

BEFORE THE NATIONAL GREEN TRIBUNAL, WESTERN ZONE BENCH,
PUNE

Original Application No. 11/2018 (WZ)

Aamir Shaikh and Oth.

.....Applicants

V/s.

Haji Ali Dargah Trust & Ors.

.....Respondents

AFFIDAVIT IN REPLY ON BEHALF OF THE RESPONDENT NO. 5:-

I, Shri. Mahesh J. Malandkar, Indian Inhabitant, Age 56 years, working as Executive Engineer with Municipal Corporation of Greater Mumbai, having office at Room No 411, 412, 4th floor, Worli Garage Bldg., Dr. E. Moses Road, Worli, Mumbai; do hereby state on solemn affirmation as under:-

I say that, I have perused the copy of the application and compilation filed by the applicant and I have also perused the office records. I have made myself conversant with the facts of the case and am able to depose on behalf of the Respondent No.5. I am filing this affidavit in reply thereto.

1. At the further outset, I deny each and every contention, averment, submission which is contrary to what is stated herein below unless specifically admitted.

I say that there is no cause of action to file the application against this Respondent and as such the same is liable to be dismissed against this Respondent.

3. I say that, the Haji Ali Dargah is a mosque and Dargah located on the islet off the coast of Worli in the southern part of Mumbai city.



The said land comes under the jurisdiction of Collector of Mumbai and also Maritime Board.

4. I say and submit that, every day, large number of pilgrims visit holy place. These pilgrims not only bring offerings like fruits, flowers, cloths etc. but they eat at Dargah premises. This result in accumulation of waste in the premises of the Dargah. A lot of solid waste such as fruits and flowers, plastics, silk, nylon and other types of cloths etc. generated during religious ceremonies are disposed at Dargah premises. Many times, wastes are thrown at nearby causeway which affects health of humans & marine life and also damage environment at large.
5. I say and submit that, Solid Waste Management (SWM) Department of "G" South Ward of the present Respondent has the responsibility to sweep the streets, collection & transportation of solid waste generated in 'G/South' Ward and to maintain overall cleanliness in the area. Solid Waste Management (SWM) Department of "G" South Ward has also the responsibility to implement the "Swachh Bharath Abhiyan" in 'G/South' ward and all efforts are made to keep surroundings clean and hygienic. Also "Cleanup Marshalls" are deployed at surroundings area of Dargah, who are empowered to fine the public as per SWM by laws, to discipline pubic.
6. I say that, as part of "Swachh Bharath Abhiyan" MCGM undertakes public awareness campaign all over Mumbai including 'G/South' ward where Haji Ali Dargah is situated to create awareness among citizens of Mumbai regarding cleanliness, segregation of dry & wet waste.

I say that, toilet facility exists inside the Dargah premises. However in absence of municipal sewer network the flow is discharged into sea.



8. In view of Solid Waste Management Rules, 2016, necessary instructions regarding the segregation and sorting of the solid waste and also regarding proper disposal of solid waste are given to the Dargah Trust.
9. The accessibility to Dargah is very much dependent on the tides, as the causeway is not bound by the railings. When the causeway gets submerged into sea during high tides it becomes inaccessible; therefore, the Dargah is accessible only during the low tide. In view of this, MCGM has arranged small closed vehicles to get into the Dargah premises and collect the wastes. After high tides large quantity of floating garbage/waste comes to sea shore. NGO agencies are appointed to clean the sea shore for collecting this garbage/floating material manually. This material is transported by Municipal vehicles deployed on the route. Collection of these floating materials along seashore is scheduled as per high tide & low tide timings. These collected wastes are being transported to dumping grounds located at Kanjurmarg and Deonar of Mumbai City.
10. I say and submit that, present Respondent No. 5 i.e. Municipal Corporation for Greater Mumbai (MCGM), crave leave to add, alter or amend the aforesaid averments as and when necessary or to file an additional affidavit, if necessary.
11. I say that there is no cause of action against this Respondent. In these circumstances, it is respectfully submitted that the Application is misconceived and, therefore, this Respondent prays that application be dismissed against this Respondent.



Solemnly Affirmed at Mumbai

This 27th day of Nov, 2020.

A handwritten signature in blue ink, appearing to be 'B. B. B.', written over a horizontal line.

Respondent No. 5

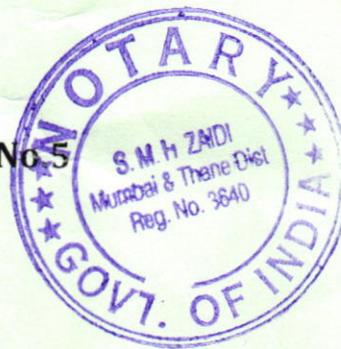
VERIFICATION

I, Shri. Mahesh J. Malandkar, Age 56 years, Indian Inhabitant, working as Executive Engineer (SWM) with Municipal Corporation of Greater Mumbai, having office at Room No 411, 412, 4th floor, Worli Garage Bldg., Dr. E. Moses Road, Worli, Mumbai; i.e. Respondent No. 5. herein, do hereby state that what is stated herein above is true and correct and believed by me to be true and correct.

Respondent No. 5

Before Me,

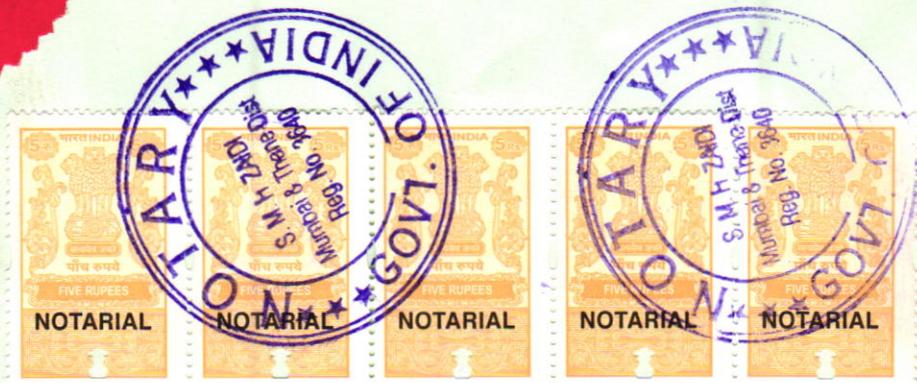
Advocate for Respondent No. 5



BEFORE ME

S. M. H. ZAIDI
NOTARY 29/11/2020
Government of India
Mumbai & Thane Dist.
27 NOV 2020

NOTED & REGISTERED
Sr. No. **4869** Page No. **56**
Date **27 NOV 2020**



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... Applicant

V/s

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(MCGM, Resp. No.5)

...Respondents

**Affidavit-in-Reply on behalf of
Respondent No.5**

A.K. Savla & Ors.

Advocate for Appellant

Legal Department,

Municipal Corporation of Gr. Mumbai,

Mahapalika Marg, Fort,

Mumbai - 400 001.