



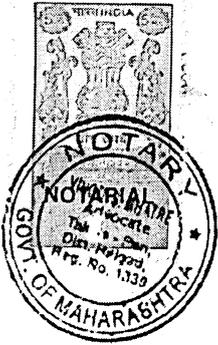
BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE
AMENDED APPLICATION MEMO

(As per Hon'ble Tribunal's Order dated 02-01-2023)
ORIGINAL APPLICATION NO.55 OF 2022

Kashinath Jagannath Thakur ... Applicant

Versus

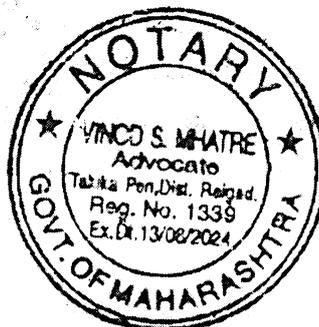
Grampachyat Shirki & Others ... Respondents

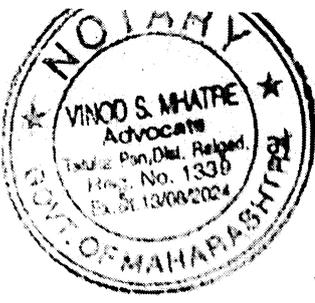


**Affidavit Reply on behalf of
Respondent Nos. 6 to 8 to the
Amended application memo to the
Original Application is as under:**

I, Swati Sakharam Dumbre , Age : 33 years, Range Forest Officer, Range Wadkhal, Division - Alibag , Tal - Pen , Dist. Raigad do hereby solemnly affirm on behalf of respondent nos. 6 to 8 as under:

- 1) I say that. I have perused a copy of the Application as well as other records relevant to the Present Amended application memo, which are available with the Alibag Forest Division case. I crave leave of this Hon'ble Tribunal to file an additional affidavit, if necessary. I say that. I have been authorized to file this affidavit on behalf of the Respondents No 6 to 8.
- 2) With reference to subject matter of this Amended application memo the following facts are submitted:



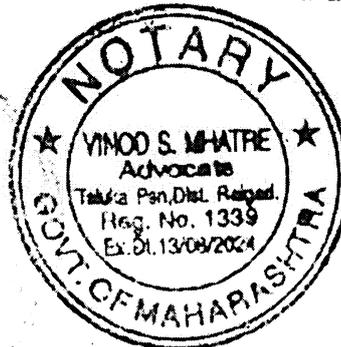


The Applicant-Complainant complained that development work was being done unauthorizedly in gat no. 15 of Shirki village. At the time of site visit by RFO Wadkhal (i.e. myself) and other Government Officials, the Applicant did not remain present and instead one Shri Ramakant Govind Patil claiming to be the representative of Applicant, indicated that the construction complained of was being done on the area of gat No. 15 Shirki village.

- b) We checked 7/12 extracts of Gat No. 15 of village Shirki. The 7/12 extract of Gat No. 15 of village Shirki Tal. Pen, Dist. Raigad shows that it is reserved for Masanvata and for medium project Hetavane. The land at Shirki is Government Land and it is in the name of the group Grampanchayat, Shirki.
- c) After receipt of the Applicant's complaint. Forest Officials of Wadkhal Range along with villagers of Shirki, Revenue Officials, TILR Department, Police Department visited the site and made panchnamas twice. The 1st Panchanama was made on 5.5.2022 and the second panchanama was made on 08.06.2022. The team of Government officials (including myself) who inspected the site did not find any sign of destruction of mangroves on the site subject of the Amended application memo. At the time of site visit it was observed that construction of an Anganwadi at the instance of Shirki Grampanchayat in Gat No. 15 of village Shirki, Tal Pen, was going on.
- d) The area of gat No. 15 of village Shirki is not in the possession of Forest Department. These areas are not notified as "forest" under any law relating to Forests.

I now submit my para wise reply to the Amended application memo as follows:

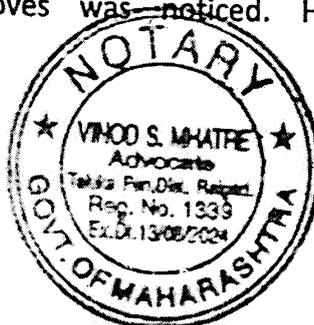
- 3) Contents of Paras Nos. 1 and 2 of the Amended application memo are not disputed.

