.

Village.	Revision Survey No.	Area.	Boundaries.
		A. g. a.	
*Kandoli (Tari Rahur)	23 (part)	0 30 0	(1) North—Survey Nos. 94 and 23 part; (2) East—The Bombay Agra Road; (3) South—Survey No. 20 part; and (4) West—Survey No. 23 part.
Do.	94 (part)	1 20 0	(1) North—Talvadi village and Survey No. 94 (part); (2) East—Survey No. 94 (part); (3) South—Survey Nos. 20 and 54 (part); and (4) West—Survey No. 94 (part).

*Also spelt as "Kandoli (Tari Rahur)" in the notification of 1904.

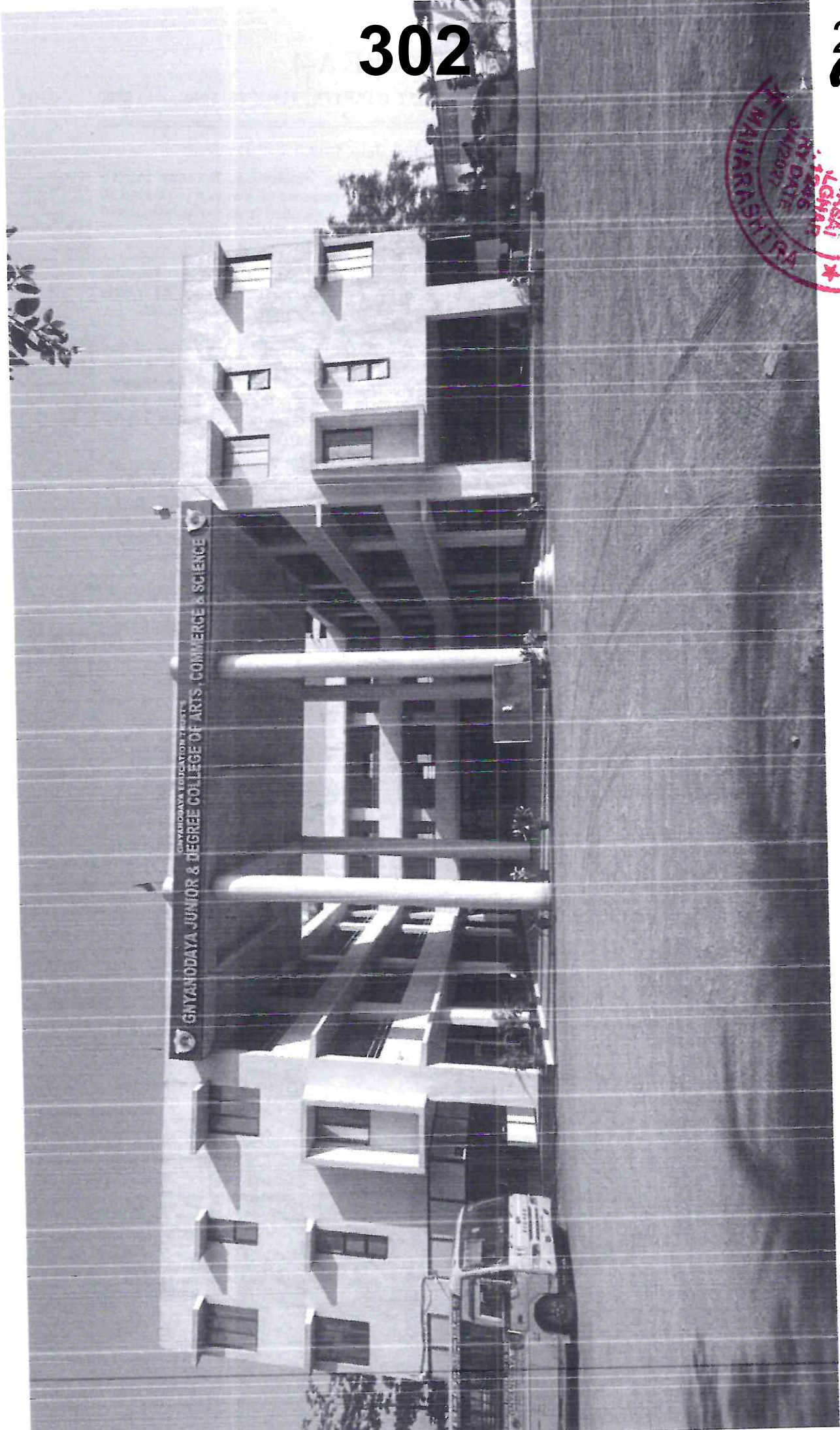
Bombay Castle, 20th June 1942.

No. S. 36/18/13318.—With reference to Government Notification, Revenue Department, No. 1555(d), dated 23rd February 1905, the Government of Bombay is pleased to direct that the land in the Bamoin taluka of the Thana district specified in the schedule hereto annexed shall cease to be Protected Forest from the date of this notification:—

INDIAN FOREST ACT, XVI OF 1927.
Kolhi, district Thana.

Schedule.

Village.	Revision Survey No.	Area.	Boundaries.			
			North.	East.	South.	West.
		A. g. a.				
Kolhi ...	11A (part)	1 01 6	Revision Survey No. 22.	Revision Survey Nos. 11A (part) and 11D.	Revision Survey No. 40.	Revision Survey No. 11A (part).
	32 (part)	0 20 6	Boundary of Chinchoti village.	Revision Survey No. 22 (part).	Revision Survey No. 11A.	Revision Survey No. 22 (part).



