

BEFORE THE NATIONAL GREEN TRIBUNAL

WESTERN ZONE BENCH, PUNE

Appeal No.156 of 2024

Rangrao Baburao Gaikwad

.. . Appellant

Versus

The Tahasildar & 3 others

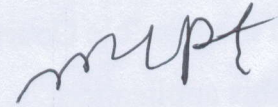
... Respondents

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Pune

Date: 04/11/2024



Advocate for Respondent No.3

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

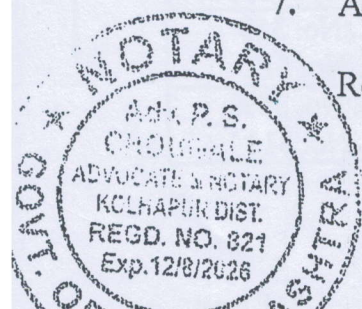
**APPEAL NO. 156 OF 2024 (WZ)**

Rangrao Baburao Gaikwad ----- Applicant  
Vs.  
The Tahsildar and 3 others ----- Respondents

**AFFIDAVIT-IN-REPLY ON BEHALF OF RESPONDENT NO. 3**

I, Kamlesh Shamrao Patil, Age - 35 years, Occupation - Assistant Conservator of Forests, (Afforestation and Campa), Kolhapur Forest Division, Kolhapur state on solemn affirmation as under:-

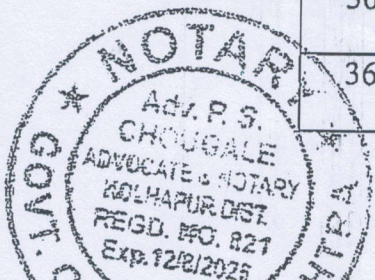
1. I am authorized on behalf of the Respondent No. 3 to file this Affidavit-in-reply in his behalf in this Appeal.
2. Respondent No. 3 deny the averments in this Appeal generally and specifically.
3. As regards contents of Paras 1 and 2, this Respondent offers no comments.
4. As regards contents of Para 3, the contents are matter of fact. Hence, this Respondent offers no comments.
5. As regards contents of Paras 4 and 5, the contents are informative. Hence, this Respondent offers no comments.
6. As regards contents of Para 6, the contents are matter of fact, this Respondent offer no comments.
7. As regards contents of Paras 7 and 8, the contents are matter of fact, this Respondent offer no comments.



No. of Corrections  
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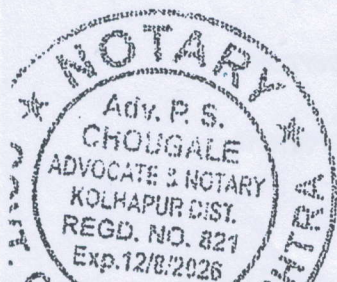
8. As regards contents of Para 9, the contention of the Appellant that Respondent granted NOC to one Appa Gunda Gaikwad for the entire land bearing Survey No. 630 is incorrect and hence denied.
9. As regards contents of Para 10, the contents are matter of fact. Hence, this Respondent offers no comments.
10. As regards contents of Para 11, the contents are matter of fact. Hence, this Respondent offers no comments.
11. The grounds raised for this Appeal in Para No. 11 are denied in toto as those are incorrect and improper.
12. Facts in nutshell are as follows.
13. In exercise of powers by Section 29 of the Indian Forest Act, 1927 (XVI of 1927), the Government of Bombay is pleased to declare the area in the Hatkanangle Taluka of the Kolhapur District, Specify in the schedule hereto Annexure, to be protected forest with effect from 10<sup>th</sup> November, 1953.
14. In the Schedule, the following land situated at village Top is declared as a Protected Forest.

Survey Nos.	Area		Boundaries			
	A.	g.	East	West	South	North
311	504	3	B. No. 310	Sadale, Manpadale and Ambapchi shiv	Kasarade and Sadalyachi shiv	Ambapchi shiv and R. No. 312, 340, 351, 353, 356 to 359, 361, 366, 369, 374, 375, 377, 379.
361	2	7	J. No. 311	J. No. 311	J. No. 311	R. No. 359 J. No. 311
362	0	27	J. No. 311	J. No. 311	J. No. 311	R. No. 359 J. No. 311



