

BEFORE THE HON'BLE NATIONAL GREEN
TRIBUNAL WESTERN ZONE, PUNE

ORIGINAL APPLICATION NO. 172 OF 2024 (WZ)

Vanshakti & Anr.

...Applicants

V/s.

Maharashtra Coastal Zone Management

Authority & Ors.

...Respondents

**AFFIDAVIT-IN-INTERIM REPLY ON BEHALF OF
ANSWERING RESPONDENT NO.13 CENTRAL
RAILWAY.**

I, Sachin Panchal, S/o Sudhakar Panchal, Age 35 years, Indian Inhabitant, presently working at Mumbai Central Railway Station, do hereby state and solemnly affirm as under:-

1. That I am working as a Senior Divisional Engineer (South) CSMT, Mumbai, with the answering Respondent No.13. I say that I am one of the Authorized signatories of the answering Respondent. I know the facts of the case and able to depose in the matter.

2. At the outset, I on behalf of answering Respondent tender my unconditional apology for the delay in appearing before this Hon'ble Tribunal and filing this Interim Reply in Affidavit. The said delay is not intentional or deliberate but

under compulsion of pre-monsoon and safety related pending works which were required to be completed before monsoon starts.

3. **PRELIMINARY OBJECTIONS:-**

- i. At the outset, I submit that the present Original Application, in so far as it seeks to attribute liability upon the answering Respondent - Central Railway, is thoroughly misconceived, baseless, devoid of any cogent material and liable to be dismissed against the answering Respondent,
- ii. Save and except what are specifically admitted herein, each and every statement, contention, allegation, submission and averment contained in the Original Application, the Report of the Joint Committee, and the communications addressed by the Applicants, is specifically denied as if the same were set out herein verbatim and traversed individually,
- iii. The Applicants have proceeded entirely on the basis of assumptions and presumptions, without carrying out any proper verification regarding the ownership,



possession, jurisdiction and control of the alleged dumping sites. The Applicants have erroneously sought to implicate the answering Respondent merely because the alleged locations are situated in the vicinity of Mumbra Railway Station,

- iv. It is respectfully submitted that mere geographical proximity of a site to a Railway Station or to Railway infrastructure does not, ipso facto, establish ownership, possession, control or responsibility of the answering Respondent over the adjoining lands. Ownership and jurisdiction over immovable property can be established only from authentic land records maintained by the competent Revenue Authorities, and not on the basis of proximity or conjecture,



- v. It is submitted that upon receipt of the allegations levelled in the Original Application and the observations of the Joint Committee, the concerned officials of the Railway Administration duly noted the contents of the communication and caused a detailed site inspection and physical verification to be carried out at the locations referred to therein,



- vi. Upon such site inspection and verification, it has been categorically ascertained that the alleged dumping locations, being Site No. 2 and Site No. 3, do not fall within the ownership, possession, management or jurisdiction of the answering Respondent. The only property of the answering Respondent in the vicinity is the elevated Railway Flyover Bridge (RFO) together with the strip of land forming part of the said Bridge and necessary for its structural support and maintenance, which alone is in the possession of the Railway Administration. However, the answering Respondent has not violated any environment law at the said site.
- vii. That the answering Respondent has never carried out, authorized, permitted or sanctioned any dumping of construction debris, murum, soil, garbage, construction waste, or any other material in the mangrove areas, mudflats, or CRZ-I(A) and CRZ-I(B) areas referred to in the Original Application, or elsewhere, as alleged or otherwise,



viii. In these circumstances, the allegations levelled against the answering Respondent are false, incorrect, misleading, misconceived and wholly unsupported by any documentary or other evidence, and deserve to be rejected qua the answering Respondent and the present OA and Interim Application, if any against the answering Respondent deserves to be dismissed and rejected in toto.

4. The answering Respondent denies all the statements, contentions, averments, submissions, insinuations and allegations made out in the said OA, which are contrary to and inconsistent with what has been stated and pleaded by the answering Respondent.

5. Without prejudice to the above, the answering Respondent craves leave to give Parawise reply to Suit in seriatim, as under:-

i. With reference to Site No. 2, the answering Respondent vehemently denies the contents of the paragraph pertaining to Site No.2, as alleged or otherwise at all and put the Applicants to strict proof thereof. With reference to the allegation of illegal dumping on mangroves and mudflats near Mumbra



Railway Station, at the co-ordinates Latitude 19°11'44.42"N and Longitude 73°1'27.48"E ("Site No. 2"), it is respectfully submitted that the said communication and the annexures thereto, including Annexure A-3, have been duly noted by the Railway Administration. A detailed site inspection was thereafter carried out by the concerned Railway officials to verify the factual position at the location so specified. Upon such inspection, it has been found and concluded that the alleged dumping location is situated at a distance of approximately 70 Meters away from the existing Railway Flyover Bridge, and does not fall within the ownership, possession, management or jurisdiction of the answering Respondent.

