

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
and others.

... **RESPONDENTS**

AFFIDAVIT-IN-REPLY

(For and on behalf of Respondent No. 08)


I, Samir Khalil Shaikh, as Chief Office (Additional
charge from 11/01/2025) Age: 36 years, Occu.:
Government Servant, R/o Faizpur , Taluka: Yawal,
District: Jalgaon, do hereby solemnly affirm and state on
oath as under:

That, As per the order dated 22/01/2025
by this Hon'ble court, this deponent has filing this
additional affidavit in reply This deponent craves liberty to

file a detailed Affidavit if occasion so arises or if directed by this Hon'ble Court at the time of hearing.


1) That, this deponent is humbly submits that on 10/10/2023, the learned collector Jalgaon has given letter to the Executive engineer of irrigation department in respect of submission of report for fixation of blue line and red line of dhadi river and also directed to the office of this deponent to submit all relevant document along with photos and videos of the construction of dhadi river. This deponent humbly submits that on 06/11/2023 office of this deponent submits all the relevant photos and video to the office of learned collector. This office of deponent has humbly submits that as per the the direction and recommendation of learned collector Jalgaon, the office of deponent has submitted all the relevant photos and video to the office of learned collector Jalgaon. Moreover on 30/01/2025, the office of this deponent again requested the Executive Engineer to do needful regarding fixation of Blue line and red line of Dhadi river. The True and correct copies of relevant document annexed as **R-1 Collectively**.






2) That, 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 Central 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.

3) That, 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. Thereafter as per the order dated 22/05/2023 in Original Application No. 84/2022 by this Hon'ble Court again committee is formed and submitted their report dated 05/10/2023 wherein also clause no. 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. Thereafter also on 05/03/2024 the said committee also submits a fresh report and as per the clause 6.2 their is specific and same observation i.e "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. It is apparent from the three reports of the committee established by the order of this Hon,ble Court that flow of Dhadi river is not affected by the construction of work as the river is non perennial and try throughout 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

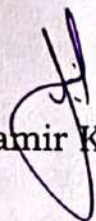
Original application filed by the applicant is devoid of any truth and merit and hence the same is liable to be dismissed with cost.

Hence this Affidavit-in-Reply.

Date : 19/03/2025

DEPONENT

Place : Aurangabad


(Samir Khalil Shaikh)

Submitted through
Advocate for the Respondent No. 08

NR Bayama...



VERIFICATION

I, Samir Khalil Shaikh, Chief Officer
Age: 36 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 day 19th of
March, 2025.

Date : 19/03/2025
Place : Jalgaon

DEPONENT


(Samir Khalil Shaikh)



Identified and Explained by:

R. Dayama

Advocate for the Respondent No. 08

**Solemnly Affirm on oath &
Signed Before Me**

Adv. K. S. ...
Public Notary ...
Reg. No. 1440

Ram Mani ...
Dist: Jalgaon

AFFIDAVIT
I, the affirmer, and signed before me
by/for Samir Khalil Shaikh
of R/o. Faizpur Tal Yawal Dist Jalgaon
who know personally who is responsible
by signature Aishwarya Pingale
Faizpur Tal Yawal Dist Jalgaon
Date: 19 MAR 2025

Collector's Office, Jalgaon
(Urban Development Branch)

Dated 10/10/2023

To,
Executive Engineer,
Minor Irrigation Department,
Jalgaon

Subject :- In accordance to Petition No.84/2022 filed with Hon. National Green Tribunal (N.G.T.) West Division, immediate submission of the report on the determination of the Prohibitory Flood Line (Blue Line) and the Control Flood Line (Red Line) of Dhadi River...

Reference:- Hon. National Green Tribunal, (N.G.T.) Western Division, Pune Dt. Order dated 22/05/2023.

Regarding the above subject, it is informed that regarding the unauthorized construction in the Dhadi river bed in Faizpur Municipal Council, Mr. Lalit Chaudhary, Res. Faizpur has filed Petition No.84/2022 with the National Green Tribunal, (N.G.T.) Western Division, Pune. The hearing of the said petition was held on 09/10/2023 and during the hearing, Hon'ble National Green Tribunal has informed to submit the report immediately.

However, according to the petition No. 84/2022 filed in the court, in order to submit an immediate report, your office should determine the prohibitive flood line (Blue Line) and control flood line (Red Line) of Dhadi River in the jurisdiction of Faizpur Municipal Council and submit an immediate report. As it is a judicial matter, care should be taken to avoid delay.