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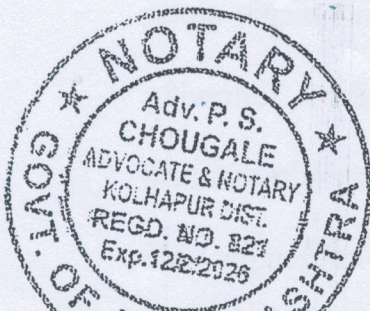
15. After Division Survey No. 311, 361 and 362 of Village Top was converted in to Gat No. 630/1, 453, 628 and falls under Village Kasarvadi, Taluka Hatkanagle, District Kolhapur respectively.
16. That, Mining activities were started in Gat No. 630/1 despite the notification in the year 1953 is published in the Government gazette, but revenue authorities have illegally granted permission for mining activities. Moreover, it appears from the revenue record that Gat No. 630/1/A is mentioned as bhogvatadar varg 2 that is (Niyantrit Satta Prakar). Further, it appears from the revenue records that the revenue authorities have allotted said land to number of persons.
17. Forest Department, vide its letter dated 23/03/2016 to Bharat Rakhiv Battalion has stated that Notification vide Government Gazette No. FLD1153/57127 (k) dated 20/11/1953 notified Survey No. 311 is included in Gut No. 630/1 of village Kasarwadi, hence Gut No. 630/A is now protected forest. The letter also mentions that the land is in possession of the Revenue Department, still all the provisions of the Conservation of Forest Act, 1980 are applicable to the said land. Therefore, in the said land non-forest activities are not allowed. Copy of the said letter is annexed as ANNEXURE-X. However, as per the Forest Department, the land was in custody of the Revenue Department.
18. As per the instructions of District Collector, Tahsildar Hatkanagle along with the Forest Department jointly carried out survey, and the following was observed. The previous Survey No. 311 of village Top admeasuring 566.37 Acres was declared as a protected forest as per the Notification vide



Government Gazette No. FLD1153/57127 (k) dated 20/11/1953, later said Survey No. 311 was converted into Gat No. 976 admeasuring 228.27 Hectare. Out of this 7.11 hectares area was allotted to landless people by Revenue Department. The later remaining area was converted into Gat No. 630/1 of village Kasarwadi. Said Gat No. was divided into Gat No. 630/1A, 630/1B and 630/1C. The entire area of Gat No. 630/1B and 630/1C and 6.84 Hectare of Gat No. 630/1A has been allotted to landless people. The balance area admeasuring 123.85 Hectare of Gat No. 630/1A is being handed over to the Forest Department and this work started on 8/2/2021 and is in process and will be completed at the earliest.

19. This Respondent agrees and abide by the order of this Hon'ble Tribunal in O.A. No. 101 of 2017. In that order this Hon'ble Tribunal directed the State Government to form a committee to determine compensation for damage to the environment to be recovered from 13 minors. For the sake of convenience the order of Hon'ble Tribunal is reproduced below.

*Accordingly, we direct the Chief Secretary to take further remedial action against the persons responsible for permitting mining illegally in the forest land. the joint Committee of PCCF (HoFF), Maharashtra, CPCB, State PCB, SEIAA Maharashtra and District Magistrate, Kolhapur needs to ascertain the extent of damage to the environment and plan a restoration plan and to recover the amount from the persons who have undertaken illegal mining. The Forest Department*



*may fence the area in question and use the same for forest purposes.*

20. As per direction of this Hon'ble Tribunal the State Government formed committee for determining compensation for the damages to the environment. The Hon'ble Committee after due enquiry and by following due process of law has determined the amount of compensation to the tune of Rs. 144,22,17,885/- against the 13 minors, who carried mining activities illegally in the forest land. The compensation amount determined by the committee is just, proper and adequate.

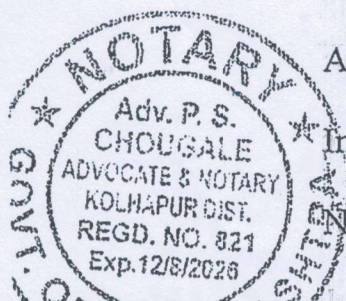
21. This Respondent want to submit humbly that he was neither the part of the committee, which determined compensation for the damages to the environment, nor he was part of that entire process. This Respondent had no role to play either as a committee member or in any way in fixation of compensation for the damages to the environment as per direction of this Hon'ble Tribunal. This Respondent played no role at all in that entire process. In fact this Respondent is no way concerned with the entire process of fixing the compensation amount stated above for the damages to the environment.

22. The Appellant ought not to have to file Appeal against this Respondent. This Respondent No. 3 is neither necessary party to this Appeal, nor he is proper party or required party to this Appeal. This Appeal filed by the Appellant against this Respondent unnecessarily and without any reason.

In fact, there is no cause to file this Appeal against the present Respondent

No. 3.

