

BEFORE THE NATIONAL GREEN TRIBUNAL  
WESTERN ZONE BENCH, PUNE

Original Application No.63 of 2024(WZ)

Vanashkati & another

...Applicant

VERSUS

Chief Executive Officer Zilla Parishad,  
Thane and Others

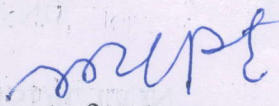
... Respondents

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Pune

Date: 05/12/2024

  
Advocate for the Respondent No.7

D.M.Gupte

9422317884

[email-advgupte@gmail.com](mailto:email-advgupte@gmail.com)

IN THE NATIONAL GREEN TRIBUNAL

WESTERN ZONE BENCH, PUNE

ORIGINAL APPLICATION No. 63 of 2024

Vanashakti and Anr. . . . .Applicant no.1

Versus

Chief Executive Officer,  
Zilla Parishad, Thane and anr. . . . .Respondents

**Affidavit in Reply of Respondent No. 7**

I, Dr. Shailendra Jadhav IFS, currently posted as Deputy Conservator of Forests, Mangrove Cell, Forest Department, Maharashtra State, having my office at Ballard Estate Mumbai, do hereby solemnly affirm and state as follows:

- 1] I am the Respondent no.7 to this O.A. I have read the copy of the O.A. and the documents annexed thereto. I have also read the order dated 3.10.2024 of the Hon'ble Tribunal requiring me to file a response to the O.A. and I am doing so in compliance with the said order.
- 2] As appears from the record, this Hon'ble Tribunal vide its order dated 18.3.2024 had constituted a Committee with directions to inspect the 4 sites mentioned in Para 5 (i) to (iv) of



the O.A., at Dive-Anjur where unauthorized dumping of Solid Waste was being done as stated in the O.A. and to file a report on the factual status of the 4 sites.

3] Accordingly, the Committee was constituted of:

- i) Principal Secretary, Rural Development Department, M.S.,  
Committee Chairperson
- ii) Collector Thane District, Member -Secretary
- iii) Chief Executive Officer, Zilla Parishad, Thane
- iv) Representative of the Pollution Control Board, Bhiwandi
- v) Deputy Conservator of Forests, Mangrove Cell 196 (Respd.7)
- vi) Representative of 'Vanashakti' (Applicant no.1).

4] The Committee so constituted made a site visit to Dive-Anjur on Saturday, 3.8.2024. Besides the members of the Committee, the concerned farmers and land owners were also present. Sites on S Nos. 190 to 196 and 199, 219, 223/1/A, 103, and 105 at Dive Anjur were inspected. All of these lands are privately owned lands. Although dumping of solid waste was seen on many of the said plots it was found that all the said plots are privately owned. All these plots, including S. no.219 are not in the possession of the Forest Department. These plots have not been notified as Reserved Forest or as Protected Forest under the Indian Forest Act 1927.

5] I say and submit that since these plots are not notified under the Indian Forest Act 1927 and are not in possession of the Forest Department, the Mangrove Cell and / or the Forest Department is not vested with any legal authority to take any



action in respect of anything being done there which is perceived as causing environmental harm / damage.

6] In para 5 (iv) of the O.A. it has been claimed that the site at S. no.219 Dive Anjur has a signboard proclaiming that the area is "forest" and a photograph of the said board has been furnished at Annexure A-5. This claim is a result of misunderstanding of the Applicants. The signboard pertains to the immediately adjacent S No. 180B and not to S No.219. I have furnished as ANNEXURE R7-A hereto a map showing the relative positions of S no. 219 and S No.180B. I have also furnished a copy of the notification dated 11 January 2021 under section 20 Indian Forest Act 1927, declaring S no. 180B as Reserved Forest, as ANNEXURE R7-B. I have furnished at ANNEXURE R7-C Collectively hereto, the copies of the Revenue Records (7/12 extracts) which clearly show that S No.180B is Reserved Forest while S No.219 is privately owned.