MAHARASHTRA
 JASRAI
 LGHAR
 12/06/2021



2025 INSC 347

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ANNEXURE A-5

REPORTABLE

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(s). 5781-5782 OF 2022

THE AUROVILLE FOUNDATIONAPPELLANT

VERSUS

NAVROZ KERSASP MODY
& ORS.RESPONDENT(S)

J U D G M E N T

BELA M. TRIVEDI, J.

1. The present Appeals stem from the final judgment and order dated 28.04.2022 passed by the National Green Tribunal, Chennai (hereinafter referred to as the "Tribunal") in O.A. No. 239/2021, and from an interim order dated 27.07.2022 passed by the said Tribunal in the M.A. No.6/2022 in O.A No.239/2021. The directions given by the Tribunal in the impugned judgment dated 28.04.2022 read as under:-

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Digitally signed by
RAVI ARORA
Date: 2024.03.17
17:10:28 IST
Reason: []



- I. "125. In the result, this Original Application is allowed in part and disposed of with the following directions: -

(i) The 1st Respondent is directed to prepare a proper township plan either in respect of 778 Ha which is in their possession now or in respect of 1963 Ha which was visualized by the MOTHER by identifying the locations where each zone will have to be located, where the roads will have to be laid showing the location of the ring roads with their width and further road, if any, to be constructed, the nature of industries and other activities which they are expected to establish in the township and if it is not going to be implemented as one phase, how many phases in which they are going to complete the project and then apply for Environmental Clearance (EC) as it will fall under Item 8 (b) of the EIA Notification, 2006 as amended from time to time. Till then they are directed not to proceed with further construction in the project area."

(ii) Considering it as an exceptional circumstances, even before obtaining Environmental Clearance (EC) for further activity, we are permitting the 1st Respondent to complete the crown road on the following conditions: -

a. The Joint Committee appointed by this Tribunal viz., (i) the District Collector who is the Chairman of the District Green Committee of the concerned district along with (ii) the Forest Officer not below the rank of Conservator of Forest, as deputed by the Principal Chief Conservator of Forests, (Head of Forests Force) and Chief Wildlife Warden, State of Tamil Nadu to inspect the area in question and ascertain whether by



reducing the width of the road at suitable places or by slight realignment (if any) required, so that the number of trees to be cut can be minimized so that the vision of the MOTHER of creating a green cover in that area can be protected.

b. The Joint Committee is also directed to ascertain as to whether there are any water bodies/streams exists in that area and if the road passes through the water body, then what is the manner in which the road will have to be constructed by elevation without affecting the water body/water flow or a bed level causeway with box type of vents will suffice. If such a recommendation is made, that also will have to be implemented, and the 1st Respondent is to undertake the construction as suggested by the committee.

c. The Joint Committee is directed to complete the process and submit the report to the 1st Respondent within a period of two months and on receipt of the same, the 1st Respondent is directed to carry out the crown road work, in the impugned area with tree cover, strictly in accordance with the recommendations made by the Joint Committee.

d. Till that exercise is completed, the 1st Respondent is directed not to cut any further trees from the property. The 1st Respondent is at liberty to undertake the crown road work in the remaining stretches where there are no trees. The 1st Respondent is also at liberty to take action against unauthorized occupations, if any, strictly in accordance with the law in force.

(iii) The 1st Respondent is also directed to plant trees in the ratio of 1: 10 for the number



of trees to be cut, and the species to be recommended by the Joint Committee may be considered for planting either on the side of the road or other area identified by the Joint Committee, in order to protect environment and also to maintain the green cover in that area.

(iv) Considering the circumstances, parties are directed to bear their respective costs in the application.

(v) The Registry is directed to communicate this order to the members of the Joint Committee appointed by this Tribunal, the Principal Chief Conservator of Forests (Head of Forests Force) and Chief Wildlife Warden, State of Tamil Nadu, the Ministry of Environment, Forests & Climate Change (MoEF&CC) and the Additional Chief Secretary to Government, Department of Environment, Forests & Climate Change for their information and compliance of directions."

II. The following further directions were given by the Tribunal by passing the interim order dated 27.07.2022 in MA No. 6/2022:

"7. In the meantime, the Joint Committee appointed by this Tribunal vide Judgment dated 28.04.2022 is also directed to file the report regarding the nature of work done and observations made by them at the time of inspection."

2. This Court on 13.12.2023 passed the following interim order pending these Appeals.



“5. Having regard to the said prayer which was sought by the Respondent No.1 (original applicant) and having regard to the final directions given by the Tribunal in the impugned order, we are of the prima facie opinion that the direction contained in Para 125(i) being outside the jurisdiction of the Tribunal, the same is required to be stayed till further orders, and is ordered accordingly.”

3. Prelude on the History of Auroville:-

- I. Before appreciating the issues involved, it would be apt to peep into the history of Auroville. In 1965, the “Mother” (Mirra Alfassa, a French lady), a spiritual collaborator of Sri Aurobindo (a Spiritual reformer, Philosopher and Educationist), envisioned to launch the project of Auroville, with an aim to establish an international universal township, where men and women of all countries are able to live in peace and harmony, above all creeds, all politics and all nationalities and to realise human unity. The project of Auroville was formerly inaugurated by the “Mother” in 28.02.1968. The Charter of Auroville given by the “Mother” was the following:

“1. Auroville belongs to nobody in particular. Auroville belongs to humanity as a whole. But to live in Auroville one must be a willing servitor of the Divine Consciousness.