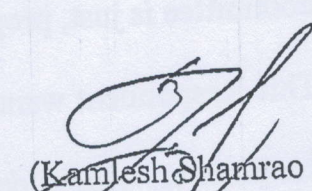
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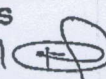


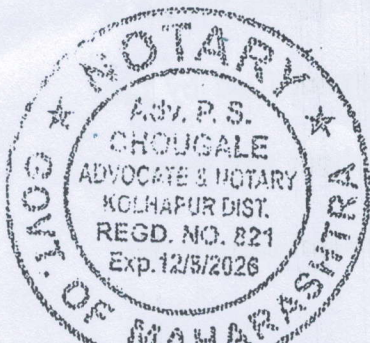
23. As Appellant has dragged this Respondent No. 3 unnecessarily and without any reason in this litigation, this Appeal could be dismissed against this Respondent No. 3 in toto.
24. As the Appellant has made this Respondent No. 3 as a party to this Appeal for no reason, or without any prayer against him, this Appeal be dismissed against Respondent No. 3 with compensatory costs to be imposed on the Appellant and to be paid to this Respondent No. 3.
25. For this and other reasons to be urged at the time of final argument this Appeal be dismissed and obliged.

Mumbai.

Date 29/10/2024

  
(Kamlesh Shamrao Patil)  
Assistant Conservator of Forests,  
(Afforestation and Campa), Kolhapur  
and authorized officer  
for the Respondent No. 3

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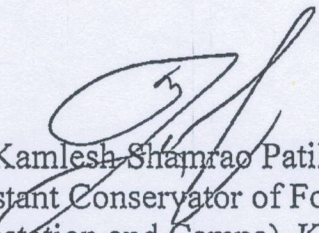
VERIFICATION

I, Kamlesh Shamrao Patil, Age - 35, Occupation - Assistant Conservator of Forests (Afforestation and Campa), Kolhapur and authorized officer for the Respondents do hereby solemnly verify above contents of Para Nos. 1 to 25 of the Parawise Affidavit-in-reply as true and correct to the best of my knowledge, belief and information derived from the records and files maintained in the office and I verify the same to be true. I say that I have not suppressed any material fact from this Hon'ble Tribunal.

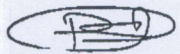
Solemnly affirmed at Mumbai.

Mumbai.

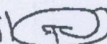
Date 29/10/2024

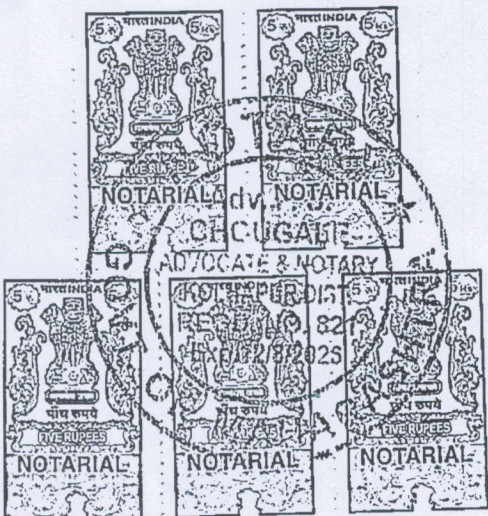
  
(Kamlesh Shamrao Patil)  
Assistant Conservator of Forests,  
(Afforestation and Campa), Kolhapur  
and authorized officer  
for the Respondent No. 3

SOLEMNLY affirmed before me  
by Kamlesh shamrao Patil  
Who is identified before me  
by his Adhar card  
Whom I personally know  
This 29th day of Oct 2024

  
SHRI. P. S. CHOUGALE  
Advocate & Notary  
"Kanak", Maratha Colony,  
Kasaba - Bawada, KOLHAPUR.  
29/10/2024

Notary Regi. Sr. No. 504  
2024

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Versus

The Tahasildar & 3 others ... Respondents

**Affidavit in Reply of Respondent No.3**

DATED 4<sup>th</sup> November, 2024

D.M.GUPTA

Advocate for Respondent No.3

3, LAXMAN APARTMENT

25/26, OLD TOPKHAHANA,

S'NAGAR, PUNE - 411 005

MOBILE : 9422317884

email: advgupte@gmail.com

BEFORE THE NATIONAL GREEN TRIBUNAL,  
WESTERN ZONE BENCH, PUNE

**Appeal No.156 of 2024 ( WZ)**

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To,

The Registrar

National Green Tribunal,

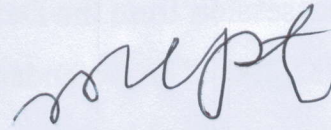
Western Zone Bench, Pune

**NOTE OF APPEARANCE**

I am instructed to appear, plead & conduct the above referred case on behalf of Respondent No.3- Deputy Chief Conservator of Forest, Kolhapur.

Be pleased to direct the office to record my appearance in the office record & also in the daily cause list

Pune



D.M.Gupte

Date : 04/11/2024

Advocate for Respondent No.3

D/28, Woodland, Near Gandhi Bhavan,

Kothrud, Pune 411038

Email: [advgupte@gmail.com](mailto:advgupte@gmail.com)

Mobile: 9422317884

Court fee stamp of Rs.10/- is affixed.