In view of the facts revealed during inspection and the facts appearing from the revenue records and Government Notification mentioned above, I say and submit that there is no cause of action in this O.A. as against the Forest Department / Mangrove Cell / Respondent no.7 and hence we may be dropped from these proceedings.

#### AFFIDAVIT

I, Dr. Shailendra Jadhav IFS, Respondent no.7 to this O.A. Deputy Conservator of Forests, Mangrove Cell, Forest Department, Maharashtra State, having my office at Ballard



Estate Mumbai, do hereby solemnly affirm and state that the contents of the foregoing affidavit are based on my personal inspection of the sites in question and also on the Revenue Records and Government notification mentioned above and which I believe to be true.

Solemnly affirmed at Mumbai )

On this day of December 2024 )

04 DEC 2024

Dr. Shailendra Jadhav IFS

Deputy Conservator of Forests,

Mangrove Cell,

Respondent no.7

**BEFORE ME**

**A. R. SURVE**  
ADVOCATE & NOTARY  
GOVT OF INDIA  
REG. No 16353

Seen Original  
AN / Aadhar / Electk  
Card Driving License  
Card - Passport / POA  
Bearing No. ms/48

Dated. 04 DEC 2024

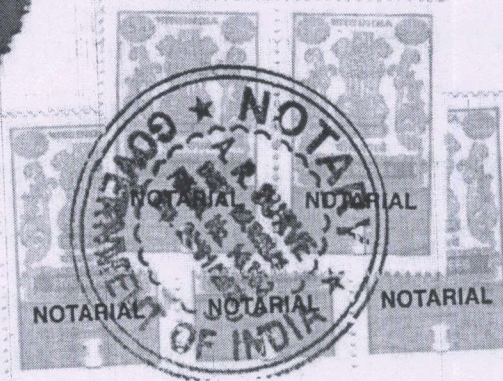
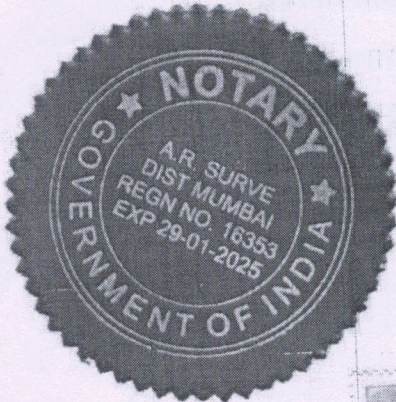
For Verification 4

