

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
WESTERN ZONE BENCH AT PUNE
ORIGINAL APPLICATION NO.83/2023 (WZ)

IN THE MATTER OF:

DR. VINAYKUMAR VITHALRAO JATHAR

....APPLICANT

VERSUS

SHRIGONDA MUNICIPAL COUNCIL & ORS

....RESPONDENTS

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BEFORE THE NATIONAL GREEN TRIBUNAL
ORIGINAL APPLICATION NO.83 of 2023

Dr. Vinaykumar V. Jathar ... Applicant
v/s
Shrigonda Municipal Council and Ors ... Respondents

AFFIDAVIT ON BEHALF OF RESPONDENT NO.2:

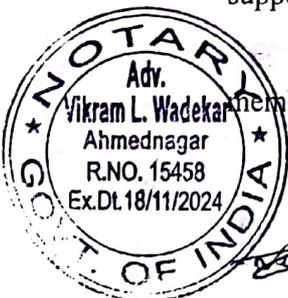
I, Prashant S/o Sharad Khandkekar, Age- 55 yrs., Occupation- Service as District Joint Commissioner, Municipal Administration, Dist. Ahmednagar (District Administrative Officer), R/o. Ahmednagar do hereby state on solemn affirmation as under:-

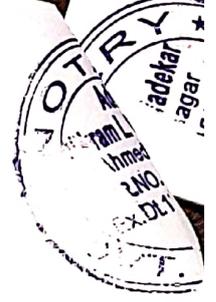
1. I say that, I have gone through the copy of Original Application and annexure therein. I am filing this Affidavit in Reply on behalf of Respondent No.2 as authorized me to do so.

2. I say that, the present Original Application has been filed by the Applicant against the Beautification Project of the Natural Water Body i.e. Lendi Nalla, Shrigonda, Tal. Shrigonda, Dist. Ahmednagar.

3. I say that, in the said matter by order dated 31/05/2023, this Hon'ble Tribunal, constituted a committee comprising The Shrigonda Municipal Council, The District Collector Ahmednagar, The Maharashtra Jeevan Pradhikaran Ahmednagar and The Dy. Superintendent of Land Records Ahmednagar. The committee is directed to visit the spot after informing the Applicant/ His Counsel and submit a factual and action taken report on the following aspects- i. Impact on flow carrying capacity of Nalla, ii. Impact on high flood level of Nalla and iii. Flood risk to nearby population due to proposed project. The District Collector Ahmednagar shall be the Nodal Agency for the Co- ordination and Logistic support.

4. I say that, in view of the above mentioned order, the committee members along with the applicant with his counsel visited the spot on 28.06.2023.



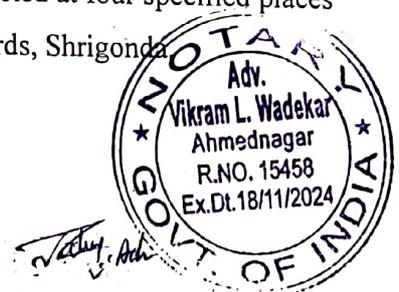


The collector Ahmednagar included The Assistant Director of Town Planning and Valuation Department as well as The Executive Engineer of Irrigation Department in the team. The committee visited the spot and observed as follows:

- i. The Retaining Wall is already constructed on the edges at some part of the nalla.
- ii. There are four cross drainage (CD) works at present on nalla course. The cross drainage pipes are different in size and number at each intersection. The CD work done by the NHAI seems to be proper with 6 pipes. Other CD works are constructed with only 2/3 pipes. So, to ensure smooth and uninterrupted flow, the design of CD work to be technically sound. It is observed that there are less no. of cross drainage pipes at Balaji Mangal Karyalay, Sasanenagar road and Salvandevi Road.
- iii. Year on year, silt deposition on nalla bed created water flow hindrance. In future, overall nalla bed shall be desilted.
- iv. Lendi nalla is not a notified channel and because of that blue and red line demarcation has not been carried out. As such, no technical data is available about flow carrying capacity, flood probability, flood level etc.
- v. It is observed that Shrigonda Municipal Council is not reducing the width of Lendi nalla to 3.0 mtr.
- vi. Due to silting of nalla, proper gradient is not seen, so the water stagnation is noticed.

5. I say that in view of the above observations made by the committee, following actions have been suggested by the committee members-

- i. The retaining wall is already constructed on the edges at some part of the nalla. So, it is advised to construct the retaining wall at remaining part, at the border of nalla to prevent encroachment.
- ii. Desilted soil and excavated material should be lifted and transported to landfill site or other places with the consent of land owner.
- iii. Intervening Electric Poles, DPs should be relocated outside the nalla boundary.
- iv. Measurement and demarcation of nalla width is directed at four specified places to be done by the Deputy Superintendent of Land Records, Shrigonda.



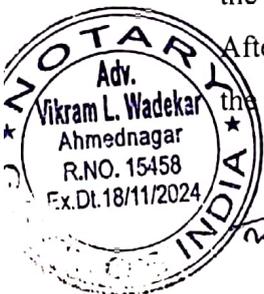


- v. Existing clogged cross drainage pipes shall be cleaned immediately and water flow shall be maintained for no stagnancy.
- vi. It is advised to construct new Cause Ways at Sasanenagar, Balaji Mangal Karyalay & Salvandevi Road with additional pipes.
- vii. Cross drainage work at national highway intersection has 6 drainage pipes, seems sufficient to regulate the water flow. Obtaining the technical data about the same from the National Highway Authority of India (NHAI) and application of it at other cross drainage work sites can increase the flow carrying capacity of nalla; thereby reducing the probability of flooding.
- viii. Instructed to use innovative ideas such as Root Zone Technology to filter domestic sewage water to minimize contamination with natural water body.
- ix. Shrigonda Municipal Council should ensure that no encroachment is done within the nalla.
- x. The 3.0 mtr. channel width is necessary to regulate the flow of sewage water without hindrance and to avoid social and health related issues of residents residing nearby nalla & public utility places. Hence channelizing of nalla is needed as proposed.
- xi. Expedite the proposal for setting up STP.