Also, if there are any technical errors in the reports that have been submitted earlier, they should be rectified and the revised reports should be submitted promptly. Also, does the road and protection wall built along the river cause any disturbance to the main flow of the river, and does it cause flooding or how? Also, because of that construction, there is a danger to the lives of the citizens there or how? A detailed and detailed report should be submitted in this regard.

Sd xxx

(Ayush Prasad)
District Collector Jalgaon

To- Chief Municipal Council, Faizpur

2/- Regarding unauthorized construction in Dhadi river bed in Faizpur Municipal Council Hon. National Green Tribunal, (N.G.T.) Petition No.84/2022 should submit all necessary documents to Executive Engineer Minor Irrigation Department, Jalgaon. Also, the construction in the Dhaadi river basin should be video filmed by drone, and photographs should be taken and presented



जिल्हाधिकारी कार्यालय, जळगांव
(नगर विकास शाखा)

दुरध्वनी क्रं.:-(०२५७)२२१७१६०

E-mail Id:-daojalgaon@gmail.com

जा.क्र. पालिका-३/कावि- ३०८/२०२३

दि. १०/१०/२०२३

प्रति,

कार्यकारी अभियंता,
लघु पाटबंधारे विभाग, जळगांव


विषय :-मा.राष्ट्रीय हरित लवाद (N.G.T.) पश्चिम विभाग, पुणे येथे दाखल याचिका क्र.८४/२०२२ च्या अनुषंगाने धाडी नदीची निषेधक पुररेषा (Blue Line) तसेच नियंत्रक पुररेषा (Red Line) निश्चितीचा अहवाल तात्काळ सादर करणेबाबत...

संदर्भ:-मा.राष्ट्रीय हरित लवाद, (N.G.T.) पश्चिम विभाग, पुणे यांचेकडील दि.२२/०५/२०२३ रोजीचे आदेश.

उपरोक्त विषयान्वये कळविण्यात येते की, फैजपूर नगरपरिषद हद्दीतील धाडी नदी पात्रात अनधिकृत बांधकामासंदर्भात श्री ललित चौधरी, रा.फैजपूर यांनी मा.राष्ट्रीय हरित लवाद, (N.G.T.) पश्चिम विभाग, पुणे यांच्याकडे याचिका क्र.८४/२०२२ दाखल केलेली आहे. सदर याचिकेची दिनांक ०९/१०/२०२३ रोजी सुनावणी पार पडली असून सनावणी दरम्यान मा.राष्ट्रीय हरित लवादाने तात्काळ अहवाल सादर करणेकामी कळविले आहे.

तरी मा.न्यायालयात दाखल याचिका क्र.८४/२०२२ च्या अनुषंगाने तात्काळ अहवाल सादर करणेकामी फैजपूर नगरपरिषद हद्दीतील धाडी नदीची निषेधक पुररेषा (Blue Line) तसेच नियंत्रक पुररेषा (Red Line) विशेष बाब म्हणून निश्चिती करून तात्काळ अहवाल सादर करावा. न्यायालयीन बाब असल्याने विलंब होणार याची दक्षता घ्यावी.

तसेच यापूर्वी जे अहवाल सादर केलेले आहेत, त्या अहवालात जर काही तांत्रिक चूका झालेल्या असतील त्यांची दुरुस्ती करून सुधारीत अहवाल त्वरीत सादर करावेत. तसेच नदीच्या तिरालगत बांधलेल्या रस्ता व संरक्षण भिंतीमुळे नदीच्या मुळ प्रवाहास काही बाधा येते का, तसेच त्यामुळे पुरस्थिती निर्माण होते किंवा कसे ? तसेच त्या बांधकामामुळे तेथील नागरीकांच्या जीवितास धोका आहे किंवा कसे ? याबाबत सविस्तर व तपशिलवार अहवाल सादर करावा.


(आयुष प्रसाद)
जिल्हाधिकारी जळगांव

प्रत:- मुख्याधिकारी नगरपरिषद, फैजपूर

२/- फैजपूर नगरपरिषद हद्दीतील धाडी नदी पात्रात अनधिकृत बांधकामासंदर्भात मा.राष्ट्रीय हरित लवाद, (N.G.T.) याचिका क्र.८४/२०२२ च्या अनुषंगाने आवश्यक ते सर्व कागदपत्रे कार्यकारी अभियंता लघुपाटबंधारे विभाग, जळगांव यांच्याकडे सादर करावेत. तसेच धाडी नदी पात्रातील बांधकामाचे ड्रोनद्वारे व्हिडीओ चित्रिकरण करण्यात यावे, व छायाचित्रे (Photos) काढून सादर करावेत.