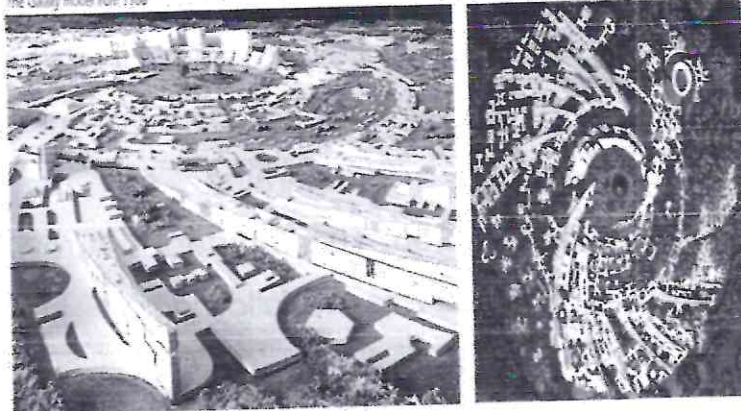
2. Auroville will be the place of an unending education, of constant progress and a youth that never ages.


3. Auroville wants to be the bridge between the past and the future. Taking advantage of all discoveries from without and from within, Auroville will boldly spring towards future realisations.

4. Auroville will be a site of material and spiritual researches for a living embodiment of an actual Human Unity."

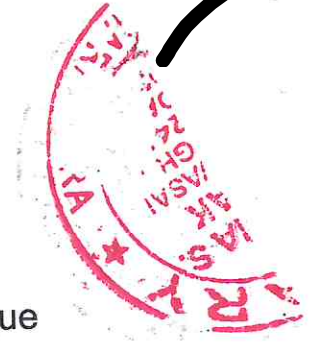
- II. The original Master Plan of the Auroville was conceptualized in Galaxy shape, and was planned to eventually accommodate 50,000 residents, a number which the "Mother" considered sufficient to allow the experiment in human unity to take on a meaningful and significant dimension. Picture of Galaxy Model Plan conceptualized in 1968 is shown below:

The Galaxy model from 1968





III. The project Auroville was legally started as the project of a charitable organization, "The Sri Aurobindo Society" in Pondicherry, which was created to diffuse Sri Aurobindo's thoughts. The development of Auroville in the initial few years showed good progress and it developed at a rapid pace. Number of Indians and foreigners settled down in Auroville and devoted themselves to various activities showing a remarkable harmony amongst the members of Auroville, which gave a promise to the Government of India of an early fulfilment of the ideals for which Auroville was established. It was also encouraged by UNESCO and other International Organizations of the world. However, after the "Mother" passed away in 1973, the situation changed, and number of complaints came to be received by the Government of India with regard to the mismanagement in the working of the Sri Aurobindo Society. Following the requests by majority of Auroville residents, the Government of India issued a Presidential Ordinance called the Auroville (Emergency Provisions) Ordinance, 1980, later replaced by the Auroville (Emergency Provisions) Act, 1980.



Finally, the Government of India created a unique status for Auroville by passing the Auroville Foundation Act, 1988 (hereinafter referred to as the "A.F.Act").

4. Constitution of Auroville Foundation and its Standing Orders-

- I. The Government of India notified the Constitution of Auroville Foundation as a statutory body on 29.01.1991 under the A.F. Act, and at present it is under the realm of Ministry of Human Resource Development (Department of Higher Education) as the Central Government undertaking.
- II. As transpiring from the record, the original Galaxy Plan envisioned by the "Mother" in 1968 was the plan with four zones in Auroville, with the centripetal force, being the "Matrimandir". The said Galaxy Plan was revised in 1972 as the First Master Plan called the "Town Plan". As the A.F. Act required statutory Master Plan as contemplated in Section 17(e) read with Section 19(2)(c) of the said A.F. Act, the Master Plan was approved by the Governing Board and the Residents' Assembly of the Appellant Foundation in 1999. The said 1999 Master Plan was further



approved by the competent authority- the Town and Country Planning Organisation (TCPO), Ministry of Urban Development, on 15.02.2001 under the Model Town and Country Planning Act. The said Master Plan was notified on 16.08.2010 and published in the Official Gazette on 28.08.2010.

- III. In view of Section 11(3) of the A.F. Act, the Governing Board decided, that "Standing Orders" not inconsistent with the provisions of the A.F. Act and the Rules made thereunder, on the matters that the Governing Board may consider appropriate and necessary, shall be notified from time to time, by the Auroville Foundation. The said Resolution was notified in the Gazette of India, Part III dated 05.03.2011 by the Ministry of Human Resource Development (Department of Higher Education).
- IV. Since the said approved Master Plan prescribed the "Town Development Council" as the body for implementing the Master Plan with the organizational structure as in Appendix V of the Master Plan, the Governing Board in terms of the provisions of the Master Plan, constituted the



Town Development Council for the purpose of implementation of the Master Plan, vide the Standing Order No. 6/2011 dated 01.05.2011, which was notified in the Government of India Gazette, Part III, dated 11.06.2011. The said Standing Order dated 01.05.2011 came to be replaced by the Standing Order No. 1/2019 dated 04.06.2019.

- V. Again, the said Standing Order dated 04.06.2019 came to be replaced by the Standing Order No.1/2022 dated 01.06.2022, which was notified in the Gazette of India, Part III, on 15.07.2022. On 01.06.2022, the Auroville Foundation issued the Office Order for the re-constitution of the Auroville Town Development Council (ATDC). The Appellant-Foundation thereafter also issued a Corrigendum dated 07.12.2022, to the Standing Order No. 1/2022 dated 01.06.2022, in order to clarify and add the source of statutory power in the Preamble to the said original Standing Order dated 01.06.2022. The said Corrigendum was also published in the Gazette of India, Part III, on 10.12.2022.