NOTARY & REGISTERED

Reg. No. 2202

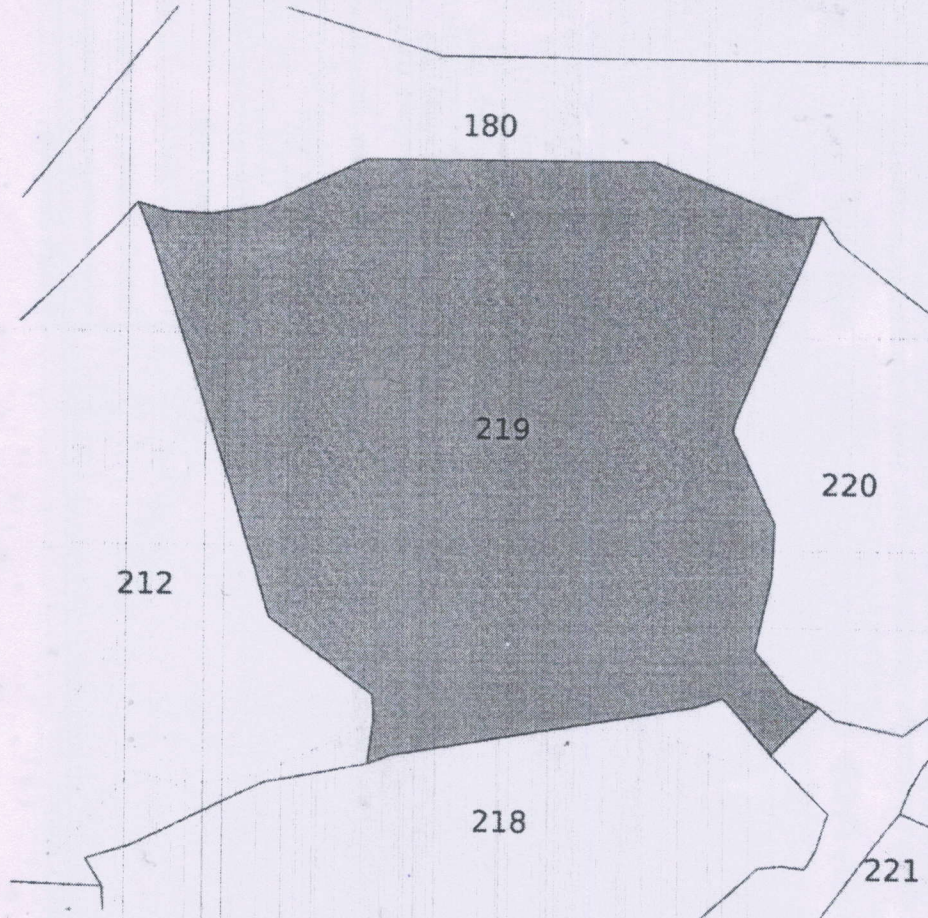
Page No. 33

Date. 04 DEC 2024



# Plot Report

Rural, District : ठाणे, Taluka : भिवंडी, Village : दिवे अजुंर,



Scale 1:2000

Survey No. : 219

Total Area : 2.3960

Pot kharaba : 0.2330

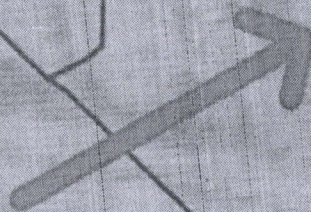
Owner Name : कार्यवाह भुदान समिती महाराष्ट्र राज्य

Khata No. : 494

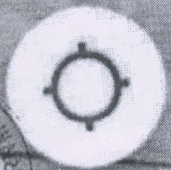
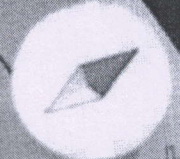
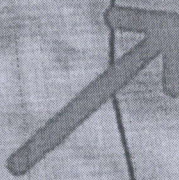




219



180/Ganesh C  
mangrove



महाराष्ट्र शासन राजपत्र असाधारण भाग चार-अ, जानेवारी १२, २०२१/पौष २२, शके १९४२

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### REVENUE AND FOREST DEPARTMENT

Madam Cama Marg, Hutatma Rajguru Chowk,  
Mantralaya, Mumbai 400 032, Dated 11th January 2021

#### NOTIFICATION

INDIAN FOREST ACT, 1927.

No. FLD-12/2020/C.R.313/F-3, In exercise of the powers conferred by Section-20 of the Indian Forest Act, 1927 (XVI of 1927), the Government of Maharashtra is pleased with reference to Divisional Commissioner, Konkan Notification No.RB/Desk-2/Forest/CR-2361(1)/2015, Dated 25th October 2017 to declare the land in the **Taluka Bhiwandi District Thane**, specified in the schedule hereto annexed, to be **Reserved Forest** from date of publication of this notification in the *Official Gazette*.

