

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

WESTERN ZONE BENCH, PUNE

Original Application No.201/2023 (WZ)

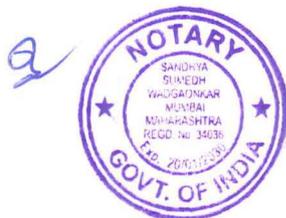
Charan Ravindra Bhatt Applicant

v/s

Wetland Division, MoEF& CC &Ors Respondents

Affidavit in reply on behalf of the State Wetland Authority, Government of Maharashtra, i.e. Respondent No.8 herein.

I, Abhay Madhukar Pimparkar, Age 49 years, Director (Environment & Climate Change Department) & Member Secretary, State Wetland Authority, Occupation Service, Director, Environment and Climate Change Department and Member Secretary, Maharashtra State Wetland Authority i.e. Respondent No.8 herein, having address at: New Administrative Bhavan, 15th Floor, Madame



Cama Road, Mantralaya, Mumbai 400032, do hereby state on solemn affirmation as under:

1. I am filing this Affidavit in compliance of the order dated 04/07/2025 passed by the Hon'ble NGT, WZ, Pune.
2. I say and submit that the Applicant has filed the present Application in respect of protection and restoration of mangroves, wetland at Village Sasunavghar, Tal. Vasai Dist. Palghar. And seeking injunction to restrain construction activities in the environmentally sensitive areas of Sasunavghar village.
3. I say that the Applicant has contended that the Wetland Atlas shows that the entire village at Sasunavghar, especially Survey Numbers 99/B, S.No: 99/C, S.No: 100/1, S.No: 100/2, S.No: 100/3, S.No: 100/4, S.No: 101/A, S.No: 101/D, S.No: 101/E, S.No: 104/1/2, S.No: 105/1, S.No: 192/2, S.No: 193/3, and S.No: 193/4 fall within the Coastal Wetland Natural Intertidal Mudflat zone. I say that vide order dated 04/07/2025, this Hon'ble Tribunal has directed this Respondent to file a conclusive report/reply to clarify whether the above mentioned area is a Wetland or not.
4. I say and submit that the activity of preparation of Brief Document pertaining to the subject lands is yet to be completed.
5. I say that currently the survey is going on in accordance with the Wetland Atlas 2021. The land in question covers large area with various survey nos and the available map is of 1:50000 scale, it cannot be ascertained with confirmation from the said map whether the impugned Survey Nos. fall within Wetlands or not. I say that for ascertaining its status from the wetland atlas, more cadastral level details are required which are being obtained by the Respondent from MRSAC, Nagpur and we will be able



to state the status of impugned Survey nos. in 8 weeks, after receiving the cadastral maps from MRSAC.

6. I say and submit that, apart from this, the National Centre for Sustainable Coastal Management (Hereinafter for the sake of brevity referred to as "NCSCM"), which falls under the Ministry of Environment, Forest and Climate Change Government of India, has been appointed by the State Government for preparation of wetland maps and Brief Documents for the State of Maharashtra, in accordance with the Wetland Management Rules, 2017 published by the Ministry of Environment, Forest and Climate Change, New Delhi

7. I say and submit that, the NCSCM is in the process of conducting physical surveys and ground truthing necessary in accordance with Wetland Rules 2017 and for preparation of Brief Document. I further say and submit that the Brief Document so submitted by the said agency will be put forth before the District Wetlands Monitoring Committee for verification/ checking/ scrutiny of the Brief Document and which will be thereafter submitted to the State Wetland Authority (answering Respondent) with specific recommendation. I say and submit that after receipt of Brief Document from District Wetland Monitoring Committee, it will be forwarded to the Technical Committee for further scrutiny. I further say and submit that after considering all the inputs, the State Wetland Authority will take a decision on the same and make appropriate recommendations to the State Government for notifying the Wetlands in applicable cases. The State Government will, thereafter, considering the objections if any from concerned and affected persons, notify the Wetlands in Official Gazette in accordance with the Wetland Rules, 2017. I say and submit that preparation of a Brief Document and notification of



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wetlands entails a detailed process and culminates only after the Notification by State Government declaring any land to be a Wetland or with a decision by the authorities thereby holding that a particular land is not a wetland.