FAIZPUR MUNICIPAL COUNCIL, FAIZPUR

To,
Joint Commissioner
Collector's Office, (N.P. Branch)
Jalgaon.

Subject:- Regarding the immediate submission of a report on the determination of the Blue Line and Red Line of the Dhadi River in accordance with the application No. 84/2022 filed with the National Green Tribunal (NGT) Western Zone Pune Bench.

Reference:- Letter from M. District Collector So. Jalgaon No. Municipality-3/Kavi. 308/2023 dated 10/10/2023

Sir,

With reference to the above subject and letter, it is requested that,

Regarding the work of beautification of the Dhadi River under the Vaishishtyapurna scheme:-

As mentioned in the above reference letter from you, Faizpur Municipal Council was ordered to submit a video and photographs of the construction work in the Dhadi river basin using a drone. Accordingly, the Municipal Council is submitting a complete video of

the construction in the Dhadi river basin using a drone and submitting it in a pen drive. Similarly, it is submitting the color photographs and preparing an album of 25 photos and submitting it along with this.

However, the information is presented politely.

Your faithfully,

Sd xxx

Chief Officer,

Municipal Council Faizpur

जा.क्र.सा.प्र.वि./११२२/सन २०२३-२४
नगरपरिषद कार्यालय, फैजपूर
जि.जळगांव, दिनांक- ०६/११/२०२३

प्रति,

म. सहा. आयुक्त साो.
जिल्हाधिकारी कार्यालय, (न.पा.शाखा)
जळगांव.

विषय :- राष्ट्रीय हरित लवाद (N.G.T.) पश्चिम परिक्षेत्र पुणे खंडपीठ येथे दाखल अर्ज क्रं.८४/२०२२ च्या अनुषंगाने धाडी नदीची निषेधक पुरेसा (Blue Line) तसेच नियंत्रक पुरेसा (Red Line) निश्चितीचा अहवाल तात्काळ सादर करणेबाबत.

संदर्भ:- म. जिल्हाधिकारी साो. जळगांव यांचेकडील पत्र क्रं.पालिका-३/कावि.-३०८/२०२३ दि.१०/१०/२०२३ चे पत्र

महोदय,

उपरोक्त विषय व संदर्भिय पत्रान्वये विनंती की,

वैशिष्टपूर्ण योजने अंतर्गत धाडी नदीचे सुभोभीकरण करणे कामाबाबत :-

आपलेकडील उपरोक्त संदर्भिय पत्रांत नमूद केल्याप्रमाणे फैजपूर नगरपरिषदेस धाडी नदी पात्रातील बांधकामाचे ड्रोनद्वारे व्हि.डी.ओ चित्रीकरण करून व छायाचित्रे (Photos) काढून सादर करणेबाबत आदेशित केलेले होते. त्यानुसार नगरपरिषदेने धाडी नदी पात्रातील बांधकामाचे पूर्णपणे ड्रोनद्वारे व्हि.डी.ओ चित्रीकरण करून सोबत पेनड्राईव्ह मध्ये सादर करित आहे. त्याचप्रमाणे रंगीत छायाचित्रे (Photos) काढून २५ नग फोटोचा अलबम तयार करून यासोबत जोडून सादर करित आहे.

तरी माहितीतव सविनय सादर.



आपला विश्वासू,

मुख्याधिकारी,
नगरपरिषद फैजपूर

Received
6/11/2023

387

Faizpur Municipal Council, Faizpur Yaval,

To,

Hon. Executive Engineer,

Water Resources Department, Jalgaon.

Subject : Regarding determining the necessary flood line for determining the prohibited and controlled area for Dhadi river in Faizpur city.

Reference :

1. Hon. National Green Tribunal (NGT-WZ) order in the matter of Lalitkumar Namdev Chaudhary v. Government of Maharashtra and others (OA No. 84/2022) dated 22/01/2025.
2. Department of Water Resources, Government Circular no. Purni-2018/ (182/2018) CV (Revenue), dated 03/05/2018

Sir,

According to the above mentioned subject Hon. National Green Tribunal (NGT-WZ) in the matter of Lalitkumar Namdev Chaudhary v. Government of Maharashtra and others (84/2022) as per the order dated 22/01/2025, Blue and Red Flood Lines has to be drawn as they are necessary for determining the Prohibited and Controlled Area for Dhadi River in Faizpur City. has been informed about drawing.