#### Schedule

#### Taluka: Bhiwandi District: Thane

S. R.	Village	S.No./ Gut.No.	Total (Hr.)	Boundries			
				North	East	South	West
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
1	Alimghar	10 Part (New S.No. 10/B)	14.8372	10 Part, 32, 33, 34, 51, 52, 84, 86, 88	157, 158, Bharodi Boundary	Creek	10 Part
		11 Part (New S.No. 11/B)	1.7551	15, Creek	Creek	11 Part	11 Part, 12
		15 Part (New S.No. 15/B)	3.6207	Creek	Creek	11,14	15, Creek
		157	0.8500	156	Bharodi Boundary	Bharodi Boundary	158
		158	2.8500	160	156, 157, 158 part	157	159, 10
		173	1.2820	174	168	10	175
		180 part (New S.No. 180)	2.2622	180 Part	175, 180 Part	175 Part	180 Part, 10 Part
		181	3.3714	10 Part	Bharodi Boundary	Creek	181 Part
		182	10.3582	10, Creek	Creek	11,15, Creek	Creek
2	Bharodi	116 Part (New S.No. 1116/B)	4.9332	171 to 174, 127, 139, 143 to 147 122,115	Creek, 116 Part	Creek	Alimghar Boundary
		230 Part (New S.No. 230)	11.4556	182, 164 to 166, 60, 61, 71 to 73,130, 131, 151	116	106 to 112, 125, 132, 133,	230 Part
		231	4.9193	116	River	River	116
		174 Part (New S.No. 174/B)	0.9566	Alimghar Boundary	171, 173	116	175



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		175 (New S.No. 175/B)	0.8752	Alimghar Boundary	174	116	Alimghar Boundary
		229	0.8377	Vehele Boundary	River	116	51,52
		232	0.3629	184	183	185	185
3	Dive (Kevani)	64 Part (New S.No. 64/B)	20.8619	Creek	Kevani Boundary	64 Part	Creek
		137/1 Part (New S.No. 137/1B)	1.2874	64	135, 136, 137/2	64	Creek
		147 Part (New S.No. 147/B)	0.3264	64	64	147 Part	147 Part
		181	15.0446	Creek	64, 137	Creek	Creek
		182	0.1819	Creek	Kevani Boundary	64	Creek
4	Dive Anjur	180 Part (New S.No. 180/B)	10.7266	Creek	35, 180 Part, 183	24, 25, 27, 30, 34, 237	Creek
		211	10.1307	Creek	Creek	Creek	Creek
		252	17.7555	Creek	180,211	Creek	Creek
		253	3.3395	Creek	Creek	180	Creek
		254	2.0836	36, Creek	39, 40, 43 to 45	51,52	180,35,34
5	Gove	36/5	0.0940	148	36/2	35	36/5
		36/6	0.0710	148	36/7	35	36/6
		36/7	0.0450	148	148	35	36/6
		37/2 (New S.No. 37/2B)	0.0910	38	38/4	37, 6, 7	37/1
		37/3	0.0130	38	38	37/4	37/2
		37/4 (New S.No. 37/4B)	0.0180	37/3	38	38	37/2
		37/5 Part (New S.No. 37/5B)	0.0240	37/1	37/6	38	38
		37/6 Part (New S.No. 37/6B)	0.0340	37/1,2	38	38	37/6
		37/7 Part (New S.No. 37/7B)	0.0120	37/2	38	38	37/6
		143 Part (New S.No. 143/B)	0.8840	3,56,57	4	Creek	Creek
		144 Part (New S.No. 144/B)	0.7797	Creek	2	172	Creek
		146 Part (New S.No. 146/B)	0.0770	Creek	Creek	40	Creek
		157	0.0600	Creek	22	22	22
		158	0.0300	5	159	160	90
		159 Part (New S.No. 159/B)	0.0178	5,7	7	Creek	Creek



