

BEFORE THE NATIONAL GREEN TRIBUNAL (WESTERN
ZONE BENCH), PUNE

ORIGINAL APPLICATION NO. 29 OF 2020

Mr. Suraj Pradip Ajmera

---- Applicant

V/s

Aurangabad Municipal Corporation
And Others

---- Opponent

AFFIDAVIT

I Mr. Suraj Pradip Ajmera, age - 30 years, Occupation – Business, residing at – Flat No. 3, Rathi Plaza Apartment, Samarthnagar, Aurangabad – 431001, Applicant herein, state on solemn affirmation that-

1. That the Applicant has filed the present application against the Opponents in respect of the water pollution and air pollution causing in the Aurangabad City due to the non-working of the Underground Drainage Project. The Hon'ble Tribunal has passed order on 30/11/2021 and as per the observation of Paragraph no. 3 of the said order this affidavit is filed for the compliance of undertaking.
2. That the learned advocate for the Respondent Nos. 1 to 3 prayed for deferment of the present proceeding on a count that the same applicant filed Writ Petition No. 7533/2019 before Bombay High Court for the relief which touches upon the relief sought by the Applicant in the present matter.

Suraj

BEFORE ME
Vilas D. Kadam
VILAS D. KADAM
Notary Govt. of India
Reg. No. 15694

3. It is submitted that the subject matter and reliefs asked in the said writ petition are only in respect of the cleaning of Nalas of Aurnagaband city and encroachment upon the said Nalas. Whereas the much broad issues and consequential reliefs asked by the present Applicant in the present matter. This petition raised an issue in respect of Underground Drainage Project. This petition further raised issue in respect of inappropriate disposal of sewerage water into Nala and especially in river which causes pollution. Accordingly a prayer No. B in the present petition enrolled by the applicant.
4. It is submitted that the Applicant attached herewith the copy of the said writ petition along with the documents. Upon a perusal of the said copy and present petition it cannot be said at the stretch of imagination that the issue involved in both petitions are same. A very broad issues involve in the present petition. Even a Paragraph No. "E" and "F" in the present petition speak for itself and makes clear the difference between the two petitions.
5. It is submitted that filing of the said writ petition was only a one step but when applicant goes to root of the matter he came to know the main issue is different and Hon'ble forum is fit forum to grant appropriate relief in respect of the subject matter of present petition.
6. It is submitted that present petitioner chose to withdrawn the said petition from High court and accordingly it has been withdrawn on 13/12/2021. It is very unfortunate on the part of

Suraj

BEFORE ME

VILAS D. KADAM
Notary Govt. of India
Reg. No. 15894

Respondent that Inspite to deal with pollution issue they are trying to make some mischievous and non maintainable objection about the petition and borrow the time.

- 7. The present affidavit with supporting documents is filed as per the directions of this Hon'ble Forum which kindly be taken on record.

Contents above are true and correct to the best of my knowledge, belief and information and I have signed the same on this 15 th day of January, 2022 at Aurangabad.

I know the Affiant

AA
A.M. Mamidwar
 Advocate

Suraj
 Affiant

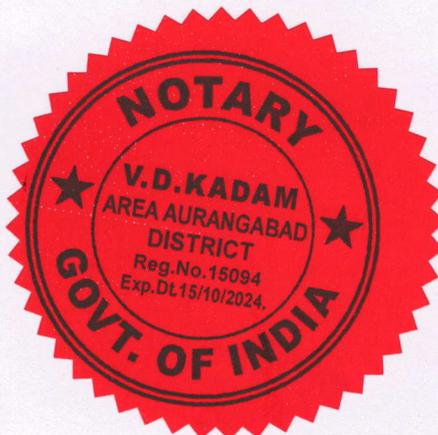
AFFIDAVIT

Solemnly affirmed before me _____
 by Shri / Smt. Suraj pradiip Rajmera,
 Age 30 yrs Occup.: Business
 R/o. Samarth nager Aurangabad
 Tq. P. bel Dist. P. bel
 Who identified by Adv. Anand mamidwar
 Whom He/ She is personally Known.

