

BEFORE THE NATIONAL GREEN TRIBUNAL WESTERN ZONAL
BENCH AT PUNE

ORIGINAL APPLICATION NO. 101 OF 2020

IN THE MATTER OF:

MADHUKAR DAHULE

....APPLICANT

//VERSUS//

STATE OF MAHARASHTRA AND OTHERS

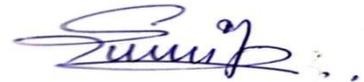
... RESPONDENTS

NDOH: 12.06.2025

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Filed by:



[SUMIT TETERWAL]

Advocate on-Record for the Respondent No. 3

LB-17, 5 GauriSadan,

Hailey Road New Delhi-110001

Mob. No. 9636661144

Email: sumit.teterwal@gmail.com

NEW DELHI

DATED: 11.06.2025

BEFORE THE NATIONAL GREEN TRIBUNAL WESTERN ZONAL BENCH AT PUNE

ORIGINAL APPLICATION NO. 101 CF 2020

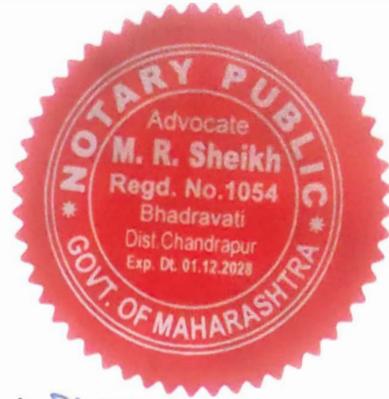
IN THE MATTER OF:

Madhukar DahuleAPPLICANT

//VERSUS//

State of Maharashtra and others RESPONDENTS

ADDITIONAL AFFIDAVIT BY RESPONDENT NO.3



MOST RESPECTFULLY SHOWETH:

1. I, Avinash Prasad s/o Vidyasagar Prasad Sharma aged about 55 Y. currently working as AGM Metall Area, Western Coalfields Limited, do solemnly affirm and declare as under:
 2. That I am, the above-named Deponent, authorized and well conversant with the facts and circumstances of the present case and thus competent to swear the present affidavit.
 3. That it is most humbly and respectfully submitted, that the present Original Application preferred by the Applicant is absolutely devoid of merits and deserves to be rejected at the very threshold.
 4. That Respondent No.3 has filed its objections to the report of the committee, however the same was inadvertently titled as written submissions and additional submissions, the same are part of the record of the Hon'ble Tribunal and therefore maybe treated as objections to the report of the committee constituted by the Hon'ble Tribunal vide its order dated 02.07.2021.
 5. That the present affidavit is being filed to bring to the notice of the Hon'ble Tribunal some subsequent events which will betray the impression that the present OA was filed for redressal of any genuine grievance and firmly establish that it is only a disguised attempt to extract monetary benefits.

6. That the respondent no. 3 was approached by the legal heirs of the deceased applicant with an offer to arrive at a compromise and an offer to withdraw the present application if instead of monetary compensation as claimed, the respondent no. 3 would agree to acquire the land in survey no. 2 and survey no. 46/1 at a value of Rs.90 Lakh and employment be given to one of the legal heirs of the deceased applicant Late Madhukar Dahule. This offer to settle was received on multiple occasions and the true typed copy of the letter dated 12.03.2024 is annexed as **Annexure R- 1**.
7. That the respondent no. 3 after having thoroughly perused the report of the committee in order to ascertain the exact violation for which the committee had imposed a penalty on Respondent no. 3 had enquired with the State Government of Maharashtra whether there is any statutory provision/guideline/procedure governing the process of diverting nala/water stream etc. The response to the RTI query made by Respondent no. 3 as received from the State government is unequivocally states that there are no such regulations in force in the State of Maharashtra. This clearly establishes that there was no guideline/rule/regulation etc or even any executive order in force relating to diversion of a drain and thus there is no violation of any statutory provision at all. This brings into question the very sanctity of the report of the committee that imposes penalty for violation of some provision but not specifying what exact provision has been violated. The RTI query and the response of the State government are annexed as **Annexure R-2**.
8. That the respondent no. 3 further submits that the revenue records of the land revenue department of the state of Maharashtra do not show the "Koradi Nala" as a recorded water body at all. In such fact situation it is clearly established that the "Koradi Nala" is not a recognised water body and is at best a seasonal drain of no real relevance. The relevant revenue record is annexed as Annexure R-3.

9. That in view of the foregoing it is prayed that the present additional affidavit may kindly be taken on record and It is respectfully submitted that in view of the above submissions, this Hon'ble Tribunal may pass such order(s) as deemed fit and proper in the facts and circumstances of the case.

