

# 1154

1020

BEFORE THE NATIONAL GREEN TRIBUNAL WZ BENCH, AT PUNE  
ORIGINAL APPLICATION NO.43/2023 (WZ)

Sagar Kantilal Devre

..... Petitioner

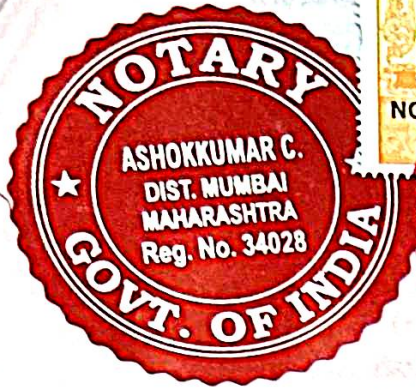
Versus

The State of Maharashtra &Ors.

..... Respondents

INDEX

Sr. No.	Exhibit	Particulars	Page No.
1		Affidavit in Reply on behalf of Respondent No. 6	1020 to 1027
2	1	the translated copy of Property card showing the name of Government on the said plot	1028 to 1029
		Last Page	1029



BEFORE THE NATIONAL GREEN TRIBUNAL WZ BENCH, AT PUNE

ORIGINAL APPLICATION NO.43/2023(WZ)

Sagar Kantilal Devre

..... Petitioner

Versus

The State of Maharashtra & Ors.

..... Respondents

AFFIDAVIT-IN-REPLY

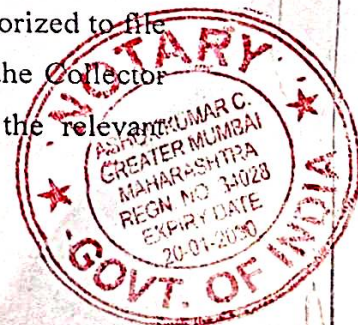
AGAINST THE AFFIDAVIT OF RESPONDENT NO. 12 TO 21

ON BEHALF OF RESPONDENT NO.6

PURSUANT TO ORDER DATED 03.02.2025 IS AS UNDER;

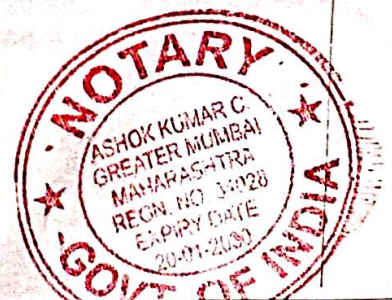
I, Dr. Yogesh Bhimrao Kharmate, Age:44 years, (Respondent no. 6) working as a Deputy Collector, (Enc/Rem), Mulund having office at Topiwala college Building, S.N. Road, Mulund (West), Mumbai – 400 080 on behalf of Respondent No. 6 do hereby state on solemn affirmation as under:

1. I say that, I am working as a Deputy collector at (Enc/Rem), Mulund in the office of collector, Mumbai suburban District. I have been authorized to file present affidavit-in-reply on behalf of respondent no. T6 I.e. the Collector MSD against respondents no 12 to 21. I have perused the relevant



documents and papers pertaining to the subject matter of the said affidavit upon making myself conversant with the facts of the case,