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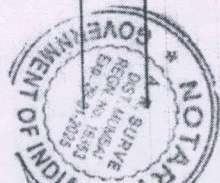
160 Part (New S.No. 160/B)	0.0346	Creek	Creek	19	158
161 Part (New S.No. 161)	0.110	Creek	163	19	19
162 Part (New S.No. 162/B)	0.1344	7	8	Creek	Creek
163 Part (New S.No. 163/B)	0.0095	Creek	19	19	Creek
164 Part (New S.No. 164/B)	0.0038	Creek	18	19	Creek
165 Part (New S.No. 165/B)	0.0097	8	Creek	Creek	Creek
167 Part (New S.No. 167/B)	0.0154	8	Creek	Creek	Creek
180	0.6151	PIMPAL- GHAR Boundary	65, 66	Creek	Creek
181	0.110	Creek ,163	134	Creek, 134	Creek
182	0.0610	Creek	144	Creek	146
145 Part (New S.No. 145/B)	0.3430	Creek	Creek	Creek	Creek
147 Part (New S.No. 147/B)	0.1010	39	Creek	38	Creek
148	0.930	Creek	Creek	36,37	39
149 Part (New S.No. 149)	0.120	Creek	Creek	Creek	39
150 Part (New S.No. 150/B)	0.4161	Creek	Creek, 32	Creek	Creek
151 Part (New S.No. 151/B)	0.3016	Creek	26	26, Creek	Creek
152 Part (New S.No. 152/B)	0.0215	26	29	Creek	26
153 Part (New S.No. 153/B)	0.1244	Creek	30	31	Creek
154	0.5100	Creek	Creek	51,52	Creek
155 Part (New S.No. 155/B)	0.0072	Creek	Creek	Creek ,55	54
156 Part (New S.No. 156/B)	0.0415	Creek	Creek	Creek	Creek
183	4.3500	Creek	42, 43, 48, 49, 51	38, 39, 147, 148	45, 46, 55 Creek



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6	Junandurkhi	184	0.1356	Creek	33, 34, 150	35, 31	37		
		185	0.2038	Creek	26, 151, 153	31	31		
		202 Part (New S.No. 202/B)	1.6133	213	213	211		228	
		211 Part (New S.No. 211/B)	2.2066	202, 228	212	75		294	
		212 Part (New S.No. 212/B)	2.5432	213	22,23	75		211	
		213 Part (New S.No. 213/B)	3.3765	214	24,27	212		212/P, 211 ,228	
		214 Part (New S.No. 214/B)	1.3685	215	26	213		228	
		215 Part (New S.No. 215/B)	0.5533	Creek	26	214		228	
		227 Part (New S.No. 227/B)	1.7161	200, 174, 173	173, Creek	Creek		174	
		228 Part (New S.No. 228/B)	1.1633	Creek	Creek	71, 72, 81, 83		70	
		293 (New S.No. 303)	5.1818	Creek	37,228,229	215,26,228		Creek	
		294 (New S.No. 304)	11.8914	Creek 75, 178, 179, 227	211	Creek		Creek	
		7	Kalher	114 Part (New S.No. 114/2/B/1)	3.3285	Creek	115A,B, 113,133, 33 to 35	Creek	Creek
		184 Part (New S.No. 184/B)		6.9409	Creek	185, 183, 180, 181, 177, 176, 138, 139, 136, 137, 116	Sadak		Sadak
306 Part (New S.No. 306)	1.0579	308		308	308		308, Creek		
307 Part (New S.No. 344)	1.4962	Creek		Creek	Creek		307 Part, Creek		
308 Part (New S.No. 345)	5.3949	Creek		Creek	Creek		308 Part		
8	Kasheli	49	2.5600	50,55,48	Creek	Creek	56		
56 A		5.3800	53, 68	54,55, 49	Creek		57, 59, 90 61		
97 A (New S.No. 97/A/2)		6.2656	107, 108, 100, 97B, 98, 96	Creek	Creek		110, 111		
110 Part (New S.No. 110/B)		1.4844	110 Part	109	97A		111,112		