However as per point no. 10 of the Government Circular in reference no. 2 it has been mentioned that the responsibility of the Water Resources Department is to draw the necessary flood lines. However, it is a humble request to determine the required flood line for Dhadi river in Faizpur city to determine the prohibited and controlled area.

Attachments:

1. Water Resources Department, Government Circular No. Purani-2018/ (182/2018) C.V. (Revenue), dated 03/05/2018.
2. Hon. National Green Tribunal (NGT-WZ) in the matter of Lalitkumar Namdev Chaudhary v. Government of Maharashtra and others (OA No. 84/2022) dt. Order dated 22/01/2025.

Yours Faithfully

Sd xxx

Chief Officer
Faizpur Municipal Council



फैजपूर नगरपरिषद, फैजपूर

ता. यावल, जि. जळगाव.

Phone No. - ०२५८५- २४५२५४

Email - www.faizpurnp@gmail.com

फैजप/जा.क्र./ 1297/2025

दिनांक : 30 / 01 / 2025

प्रति,

मा. कार्यकारी अभियंता,
जलसंपदा विभाग, जळगांव.

विषय : फैजपूर शहरातील धाडी नदीसाठी निषिध्द व नियंत्रित क्षेत्राची निश्चिती करण्याच्या दृष्टीने आवश्यक पूररेषा निश्चित करून देण्याबाबत.

संदर्भ : 1. मा. राष्ट्रीय हरित लवाद (NGT-WZ) यांचेकडील ललितकुमार नामदेव चौधरी विरुद्ध महाराष्ट्र शासन व इतर (OA No. 84/2022) या दाव्याबाबतीत दि. 22/01/2025 चे आदेश.

2. जलसंपदा विभाग, शासन परिपत्रक क्र. पूरनि-2018/ (182/2018) सि.व्य (महसुल), दिनांक 03/05/2018.

महोदय,

वरील उपरोक्त विषयान्वये मा. राष्ट्रीय हरित लवाद (NGT-WZ) यांचेकडील ललितकुमार नामदेव चौधरी विरुद्ध महाराष्ट्र शासन व इतर (84/2022) या दाव्याबाबतीत दि. 22/01/2025 चे आदेशानुसार फैजपूर शहरातील धाडी नदीसाठी निषिध्द व नियंत्रित क्षेत्राची निश्चिती करण्याच्या दृष्टीने आवश्यक पूररेषा (Blue and Red Flood Lines) आखण्याबाबत कळविले आहे.

तथापि संदर्भ क्र. 2 च्या शासन परिपत्रकातील मुद्दा क्र. 10 अन्वये निषिध्द व नियंत्रित क्षेत्राची निश्चिती करण्याच्या दृष्टीने आवश्यक पूररेषा आखून देण्याची जबाबदारी जलसंपदा विभागाची असल्याचा उल्लेख केला आहे. तरी फैजपूर शहरातील धाडी नदीसाठी निषिध्द व नियंत्रित क्षेत्राची निश्चिती करण्याच्या दृष्टीने आवश्यक पूररेषा निश्चित करून मिळावी ही नम्र विनंती.

सहपत्र : 1. जलसंपदा विभाग, शासन परिपत्रक क्र. पूरनि-2018/(182/2018) सि.व्य (महसुल), दिनांक 03/05/2018.

2. मा. राष्ट्रीय हरित लवाद (NGT-WZ) यांचेकडील ललितकुमार नामदेव चौधरी विरुद्ध महाराष्ट्र शासन व इतर (OA No. 84/2022) या दाव्याबाबतीत दि. 22/01/2025 चे आदेश.

30/1/2025
आवक लिपीक
लघु पाटबंधारे विभाग
जळगांव

30/1/25
आवक लिपीक
तापी पाटबंधारे विकास महामंडळ
जळगांव



आपला विश्वासु

मुख्याधिकारी
फैजपूर नगरपरिषद, फैजपूर

प्रत : मा. क्षेत्रिय मुख्य अभियंता, जलसंपदा विभाग यांना माहितीसाठी.