NOTED & REGISTERED
 AT Sr. No. 526 2022
 THIS DOCUMENT CONTAINS
03 PAGES

BEFORE ME

Vilas
VILAS DEVIDASRAO KADAM
 Advocate Notary Govt. of India
 AREA-AURANGABAD DIST.
 (Mob.) : 9890615899 9403788324
 Reg. No. 15094



Suraj

15 JAN 2022



IN THE HON'BLE HIGH COURT OF JUDICATURE OF BOMBAYBENCH AT AURANGABAD

ST. 17977/19

WRIT PETITION NO. 7533 OF 2019DISTRICT : AURANGABAD

Suraj S/o Pradeep Ajmera

...Petitioner

Versus

State of Maharashtra and others

...Respondents

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PLACE : AURANGABAD

DATE : 14.06.2019



(MEHUL V. NAVANDAR)

ADVOCATE FOR PETITIONER

A

IN THE HON'BLE HIGH COURT OF JUDICATURE OF BOMBAY**BENCH AT AURANGABAD****WRIT PETITION NO. _____ OF 2019****DISTRICT : AURANGABAD**

Suraj S/o Pradeep Ajmera

...Petitioner**Versus**

State of Maharashtra and others

...Respondents**SYNOPSIS**

SR.NO.	DATE	PARTICULARS / EVENTUALITIES
01.		The Petitioner is seeking directions against the corporation to clean the nala's, drainage lines and remove the encroachment from the beds of nala's if any within the city of Aurangabad.
02.		Several times complaints were been made by the petitioner to the corporation for cleaning the nala flowing on backside of the petitioners apartment at Samarth nagar. Nothing has been done till today.
03.		Petitioner sought information about the position of cleaning all the nala's, drainage lines and the encroachments done on the beds of nala's if any in the city of Aurangabad. The same was not provided hence an application under R.T.I was made. Till today no information has been received.
04.		As the corporation failed to clean the nala's, drainage lines and removing the encroachments done on the beds of nala's if any within the limits of Aurangabad. The petitioner is seeking directions for

B

Hence this Writ Petition seeking directions.

Point to be heard :1) Whether the corporation is duty bound to clean the nala's, drainage lines, remove the encroachments done on the beds of nala's if any.

2) Whether the corporation has cleaned the nala's, drainage lines and removed the encroachments done on the beds of nala's?

Act and Rules : 1) Constitution of India;
2) Bombay Provisional Municipal Corporations Act 1949.

Case Law : At present nil.

PLACE : AURANGABAD

DATE : 14.06.2019



(MEHUL V. NAVANDAR)

ADVOCATE FOR PETITIONER

IN THE HON'BLE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. _____ OF 2019

DISTRICT : AURANGABAD

In the matter of Articles 226 of the
Constitution of India;

AND

In the matter of illegal Constructions
done on the beds of Nala and Cleaning
the nala's, drainage lines in the city of
Aurangabad.

AND

In the matter of Section 229 of Bombay
Provincial Municipal Corporations Act.

Suraj S/o Pradeep Ajmera

Age.: 26 years, **Occ:** Business

R/o.: Flat No.3, Rathi Plaza Apartment,

Above Vijay Medical, Samarth Nagar, Aurangabad.

...Petitioner

Versus

- 1) State of Maharashtra
(Copy to be served on Govt. Pleader High Court,
Bench at Aurangabad)
- 2) Aurangabad Municipal Corporation
Through its Commissioner, Town Hall,
Aurangabad.

Suraj
BEFORE ME
n

- 3) Dy. Director of Town Planning,
Aurangabad Municipal Corporation,
Aurangabad.
- 4) The Executive Engineer,
Drainage Department,
Aurangabad Municipal Corporation,
Aurangabad.
- 5) The Ward Officer / Engineer,
Ward No.2, Aurangabad Municipal Corporation,
Aurangabad.