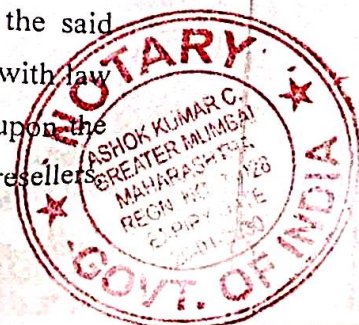
2. I say that, the respondents nos 12 to 21 appear to have claimed "certain rights" as Street Vendors, allegedly accrued on them, under the provisions of Street Vendors (Protection of livelihood and Regulation of Street Vendors Act, 2014) (hereinafter referred to as Street Vendors Act, 2014). The respondents also failed to justify any "cause of action" alleged to have accrued on them. It is suffice to mention that, several complaints came to be received by the Respective Authorities against the activities carried on selling old clothes at the plot of land situated at Mulund (East). The respondent and similar situate persons have been repeatedly evicted, for legally and unauthorizedly carrying their business over the said plot of land. The said plot of land belongs to 'the Government of Maharashtra'. I crave leave to refer to and rely upon several complaints received by the Respective Authorities and the actions of eviction taken thereon.
3. I say that, the respondent's prayed to permit them to do their activities over the plot of land, bearing CTS No. 1320/C and 1320(part) situated at Mulund (East), Mumbai suburban District. It is the Government plot of land and the said plot of land has been "reserved" for 'Recreation Ground' under the Development Plan. The process of "transferring" the possession of the said plot of land, has been undertaken by the office of the Collector, MSD. Hereto annexed and marked as Exhibit R 1 is the translated copy of Property card showing the name of Government on the said plot.
4. I say that, the respondents do not have any "substantive" or "any other legal rights" vested in them, to seek any such reliefs permitting them to carry on their activities over the said plot of land. The respondents also cannot seek any protection under Street Vendors Act, 2014.
5. I say that, Since 2009, several complaints regarding encroachment against old cloth sellers have been received by the office of deputy collector



1023

(Enc./Rem), Mulund. Considering the various complaints and representations, received from the Citizens, Local Politician and Social Workers, Once again, action in accordance with the law was initiated, against the encroachment and illegal activities carried out by the Respondents.

6. I say that, despite repeated evictions of unauthorized encroachments and illegal activities carried out by the Respondents and the similarly situated persons, they are constantly occupying the questioned plot of land, for carrying on their "illegal activities" of selling and reselling the old clothes.
7. I say that, it appears from the perusal of the record that, time and again the complaints have been received by the office of the Tahsildar, Kurla (Mulund) about "the re-occupation" and "unauthorized activities" of the Respondents, and similarly situated persons. By letter dated 02.03.2021, issued by the Office of the Deputy Collector (Enc./Rem.) cum Competent Authority, Mulund, to the President/Manager of Association of cloth resellers' of Mulund (East) area have been called upon 'to submit their explanation', about their activities which they have been carrying over the said plot of land. I crave leave to refer to and rely upon said communication dated 02.03.2021. In order to give sufficient opportunity to submit their case, time and again the representative of the Association, were called upon "to explain their stand". However, the Respondents Association could not produce "any sufficient documents" or any other material in support of their claim. Ultimately a Notice dated 10.08.2021, came to be served, by the Office of Deputy Collector (Enc./Rem.) cum Competent Authority, Mulund, calling upon President/Manager of the Association of the occupants, "to remove themselves" within 7 days on receipt of the said Notice, failing which, once again action of eviction in accordance with law will be initiated against them. I crave leave to refer to and rely upon the "Notices" issued to the representatives of the Association of such resellers



the complaints received by the Tahsildar, Kurla, Mulund and "the Report" submitted to the Office of the Collector, MSD as and when called for.

8. I say that, in the month of July, 2021, specific complaints came to be addressed by the Local Member of Parliament, as well as, Local Corporators, complaining about "the illegal activities" of the Respondents and the similarly situated persons, about the illegal unauthorized activities carried on over the said Government plot of land. In accordance with the same, the Office of the Deputy Collector (Enc./Rem.) cum Competent Authority, Mulund, had again issued "Notice" (dated 17.08.2021) exercising powers under Section 50 of the Maharashtra Land Revenue Code, calling upon the occupants as to why "appropriate action" of eviction against should not be initiated. In spite of the receipt of the Notice of under Section 50 of the MLRC, neither the Representatives of the Association of resellers of old clothes, nor any other persons carrying on the activities over the said Government plot of land, submitted any response and documents proofs in support of their claim. Accordingly, an Order dated 24.11.2021, came to be passed, by the Office of the Deputy Collector (Enc. /Rem.) Mulund, calling upon the occupants to immediately remove themselves from the said plot of land failing which, forcible action of evicted would be taken. I crave leave to refer to and rely upon the Notice dated 17.08.2021 and Order dated 24.11.2021.
9. I say that, said Order dated 24.11.2021, came to be 'implemented'/'Executed' on 10.12.2021, 'removing' and 'evicting' the 'unauthorized occupants' and 'encroachers' from the said plot of land belonging to the State Government. I crave leave to refer to and rely upon the spot inspection dated 10.12.2021, prepared for the Action of evictions of unauthorized persons over the said plot of land.
10. I say that, from the above stated events, it is clear that, in spite of 'repeated Evictions' and taking actions in accordance with law, 'the said Respondents