In this regard, it is respectfully submitted that the Railway Administration has neither carried out nor authorized any dumping activity, illegal or otherwise, at the said location, whether in the mangrove area or in the CRZ-I(A)/CRZ-I(B) area. The allegations levelled against the answering Respondent qua Site



No. 2 are therefore specifically denied being false and baseless.

It is submitted that the ownership of the said land, the origin and source of the dumped material, and the identity of the person(s) responsible for such dumping require independent verification by the competent Revenue Authorities and other authorities having territorial jurisdiction over the said land, and the liability of the same cannot be fastened upon the answering Respondent in the absence of any such verification of facts and its veracity, as alleged.

It is also submitted that the answering Respondent craves leave to refer to and rely upon Annexure R-1 hereto, evidencing the actual location, distance and factual position of Site No. 2 qua the Railway Flyover Bridge.

- ii. With reference to Site No. 3, the answering Respondent vehemently denies the contents of the paragraph pertaining to Site No.3, as alleged or otherwise at all and put the Applicants to strict proof



thereof. Reply qua Site No. 3. With reference to the allegation of illegal dumping on mangroves and mudflats near Mumbra Railway Station, at the coordinates Latitude 19°11'34.03"N and Longitude 73°1'27.03"E ("Site No. 3"), it is respectfully submitted that the said communication and the annexures thereto, including Annexure A-4, have been duly noted by the Railway Administration. In this regard, it is respectfully submitted that upon inspection carried out by the competent Railway officials, it has been found and concluded that the said location is situated at a distance of approximately 115 meters away from the existing Railway Flyover Bridge and is neither owned or possessed, nor is controlled by the answering Respondent. Also, the answering Respondent has never authorized any dumping activity, illegally or otherwise, at the said location, and cannot be saddled with liability merely because the site is situated in the vicinity of Railway infrastructure. The answering Respondent craves leave



to refer to and rely upon Annexure R-1 hereto in support of the aforesaid factual position.

- iii. With reference to Annexure A-3, the answering Respondent vehemently denies the contents of the Applicants, as alleged or otherwise at all and put the Applicants to strict proof thereof. It is also submitted that being the satellite imagery of Site No. 2 along with photographs of the alleged illegal, unregulated and unscientific dumping of construction debris, mud and mixed/waste garbage, together with the local CZMP map, it is respectfully submitted that the Railway Administration has taken note of the satellite imagery relied upon by the Applicants. The satellite imagery relied upon by the Applicants speaks for itself, and merely because the same has been annexed to the railway infrastructure, no presumption of ownership, possession or liability can be drawn against the answering Respondent.

The location depicted in Annexure A-3 has been independently verified by the Railway Administration, and it is found that the said location does not fall



within the jurisdiction of the answering Respondent.

In this regard, the answering Respondent craves leave to refer to and rely upon Annexure R-2 hereto.

- iv. With reference to Annexure A-4, the answering Respondent vehemently denies the contents of the paragraph pertaining to Annexure A-4, as alleged or otherwise at all and put the Applicants to strict proof thereof. With reference to Annexure A-4, it is respectfully denied the satellite imagery of Site No. 3 along with photographs of the alleged illegal, unregulated and unscientific dumping of construction debris, mud and mixed/waste garbage, together with the local CZMP map. The location depicted in Annexure A-4 has been independently verified by the Railway Administration, and it is found that the said location is outside the jurisdiction of the answering Respondent. In this regard, the answering Respondent craves leave to refer to and rely upon Annexure R-3 hereto.

- v. With reference to the Joint Committee Observations that upon inspection of Site No. 2 from the Mumbra



bypass road, debris/murum and soil were found at the bank of the Desai Creek, and that the area is presently covered with grass indicating that the existing dumps are old and stabilized, it is respectfully submitted that the factual position remains as set out in the earlier Paras hereinabove and respectfully submits that the said site does not fall within the ownership, possession or jurisdiction of the answering Respondent. Therefore, the answering Respondent implicated in the present case.

