

BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE

ORIGINAL APPLICATION NO.40/2023

Yogesh Mundhra

...Applicant

V/s.

M/s. Super Dream Real Estate &ors.

...Respondents

AFFIDAVIT-IN-REPLY

I, Abhijit C. Khole, the Asst. M. Commissioner of Thane Municipal Corporation, the respondent no. 2 above named do hereby state on solemn affirmation as under:

1. I say that present application is filed praying for restoration of survey no. 12/2 and 12/3 in Yeur village to original status after removal of 7 bungalow structures allegedly built over area of 28000 sq. meters by respondent no.1. The applicant claims to be a regular visitor of the area. The applicant contends that construction is carried out from year 2018 to 2022. The present complaint thus is clearly barred by delay under provisions of section 14(3) of National Green Tribunal Act 2010.
2. I say that on verification by officers of respondent no. 2 corporation, it was found that no permission was sought for constructing alleged 7 structures impugned in present petition. I





I say that civil court declined to grant ad-interim protection to aforesaid seven structures. I say that two structures belonging to respondent no. 10 and respondent no. 13 were found unoccupied and were demolished by respondent no. 2 corporation on 25/09/2023. I say that remaining five structures were found under occupation of families of concerned respondents. I therefore submit that notices were issued under provisions of section 268 of Maharashtra Municipal Corporation Act, 1949, for eviction of concerned persons so that concerned structures could be demolished.

3. I say that concerned persons filed appeals before Hon'ble District Judge, Thane numbered as Misc. Civil Appeal No. 97 of 2023, 98 of 2023, 99 of 2023, 100 of 2023 and 101 of 2023. I say that by common order dated 27/09/2023, Hon'ble Ld. Dist. Judge, Thane allowed the appeals and directed Thane Municipal Corporation to maintain status quo in respect of remaining five structures till interim applications filed in respective suits were finally heard and decided. I say that aforesaid interim orders are in operation till date. I say that pleadings have already been completed and applications are posted on 01/12/2023 for hearing. I say that further steps will be taken pursuant to orders to be passed by Hon'ble CJSD, Thane.





say that, the total constructed area of all 7 bungalows was found to be approximately 7000 Sq.ft. (excluding open land). Much less than 28000 Sq.meters contended by applicant. I say that notice u/s. 260 of Maharashtra Municipal Corporation Act 1949 was issued on 23/05/2023 and after granting opportunity of hearing to concerned persons, order dated 05/09/2023 was passed calling upon concerned persons to remove aforesaid unauthorized construction. I say that concerned persons filed suits in court of Hon'ble Civil Judge Senior Division, Thane details whereof are as under:

Suit Number	Plaintiff
Reg. Civil Suit No. 484 of 2023	Respondent No. 10
Reg. Civil Suit No. 485 of 2023	Respondent No. 12
Reg. Civil Suit No. 486 of 2023	Respondent No. 11
Reg. Civil Suit No. 487 of 2023	Respondent No. 14
Reg. Civil Suit No. 488 of 2023	Respondent No. 9
Reg. Civil Suit No. 489 of 2023	Respondent No. 13
Reg. Civil Suit No. 490 of 2023	Respondent No. 8





4. I say that action has already been initiated in respect of concerned unauthorized construction in accordance with provisions of law.
5. I say that I am filing this affidavit to bring on record steps taken by Thane Municipal Corporation. I crave leave to file further affidavit in reply as and when required.
6. I say that what is stated hereinabove is true and correct to the best of my knowledge, information and belief.

Solemnly affirmed at Thane
This 2nd day of November, 2023

Identified by me

Advocate


Deponent

सहा. आयुक्त
वर्तकनगर एकापण समिती,
ठाणे महानगरपालिका

Before me



BEFORE ME

Rajani Pathak
NOTARY & ADVOCATE
Ground Floor, Medha House,
Behind Aadarsh Sanskar Kendra/Garden,
Opp. Rationing Office, Court Naka, Thane.
Mob. NO. 9930538766 / 9821138766



NOTED & REGISTERED
Sr. No. H196 / 2023

26 NOV 2023

Daily Status

411
District and Sessions Court, Thane
In the court of : District Judge-8 Addl. Sessions Judge Thane

CNR Number : MHTH010069342023

Case Number : M.C.A./0000097/2023

Mr Rajkumar Nanikram Pamnani And 1 Others versus Thane Municipal Corporation

Date : 27-09-2023

Business

: Court is on leave Before in charge court Adv for applicant present Adv for Respondent present Exh 07 Application filed by appellant for Temporary injunction Exh 08 Affidavit Exh 9 Application for permission to file document Exh 10 List of document Exh 11 VP filed on behalf of respondent Heard argument by both advocates O- Exh 11 The Misc Appeals bearing nos 97/23,98/23,99/23,100/23 and 101/2023 are hereby allowed 2-Order below Exh 07 passed by Ld. Trial court is hereby set aside 3- Exh 7 is allowed. Parties to maintain status quo in respect of suit property till decision of Exh 5 4- Copy of order be forwarded to the learned trial court for information and necessary action

Nature of Disposal

: **ALLOWED OTHERWISE**

Disposal Date

: **27-09-2023**

District Judge-8 Addl. Sessions Judge Thane