



BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

(WZ) PUNE

ORIGINAL APPLICATION NO. 84 OF 2022

DISTRICT: JALGAON

Lalit s/o Namdeo Chaudhari ... **APPLICANT**

VERSUS

The State of Maharashtra ... **RESPONDENTS**
and others.

AFFIDAVIT-IN-REPLY

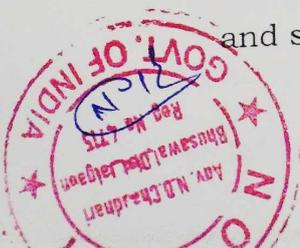
(For and on behalf of Respondent No. 08)
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I, Swaliha Noormohammad Malgave, as Chief Office

Age: 34 years, Occu.: Government Servant, R/o Faizpur

, Taluka: Yawal, District: Jalgaon, do hereby solemnly affirm

and state on oath as under:



That, I have gone through the contents of the Original application along with its annexures and I am filing this Affidavit-in-Reply on the basis of knowledge and information, which I believe to be true and correct. This Affidavit-in-Reply is being filed to oppose to admission of the Original Application and/or also further to oppose to granting of any interim relief(s) and/or final relief(s) in favour of the Applicant. This deponent craves liberty to file a detailed Affidavit-in-Reply, after filing the report of the Committee constituted by this Hon'ble Court and if occasion so arises or if directed by this Hon'ble Court at the time of hearing.

1) That, with reference to the contentions raised in Paragraph No. 01 to 04 of the Original Application, That, with reference to the contentions raised in Paragraph Nos. 1 to 4 of the Writ Petition, this deponent relies upon true and correct meaning of contents thereof.

2) That, with reference to the contention raised in Paragraph No. 05 to 8 of the Original Application, the deponent humbly submitted that, the same are not fully true and correct. At the outset this deponent humbly submits that there is intention at any point of time to harm to environment. The respondent municipal council has only works for the welfare of the peoples of the Faizpur city. It is also pertinent to note that, the petitioner himself admitted that, the Dhadi river is non-perennial.

3) That, with reference to the contentions raised in Paragraph No. 9 to 14 of the Original Application, this deponent humbly submits that same is not true and correct. This deponent humbly submits that, the town of Faizpur is spilt up into two parts, one of the west other to East by Dhadi river which flows from North to South. The western portion of town, which is thickly populated i.e Gaothan area. On the consulting of Jalgaon mediaum report project Division of Irrigation, Jalgaon in respect of map showing flood lines of Dhadi river in the area of Faizpur Municipal limit, but irrigation department has not supplied the flood link map therefore by conducting local survey and consulting with the then chief officer and senior persons of the town flood line is fixed.

That, third deponent humbly submits that the population of the town as per 2001 census was 23694 and as per 2011 census the same is 26604. The percentage of growth of population during this decade is about 12.28%. the Faizpur city located on the junction Raver-Busawal and Burhanpur-Shirpur road is centrally located. due to physical barriers such as Dhadi river and the Mohmmad burial ground on east and the undulating portion on the north, the town has been mainly growing along the Bhusawal road to the south and yawal road to the western side of the town.

That, the Dhadi River passing near to the Gaothan area. The Gaothan area portion is thickly populated and there is no scope for future expansion. The present road is rather defective due to the haphazard growth. The roads in the gaothan area are narrow, therefore whole internal and external circulation need to improvement. That the area on the northern side of Gaothan is ripe for development the same was not developed due to inadequate road links. The eastern and western part of the town are connected by one bridge and one causeway on river ad road near the river which by pass the city is therefore essential to improve the traffic circulation of the different parts of town.

That, it would be not out of place to mention here that, the faizpur city is sensitive place and the Ganesh immersion and Devi immersion were passing through the Minority area. Due to congested roads there were always threat to maintain the law and order of the city therefore considering all above, it seems that the then chief officer and concern person had decided to develop a causeway. Therefore after obtaining all the necessary technical sanction they have developed a causeway which was urgent need of the city.

4) That, with reference to the contention raised in Paragraph No. 15 to 19 and the grounds of the Original Application, this deponent humbly submitted that, the same are not true and correct. As per the order dated 28/7/2021 by this Hon'ble court in O.A. No. 54/2022 directed the committee

comprising the District Magistrate/Collector, Jalgaon District, Executive Engineer as well as concerned official of Maharashtra States Pollution Control Board shall cause inspection and submit the report. It is pertinent to note that 01/09/2021 the said committee submitted the report wherein clause 5.2 specifically said that "there is prima facie observation is that the flow of the river is not affected by the construction work as the river is non perennial and dry throughout the year.

In the light of the above-mentioned facts and circumstances, the this deponent municipal council has not done any act to harm the environment and considering all the factual and legal position and circumstances the Original application filed by the applicant is devoid of any truth and merit and hence the same is liable to be dismissed with cost.

Hence this Affidavit-in-Reply.

Date : 10/01/2024

Place : Aurangabad



DEPONENT

(Swaliha Noormohammad Malgave)

Chief Officer  
Municipal Council, Jalgaon

Nirmal R Dayama  
Submitted through  
Advocate for the Respondent No. 08

VERIFICATION

I, Swaliha Noormohammad Malgave, Chief Officer  
Age: 34 years, Occu.: Government Servant, R/o: Faizpur  
, Taluka Yawal, District: Jalgaon, do hereby solemnly affirm  
and state on oath as under, that the contents of this Affidavit-  
in-Reply in part are true and correct to the best of my  
personal knowledge and as per legal advice. the contents of  
Paragraphs No.(1) to (4) of this Affidavit-in-Reply are read over  
and explained to me and the same are true and correct to the  
best of my knowledge and belief.

Hence verified at Bhusawal on this 10<sup>th</sup> day of January,  
2024.

Date : 10/01/2024  
Place : Jalgaon

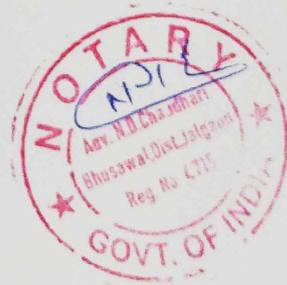
DEPONENT

(Swaliha Noormohammad Malgave)  
Chief Officer  
Municipal Council, Faizpur



Identified and Explained by:

Nirval R Dayama  
Advocate for the Respondent No. 08



Signed before Me

Anand D. Chaudhari (Regd. No 4715)  
Notary Public  
Yak Bnuvan, Near Balaji Mandir  
Bhusawal, Dist. Jalgaon

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& Registered at N.R.P.No. 10

Doc No. 59/2024 Date 10/1/24

I solemnly affirm & signed before  
me Smt Swaliha Noormohammad  
R/o - Faizpur  
Tal. Yawal

by Nirval Dayama Adv.  
Date 10/1/24

