

1252

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

Sagar Kantilal Devre

.....Petitioner

Versus

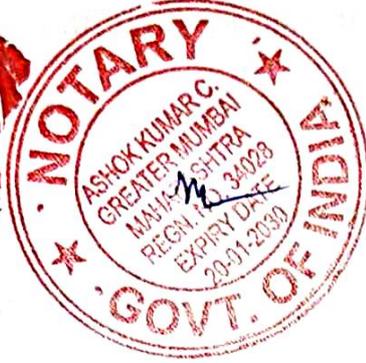
The State of Maharashtra & Ors.

.....Respondents

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BEFORE THE NATIONAL GREEN TRIBUNAL

WESTERN ZONE BENCH PUNE

ORIGINAL APPLICATION NO. 43 OF 2023 (wz)

Sagar Kantilal Devre ... Applicant

VS

The State of Maharashtra & others ... Respondents

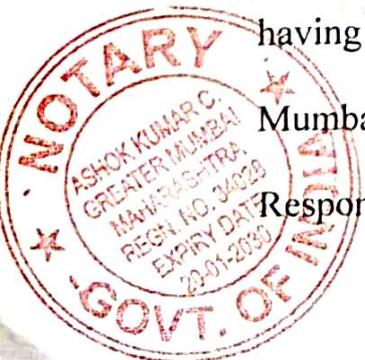
**Affidavit In Reply of the Respondent No. 6**

I Saurabh Katiyar, District Collector, Mumbai Suburban District

having my office at 10<sup>th</sup> floor, Administrative building, Collector office,

Mumbai Suburban District, Bandra (East), Mumbai-400 051, do hereby the

Respondent No. 6, herein, do hereby solemnly affirm and state as under:



1. I have gone through the relevant documents and papers pertaining to the subject matter available in my office records and based on the information gathered from the concerned offices and as per the order of this Hon'ble Tribunal dated 31.07.2025. I am filing this affidavit to place on record the subsequent events in respect of the subject matter.

2. I state that, the land in question bearing CTS No.1320 C/1 and 1320 C/2 of village Mulund, Taluka-Kurla belongs to the Government of Maharashtra, admeasuring total area as per the Property Card is 33327 sq.mtr and 3118.70 sq. mtr respectively.

3. I say that, as per Government Resolution dated 03.06.2010 this office has granted permission to construct six structures up to 300 sq.ft only subject to prior permission of the Municipal Corporation of Greater Mumbai. The list of the six structures for which NOC has been granted is as under-

Sr. No.	Name of Applicant	Purpose for which NOC has been granted	Area sq.ft.	Date of NOC	Name of the Institute whom NOC has been granted
1	Kirit Somayya, Member of Parliament	To Construct Social welfare center	300	16.08.2003	Mumbai Slum Improvement Board, Mumbai (MHADA UNIT)
2	Saradar Tara Singh, M.L.A.	To Construct Gym	300	19.07.2004	Mumbai Slum Improvement Board, Mumbai (MHADA UNIT)
3	Saradar Tara Singh, M.L.A.	To Construct Social welfare center	300	24.09.2010	Mumbai Slum Improvement Board, Mumbai (MHADA UNIT)
4	Ramdas Kadam, M.L.C.	To Construct public Water stand(panpoi)	300	14.03.2011	Municipal Corporation of Greater Mumbai (MCGM)
5	Jyoti Mahendra Vaity, Corporator	To Construct Social welfare center	300	26.12.2008	Mumbai Slum Improvement Board, Mumbai (MHADA UNIT)
6	Charan Singh Sapra, MLA	To Construct Social welfare center	300	02.12.2010	Mumbai Slum Improvement Board, Mumbai (MHADA UNIT)



4. I say and submit that the then Collector had granted NOCs to above mentioned 6 structures subject to the terms and conditions mentioned in respective NOCs. The said NOCs were granted by virtue of powers conferred under Government Resolution dated 03.06.2010 to the Collector, Mumbai Suburban. For granting No objection certificates for erecting public amenities/facilities on Government land out of the local development fund of Hon'ble M.L.A.

5. I say that, No objection granted in such cases does not amount to allotment of land. As per the above Government Resolution permission is granted only for the public amenities/facilities. Such proposals generally received from the authorities like Mumbai Slum Improvement Board, Mumbai (MHADA Unit) or the Municipal Corporation of Greater Mumbai. The NOCs were accordingly issued in the name such authorities.