1025

(R 12 to R 21) and similarly situated persons have been repeatedly encroaching the plot of land and unlawfully claiming rights to carry on their illegal activities over the Government plot A of land. The Respondents can not be considered as a "Street Vendors", seeking protection under the provisions of Street Vender Act, 2014. The office of the Collector, MSD and Deputy Collector (Enc./Rem.) cum Competent Authority, Mulund, , have been receiving the complaints even in the month of December, 2021, about the repeated forceful occupancy and encroachment by Respondents over the said plot of land. The office of the Deputy Collector (Enc./Rem), Mulund, once again initiated the procedure under Section 50 of the MLRC, once again evicted the Respondents. Thus It is clear that, the office of the Deputy Collector (Enc./Rem.), Mulund have been repeatedly taking action against the Respondents (R 12 to R 21), against the illegal activities and encroachment over the said plot of land. Similar complaint has also been received in the month of January, 2023, and action and eviction had been initiated against the Respondents.

- 11.I say that, it is therefore clear, from "the conduct" of the Respondents (R 12 to R 21) that, Respondents have been repeatedly 'encroaching' upon the plot of land, without having any legal rights, and seeking protection under the Street Vendors Act, 2014.
12. I say that, as stated above, the plot of land in question i.e. C.T.S. No. 1320/C, 1320(part), belonging to the State Government is reserved for Recreation Ground, in the Development Plan of the Greater Mumbai. It is required to be maintained by MCGM and for that purpose, the office of the Collector, MSD had initiated the process of handing over the possession of the plot of land to the Municipal Corporation of Greater Mumbai.
- 13.I say that, upon representation, which came to be received by the MCGM, and after holding Joint meeting, with the Authorities of the MCGM, the "temporary permission" came to be granted, to the Respondents




Association, to occupy a 'space' near Octroi Naka, Mulund (East) at the plot of land bearing C.T.S. No.138 and 139, "for a period of 3 months". Street Vendors Act, 2014 cannot be applicable to the Respondents to claim any such alleged rights to occupy the Government plot of land.

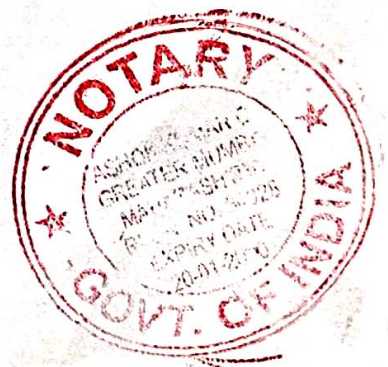
14. I say that, the Office of the Collector, MSD, have been taking repeated actions of evictions against the Respondents and similar situated persons from the Government plot of land, the claim of the Respondents is not justifiable, to seek reliefs of this Hon'ble Tribunal, thereby directing the Authorities "to permit" The Respondents to carry on their activities from the plot of land bearing CTS No.1320/C and 1320 (part), Mulund, MSD, belonging to the State Government.

15. I say that, it is once again stated that, the neighbouring Citizens and an Association of persons have repeatedly lodged complaints about illegal and unauthorized activities of the Respondents, which caused "obstruction to the traffic", "nuisance", "breach of peace", which also resulted in "the adverse effect on the public health".