- vi. With reference to the observation of the Joint Committee that, upon inspection of Site No. 3 from the Mumbra bypass road, land-levelling with fencing, garbage/debris, soil and encroachment were observed at the bank of the Desai Creek near Mumbra Station, it is respectfully submitted that the factual position remains as set out in earlier Paras hereinabove and the said site does not fall within the ownership, possession or jurisdiction of the answering Respondent.

- vii. It is respectfully submitted that the observations of the Joint Committee, to the extent they proceed on the



assumption or on the basis of a statement of Revenue Officials that the creek area where the dumping has taken place is in the possession and control of the Railway Authorities, are factually incorrect and contrary to the actual position emerging from the site verification carried out by the Railway Administration.

- viii. It is reiterated that the Railway Flyover Bridge (RFO) is an elevated structure, and only the strip of land forming part of the said Bridge, necessary for its structural support and maintenance, is in the possession of the Railway Administration. The ownership of Site No. 2 and Site No. 3 requires independent verification by the competent Revenue Department officials, and further action, if any, ought to be taken accordingly against the party found to be actually responsible. The statement allegedly made by Revenue Officials during the course of the Joint Committee's inspection cannot, by itself, determine title, ownership or jurisdiction over immovable property. Ownership and jurisdiction can be



established only from authentic land records maintained by the competent Revenue Authorities, and not on the basis of oral statements recorded during a site inspection.

- ix. Without prejudice to the above, and in the event the competent Revenue Authority ultimately determines that any portion of the alleged sites does not belong to the answering Respondent, no liability whatsoever, whether for removal of debris, restoration of mangroves, safeguarding of the area, or otherwise, can be fastened upon the answering Respondent.
- x. Consequently, the recommendations of the Joint Committee directing the Railway Administration, whether alone or in coordination with the Thane Municipal Corporation, to clear murum/debris/soil, remove encroachments, safeguard the area, or restore the mangrove ecology of lands not belonging to or under the jurisdiction of the answering Respondent, are wholly unsustainable in law and deserve to be rejected insofar as they concern the answering Respondent.



7. GENERAL DENIAL:-

ii. The Original Application, insofar as it concerns the answering Respondent, proceeds entirely upon

assumptions, conjectures and surmises, and deserves to be dismissed against the answering Respondent.

iii. No cause of action has arisen against the answering Respondent - Central Railway, and no relief can legally be granted against it in the absence of any material establishing ownership, possession, control or responsibility over the alleged dumping sites.

iv. I on behalf of the Respondent No.13 following documents, in support of the aforesaid contentions and also to show that the Respondent No.13 is nothing do with the alleged Site No. 2 and 3 under reference, as the Respondent No.13 is much away from the disputed site, which are as under:-

a. Joint Visit Note dated 02/07/2026, inter-alia duly signed by the Central Railway officials of the Respondent No.13 and a official of TMC, Respondent No.11, confirming the distance between the Railway Flyover Bridge and Railway Track respectively, is annexed and marked as

Annexure R-1.



- b. Goggle Image dated 02/07/2026 of the Site No.2 to prove that the Site No.2 is away from the Railway Track, is annexed and marked as **Annexure R-2.**
- c. Goggle Image dated 02/07/2026 of the Site No.3 to prove that the Site No.3 is away from the Railway Track, is annexed and marked as **Annexure R-3.**
- d. Goggle Image dated 02/07/2026 of the Site No.2 and Site No.3, (combined image) to prove that the Site No.2 & 3 are away from the Railway Track, is annexed and marked as **Annexure R-4.**

PRAYER:-

In view of the facts and circumstances stated hereinabove, the answering Respondent most respectfully prays that this Hon'ble Tribunal may be pleased to:

- a. Be pleased to dismiss the present Original Application insofar as it concerns the answering Respondent- Central Railway;
- b. Be pleased to hold and declare that the answering Respondent has neither ownership, possession, control nor jurisdiction over the alleged dumping sites, namely Site No. 2 and Site No. 3;



- c. Be pleased to reject all allegations made against the answering Respondent as false, baseless, misconceived and unsupported by evidence;
- d. Be pleased to direct that the recommendations of the Joint Committee, insofar as they seek to fasten liability or obligation upon the answering Respondent qua lands not owned, possessed or controlled by it, be set aside;
- e. Be pleased to pass such further and other orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case.