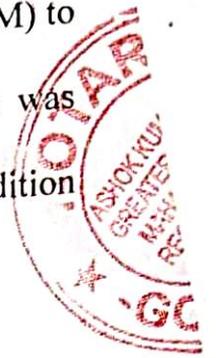
6. Out of these six structures five NOCs were issued in favour of the Mumbai Slum Improvement Board, Mumbai (MHADA Unit), and one NOC was granted in the favour of the Municipal Corporation of Greater Mumbai (MCGM).

7. The Hon'ble National Green Tribunal, western zone Pune passed an order dated 31.07.2025. Pursuant to the said directions, a meeting was convened on 31.07.2025. Directions were issued to the Executive Engineer, Mumbai Slum Improvement Board, Mumbai (MHADA Unit) and



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representative of the Municipal Corporation of Greater Mumbai (MCGM) to clarify whether the prior permission of the Municipal Corporation was obtained before commencing the said constructions, as per the condition No.6 of the NOCs.



8. In response vide letter dated 15.10.2025, the Executive Engineer, Mumbai Slum Improvement Board, Mumbai (MHADA Unit) has communicated that the requisite permission of the Municipal Corporation of Greater Mumbai was not obtained. Further the Executive Engineer (Development Planning), Eastern Suburbs, MCGM vide letter dated 14.10.2025, informed that no permission was taken for the said constructions. Further the Executive Engineer (D.P.), MCGM stated that remarks are remain same, as offered vide letter dated 23.12.2024 of Dy. Chief Engineer (Building Proposal) special cell addressed to Executive Engineer, Improvement Board, Mumbai (MHADA Unit) that the constructions are not permissible under the reservation of "Recreation Ground". Hereto annexed and marked as **Exhibit R-1** is the English translated copy of the letter dated 15.10.2025 and **Exhibit R-2** is the English Translated copy of the letter dated 14.10.2025.

9. With respect to the inquiry whether the structures constructed from the Local Development Fund were transferred to any individual or organisation. the Executive Engineer, Mumbai Slum Improvement Board vide letter dated 15.10.2025 clarified that, as per Government Resolutions



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dated 19.03.2018 and 16.04.2018. Such the structures are handed over to registered social or charitable trust organisations for maintenance and repairs. It further stated that, there are no clear directives regarding the duration for which such constructions to be retained after completion. However, once these buildings/assets are handed over to registered social/charitable trust organisations, it is mandatory for the concerned organisation to renew the maintenance and repair agreement after every three years. However, in the present case the maintenance agreement has not been renewed.

10. Apart from the above six structures the land in question also includes-

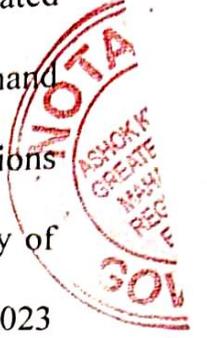
- a. As per the reservation proposal of land demand for recreation ground submitted by MCGM. This office has passed an order on 13.09.2023 to hand over the possession of the area 6640.00 sq.mtr. for recreation ground.
- b. As per reservation on the said land 1916.40 sq.mtr. area of the said land has been granted to Mahanagar Gas Ltd. on lease.
- c. The All India Institute of local self-Government has been granted a area 2569.68 sq.mtr vide Government Memorandum, Revenue & Forest Department dated 26.03.2011 and the collector order dated 29.12.2011 .

11. The Chief Engineer, Municipal Corporation of Greater Mumbai requested to handover 6640.00 sq. mtr. land reserved for the Recreation



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Ground as per the DP 2034. Based on the site inspection report dated 27.02.2023 the Collector Office, passed an order dated 13.09.2023 to hand over the said land 6640.00 sq.mtr. to BMC subject to Terms and Conditions recorded therein. Hereto annexed and marked **Exhibit R-3** is the copy of the CTSO report, Mulund dated 27.02.2023 and the order dated 13.09.2023 colly.



12. I further state that apart from above mentioned six structures No other NOC has been granted by this office. During site inspection of Deputy Collector (ENC/EVC) Mulund on 16.10.2025 three unauthorized constructions were found on the suit land. Details of which are :-

- a. Mrs.Kantabai pralhad Kurhade : Residential ground floor iron structure. (SC Suit No.3223 of 2018)
- b. Mrs.Supriya Sakharam Pawar: Residential ground floor. (SC Suit No.3308 of 2018)
- c. Mr Tukaram Krishna Salekar for Iron Sheet Godown. (BCCC Suit No.1962 of 2019)

civil suits in respect of these constructions are pending before the

Hon'ble City Civil Court, Mumbai.