16. I say that considering the above mentioned facts and circumstances, appropriate order may be passed.



  
(Dr. Yogesh Bhirao Kharmate)  
For Respondent No -6




VERIFICATION

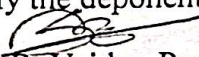
I, Dr. Yogesh Bhimrao Kharmate, Age:44 years, ( for Respondent no. 6) working as a Deputy Collector, (Enc/Rem),Mulund, Mumbai suburban having office at Topiwala college Building, S.N. Road, Mulund (West), Mumbai – 400 080 ,the Respondent-6 herein above, do hereby solemnly declare that what is stated in paragraphs 1 to 20 of the above reply is true to our knowledge, and is based on information, belief and legal advice, which I believe to be true.

Solemnly affirmed at Mumbai)

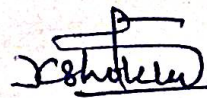
This day of / /2025

  
(Dr. Yogesh Bhimrao Kharmate)  
Deputy Collector  
(Enc/Rem),Mulund, Mumbai  
suburban Place:-Mulund

DEPONENT

Identify the deponent  
  
( Adv S.B. Vaidya-Pandit)

**BEFORE ME**



**ASHOK KUMAR C.**  
B.A., LL.B  
**ADVOCATE & NOTARY**  
2E-305, Royal Park CHS.,  
Kanjurmarg (E), Mumbai - 400 042.



**NOTED & REGISTERED**  
Sr. No. 24/2025 Page No. 10  
Date : 24 MAR 2025

24 MAR 2025





महाराष्ट्र शासन

## मालमत्ता पत्रक

[महाराष्ट्र जमीन महसूल (गाव, नगर व शहर भूमापन) नियम, १९६९ यातील नियम ७ नमुना "ड"]



83637103302

तालुका/न.भू.का. : नगर भूमापन अधिकारी, मुलूंड				जिल्हा : मुंबई उपनगर	
नगर भूमापन क्रमांक	शिट नंबर	प्लॉट नंबर	क्षेत्र चौ.मी.	धारणाधिकार	शासनाला दिलेल्या आकारणीचा किंवा माझ्याचा तपशील आणि त्याच्या फेरतपासणीची नियत वेळ
२२७/१	-	-	३३३२७.००	जी	-