Handwritten signature
10/06/2025

DEPONENT.
केत्रीय महाप्रबन्धक
Area General Manager
माजरी क्षेत्र / Majri Area

VERIFICATION:

I, the above named deponent, do hereby verify on 10.06.2025, that the contents of my above affidavit are true and correct which I believe to be true.

Handwritten signature
10/06/2025

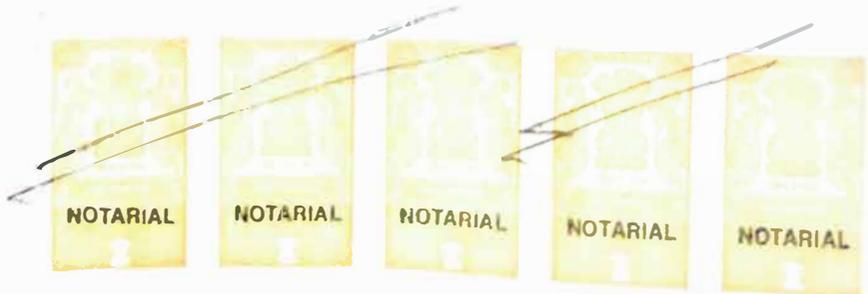
DEPONENT.
केत्रीय महाप्रबन्धक
Area General Manager
माजरी क्षेत्र / Majri Area

NOTARIAL REGISTER
ENTRY NO. 334/25
DATE 10-06-2025



Sworn before me on 10th June 2025 by shri. AVMash Prasad
notary, N/A, Kich Kuchera
Who is personally known to me / who has been identified by shri. _____
whose signature is appended hereto

Handwritten signature
M. R. SHEIKH
NOTARY, GOVT. OF MAH.
REG. NO 1054, BHADRAWATI
DISTT-CHANDRAPUR



वे.को.ली.माजरी क्षेत्र/WCL Mairi Area
माझी/Received 28.1.8.24
दिनांक/Date

दिनांक :- १२.०३.२०२४

प्रति,

एरिया जनरल मॅनेजर साहेब,

वे.को.ली.माजरी

ANNEXURE R-1

विषय :- N.G.T. मधून हक्क सोडून तडजोड करण्याबाबत.

महोदय,

मी शोभा मधुकर डाहुले वय ५९ वर्षे असून, माझे पती स्व. मधुकर सूर्यभान डाहुले दिनांक १२/०४/२०२२ ला निधन झाले आणि माझा मोठा मुलगा स्व. धनंजय मधुकर डाहुले हा दि. ०४/०४/२०२३ रोजी निधन झाले. माझ्या मागे आज माझ्या लहान मुलगा आणि सुनबाई आणि तिचा पाच वर्षांचा लहान मुलगा आहे.

मी आपनांस विनंती करतो की गेली आठ ते नऊ वर्षे झाले तुमच्या डब्ल्यू.सि.एल विद्द उच्च न्यायालयात आणि आता N.G.T मध्ये सुरु असल्यामुळे. मी भविष्याचा विचार करून हा निर्णय केला आहे की आमच्या शेती सर्वे नंबर 2 आणि ४६/१ ही घेण्यात यावी. ती पण नियमानुसार १३ लक्ष प्रति एकरी नुसार ९० लक्ष रुपये माझ्या मुलाला एक सीट डब्ल्यू. सि. एल. मध्ये नोंदरी देण्यात यावी ही माझी आणि माझ्या वारसदार यांची सहमती नुसार करित आहे. त्यानंतर मी N.G.T. मधून माझी केस माघारी घेणार.

१. पंकज मधुकर डाहुले →



२. आचल धनंजय डाहुले →



आपली नम्र

S. M. Dahule

श्रीमती शोभा मधुकर डाहुले

मु. पळसगांव पो. कुचना

ता. भद्रावती जि. चंद्रपूर

हल्ली मुक्काम:- कोटेश्वरी अपार्टमेंट

स्नेह नगर, चंद्रपूर ता. जि. चंद्रपूर

मोबाईल नंबर- 7820805031

751

WCL Majri Area

Received on: 28/8/24

Date: 12/03/2024

To,

Area General Manager,
W.C.L. Majri.

Subject:- For settlement by leaving right in the N.G.T.

Sir,

I, being Shobha Madhukar Dahule, age 59 years, my husband Late Madhukar Suryabhan Dahule expired on 12/04/2022 and my elder son Late Dhananjay Madhukar Dahule has expired on 04/04/2023. Now as on today along with me, there is my younger son and daughter-in-law and her son five years old.

I request you that, since last eight to nine years as the matter against W.C.L. before High Court and now before N.G.T. is pending, considering the future I have decided that, our agricultural land Survey No.2 and 46/1 shall be acquired. That too, as per rule Rs. 90 Lakhs at Rs. 13 Lakhs per acre by employing my son on one seat in W.C.L. be given. I am

requesting as per my and my heir's consent. Thereafter, I will withdraw my case from N.G.T.