13. I say that as per the reports submitted by Municipal Corporation of Greater Mumbai (MCGM) and Mumbai Slum Improvement Board, (MHADA Unit) Mumbai no prior permission of Municipal Corporation of Greater Mumbai (MCGM) has been taken for the said construction. The Municipal Corporation of Greater Mumbai (MCGM) is the Planning



Authority and the Competent Authority under the Maharashtra Regional Town Planning Act 1966 and Bombay Municipal Corporation Act 1888.

14. In view of the above facts, this Respondent respectfully pray before this Hon'ble National Green Tribunal may be pleased to pass appropriate order.

Place-Mumbai (Bandra)

Date- this day of December, 2025

(Saurabh Katiyar)  
Collector, Mumbai Suburban



11/12/25

**VERIFICATION**

I, Saurabh Katiyar, working as District Collector, Mumbai Suburban having office office at 10<sup>th</sup> floor, Administrative building, Collector office, Mumbai Suburban District, Bandra (East), Mumbai-400051, the Respondent No.6 herein above do hereby solemnly declare that what is stated in 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 ---

This day of --- December, 2025

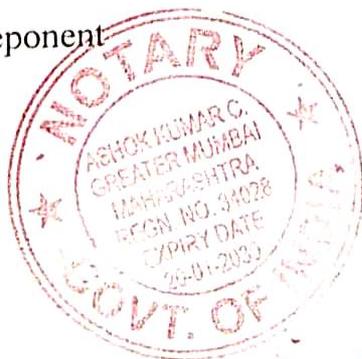
(Saurabh Katiyar)  
Collector, Mumbai Suburban

Identify the Deponent

DEPONENT

**BEFORE ME**

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



**NOTED & REGISTERED**  
Sr. No. 447/2025 Page No. 57  
Date: 11 DEC 2025

126/2025  
**MUMBAI SLUM IMPROVEMENT BOARD,  
MUMBAI (A MHADA UNIT)**

Ja.Cr. Sub-Abhi- 1(East)/Mon. zho.su.man.  
/ 3596 /2025  
Date:- 15/10/2025

To  
Hon'ble Resident Deputy Collector,  
Mumbai Suburban District, Mumbai-51.

**Subject - Hon. National Green Tribunal, Western Region, Pune**  
Application No. 43/2023  
Sagar Kantilal Deore  
against  
Government of Maharashtra and others  
Regarding encroachment on government land No. 1320 in  
Mauje-Mulund, Taluka Kurla.

**Reference - Regarding encroachment on government land No. 1320**  
in Mauje- Mulund, Taluka Kurla  
Hon. National Green Tribunal in the application No. 43/2023  
filed with Hon. National Green Tribunal for further action in  
accordance with the order dated 31.07.2025. Minutes of the  
meeting held on 15.09.2025 at 5.00 PM in the office of Hon.  
District Collector, Mumbai Suburban District Letter No. Work-  
2A/NGT/Encroachment/Meeting/Minutes/2025dated  
19.09.2025

Respected Sir,

In the subject matter, as per the discussion held in the meeting held on 15.09.2025 to take further action in accordance with the order of the Hon'ble National Green Tribunal dated 31.07.2025 regarding the encroachment on government land No. 1320 at Mauje-Mulund, Taluk Kurla, the report of the said meeting on 19.09.2025 in accordance with the issues mentioned in the minutes is as follows:-

Sr.No.	Issue Raised	Comment
1.	Did you take permission from the Municipal Corporation while constructing on the questionable land as mentioned above or how?	Under various works being carried out under the local development plan of the MP/MLA, 04 buildings have been constructed on the subject land through this office after obtaining the administrative approval of the District Planning Department and obtaining a "No Objection Certificate" from the land owner, Hon'ble District Collector However, the records in this office do not show that permission was