5. Prefatory Facts:-

- I. The Respondent Nos. 1 and 2 (the original Applicants) had filed an Application being O.A. No.239/2021 before the Tribunal, raising a grievance with regard to cutting of large number of trees by the Appellant-Auroville Foundation, alleging *inter alia* that the Master Plan for Auroville as envisaged by the 'Mother' was approved by the Governing Board of the Auroville Foundation in consultation with the Residents' Assembly, and it further led to preparation of the Auroville Universal Township Master Plan-Perspective 2025, which was approved by the Ministry of Human Resources Development in 2001. However, now the Appellant-Foundation was focusing on the manifestation of the roads mentioned in the Master Plan, e.g. the Crown Road, a road encircling the centre of the Township, and the outer ring road, and was intending to distract Darkali Forest by using huge machineries causing deterioration to the environment. According to the Respondents-original Applicants, the said lands covered under the deemed Forest, were entitled to the



protection as mandated in *T.N. Godavarman Thirumulpad Vs. Union of India and Others*¹ case.

- II. The Respondents Applicant therefore had sought the following reliefs in the said O.A. No.239/2021.

"INTERIM RELIEF:

- A. Injunct the 1st respondent from felling any tree or clearing undergrowth in the Darkali forest or any area in Auroville for the proposed crown road project.
B. Issue such other orders as it deems fit in the interest of the case and render justice.

MAIN PRAYER:

- A. Direct the 1st respondent to prepare a Detailed Development Plan including a mobility plan which is based on and respects the present-day ground realities, to be approved as mandated in the Master Plan and implement projects based on such plan after necessary impact assessments and feasibility studies in an environmentally sustainable manner.
B. Direct the respondent to pay costs to the applicant.
C. Issue such other orders as it deems fit in the interest of the case and render justice."

- III. The Tribunal initially vide the order dated 10.12.2021 granted an interim order directing the Appellant-Foundation not to cut any further trees till the next date of hearing. The said interim order thereafter was extended till the final disposal of the case.

¹(1997) 2 SCC 267



- IV. The Appellant-Foundation (1st Respondent before the Tribunal) had filed a counter affidavit raising various contentions including the maintainability of the Application itself as also the jurisdiction of the Tribunal to entertain the Application. It was specifically contended that neither the word 'Forest' did appear in the Auroville Charter nor in the Act of 1988. Auroville or any part of it, was neither a Forest nor a deemed Forest requiring protection or clearance under the Forest (Conservation) Act, 1980.
- V. The Respondent No.3-Union of India through the Ministry of Environment, Forest and Climate Change (MoEF&CC- the Respondent No.2 before the Tribunal) had also filed a counter-affidavit stating in detail the stand and role of the Ministry and contending *inter alia* that the requirement of prior Environmental Clearance for certain categories of construction and developmental activities (new construction projects and new industrial estates) in the country was inserted in Schedule-I, after Item 30, through an amendment in EIA Notification, 1994 (operative at that time) vide the Notification dated 07.07.2004. The



Central Government under the Environment (Protection) Act, 1986 had issued Environment Impact Assessment Notification dated 14.09.2006 superseding Environment Impact Assessment Notification 1994, which required prior Environmental Clearance from the concerned Regulatory Authority. It was further contended that the Auroville Project was examined by the said regulatory authority for the applicability of environmental clearance as directed by the Tribunal and it was found that the Auroville Township Project was under construction much before the EIA Notification, 1994 and its amendment in 2004, and substantial building work of Auroville Project was completed at various stages as far back as in 2001. Therefore, it could not have been considered as a new project under the provisions of the Notification dated 07.07.2004. It was specifically contented that there was no change in the scope of Township project from the original Master Plan, and as such the Township project would not affect the provisions of the EIA Notification, 2006 and its



amendments for grant of Environmental Clearance.

VI. The Tribunal raised the following points for consideration.

"65. The points that arise for consideration are:

(i) Whether the application is maintainable?

(ii) Whether it was barred by limitation?

(iii) Whether the intended activity of the 1st respondent requires any prior Environmental Clearance or clearance under the Forest (Conservation) Act, 1980 as claimed by the applicant. Even if they are not required, is there any necessity to issue any directions applying the "Precautionary Principle" to protect environment and if so, what are the nature of directions to be issued?"

VII. The Tribunal assuming the jurisdiction observed that a substantial question of alleged violation of environmental laws in the implementation of the project having been involved, the Application was maintainable. Disagreeing with the stand taken by the MoEF&CC that the Project would fall within the exempted category of 2004 Notification and did not require the Environmental Clearance, the Tribunal held that any further activity to be done by the Appellant-Foundation can be permitted to be carried out only after obtaining the necessary prior Environmental Clearance. As regards the



disputed Crown Road, the Tribunal held *inter alia* that the major portion of Crown Road has already been completed and only a small portion has remained, and that if it was not allowed to be completed, there would be hardship caused to the Appellant-Foundation. The Tribunal, on the question as to whether the area in question was a Forest as envisaged in **T.N. Godavarman's** case, held that it could not be treated as a Forest, as in none of the Government documents produced, it was treated as Forest, and admittedly it was man-made plantation of some species. The Tribunal therefore held that it would not come under the definition of "Forest" for the purposes of obtaining clearance under the Forest (Conservation) Act, 1980.

VIII. The Tribunal after recording such findings applied the "Precautionary Principle" and issued the directions as stated earlier, vide the impugned judgment and order dated 28.04.2022 in O.A. No. 239/2021, and the impugned order dated 27.07.2022 in M.A. No. 6/2022, which are assailed by the Appellant-Foundation in these Appeals.