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		149	0.0300	150	Creek	148	147/5,147/3
		156 (New S.No. 56/B)	0.4193	217	Creek	167	155,157
		159 (New S.No. 159/B)	0.0600	207	158	162	160
		167	1.4300	162	Creek	Creek	168
		171 Part (New S.No. 171/B)	0.3980	171 Part	169,170	Kalher Boundary	Kalher Boundary
		193 Part (New S.No. 193/B)	9.2860	190	Creek	185A, 187, 188, 189	Kalher Boundary
		194 Part (New S.No. 194/B)	0.4939	194 Part	144	207	Creek
		212 (New S.No. 217)	0.8355	Creek	Creek	Creek	Creek
		213 (New S.No. 221)	1.4325	Creek	Creek	Creek	Creek
		214 (New S.No. 222)	23.8849	Creek	Creek	167	156
		111	0.830	112	110	Creek	Creek
		112 (New S.No. 112/B)	2.6646	112 Part	124, 110	111	207
9	Kharbav	195 (New S.No. 333/B)	0.8771	Gane Boundary	Creek. 199	Creek	195 Part
		268 (New S.No. 420)	2.3497	Creek	Creek	Creek	Creek
		269 Part (New S.No. 421)	27.9579	old s. no 357, 358, 318, 269 Part	Creek	Creek	Creek
		270 (New S.No. 422)	0.0181	Creek	195	Creek	Creek
		271 Part (New S.No. 423)	38.1192	Creek	Creek	Creek	209, 215, 216, 322,271
		272 (New S.No. 424)	0.0389	Creek	Creek	Creek	Creek
10	Paye	5 Part (New S.No. 278/B)	34.7327	5 Part, 194, 195, 198, 199, 200	5 Part, Paygoan Boundry	Vasai Creek	5 Part, 176, 178, 179, 180, 193, 194
		311 (New S.No. 312)	1.8167	Paygoan Boundary	Paygoan Boundry	Creek	5
11	Paygaon	17 Part (New S.No. 254/B)	17.4356	Khardi Boundar, 17 Part	6,7,17Part, 26/49, 58	17 Part, 19,20, Creek	17 Part, 46, 48, paye Boundary



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12	Pimplas	242 Part (New S.No. 307)	1.8163	17	17	Creek	paye Boundary
		154 Part (New S.No. 154/B)	0.9337	152	169	155	153
		155 Part (New S.No. 155/B)	1.5020	154	169	156	157
		172	0.0800	Creek	Creek	174	173
		210 Part (New S.No. 210)	0.1200	207,209	Creek	Creek	206, 211, 212
		86 (New S.No. 86/B)	0.0126	132	120	129	130
		294 (New S.No. 302)	2.8133	Gova Boundary	Gova Boundary,	Creek	125, 149, 150
		221 Part (New S.No. 221/B)	0.4140	217, 218	213, 215	Creek, 223	220, 227
		231 Part (New S.No. 231/B)	0.0064	230	234, 236	232, 233	191, 265
		249 Part (New S.No. 249/B)	0.0788	252	248	Creek	Creek
		295 (New S.No. 303)	0.0774	280	Creek	Creek	Creek
		296 (New S.No. 304)	5.6868	210, 211, 221, 223, 224	Gova Boundary, 237, 238, 254, 256	257	225, 231, 233 to 235, 259, 260
13	Pimpalghar	25 Part (New S.No. 25/B)	0.0587	28	24	10	Ranjnoli Boundary
		42	0.2845	River	8	7,8	River
		7 (New S.No. 7/B)	0.0489	River	8	River	Rivet
		43	0.1805	7	8	River	River
14	Pimpalner	34/14	0.0730	9	11,21	22,33	35,36
		166 (New S.No. 172)	0.0075	Vehele Boundary	32, 36	Vehele Boundary	Vehele Boundary
		167 (New S.No. 173)	2.8162	25, Creek	Creek	Creek	26, 27
15	Vaduavghar	78 Part (New S.No. 78/B)	0.1506	77,79	250	250	78
		250A/ H.NO 1 (New S.No. 250/A/1/B)	3.3290	77	85,86	261, 263	River



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		283 (New S.No. 283/B)	1.3895	River	297	254, 255, 104, 107	River
		284 C (New S.No. 284/C/2)	1.4732	River	River	204	172, 177, 200, 284A, 284B, 201, 202, 203, 284D
		311 (New S.No. 332)	27.7787	20, River	20, 258, 259, 260, 261, Kharbav Boundary	River, 261, 263, 204, 75, 298, 283	River, Kharbav Boundary, 284C
16	Ranjnoli	113 (New S.No. 114)	1.6630	Creek	21, 22, 74, 102, 103	Creek	Creek, Pimpalas Boundry
		<b>Total</b>	<b>441.6527</b>				

By order and in the name of the Governor of Maharashtra,

ARVIND APTE,  
Secretary to Government.