नविन धारक (धा), पट्टेदार(प) किंवा मार (इ)	साक्षांकन
धारक - महाराष्ट्र शासन	फेरफार क्रं. ६२३ प्रमाणे सही- 22/04/2010 न.भू.अ.मुलूंड
धारक - महाराष्ट्र शासन	फेरफार क्रं. ६२५ प्रमाणे सही- 22/04/2010 न.भू.अ.मुलूंड
श्री सद्गुरु को ऑ ही सो लि क्षेत्र ३११८.७ चौमी	फेरफार क्रं. ७०९ प्रमाणे सही- 05/08/2011 न.भू.अ.मुलूंड
ऑल लोकल सेल्फ गव्हर्नमेंट क्षेत्र २५६९.६८ चौमी	फेरफार क्रं. ७४३ प्रमाणे सही- 21/04/2012 न.भू.अ.मुलूंड
जिल्हाधिकारी, मुंबई उपनगर जिल्हा यांचेकडील क्षेत्रदुरुस्ती आदेश क्र.सी/कार्या-२४/क्षे.दु/एस.आर.२४६ दि.१५/४/१० अन्वये व इकडील अ.ता.क्षे.दु/मो.र.नं.१९/१० नुसार व नूहनुंबई महानगरपालिका टी वार्ड अभिन्यास सी.स.नं.१३२०अ यांचेकडील मंजूर रेखांकन क्र.CE ४७/१४७/BS-1/GOV/Date ४/८/२००७ प्रमाणे न.भू.क्र.१३२०क क्षेत्र ३६४४.७ चौ.मी.क्षेत्राची स्वतंत्र मिळकतपत्रिका उघडली. व धारक सदरी महाराष्ट्र शासनाची नोंद केली. व सत्ताप्रकार ग दाखल केला.	
शासन महसूल व वन विभागाकडील झापनक्र.जमीन/२६०४/प्र.क्र.२३७१/ज.३/दि.३१/८/२००९ व ना.जिल्हाधिकारी, मुंबई उपनगर जिल्हा यांचेकडील आदेश क्र.२४/कार्या ३अ/एफ २१०/दि.८/१२/१० व क्षेत्र दुरुस्ती आदेश क्र.सी/कार्या/क्षे.दु/एस.आर.२४६ दि.१५/४/१० अन्वये व इकडील अ.ता.क्षे.दु.मो.र.नं.१९/१० नुसार न.भू.क्र.१३२०क मधील ३११८.७ चौ.मी.क्षेत्र श्री सद्गुरु को ऑ ही सो लि यांना प्रदान केलेने भोगवटदार वर्ग-२ म्हणून नाव दाखल केले. व धारक सदरी महाराष्ट्र शासनाची नोंद केली.	
ना.जिल्हाधिकारी मुंबई उपनगर जिल्हा यांचेकडील पोटविभाजन आदेश क्रमांक सी/कार्या-२४/पो.वि/एस.आर.के.१४१८ दि.२८/८/२०११ व इकडील अ.ता.मो.र.नं.६५६/११ नुसार मुलूंड (पूर्व) न.भू.क्र.३३२०क या मिळकतीचे ३६४४.७ चौ.मी. क्षेत्र मध्ये पोटविभाजन केले व पोट विभाजनाचे ३११८.७ चौ.मी. क्षेत्र वजा केले. सदर क्षेत्राची न.भू.क्र.१३२०क/२ ची स्वतंत्र मिळकत पत्रिका उघडली. व मूळ न.भू.क्र.१३२०क प्रमाणे सत्ताप्रकार ग दाखल केला. व मूळ न.भू.क्र.१३२०क यास १३२०क/१ असा रोज दिला. तसेच न.भू.क्र.१३२०क वरील दि.२२/४/२०१० ची महाराष्ट्र शासन भोगवटदार वर्ग-२ ची नोंद पोटविभाजन न.भू.क्र.१३२०क/२ या मिळकतीस दाखल करून न.भू.क्र.१३२०क वरील सदरची नोंद कमी केली. व न.भू.क्र.१३२०क/१ चे ३३३२७.० चौ.मी. क्षेत्र कायम केले.	
शासन झापन क्रमांक एल. आर. एन २६०८/८७९ प्र.क्र-७६/ज.३ दि.२६/८/२०११ व ना. जिल्हाधिकारी मुंबई उपनगर जिल्हा यांचे कडील आदेश क्रमांक सी./कार्या-२/२अ/जमीन/का.वि.४०६/२०११ दि.२१/१२/२०११ नुसार नाव दाखल केले.	
ना. जमाबंदी आयुक्त आणि संचालक भूमी अभिलेख (म.राज्य) पुणे यांचेकडील परिपत्रक क्र.न.भू.१/मि.४/अक्षरी नोंद/२०१५ पुणे दिनांक १६/०२/२०१५ अन्वये मा. जिल्हाधिकारी मुंबई उपनगर यांचे आदेशान्वये उपरोक्त दि.५/८/२०११ चे नोंदीने मिळकत पत्रिकेवर दाखल असलेले अंकी क्षेत्र अक्षरी तेहतीस हजार तीनशे सत्तावीस पूर्णांक शून्य दशांश चौ.मी.दाखल केले.	

डिजिटल सत्यापन (दिनांक 01/07/2020 12:07:00 AM रोजी) डिजिटल सत्यापन केसी असाध्यपुढे स्यावर कोणत्याही राही शिक्काची आवश्यकता नाही.  
 डिजिटल सत्यापन (दिनांक 12/03/2025 02:03:20 PM)  
 संपूर्ण सत्यापन राही <https://digitalsignatures.maharashtra.gov.in/DSLR/Sign/VerifyPropertyCard> या संकेता सत्यापन 2209100001060181 हा क्रमांक वापरावा.

डिजिटल सत्यापन केसी असाध्यपुढे स्यावर कोणत्याही राही शिक्काची आवश्यकता नाही.