IX. It may be noted that one of the intervenors before the Tribunal, Ms. Natasha Storey had also filed a Writ Petition being No.25882/2022 challenging the Notification dated 01.06.2022 containing the Standing Order No. 1/2022 issued by the Appellant-Foundation, and the Civil Appeal No. 13651/2024 arising out of the order passed in the said Writ Petition was also heard simultaneously with the present set of Appeals. The said Appeal is also being decided simultaneously by a separate judgment.

6. Statutory Provisions of the NGT Act

I. As the long title of the Act states, the National Green Tribunal Act, 2010 (for short "NGT Act") was enacted to provide for the establishment of a National Green Tribunal for the effective and expeditious disposal of cases relating to environmental protection and conservation of forest and other natural resources including enforcement of any legal right relating to environment and giving relief and compensation for damages to persons and property and for the matters connected therewith and incidental



thereto. Section 2(1)(m) defines “substantial question relating to environment” as under:

“2(1)(m) “substantial question relating to environment” shall include an instance where,—

(i) there is a direct violation of a specific statutory environmental obligation by a person by which,—

(A) the community at large other than an individual or group of individuals is affected or likely to be affected by the environmental consequences; or

(B) the gravity of damage to the environment or property is substantial; or

(C) the damage to public health is broadly measurable;

(ii) the environmental consequences relate to a specific activity or a point source of pollution;”

II. Chapter III of the said Act pertains to the jurisdiction, powers and proceedings of the Tribunal. Section 14 and Section 15 thereof being relevant in respect of the jurisdiction of the Tribunal, the same are reproduced hereunder:

“14. Tribunal to settle disputes.—

(1) The Tribunal shall have the jurisdiction over all civil cases where a substantial question relating to environment (including enforcement of any legal right relating to environment), is involved and such question arises out of the implementation of the enactments specified in Schedule I.

(2) The Tribunal shall hear the disputes arising from the questions referred to in



sub-section (1) and settle such disputes and pass order thereon.

(3) No application for adjudication of dispute under this section shall be entertained by the Tribunal unless it is made within a period of six months from the date on which the cause of action for such dispute first arose:

Provided that the Tribunal may, if it is satisfied that the applicant was prevented by sufficient cause from filing the application within the said period, allow it to be filed within a further period not exceeding sixty days.

15. Relief, compensation and restitution.—

(1) The Tribunal may, by an order, provide,—

(a) relief and compensation to the victims of pollution and other environmental damage arising under the enactments specified in the Schedule I (including accident occurring while handling any hazardous substance);

(b) for restitution of property damaged;

(c) for restitution of the environment for such area or areas, as the Tribunal may think fit.

(2) The relief and compensation and restitution of property and environment referred to in clauses (a), (b) and (c) of sub-section (1) shall be in addition to the relief paid or payable under the Public Liability Insurance Act, 1991 (6 of 1991).

(3) No application for grant of any compensation or relief or restitution of property or environment under this section shall be entertained by the Tribunal unless it is made within a period of five years from the date on which the cause for such compensation or relief first arose:

Provided that the Tribunal may, if it is satisfied that the applicant was prevented




by sufficient cause from filing the application within the said period, allow it to be filed within a further period not exceeding sixty days.

(4) The Tribunal may, having regard to the damage to public health, property and environment, divide the compensation or relief payable under separate heads specified in Schedule II so as to provide compensation or relief to the claimants and for restitution of the damaged property or environment, as it may think fit.

(5) Every claimant of the compensation or relief under this Act shall intimate to the Tribunal about the application filed to, or, as the case may be, compensation or relief received from, any other court or authority.”

III. Section 19 of the NGT Act pertains to the Procedure and Powers of the Tribunal, which *inter alia* states that the Tribunal shall not be bound by the procedure laid down by the Code of Civil Procedure, 1908, but shall be guided by the principle of natural justice. It also states that the Tribunal shall not be bound by the rules of evidence contained in the Indian Evidence Act, 1872. Section 20 provides that the Tribunal shall, while passing any order or decision or award, apply the Principles of Sustainable Development, the Precautionary Principle and the Polluter Pays Principle.



IV. The enactments in respect of which the Tribunal has the jurisdiction to grant relief under Section 14 and 15 are specified in Schedule-I appended to the NGT Act, which reads as under:

“SCHEDULE I

[See sections 14(1), 15(1), 17(1)(a), 17(2), 19(4)(j) and 34(1)]

1. The Water (Prevention and Control of Pollution) Act, 1974;
2. The Water (Prevention and Control of Pollution) Cess Act, 1977;
3. The Forest (Conservation) Act, 1980;
4. The Air (Prevention and Control of Pollution) Act, 1981;
5. The Environment (Protection) Act, 1986;
6. The Public Liability Insurance Act, 1991;
7. The Biological Diversity Act, 2002.”

ANALYSIS:

7. As transpiring from the Section 14, the Tribunal has the jurisdiction over all civil cases where the substantial question relating to environment including enforcement of any legal right relating to environment, is involved and such question arises out of the implementation of the enactments specified in Schedule I. Therefore, for the exercise of jurisdiction by the Tribunal under Section 14, it has to be shown that (1) a substantial question relating to environment including enforcement of any legal right relating to environment is involved;



and (2) such questions arise out of the implementation of the enactments specified in Schedule I. The term “substantial question relating to environment” as defined in Section 2(1)(m) of the Act would include, *inter alia*, the question where there is a direct violation of a specific statutory environmental obligation by a person by which (a) the community at large other than the individual or group of individuals is affected or likely to be affected by the environmental consequences; or (b) the gravity of damage to the environment or property is substantial; or (c) the damage to public health is broadly measurable. The substantial question would also include the environmental consequences relating to a specific activity or a point source of pollution. In view of the said definition also the Tribunal before exercising the jurisdiction has to satisfy itself that a substantial question pertaining to the violation of or implementation of any specific statutory environmental obligations contained in any of the enactments specified in Schedule I, is involved.