6. I say that, committee report has taken on record by the Hon'ble Tribunal on 04.08.2023. This Hon'ble Tribunal directed to the respondents to submit their reply affidavits.

7. I say that, the committee report be treated as a part of this affidavit. It is submitted that, the Respondent No.1 is local authority who proposed the project of Beautification of Lendi Nalla. So far as the actions suggested by the committee to the Respondent No.1, to expedite the proposal for setting of the STP, the Respondent No.1 requested to allot land for construction of STP in Shrigonda, Tal. Shrigonda, Dist. Ahmednagar. Accordingly, this office through the Divisional Commissioner, Nashik by letter dated 24/05/2023 submitted the proposal before the State Government to allocate the land for setting STP by the Respondent No.1.

After the sanction of the Government, necessary funds and land will be allocated to the Respondent No.1.



Vikram L. Wadekar



8. I say that, further, in view of the actions suggested by the committee the office of Respondent No.2 by letter dated 18/09/2023 directed to the Respondent No.1 to implement the actions suggested by the committee members and the directions issued by this Hon'ble Tribunal in the order dated 04.08.2023 expeditiously. Further, by letter dated 18/09/2023 the office of Respondent No.2 directed the office of Respondent No.4 to carry out the measurement and demarcation of nalla width at four specified places suggested shown by the committee members at the time of spot visit. Hereto annexed and marked as Exhibit R-1 is the copy of both letters colly.

9. I say that, the committee has suggested that the 3.0 mtr. channel width is necessary to regulate the flow of sewage water without hindrance and to avoid social and health related issues of residents nearby nalla and public utility places. The committee suggested that channelizing of nalla is needed as proposed. Hence, considering the committee report and the actions taken by the Respondent No.1, necessary order may be passed.

Hence, this affidavit in reply.

DEPONENT

Date:

Place:

(Prashant S/o Sharad Khandkekar)





VERIFICATION

I, Prashant S/o Sharad Khandkekar, Age- 55 yrs., Occupation- Service as District Joint Commissioner, Municipal Administration, Dist. Ahmednagar (District Administrative Officer), R/o. Ahmednagar on behalf of Respondent No.2 do hereby state on affirmation that whatever stated here in above is true to the best of my knowledge and based upon the information derived from the official records available to me. And the contents there in are as per my information are true and correct.

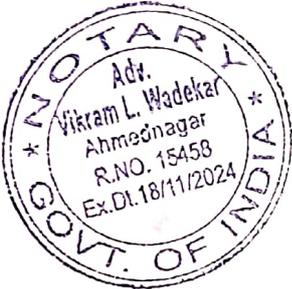
BEFORE ME

Solemnly affirmed before me by Prashant Sharad Khandkekar District Joint Commissioner who is identified before me Municipal Administration by D. Ahmednagar whom I personally know.

(Prashant S/o Sharad Khandkekar)

District Joint Commissioner,

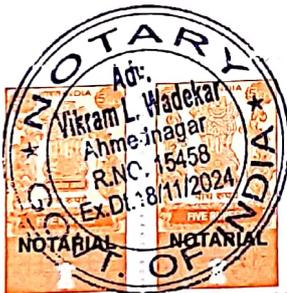
Municipal Administration, Dist. Ahmednagar



BEFORE ME

Vikram L. Wadekar 22/9/2023.

Vikram L. Wadekar
Advocate & Notary Public
Govt. of India
Ahmednagar



Noted & Registered.
at Sr. No. 747/2023
Dated... 22/9/2023...

COLAHM-30015(14)/32/2023-MUNICIPAL ADM.

I/118894/2023



Government of Maharashtra
Collector Office, Ahmednagar
(Municipal Administration Branch)
Nagar- Chhatrapati Sambhaji Nagar Road, Ahmednagar- 414 003
Landline No.: (0241) 234 5001

E-mail ID: collector.ahmednagar@maharashtra.gov.in;
daoahmednagar@gmail.com

To,
The Chief Officer,
Shrigonda Municipal Council,
Shrigonda

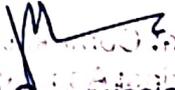
Subject: Shrigonda Municipal Council, Shrigonda
Original Application No.83/2023 (WZ) filed before the Hon'ble
National Green Tribunal, New Delhi

With reference to the above mentioned subject, attached herewith the report dated 03/08/2023, of the committee constituted by the order of Hon'ble National Green Tribunal dated 31/05/2023, and the order of Hon'ble National Green Tribunal dated 04/08/2023.

In this case, you are directed to do the needful according to the actions suggested in the report of the committee and the order of Hon'ble National Green Tribunal dated 04/08/2023 with coordination of other departments concerned and inform this office about the action taken from time to time.

Sd/-
(Prashant Khandkekar)
Joint Commissioner
(Municipal Administration)
Collector Office Ahmednagar

True Translation in English


Joint Commissioner
Municipal Administration
Collector Office Ahmednagar