		obtained from the Municipal Corporation for construction on the questioned site.
2.	Can such constructions be transferred to other individuals/organizations from the local development fund of the MP/MLA or how? If it can be transferred, documents regarding the provision in this regard should be submitted	<p>1. Planning Department, Government Circular No. Sthavika-0118/ Pr.No.5/ Ka.1482, Dated 19.03.2018</p> <p>2. Planning Department, Government Circular No. Sthavika-0118/ Pr.No.5/ Ka.1482, Dated 16.04.2018</p> <p>Guidelines and provisions regarding handing over of maintenance and repair of properties/buildings constructed under MLA Local Development Programme to registered social/trust institutions have been fixed under the above mentioned Government Circular.</p>
3.	After such constructions are carried out from the local development fund of the MP/MLA for how long are such constructions kept or do further extensions have to be sought for them? If an extension is required, has the relevant authorities given an extension for the said construction or how? Information regarding this should be submitted.	For how long are such constructions maintained after they are constructed from the local development fund of the MP/MLA It seems that there are no clear instructions available in this regard. However, it is mandatory for the concerned organization to renew the agreement with the registered social/trust organization after three years for the maintenance and repair of the properties/buildings constructed under the MLA Local Development Program. The constructions in question have not been renewed for maintenance and repair.

Presented for your perusal and information

With :- As above.



Your faithful,  
 "Sign"  
 (Nitin Dongre)  
 Executive Engineer (East),  
 M.S.D.B, Mumbai

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**Brihanmumbai Municipal Corporation**  
**Sl.No. PR/VIN/14807/PAU, dt. 14 OCT 2025**

Office :-

Chief Engineer (Development Planning)  
Municipal Headquarters, 5th Floor,  
Extended Building,  
Municipal Road, Fort, Mumbai- 400 001.

To,

Resident Deputy Collector, Mumbai Suburban,  
Office of the District Collector, Mumbai Suburban, Administrative Building,  
10th Floor, Government Colony, Bandra (East), Mumbai- 400 051.

**Subject : Sagar Kantilal Deore**

v.

Government of Maharashtra and others 9

Hon'ble National Green Tribunal Order dated 31.07.2025

**Minutes** - Mauje- Mulund (W), Tal. Kurla, regarding the encroachment on the government land No. 1320 C, Hon. National Green Tribunal, West Zone, Pune, in the application No. 43/2023 filed with Hon. National Green Tribunal, West Zone, Pune, in accordance with the order dated 31.07.2025, the Hon. National Green Tribunal has taken further action. Minutes of the meeting held at this office on 15.09.2025 at 05.00 PM

**Reference :** Your letter No. Work-2A/NGT/Encroachment/Minutes of Meeting/2025 dated 19.09.2025

Respected Sir,

The views of this office regarding the issues mentioned in the minutes of the meeting held on 15.09.2025 as per the above reference letter are as follows :-

Sr.No.	Issue Raised	Comment
1.	<p>In case 1, this office has given no objection to the proposal submitted by the Municipal Corporation regarding construction.</p> <p>It was directed in the discussion that the Municipal Corporation should provide its opinion on whether the construction of the said recreation ground on the questioned site is permissible under the reservation or not.</p> <p>Also, the representatives of the Municipal Corporation present were</p>	<p>In the said meeting, it was stated that 1 (one) construction was a water supply and that the Municipal Corporation had given no objection to that construction.</p> <p>In this regard, it is informed that this department has verified from the concerned 'T' word office that no objection has been given by the Municipal Corporation for any construction on the said plot. However, if any permission documents in this regard are in your office, please inform this department. Giving feedback on construction work on city plots / regularizing</p>

	<p>asked to give their opinion on the validity of the remaining constructions as the planning authority. Also, instructions were given to sort out the information as per the provisions of the current Development Control Regulations/Development Plan as to which buildings are permissible under the reservation of the Recreation grounds.</p>	<p>constructions is related to the office of Deputy Chief Engineer (Building Proposal) Special Section and that office has sent its feedback to the Executive Engineer (East) Mumbai Slum Improvement Board on 23.12.2024 as per the Development Control and Promotion Rules 2034.</p>
2.	<p>The proposal submitted by the Municipal Corporation on 08.12.2022 regarding the transfer of the land affected by the reservation of the Recreation ground in the questionable land to the Municipal Corporation mentions the construction on the site. Also, in accordance with the said proposal, the Municipal Corporation's representative has submitted a report to the City Survey Office, Mulund regarding the demand for the said land along with the construction on the said land during the site inspection. Accordingly, after this office submitted a report to the government, the government has given instructions to give possession of the land in the case to the Municipal Corporation. As per the said instructions, an order has been passed on 13.03.2023 regarding the advance possession of an area of approximately 6640 sq.m. of the land affected by the reservation of the entertainment ground.</p>	<p>Through the Development Planning Office, the Hon'ble District Collector has been informed in a letter dated 08.12.2022 regarding the transfer of the land affected by the reservation of Recreation ground on plot No. Bh. No. 1320 C/1 to the Municipal Corporation and it is also stated that "On the said land, some structures are situated and it is learnt that there is pending PIL. against the said structures in Court of Law. The decision to demolish or retain the said structures will be taken as per outcome of pending PIL case At present the land under reference is not being used for intended purpose. Hon. MLA is pressing hard to develop the same for its intended purpose for the use of public at large in the vicinity."</p> <p>afterthat, as per the order No. C. / Karya-2A-Te-2/Kavi/2023 dated 13.09.2023 of the Hon'ble District Collector, Mumbai Suburban District, as per the letter dated 26.09.2023 of the City Survey Office, Mulund Office, 6640 sq.m. of land reserved for Recreation grounds out of the government property was informed in this office to take action to get the land measured</p>