8. Recently in case of ***State of Madhya Pradesh Vs. Centre for Environment Protection Research and Development***², this Court held as follows:

² (2020) 9 SCC 781



“42. In view of the definition of “substantial question relating to environment” in Section 2(1)(m) of the NGT Act, the learned Tribunal can examine and decide the question of violation of any specific statutory environmental obligation, which affects or is likely to affect a group of individuals, or the community at large.

43. For exercise of power under Section 14 of the NGT Act, a substantial question of law should be involved including any legal right to environment and such question should arise out of implementation of the specified enactments.

44. Violation of any specific statutory environmental obligation gives rise to a substantial question of law and not just statutory obligations under the enactments specified in Schedule I. However, the question must arise out of implementation of one or more of the enactments specified in Schedule I.”

Similar view is also taken in case of *H.P. Bus-Stand Management and Development Authority Vs. Central Empowered Committee*³.

9. From the above, it is explicitly clear that every question or dispute raised by an Applicant before the Tribunal pertaining to the environment cannot be treated as a substantial question. It has to be a substantial question relating to environment as contemplated in Section 2(1)(m), and such substantial question must arise out of the implementation of any of the

³ (2021) 4 SCC 309



enactment/enactments specified in Schedule I. Though strict law of evidence may not be applicable to the cases filed before the Tribunal, the Applicant has to raise the substantial question in his Application specifically alleging the violation of a particular enactment specified in Schedule I.

10. So far as the facts of the present Appeal are concerned, as stated hereinabove, the only grievance raised by the Respondents (original Applicants) in their O.A. was with regard to the Appellant-Foundation constructing the roads as mentioned in the Master Plan which was already approved by the Governing Board of the Foundation and by the Minister of Human Resource Development way back in 2001, and published in the official gazette in 2010. The allegation made in the Original Application was that while constructing the said roads particularly the Crown road, or road encircling the centre of township, and an Outer Ring Road, the forest area known as Darkali forest was being destructed. According to the Respondents, the said area was required to be treated as a deemed forest and was required to be protected as mandated in the *T.N. Godavarman's Case*. Except the said bare allegations, there was no other allegation



made with regard to any violation of any of the enactments specified in Schedule I.

11. Significantly, the Tribunal specifically negated the said allegations raised by the Respondents by observing *inter alia* in para 118 of the impugned judgment that the said area cannot be treated as a Forest, as in any of the Government documents produced, it was not treated as a Forest and not even shown as a Forest, and that admittedly, it was a man-made plantation of some species, and therefore, it will not come under the definition of Forest for the purpose of obtaining clearance under the Forest (Conservation) Act, 1980. Curiously, after having held that the area in question could not be treated as a Forest and that there was no clearance required under the Forest (Conservation) Act, the Tribunal proceeded further applying the "Precautionary Principle" and appointed a Joint committee to inspect the area in question and ascertain whether any modification could be made in the width of the road, and further directed the Appellant-Foundation to prepare a proper Township plan in respect of the area in their possession and in respect of the area visualized by the "Mother".



12. In our opinion, the Tribunal has completely misdirected itself by entering into the restricted domain of judicial review under the guise of applying “Precautionary Principle” in extraordinary circumstances, and in interfering with the implementation of Master Plan which was already approved by the competent Authority way back in the year 2001. As stated earlier, the original Galaxy Plan envisaged by the “Mother” in 1968 was the structure with 4 zones in Auroville with the centripetal force, being “Matrimandir”. The said Galaxy Plan was revised in 1972 as the First Master Plan called the “Town Plan”. Since the Auroville Foundation Act required Statutory Master Plan as contemplated in Section 17(e) read with Section 19(2)(c), the said Master Plan was approved by the Governing Board of the Appellant Foundation in 1999, and was further approved by the competent authority-Town and Country Planning Organisation, Ministry of Urban Development on 15.02.2001. The said Master Plan was also notified on 16.08.2010 and published in the Official Gazette on 28.08.2010.

13. Thus, the said Master Plan having been approved by the competent Authority as back as in 2001 had attained a statutory force and a finality. There are



about more than 2000 substantial constructions/developments, which have taken place in Auroville since then till this date. The construction of roads as mentioned in the said approved Master Plan including the Crown Road, a Road encircling the Centre of the Township and an outer Ring Road, being on the verge of completion, except few patches, which could not be completed because of the obstructions caused by the disgruntled Residents like the Respondents, the Tribunal thoroughly misdirected itself by directing the Appellant to prepare a proper Township Plan. It is also significant to note that the Auroville Foundation Act is a Special Act enacted to provide for the Acquisition and Transfer of the Undertakings of Auroville and to vest such undertakings in a Foundation established for the purpose with a view to making long term arrangements for the better management and further development of Auroville in accordance with its Original Charter and for the purpose connected therewith and incidental thereto. As per Section 27 of the said Act, the provisions of the said Act have the effect notwithstanding anything inconsistent therewith contained in any other law for time being in force or in any instrument having effect by virtue of any law other

than the Act, or in any decree or order of any Court, Tribunal or other Authority. Thus, in view of the overriding effect of A.F. Act also the impugned direction issued by the Tribunal without any jurisdiction as circumscribed under Section 14 of the NGT Act, would not be tenable at law.