VERIFICATION

I, Sachin Panchal, S/o Sudhakar Panchal, Sr. Divisional Engineer- (South), CSMT, Central Railway, Mumbai, do hereby verify that the contents of paragraphs 1 to 7 above are true and correct to my personal knowledge and to the official records maintained by the Railway Administration, and that nothing material has been concealed there from, and no part thereof is false.

Verified at Mumbai on this 4th day of July 2026.

IDENTIFIED BY ME:-

S. C. Surana
S. C. SURANA
ADVOCATE

NOTARISED

ASHOK S. MANE
B.Com, LL.B.

ADVOCATE & NOTARY GOVT. OF INDIA
303, SULOCHANA CHS., NEAR HANUMAN
MANDIR, BHUSAR ALI, KALWA, TAL. &
THANE, MAHARASHTRA - 400 605

[Signature]

DEPONENT
वरिष्ठ मंडल इंजीनियर (द.)
Senior Divisional Engineer (S)
मध्य रेल, छ. शि. म. ट., मुंबई
Central Railway, C.S.M.T., Mumbai

[Signature]

DEPONENT
वरिष्ठ मंडल इंजीनियर (द.)
Senior Divisional Engineer (S)
मध्य रेल, छ. शि. म. ट., मुंबई
Central Railway, C.S.M.T., Mumbai

NOTED & REGISTERED

Sr. No. 603 Page No. 25

Book No. 2 Date 4.7.2026

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**LIST OF DOCUMENTS FILED ON BEHALF OF
THE RESPONDENT NO.13**

MAY IT PLEASE THIS HONOURABLE COURT:-

The Respondent No.13 craves leave to file the attested true copies of the following documents, which are relied upon and referred to in the Reply Affidavit, as under:-

<u>Sr. No.</u>	<u>Description of Documents</u>	<u>Page Nos.</u>
01.	<u>Exh.R-1:-</u> Joint Visit Note dated 02/07/2026, inter-alia duly signed by the Central Railway officials of the Respondent No.13 and a official of TMC, Respondent No.11, confirming the distance between the Railway Flyover Bridge and Railway Track respectively.	<u>01</u>
02.	<u>Exh.R-2:-</u> Goggle Image dated 02/07/2026 of the Site No.2 to prove that the Site No.2 is away from the Railway Track	<u>02</u>
04.	<u>Exh.R-3:-</u> Goggle Image dated 02/07/2026 of the Site No.3 to prove that the Site No.2 is away from the Railway Track.	<u>03</u>
04.	<u>Exh.R-4:-</u> Goggle Image dated 02/07/2026 of the Site No.2 and Site No.3, (combined image) to prove that the Site No.2 is away from the Railway Track.	<u>04</u>



PLACE:-THANE

DATED:-04/05/2026

SUNIL C. SURANA

Advocate for the Respondent No.13

**JOINT NOTE REGARDING THE NATIONAL GREEN TRIBUNAL AT PUNE
APPLICATION NO.172/2024 (WZ)**

Joint visit along with Railways, TMC and MRVC was conducted to verify the compliant site on 02.07.2026 near Mumbra Railway Station beside Fly over bridge at between KM 39/0-40/0.

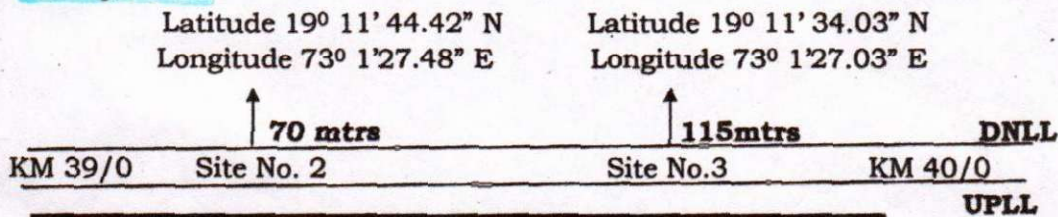
Observation:-

Site No.2 - (Latitude 19° 11' 44.42" N Longitude 73° 1' 27.48" E)

The GPS coordinates given is approximately 70 mtrs from the existing Railway flyover bridge.

Site No.3 - (Latitude 19° 11' 34.03" N Longitude 73° 1' 27.03" E)

The GPS coordinates given is approximately 115 mtrs from the existing Railway Track.



ADEN/MRVC

ADEN(T)TNA

Jr. Chemist Pollution Control Deptt.
TMC

SSE LAND SECTION

SSE(P/WAY) TNA

656



22

657

B R ORGANIZATION

SITE 3

Exh. R-3