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However, the Municipal Corporation has not yet taken possession of the said land. In this regard, the representative of the Municipal Corporation said that the matter regarding the construction on the said land is sub judice and therefore the possession has not been taken. The Municipal Corporation was aware of the fact that there was construction on the land and as per the instructions of the City Survey Office, Mulund during the site inspection, the Municipal Corporation had informed the Municipal Surveyor, Mulund, to take possession along with the construction. It has been submitted by the Surveyor.

by filing a proper measurement application for developing it as an Recreation ground. Accordingly, the City Survey Office, Mulund Office It has been mentioned in the letter dated 11.12.2024 that the Municipal Corporation paid the survey fee and the land reserved for the recreational ground was surveyed on 03.04.2024. However, the report submitted by the City Survey Office, Mulund regarding the taking of possession including construction during the site inspection is not known to this office.

Also, as per the records of this office, in the letter dated 12.06.2023 submitted by the Additional District Collector (Ext./Ext.) East Suburbs to the Hon'ble District Collector, it is stated that "Directions have been given to the Deputy District Collector (Ext./Ext.) Mulund and all concerned to take action to remove the unauthorized constructions at this site.

3. On this, is the purpose of the construction of the recreational ground on the land in question, which has been granted no objection under the reservation, being permissible or not? In this regard, the representative of the Municipal Corporation discussed the matter with the special cell under the building proposal and gave instructions to take action to take possession.

The office of Deputy Chief Engineer (Building Proposals) Special Cell has sent its comments to the Executive Engineer (East) Mumbai Slum Improvement Board on 23.12.2024 as per the Development Control and Promotion Rules 2034. There is no change in the said comment. A copy of it is attached for information.

Submitted for your information and further appropriate action.

Your faithful,  
"Sign"  
executive engineer  
(Development Planning) Eastern Suburbs

# Office of the District Collector, Mumbai Suburban

Administrative Building, 10 Or Bhagaya, Shamko Parkha, Goi (Complete), Mumbai-400 0051

Telephone: 022 69403333/99403500,

Email: [collector.mmbuisabur@maharashtra.gov.in](mailto:collector.mmbuisabur@maharashtra.gov.in)

Chr..C/WORK-2A/TE-2/POETRY-308/2023

DATE 13 SEP 2023,

1. Letter from Chief Engineer (D.P), Municipal Corporation of Mumbai. Manga220PS/ Dated 08.12.2022.
2. Letter from CTSO Mulund K.N.Bhu.A.G./N.P.Mulund (P)/Site Inspection/G.Bhu.No.1320/8/1/2023 27.02.2023  
Letter from Tahasildar Kurla -Teh/Kulli/Jagin/Pavi-113/2023 Received Dt.27.02.2023
3. Letter from Government, Revenue and Forest Department Jamin-2623/Pr..63/J-3 dated 25.08.2023
4. Maharashtra Land Revenue Code, 1966 (Expropriation of Government Land (Imposition) Rules, 1971 Rule 6 (3) (a) 6.
5. Circular No. LNC 1083/2702/CR-1909-G-5 dated 04.02.1983 issued by the Government Revenue and Forest Department

## Order :-

The Chief Engineer (Development Planning), Brihanmumbai Municipal Corporation has requested the transfer of the government land reserved for recreation ground, No. 1320/C/1 Pai and drain side, in Village Mulund, Taluka Kurla, to the Municipal Corporation, vide letter No. 1 of the Sub-division.

Accordingly, the report mentioned in No. 2 & 3 of the above sub-paragraph has been received in this office as informed by the office to conduct a proper inquiry into the matter and submit a factual report along with the necessary documents.