14. The Tribunal has also travelled beyond its jurisdiction in giving the impugned directions under the guise of exceptional circumstances applying the "Precautionary Principle." At this juncture, it is very pertinent to note that as stated earlier, the Ministry of Environment, Forest and Climate Change in its affidavit filed before the Tribunal had made its stand very clear that the Auroville Township Project was under construction much before the EIA Notification, 1994 and its amendment in 2004 and therefore could not be considered as a new Project under the said Notification of 2004. It was also made clear that there was no change in the scope of Township Project from the Original Master Plan and as such, the Township Project would not affect the provisions of EIA Notification, 2006 and its amendments for the grant of Environment Clearance. Again curiously, the Tribunal without any material on record, brushed aside the said



stand taken by MoEF&CC in its affidavit, by holding that any further activity to be done by the Appellant-Foundation, could be permitted to be carried out only after obtaining necessary prior Environmental Clearance, and then proceeded to appoint the Joint Committee to inspect the area in question and to ascertain whether the width of the Road at suitable places could be reduced so that the number of trees to be cut can be minimized. Such directions clearly fall outside the purview of the jurisdiction of the Tribunal particularly when there was no substantial question relating to the environment was shown to have arisen in implementation of any of the enactments specified in Schedule I appended to the NGT Act. There is no whisper in the impugned order as to which of the provision and which of the enactment specified in Schedule I was violated.

- 15.** It would not be out of place to regurgitate the law developed so far on the protection of environment. In the landmark Judgment in case of *Vellore Citizens Welfare Forum Vs. Union of India & Others*⁴, it was stated that the traditional concept that Development and Ecology are opposed to each other is no longer

⁴ (1996) 5 SCC 647



acceptable. "Sustainable Development" has been accepted as a viable concept to eradicate poverty and improve the quality of human life, while living within the carrying capacity of supporting ecosystems. "Sustainable Development" as defined by Brundtland Report means "development that meets the needs of the present without compromising the ability of the future generations to meet their own needs." The "Sustainable Development" therefore has been held to be a balancing concept between Ecology and Development as a part of the customary international law.

16. In *Essar Oil Ltd. Vs. Halar Utkarsh Samiti & Ors.*⁵, this Court after referring to the principles enunciated in the Stockholm Declaration, made very apt observations in Para 26 and 27, which maybe quoted hereunder: -

"26. Certain principles were enunciated in the Stockholm Declaration giving broad parameters and guidelines for the purposes of sustaining humanity and its environment. Of these parameters, a few principles are extracted which are of relevance to the present debate. Principle 2 provides that the natural resources of the earth including air, water, land, flora and fauna especially representative samples of natural ecosystems must be safeguarded for the benefit

⁵ (2004) 2 SCC 392



of present and future generations through careful planning and management as appropriate. In the same vein, the fourth principle says:

“man has special responsibility to safeguard and wisely manage the heritage of wildlife and its habitat which are now gravely imperilled by a combination of adverse factors. Nature conservation including wildlife must, therefore, receive importance in planning for economic developments.”

These two principles highlight the need to factor in considerations of the environment while providing for economic development. The need for economic development has been dealt with in Principle 8 where it is said that “economic and social development is essential for ensuring a favourable living and working environment for man and for creating conditions on earth that are necessary for improvement of the quality of life”. The importance of maintaining a balance between economic development on the one hand and environment protection on the other is again emphasized in Principle 11 which says:

“The environmental policies of all States should enhance and not adversely affect the present or future development potential of developing countries nor should they hamper the attainment of better living conditions for all;”

27. This, therefore, is the aim, namely, to balance economic and social needs on the one hand with environmental considerations on the other. But in a sense all development is an environmental threat. Indeed, the very existence of humanity and the rapid increase in the population together with consequential demands to sustain the population has resulted in the concreting of open lands, cutting down of forests, the filling up of lakes and pollution of water resources and the very air which we breathe. However, there need



not necessarily be a deadlock between development on the one hand and the environment on the other. The objective of all laws on environment should be to create harmony between the two since neither one can be sacrificed at the altar of the other. This view was also taken by this Court in *Indian Council for Enviro-Legal Action v. Union of India* [(1996) 5 SCC 281], where it was said: (SCC p. 296, para 31)

“While economic development should not be allowed to take place at the cost of ecology or by causing widespread environment destruction and violation; at the same time the necessity to preserve ecology and environment should not hamper economic and other developments. Both development and environment must go hand in hand, in other words, there should not be development at the cost of environment and vice versa, but there should be development while taking due care and ensuring the protection of environment.”

17. Though it is true that the “Precautionary Principle” and the “Polluter Pays Principle” are part of the environmental law of the country, it is equally true that while the right to clean environment is a guaranteed fundamental right under Articles 14 and 21 of the Constitution of India, the right to development through industrialisation equally claims priority under fundamental rights particularly under Articles 14, 19 and 21 of the Constitution of India. There is therefore a need for “Sustainable Development” harmonising and striking a golden balance between the right to

development and the right to clean environment. In *N.D. Jayal & Anr. Vs. Union of India & Ors.*⁶, it is observed as under: -

“25. Therefore, the adherence to sustainable development principle is a *sine qua non* for the maintenance of the symbiotic balance between the rights to environment and development. Right to environment is a fundamental right. On the other hand, right to development is also one. Here the right to “sustainable development” cannot be singled out. Therefore, the concept of “sustainable development” is to be treated as an integral part of “life” under Article 21. Weighty concepts like intergenerational equity (*State of H.P. v. Ganesh Wood Products* [(1995) 6 SCC 363]), public trust doctrine (*M.C. Mehta v. Kamal Nath* [(1997) 1 SCC 388]) and precautionary principle (*Vellore Citizens* [(1996) 5 SCC 647]), which we declared as inseparable ingredients of our environmental jurisprudence, could only be nurtured by ensuring sustainable development.”