...Respondents

TO

**THE HONOURABLE THE HON'BLE CHIEF JUSTICE AND
THE OTHER HONOURABLE PUISNE JUDGES OF THE HIGH
COURT OF JUDICATURE OF BOMBAY, BENCH AT AURANGABAD.**

**HUMBLE PETITION OF THE
PETITIONER ABOVE NAMED**

MOST RESPECTFULLY SHOWETH AS UNDER

By the present Petition the petitioner is seeking cleaning of Nala's, drainage lines and removing the encroachments if any done on the beds of nala's in the city of Aurangabad. The Petitioner is the law abiding citizen. He is one of the affected person from the city who has continuously made several representations and also made applications seeking various information under Right to Information Act.

1. The Petitioner is the citizen of India and is residing at Samarth Nagar, Aurangabad. Respondent No.1 is the state of Maharashtra having overall control over the state and falls under Article 12 of the Constitution of India. Respondent No.2 is the Local Authority i.e. the Aurangabad Municipal Corporation having control over the city of Aurangabad and is bound by law to protect the environment and to perform such act in the interest of Public at large and is amenable to writ jurisdiction.

SUNIL
BEFORE ME

2.

The Petitioner says and submits that, the Respondent No.1 is the state of Maharashtra having overall control over the state and falls under Article 12 of the Constitution of India. Respondent No.2 is the Local Authority

Aurangabad and is bound by law to protect the environment and to perform such act in the interest of Public at large. Respondent no.3 to 5 are the authorities / departments and Respondent No.2 is having control over respondent no.3 to 5 and as such all the parties are amenable to writ jurisdiction.

3. The Petitioner submits that in the locality where he resides one nala (open to sky) flows from backside of his apartment. The said nala is totally blocked because of the garbage, waste material and the flesh flowing through the nala from the near slaughter house situated at Silli Khana. There is no space for water and other waste material to go from the nala. Several times the complaints were being made to the Corporation and its officers but till today no work of cleaning the nala's has been done. The petitioner has made several applications under Right to Information Act and sought information regarding situation of various other nala's as to whether the other nala's in the city have been cleaned by the corporation before the rainy season. Whether any encroachments are done by the people on the nala and if done whether the same has been removed. Whether the drainage lines in the city have been cleared/ cleaned before the upcoming rainy season. The copies of various applications made under Right to Information Act has been annexed with this petition which is marked as **EXHIBIT-"A" COLLY.**

4. The Petitioner further states that, it is the duty of the corporation to maintain and keep the nala's, drainage lines clean and free from all types of encroachment. It is respectfully submitted that, when the petitioner requested the corporation to provide above referred information the same was not provided hence the petitioner preferred an application under R.T.I Act till today the petitioner had not received any information about the work done by the corporation regarding cleaning of nala's, drainage lines and removal of encroachments from the beds of nala if any. The petitioner had filed this petition at it earliest because of the rainy season which has started.

5. The Petitioner states that even as per Section 229 of Bombay Provincial Municipal Corporations Act 1949 the Commissioner is duty bound and

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6. It is respectfully submitted that, several times news were been published in various newspaper regarding removal of encroachments, cleaning of nala's and the drainage lines but no concrete steps are been taken. From the various news published in the newspapers it appears that nothing is done till today. The copies of various news cutting published in newspapers are annexed herewith and marked as **EXHIBIT-"B" COLLY.**
 7. The Petitioner states that, after having so much of correspondence by the petitioner with the corporation to clean the nala, drainage lines and removing the encroachment on the beds of nala, nothing seems to have been done by the authorities. The corporation has totally ignored and failed to take steps and proper action against the wrong doers in the interest of public at large. Even there were several assurances given by various Ministers, other political leaders, the Commissioner of A.M.C and other authorities but all in vain and no steps and action has been taken till today. Hence due to the rainy season being ahead the petitioner is left with no other efficacious remedy than to approach the Hon'ble High Court.
 8. The petitioner undertakes to supply the English translation of Marathi documents as and when directed by this Hon'ble Court.
 9. The Petitioner has not filed any other Writ Petition or Appeal, Revision, or any other proceeding in any court including that of the Hon'ble Supreme Court of India.
 10. The Petitioner crave leave and liberty of this Hon'ble Court to add, amend, alter or delete any of the contentions at the time of haring or final hearing in the interest of justice to the public at large and facts and circumstances of case.
 11. The petitioner till today have not received any caveat so far.