According to the said report, the property in question is located in survey No. 386/1, Mulund, Taluka Kurla and the ownership of 7/12 of the said property is registered as Maharashtra Government and the total area is 4.81.07 hectares and sq.m. The said property has CTS No. 1320/C/1 and the holder of the property is registered as Maharashtra Government and the total area is 33327.00 sq.m.

The representative of Brihanmumbai Municipal Corporation has submitted a non-scale map of the plot area shown for developing the recreation ground as per the demarcation shown during the site inspection. The said demanded area is 6640.00 sq.m. and the said area is one of the areas reserved for recreation ground as per the Development Plan 2034. The demanded Sindhi, old cloth business is being done on the site and there are trees and bushes on the site in some places. Also, in the site inspection report, the Municipal Corporation has demanded the said land along with the Construction Present on the Site.

There is a drain in the east of the demanded land, a road in the west, a road & drain in the north and a Sadguru CHS in the south. In CTS 1320/C/1 approximately 6640.00 sq. m.area reserved for the recreation ground is available for transfer to the MCGM.

In the matter, in accordance with the report submitted by this office to the Government on 01.03.2023, the Government Revenue and Forest Department vide letter No. 4 in the preamble has directed that the said land should be used only for the purpose for which it is reserved. Also, as per rule 6 (3) (a) of the Maharashtra Land Revenue (Disposal of Government Land) Rules, 1971 made under the Maharashtra Land Revenue Code, 1966, the Planning Authority may, at any place, require Government land for the development of the reservation in the draft or final development plan published under the provisions of the Maharashtra Regional and Town Planning Act, 1966, irrespective of the market value of the said Government land. Or the District Collector shall be competent to provide it to the appropriate authority.

In pursuance of the directions given in the letter, I Rajendra N. Bhosale, District Collector, Mumbai Suburban District, as per the provisions of A.No. 6 dated 28.08.2023, has granted the Chief Engineer (PD), MCGM 6640.00 sq.m. of Government Land reserved for R.G out of the Government Land No. 1320/C/1 at Mulund, Tal. Kurla, for development as a recreational ground, free of revenue and free of cost possession, subject to the following terms and conditions.

**Terms and Conditions :-**

- 1) The said government property can be used only for the purposes of the Municipality, but the land cannot be mortgaged/secured/leased, and no part of the land can be transferred or assigned to a third party.
- 2) The said government land will be held by the Municipal Corporation on As Occupant class-2. The ownership on the said land will remain as 'G'.
- 3) The land must be developed for the approved purpose within two years from the date of acquisition of the land by the Municipal Corporation.
- 4) MCGM shall comply with all court orders while carrying out development work on the subject land and shall exercise due diligence.
- 5) The Government will have the right to enter/examine the approved land as per the provisions of the Maharashtra Land Revenue Act.
- 6) The Maharashtra Land Revenue Act, 1966 and the rules thereunder and the decisions and provisions passed by the Government from time to time shall be binding on the Municipal Corporation.
- 7) The MCGM should take proper care of the construction on the said land.
- 8) If the Government finds the land necessary for other public purposes, the sanctioned land will be taken away without any hindrance and without paying any compensation. If compensation is payable in respect of construction on the taken land, the Government's decision in this regard will be final.
- 9) The MCGM will be responsible for protecting the said land from encroachment.

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- 10) Policy decisions taken by the government from time to time in the future will remain binding on the MCGM.
- 11) If there are any claims pending in court regarding the land in question, the final decision in the said claim shall be binding on the MCGM.
- 12) If any of the above conditions are found to be violated, this office reserves the right to cancel or suspend the development permission.
- 13) A guarantee of Rs.500/- on stamped paper should be submitted to this office within 30 days, in compliance with the above terms and conditions.

"Sign"

(Satish Bagal)  
Resident Deputy Collector,  
Mumbai Suburban District

To  
Chief Engineer (PD),  
Head Office, 5<sup>th</sup> floor, MCGM, Fort, Mumbai- 400 001

Copy :-

1. Hon. Additional Chief Secretary, (Revenue), Revenue Department, Mantralaya, Mumbai-32 for information.
2. Hon. Divisional Commissioner, Konkan Division, Konkan Bhavan, CPD Belapur, Navi Mumbai for information.
3. Tehsildar, Kurla / City Survey Officer, Mulund  
/-The City Survey Officer should hand over the possession of the said area after measuring the land to the Chief Engineer (PD) MCGM. The possession receipt and two copies of the map be submitted to this office.