18. As demonstrated earlier, in the instant case, no substantial question relating to environment had arisen, nor violation of any of the enactments specified in Schedule-I was alleged. The Tribunal therefore had committed gross error in assuming the jurisdiction and giving directions untenable in law.

⁶ (2004) 9 SCC 362



19. In that view of the matter, the impugned Orders passed by the Tribunal being without jurisdiction and legally untenable deserve to be quashed and set aside, and are hereby set aside. The Appeals stand allowed accordingly.

.....J.
[BELA M. TRIVEDI]

.....J.
[PRASANNA B. VARALE]

NEW DELHI;
17th MARCH, 2025



337

GNANODAYA EDUCATION TRUST'S
ANNEXURE A-6

982 3245

**GNANODAYA MULTIPURPOSE HIGH SCHOOL
& JUNIOR COLLEGE OF ARTS, SCIENCE & COMMERCE**
KOLHI (CHINCHOTI), KAMAN RD, POST: KAMAN, TAL: VASAI, DIST: PALOHAR 401208
Email id: gnyanodayajuniorscollege879@gmail.com / arunverm@gmail.com

CMHSJC/189/2025-26

13/02/2026

To,
The Executive Engineer,
Public Works Department (PWD),
At: Paighat, Dist: Paighat
Dated:- 12/02/2026

Subject:- In the larger interest of the students of our school kindly accept our request for Re consideration of cancellation of school building safety certificate issued by your office vide letter no. सा.बा.वि/पालघर/रेशा/६९५४ dated: 04/07/2024

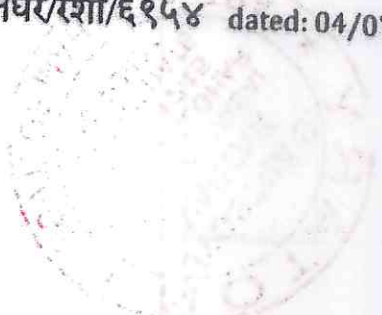
- Ref:-
- 1) Recommendation letter of Asst. Executive Engineer, Class - 1 office at PWD office, Vasai (w). Tal: Vasai letter no. जा. क्र./सा.बा./उवि/वसई/रेशा/७१८ dated 02/07/2024
 - 2) School building safety certificate issued by your office letter no. सा.बा.वि/पालघर/रेशा/६९५४ dated: 04/07/2024
 - 3) Your letter No. सा.बा.वि/पालघर/२७७६ dated: २६/०३/२०२५

Hon'ble Sir,

On behalf of Gnyanodaya Education Trust's Gnyanodaya Multipurpose High School & Junior College at Kolhi (Chinchoti), Kaman Rd, Vasai (E), Tal; Vasai, Dist:- Paighat we would like to bring your kind notice that pursuant to our application for grant of school Building Safety Certificate vide our letter No. CMV/PWD/271/2024 25 Dated 06/06/2024 wherein vide recommendation letter No

सा.बा.वि/पालघर/रेशा/६९५४ dated 02/07/2024 details report along with the recommendation, were forwarded for grant of school Building Safety Certificate. Accordingly vide your letter No. सा.बा.वि/पालघर/रेशा/६९५४ dated: 04/07/2024 school building safety certificate was issued by your Hon'ble office to our Gnyanodaya Multipurpose High School & Junior college vide your letter No. सा.बा.वि/पालघर/रेशा/६९५४ dated: 04/07/2024.

9312/2026
आवक दिनांक
कार्यकारी अधिकारी
सा.बा.विभाग पालघर





However on complaint of Mr. Rajiv Gupta your office had asked us to furnish document vide your letter dated 23/09/2024 however since during that time our 7/12 records had changed due to order of sub Divisional officer, Vasai dated 09/02/2024 due to which 7/12 extract could not be submitted and we could not apply for Occupancy certificate. However Additional Divisional commissioner, kokan Bhavan, Mumbai had quashed the order of SDO, Vasai & Additional collector Palghar vide order No. अपील/डेस्क/आरटीएस/रिन्ही/४५०/२०२४ date 05/12/2024 and directed Tahsildar Vasai to enter our names in revenue record 7/12 and ८/12 but the complainant challenged the order of Additional Divisional Commissioner before Hon'ble Revenue Minister, Mantralaya, Mumbai due to which our names to be recorded in 7/12 was kept pending till the order of Hon'ble revenue Minister due to which submission of record as per your letter could not be done in time.

Hon'ble Revenue Minister vide its order No. आरटीएस- २७अ२५/०१/प्र.क्र.४४/ज-४अ dated 07th October 2025 upheld the order of Additional Divisional Commissioner, Kokan Bhavan and quashed the order of SDO, Vasai & Additional Collector, Paighar

Thereafter the process of recording our name in 7/12 was initiated hence now since our name exist in 7/12 Extract and other revenue records we are in position to Fullfill all the documents are called by your office.

In view of the above developments we therefore in the larger interest of the students of our school we request your Hon'ble Authority to kindly accept our Appeal for Re-consideration of cancellation of school building safety certificate.

We are in position to submit all necessary submission as will be required by your office to revalidate the said certificate. Hence kindly accept our request and allow us an opportunity to make necessary submissions so that school building certificate issued earlier by your office could be validated again.

Thanking You,

Cordially Yours

For GNYANODAYA EDUCATION TRUST

[Handwritten Signature]

Trustee/Authorized Signatory

- Copy for necessary information to:-
- 1) Chief Executive Officer,
Zilla Parishad Palghar, Palghar
 - 2) Education Officer (Primary & Secondary),
Zilla Parishad Palghar,
Palghar.