HENCE IT IS PRAYED THAT :

(A) Writ Petition may kindly be allowed.

the encroachments made on Nala's if any within the limits of city of Aurangabad.

(C) Any other suitable order or relief be passed in favour of the petitioner, to which they are found entitled to in the interest of Justice and in the facts and circumstances of the case.

AND FOR THIS ACT OF KINDNESS AND JUSTICE, THE PETITIONER, AS IN DUTY BOUND, SHALL EVER PRAY.

Date : ____ .06.2019
Place : Aurangabad.


[MEHUL V. NAVANDAR]
ADVOCATE FOR THE PETITIONER

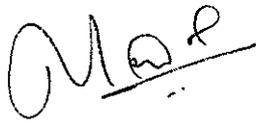
VERIFICATION

I, Suraj S/o Pradeep Ajmera; **Age.:** 26 years, **Occ:** Business, **R/o.:** Flat No.3, Rathi Plaza Apartment, above Vijay Medical, Samarth Nagar, Aurangabad do hereby state on oath that the contents of this Writ Petition from paragraph no.1 to 11 are true and correct to the best of my personal knowledge. The same is explained to me in my local language which I believe it to be correct. The contents of prayer clauses (A) to (C) are correct upon the legal advice.

Hence sworn at Aurangabad on 13th day of June, 2019. §

Identified and Explained by :

Deponent


(MEHUL V. NAVANDAR)


Suraj S/o Pradeep Ajmera

ADVOCATE

AFFIDAVIT

Solemnly affirmed before me
by Shri / Smt. _____

Pradeep Ajmera

PHOTOCOPY / TYPING

U / NO. 10443 / 2021CASE NO. : WP / 7533 / 2019

PREPARED BY :

MR. B. P. PATIL

MR. H. M. DONGARE

MR. H. S. BALAPURE

MR. N. A. GADHARI

MRS. R. S. WALVE

CLERK :

CLERK :

CLERK :

CLERK :

CLERK :

DR
15/12/2182

COMPARED BY :

VERIFIED & EXAMINED BY :

MR. M. K. CHOUDHARY

CERTIFIED BY PA / PS

SECTION OFFICER: mkc

SECTION OFFICER :

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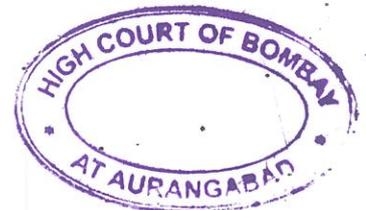
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15/12/2021

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BENCH AT AURANGABAD





1

wp 7533.19

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 7533 OF 2019

Suraj Pradeep Ajmera .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Mehul V. Navandar, Advocate for the Petitioner.

Shri S. G. Karlekar, A.G.P. for the Respondent No. 1.

**CORAM : S. V. GANGAPURWALA AND
S. G. DIGE, JJ.**

DATE : 13TH DECEMBER, 2021.

FINAL ORDER :

1. The learned counsel for the petitioner submits that, he has received instructions from the petitioner to withdraw the writ petition.

2. The writ petition is disposed of as withdrawn. No costs.

sdt
[S. G. DIGE, J.]

sdt
[S. V. GANGAPURWALA, J.]

True Copy

JV
15/12/2021
Asistant Registrar
High Court of Bombay
Bench at Aurangabad

mkc
15/12/2021

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16 DEC 2021