8. I further say and submit that as per the order of the Hon'ble High Court dated 14 October 2013 passed in PIL No.87 of 2013 the State Government directed all Municipal Corporations and Zilla Parishads by a Circular dated 18 December 2013 to not permit Reclamation of land and any kind of construction in respect of the areas, which have been identified as wetlands in the Wetland Atlas, without the permission of the Hon'ble High Court. Also, the government of India vide its office memorandum dated on 8th March 2022 reiterated that the wetlands as per the National Wetland Inventory and Assessment (NWIA), 2011 should be protected as per rule 4 of Wetland (Conservation and Management) rule 2017. This protection is irrespective of the applicability of/notification as per the said rule. Thus, unless there is a conclusive finding by the Local Authority that the subject land is not affected by National Wetland Atlas and unless the same is not verified by the answering Respondent and the State of Maharashtra in accordance with provisions of the Wetland Rules 2017, no decision ought to be taken on the aspect of grant of Development permissions on the subject land. Copies of order dated 14/10/13, circular dated 18/12/13 and OM of MOEF dated 8/3/22 are annexed collectively herewith as **Annexure I**

9. I say that, recently the Hon'ble Supreme Court in the case of Writ Petition (Civil) No.304/2018 - Anand Arya vs Union of India directed each of the State/UT Wetland Authorities to complete ground truthing as well as the demarcation of wetland boundaries within 3 months from the date of order



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i.e. from 11 December 2024. The said matter is still pending before Hon'ble Apex Court, New Delhi. Thus, the Apex Court, New Delhi is in siege of the matter of wetland mapping.

10. I say that as per the combined order of the Hon'ble Bombay High Court in a multiple Writ petitions regarding the Wetlands in and around Sasunavghar village dated 07/07/2025, since a fresh exercise about preparation of a brief documents is being undertaken by the State Wetlands Authority and the matter is subjudice before the Supreme Court, the Hon'ble High Court has issued directions as per which the Applicant shall be permitted to raise all such contentions as may be permissible in law before NCSCM/State Wetlands Authority, who shall consider the objections prepared by the Applicant while preparation of a brief documents. As undertaken by the State Wetlands Authority before the Supreme Court, the brief documents shall be prepared on or before 30 April 2026. In view of the above, the Application may be disposed of.

Place: Mumbai

[Abhay Madhukar Pimparkar]

Date: 11 August 2025.

Deponent

Director (Environment) & Member
Secretary, State Wetland Authority



VERIFICATION

I, Abhay Madhukar Pimparkar, Age 49 years, Director (Environment & Climate Change Department) & Member Secretary, State Wetland Authority having my office address at 15th Floor, New Administrative Building, Mantralaya Mumbai, do hereby verify & declare that statements made in the aforesaid Paras are true and correct to the best of my knowledge and information and I believe the same to be true and that nothing material has been concealed therefrom.

Verified at Mumbai on this ²11th day of August, 2025

11 AUG 2025

Abhay Madhukar Pimparkar

(Abhay Madhukar Pimparkar)

Deponent

Director (Environment & CC &

Member Secretary, State Wetland Authority



Identified by

991212924
991212924

BEFORE ME

Sandhya Sumedh Wadgaonkar

SANDHYA SUMEDH WADGAONKAR
Regd.No. 34036 B.Com., LL.B.,
NOTARY (GOVT. OF INDIA)
New B.D.D. Block No. 16 B, Room No. 33,
Mahatma Phule Road, Naigaon,
Dadar (E), Mumbai - 400014.

NOTED & REGISTERED
Sr. No. 501 Page No. 090
Date 11/08/2025





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(PIL 87 of 2013)

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
PUBLIC INTEREST LITIGATION NO.87 OF 2013**

Vanshakti & Ors. ...Petitioners

Vs.

Union of India,
through the Secretary MOEF &
Ors. ...Respondents

Ms. Gayatri Singh for Petitioners
Mr. D.A. Dubey for Respondent No.1
Mr. G.W. Mattos -AGP for Respondent No.2
Ms. Sharmila Deshmukh for Respondent No.3
Mr. N.R. Bubna for Respondent No.4

**CORAM : V. M. KANADE &
S.C. GUPTE, JJ.**

DATE : OCTOBER 14, 2013

P.C.

1. By order dated 16th September, 2013, we had directed the State Government to take a decision whether they propose to adopt the Wetland Atlas prepared by the Central Government, and whether they would like to prepare a brief document in respect of Wetland Atlas for the State of Maharashtra as envisaged under Rules 6(2) and 6(3) of the Wetland Rules, 2010. Unfortunately, the said direction does not appear to have been incorporated in our order dated 16th September, 2013. We, therefore, now direct the Secretary, Department of Environment and the Secretary of Forest Department, State of Maharashtra to take a decision whether they



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propose to adopt Wetland Atlas, prepared by the Central Government under the said Rules and whether they would like to prepare their own brief document in respect of Wetland Atlas for the State of Maharashtra. If the State of Maharashtra does not propose to adopt the Wetland Atlas prepared by the Central Government, the Secretary, Department of Environment and the Secretary of Forest Department, State of Maharashtra to inform this Court the time frame within which the said brief document shall be prepared for the State of Maharashtra.