NOT FOR LEGAL PURPOSE

NOT FOR LEGAL PURPOSE

गाव :- दिवे बनुर (552671)  
 PU-ID : 26620867462

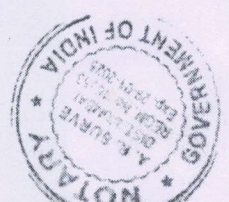
[ यदापट वकील यदुल कधिकार कमितेक कनि मोल्क्या ( कपार कले व पुदिपीर ठेवने ) निपय, 1991 शीत निपय 3, 4, 6 कनि 7 ]

पू.धारणा यदती :- सरकार  
 शोधक व आकारणी

शेवाचे स्थानिक नाव :-  
 शिवा - ठाणे

शेवाचे स्थानिक नाव	आकार	संज्ञ	शेवाचे स्थानिक नाव
कुळ, खंड व इतर अधिकार	फं. फा.		
कुळचे नाव व वर	( 1059 )	10-72-66	
इतर अधिकार	( 1059 )	10-72-66	
एत			
"विपद-कसिबाप बहुवेकीव युरागार्न प्रकल्पकारिता			
संपादनासाठी प्रस्तावित" (1423)			
प्रचलित केळार : गाडी.			
संकेतक केळार क्रमांक : 1423 व दिनांक : 18-09-2023			

शेवाचे स्थानिक नाव : ( 503 व 793 व 804 व 970 व 956 व 1046 व 1191 व 1304 )



3:21

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सुचना : या संकेतस्थळावर दर्शविलेली माहिती ही कोणत्याही शासकीय अथवा कायदेगार बावीसाठी वापरता येणार नाही.

सुचना : या संकेतस्थळावर दर्शविलेली माहिती ही कोणत्याही शासकीय अथवा कायदेगार बावीसाठी वापरता येणार नाही.

गाव :- दिवे अजुर (552671)  
 भूमापन क्रमांक व उपविभाग : 180/अ  
 [ यदापात्र जमीन महसूल बवितेख खास नोंदव्या ( वपार करणे व सुविप्तीत ठेवणे) दिनांक, १९७१ बावीत दिनांक १९ ]  
 गाव नमुना बापा ( पिकाची नोंदवही )  
 तापुका :- भिवंभी

वर्ष	हंगाम	वारा क्रमांक	पिकाचा प्रकार	पिकाचे नाव	अस सिंचित	अजल सिंचित	जल सिंचनाचे साधन	स्वरूप	बावीत क्षेत्र	शासकीसाठी उपलब्ध नसलेली जमीन क्षेत्र
(१)	(२)	(३)	(४)	(५)	होकर बावी	होकर बावी	(६) होकर बावी	(७) होकर बावी	(१०)	(११)
2021-22		49								35.9934

टीप : \* संदर्ची नोंद मोवाइल अप द्वारे घेणेत आलेली आहे

सुचना : या संकेतस्थळावर दर्शविलेली माहिती ही कोणत्याही शासकीय अथवा कायदेगार बावीसाठी वापरता येणार नाही.

सुचना : या संकेतस्थळावर दर्शविलेली माहिती ही कोणत्याही शासकीय अथवा कायदेगार बावीसाठी वापरता येणार नाही.



VIEW ONLY

BEFORE THE NATIONAL GREEN  
TRIBUNAL, WESTERN ZONE, PUNE

Original Application No 63 of 2024

In the matter of :

Vanashakti and Anr. .. Applicant

Versus

Chief Executive Officer

& Others .. Respondents

**Reply Affidavit of Respondent No.7**

DATED 5<sup>th</sup> December November, 2024

D.M.GUPTA

ADVOCATE FOR  
RESPONDENT NO.7

3, LAXMAN APARTMENT

25/26, OLD TOPHKAHANA,

S'NAGAR, PUNE - 411 005

MOBILE : 9422317884

email: advgupte@gmail.com