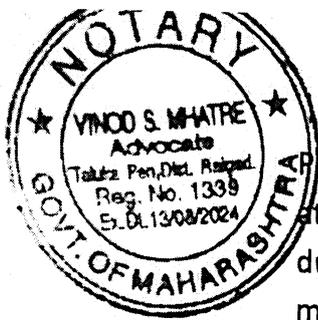


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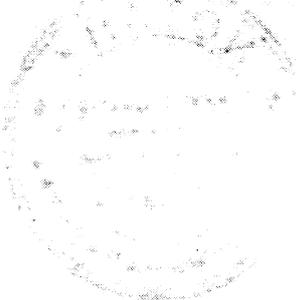
- 4) With reference to Para No. 3 (II) of the application, it is submitted that, in subject matter, facts relating to presence of Mangroves are not mentioned therein. It is submitted that, both villages, viz. Shirki and Bori, Tal. Pen, Dist. Raigad, Maharashtra are located near the Shirki creek and the creek area has diverse naturally occurring mangroves cover.
- 5) With reference to Para Nos. 3(II) and (III) of the application, it is submitted that the area subject of this Amended application memo is not in possession of Forest Department and has not been notified under any Forest-related laws.
- 6) With reference to Para No. 3(IV) of the application, it was found that the construction of Anganwadi is being done by Shirki Grampanchayat in the area of gat no. 15 of village Shirki, Tal-pen, Dist. Raigad. The 7/12 extract of gat no 15 does not shows entry prohibiting any form of construction in the said CRZ area.
- 7) With reference to Para No. 3 (V) to 3(VII), contents are not related to Forest Department and therefore I cannot respond to the same.
- 8) With reference to Para. No 4 to 5, I have no response to offer.
- 9) With reference to Para No 6 to 8, it is submitted that, on receipt of the complaint, the concerned Forest Department Office duly took cognizance and visited the site along with other Government Officials as mentioned above. One person viz. Shri Ramakant Govind Patil claiming to be the representative of Applicant- complainant and other villagers of Shirki were also present. The representative of complainant i.e. Shri. Ramakant Govind Patil, showed the area of gat No. 15 of village Shirki, where on-going construction work was noticed. Thereafter, Surveyor from the Land Records Department confirmed from their Office records that construction of Anganwadi was being done in S.No. 15 of village Shirki. At the time of site visit, no destruction of mangroves was noticed. Hence, we prepared





Panchnama of site visit and actual findings. Applicant was not present at the time of Panchanama but his representative was present and duly signed the panchanama. Copy of the panchanama is annexed and marked as Annexure-1.

- 10) With reference to Para No.9, It is submitted that, contention of the applicant is factually incorrect. Villagers of Shirki subscribed their signatures to a statement in the presence of the representative of complainant i.e. Mr. Ramakant Govind Patil. The statement narrates that Applicant creates all kinds of hurdles in all the developmental work of village Shirki. The villagers also disclosed that Grampanchayat had obtained permission of the Government before construction of Anganwadi. They also asserted that there were no Mangroves on the plot where construction of Anganwadi is ongoing. The land in question is not in possession of Forest department as well as not notified as Forest. We Forest officials recorded the factual position of the subject land in the panchnama and duly reported it to Sub Divisional Officer, Pen vide their letter No. B/11/Survey/121 dated 21/06/2022. Copy of the letter dated 21/06/2022 is annex and mark as Annexure-2; the Joint Site Inspection Report and panchanama, the photographs of the site, the map showing the site and the 7/12 extracts were also forwarded with this letter. The Statement signed by the villagers is annexed as Annexure-3. I deny all allegations of wrong-doing made by the Applicant against us, all of which are false and motivated.
- 11) With reference to Para No. 10 and 11 It is submitted that, the area of S. No. 15 of village Shirki, Tal. Pen is neither under possession of Forest department nor notified under any forest law.
- 12) With reference to Para No 12 and 13 of application the contents are not related to the Forest Department hence no comments.
- 13) With reference to Para. no 14 of application the contents are incorrect. The subject area has been jointly visited by the Forest officials with officials of Revenue. Land Record and villagers and with representative

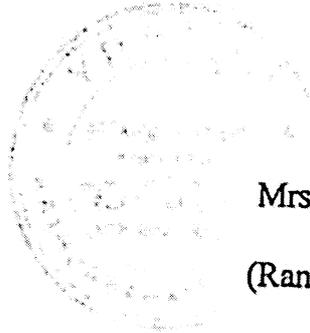




of complainant, factual panchanama is recorded. It also submitted that, the disputed area is not in possession of Forest Department or not notified under any forest acts. The site of construction of Anganwadi is within 50 m of mangroves, but since it is not forest, the Forest Department is not empowered under law to take action for such construction. This has been informed to the SDO Pen. At the time of site visit no mangrove destruction was noticed. Forest officials took necessary action to ascertain if any illegal construction activity was being done in a notified forest area; no such activity was found as the area was not notified forest. Hence Applicant's allegations are denied.

14) With reference to Para No. 15 to 18, no response is required.

15) I therefore say and submit that the Application should be rejected with heavy costs.



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Mrs. Swati Sakharam Dumbre
(Range Forest Officer Wadkhal)

NOTED & REGISTERED
Page No. 90 Sr.No. 61
Date 28 JAN 2023

AFFIDAVIT
Solemnly affirmed before me
By Swati Sakharam Dumbre
R/o Range Forest Officer Wadkhal
Tal. Pen Dist. Raigad
Who is Identified by :-
Sub. _____
By whom know Personally. Xumudhat