2. In the meantime, however, we deem it fit and proper to give a direction, in respect of the areas which have been identified as Wetland Areas in the Wetland Atlas by the Central Government, that no reclamation of land and any kind of construction shall be permitted without leave of this Court. The Secretary, Urban Development Department, State of Maharashtra is directed to issue a circular, informing the direction given by this Court to all the Corporations and the Zilha Parishads. Stand over to 29th October, 2013.

Parties to act on the copy of this order duly authenticated by the Registry of this Court.

[S.C.GUPTE, J.]

[V. M. KANADE, J.]



~~File No. of PLEN-40/144~~

Maharashtra Regional & Town Planning Act,
1966,

Directive under section 154(1) regarding
ban on reclamation of land and any kind of
construction in Wetland Atlas identified in
the Wetland Atlas prepared by the Central
Government.

GOVERNMENT OF MAHARASHTRA

Urban Development Department,
Maharalaya, Mumbai 400 032.

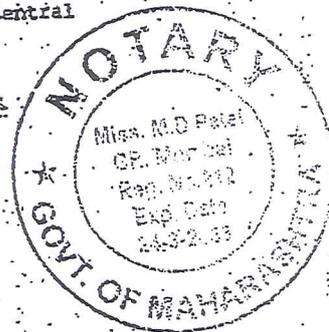
Dated 18th December 2013

No:- TFS-4313/1209/CR-194/2013/UD-11

Re:- Order of Hon'ble High Court, Bombay
dated 14/10/2013 in Public Interest
Litigation No.87 of 2013

O R D E R

Vide its Order dated 14/10/2013 in PIL
No.87/2013, the Hon'ble High Court, Bombay
has directed the Secretary of Forest
Department, and the Secretary, Environment
Dept. State of Maharashtra to take a
decision on whether to adopt the Wetland
Atlas prepared by the Central Government or
prepare their own brief document, in respect
of the Wetland Atlas under the Wetland
Rules 2010. The Hon'ble Court has also
directed the State Government to,
meanwhile, issue a Circular to all the



Municipal Corporations and Zilla Parishads directing them not to permit reclamation of land and any kind of construction in respect of the areas, which have been identified as Wetland Areas in the Wetland Atlas by the Central Government, without permission of Hon'ble High Court.

In view of the above, the State Government finds it expedient to issue necessary direction under section 154(1) of the Maharashtra Regional and Town Planning Act, 1956 to all the Planning Authorities in the State as under:-

D I R E C T I O N

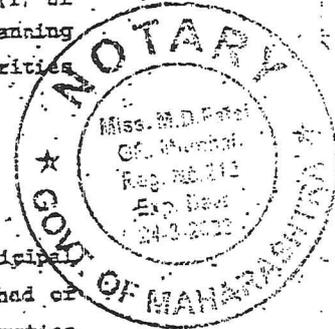
No Municipal Corporation, Municipal Council, Nagar Panchyat, Zilla Parishad or Planning Authority shall permit reclamation of land and any kind of construction in respect of the areas, which have been identified as Wetland Areas in the Wetland Atlas by the Central Government, without permission of Hon'ble High Court, Bombay.

Sd/-

(Sanjay Ranait)

Under Secretary to Government

To



All Municipal Commissioners of Municipal Corporations.

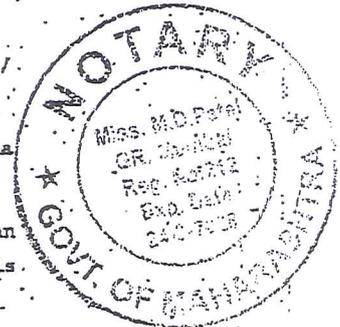
All Chief Officers, Municipal Councils/ Nagar Panchayats.

All Chief Executive Officers, Zilla Parishads.

All Planning Authorities other than Municipal Corporations, Municipal Councils & Nagar Panchayats -

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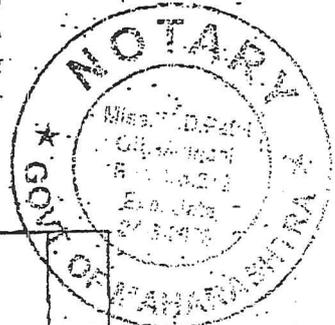
- 1) The Principal Secretary to Hon'ble Chief Minister.
- 2) The Personal Assistant to Hon'ble Minister of State (Urban Development).
- 3) The Additional Chief Secretary, Revenue and Forest Department, Mantralaya, Mumbai.
- 4) The Principal Secretary, Environment Department, Mantralaya, Mumbai.
- 5) The Principal Secretary (Forests), Revenue & Forest Deptl, Mantralaya, Mumbai.
- 6) The Director, Town Planning, Maharashtra State, Pune.
- 7) The Deputy Director, Town Planning, Gr. Mumbai.
- 8) The Desk Officer, UD-7, 9, 10, 12, 13, 30.



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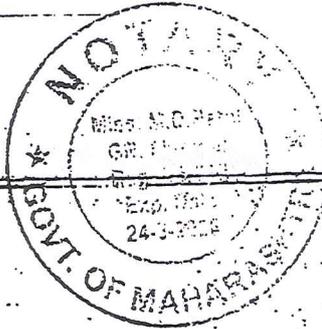
9) The Desk Officer, UD-29, being requested to publish the said order on the official website of Government of Maharashtra.

10) Select file (UD-11).



29	Year	Area pt. 163pt. 160pt. 133. 153pt.	197.453	4271, 14,20	6.169	203. 622
30	Vasli Sasunavghar	312/A/1/(80). 312, 243pt. Gavthan, 38 (81), Gavthan. 232 (79), 244 (77); 245 (73), 248 (76) 362pt. 252, 324, 68, 66, 67, 64 , 62, 63, 62, 61, 60, 59, 69. 3, 4, 6, 2, 8, 1, 3, 1 0, 11, 15, 12, 13, 1 4, 19, 18, 20, 21, 2 2, 23 Kachala pada. 50, 51, 49, 52, 54. 57, 53, 4, 77pt. 78pt. 79, 80, 82pt. 81, 82, 84pt. 85pt. 86pt, 87. 88pt, 89, 91, 90, 92pt, 3 6pt. 37pt, 7, 5, 48, 47, 44, 56, 25.	103.320	312pt, 243; 374, 37 1, 372, 152pt, 361	130.581	233. 90.





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			16, 27, 28, 46, 27, 23, 46, 45, 30, 31, 32, 33, 34, 35, 36, 37, 29, 38, 39, 40, 41, 42, 43, 55, 147pt, 148 151pt, 155, 153pt, 154pt, 159pt, 157, 158pt, 156.			
31	Mori	Whole Area	164.530			164. 530
32	Pomax	220, 188, 187, 217 , Padu, 216, 212, 2 14, 185, 213, 249, 184, 183, 221, 222 , 186, 181, 182, 17 , 175, 176, 174, 17 9, 223, 178, 177, 2 11, 169, 173, 172, 171, 247, 170, pad e, 163, 167, 163, 1 64, 160, 161, 162, 166, 165.	79.130			79.1 30
33	Karna	99, 149, 148, 147.	12.160			12.1 40
34	Shilokar	5, 4, 1, 1pt, 21pt, 5.	3.6300			3.63 0
35	Beriv ali	Shimpali		28	4.646	4.64 6
36	Norivali Yarf Malad			143, 14 6, 147	7.269	7.24 9
37	Kandivali			154A	0.752	0.75 2
38	Fulsi	Lake	120.000			120. 000
	<u>Total</u>		4042.51		1918.70	3962. 226

TRUE COPY
ADVOCATE HIGH COURT



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**F. No. W-4/4/2022-WTL
Government of India
Ministry of Environment, Forest & Climate Change
(Wetlands Division)**

Indira Paryavaran Bhawan
Jor Bagh Road, New Delhi -110003

Dated 8th March, 2022

OFFICE MEMORANDUM

Subject: Protection of Wetlands as per Rule 4 of the Wetlands (Conservation and Management) Rules, 2017

The Hon'ble Supreme Court vide Order dated 4th October, 2017 in W.P. (C) No. 230 of 2001 has inter-alia, directed that, *"We make it clear and reiterate that in terms of our order dated 8th February, 2017, 2,01,503 wetlands that have been mapped by the Union of India should continue to remain protected on the same principles as were formulated in Rule 4 of the Wetlands (Conservation and Management) Rules, 2010"*.

2. The same has been communicated by this Ministry to all the States and UTs in November, 2017. Hon'ble NGT has also reiterated the same in various recent cases.

3. In view of above, it is once again clarified/reiterated that the 2,01,503 wetlands (>2.25 ha) as per the National Wetland Inventory and Assessment (NWIA), 2011 should be protected as per Rule 4 of the Wetlands (Conservation and Management) Rules, 2017. This protection is irrespective of the applicability of/notification as per the said Rules.

Ramesh

(Dr. M. Ramesh)
Scientist 'E'

Tel.: 011-20819249

Email: ramesh.motipalli@nic.in

To

The Member Secretaries of State and UT Wetlands Authorities