1. Pankaj Madhukar Dahule Sd/-

2. Achal Dhananjay Dahule Sd/-

Humbly yours

Sd/-

Smt. Shobha Madhukar Dahule

At Palasgaon, Po: Kuchana

Tq. Bhadrawati, Dist. Chandrapur

Presently at:- Koteshwari Apartment, Sneha
Nagar, Chandrapur, Tq. Dist.
Chandrapur

Mobile No. 7820805031

नोंदणीकृत डाकेने



महाराष्ट्र शासन

मृद व जलसंधारण विभाग

मादाम कामा मार्ग, हुतात्मा राजगुरु चौक, पोट माळा, मंत्रालय, मुंबई-४०० ०३२.

दूरध्वनी क्र: (०२२) २२८८६९३४

E-mail: prakash.patil1968@mah.gov.in

क्रमांक: माअअ-२०२४/प्र.क्र.२४६/जल-१

दिनांक : ०५ जुलै, २०२४

प्रति,

श्री. रविचंद्र सुधाकर राऊत

Q. NO B-५९, KUCHANA COMPLEX,

Pin - ४४२५०३

विषय :- माहितीचा अधिकार अधिनियम -२००५ अन्वये अर्ज

संदर्भ :- आपला अर्ज (SOWCD/R/2024/80030), दि. १०/०६/२०२४

महोदय,

उपरोक्त विषयाबाबत आपले दि. १०/०६/२०२४ रोजीचा अर्ज या कार्यासनास दि.१९/०६/२०२४ रोजी प्राप्त झालेला आहे.

२. आपण प्रस्तुत अर्जान्वये माहितीचा अधिकार २००५ अंतर्गत नाला तसेच इतर पाण्याचे प्रवाह वळवण्यासंदर्भातील कार्यालयीन आदेश व इतर कोणतेही आदेशांची माहिती मिळण्याबाबतची विनंती केली आहे. याबाबतची अभिलेखातील माहिती निरंक आहे.

उपरोक्त माहितीने आपले समाधान न झाल्यास आपणांस माहिती अधिकार अधिनियम, २००५ च्या कलम १९(१) नुसार प्रथम अपिलीय अधिकारी श्री.प्र.नि.पाटील, कार्यकारी अभियंता तथा अवर सचिव, मृद व जलसंधारण विभाग, मंत्रालय, मुंबई यांचेकडे ३० दिवसांच्या आत अपिल करता येईल.

सोबत :- माहिती अधिकाराचा अर्ज

आपला,

(सुरेश भा. टोंगे)

जन माहिती अधिकारी तथा कक्ष अधिकारी

महाराष्ट्र शासन

RTI REQUEST DETAILS	
Registration No. : SOWCD/R/2024/80030	Date of Receipt : 10/06/2024
Type of Receipt : Electronically Transferred from Other Public Authority	Language of Request : English
Name : Ravichandra Sudhakar Raut	Gender : Male
Address : Q.NO B-59 ,KUCHANA COMPLEX, Pin:442503	
State : Maharashtra	Country : Details not provided
Phone No. : +91-9665421294	Mobile No. : +91-9665421294
Email : ravichandraraut@gmail.com	
Status(Rural/Urban) : Rural	Education Status : Above Graduate
Letter No. : Details not provided	Letter Date : Details not provided
Is Requester Below Poverty Line ? : No	Citizenship Status : Indian
Amount Paid : 10	Mode of Payment : Payment Gateway
Mode(s) of information Supply : Hard Copy	
Does it concern the life or Liberty of a Person ? : Details not provided.	Request Pertains to : Suresh Tonge Jal
Information Sought : 1) Please provide any circulars, office orders, & any other public document related to the laid down procedure for the diversion of Nallah/Any water stream(Natural) in the state of Maharashtra. 2) Please specify the sections applicable for the diversion of Natural Nallah/Any water stream	

दिने -

RTI-51/Jal-1
25/06/2024

CR1 246

By Registered Post

GOVT. OF MAHARASHTRA
Soil and Water Conservation Department
Madam Cama Road, Hutatma Rajguru Square, Pot Mala,
Mantralaya, Mumbai – 400 032.
Phone No. (022) 22886934 E-mail: prakash.patil1968@mah.gov.in
=====

No.MAA-2024/C.No. 246/Water-1 Date:05th July, 2024

To,

Shri Ravichandra Sudhakar Raut,
Q.NO.B-59, KUCHANA COMPLEX
Pin-442503

Sub: Application under Right to Information Act-2005

Ref: Your application (SOWCD/R/2024/80030) dt.
10/06/2024.

Sir,

In concern to the above subject, on 19/06/2024 this
Desk received your application dated 10/06/2024.

2. By the present application under Right to Information
Act, 2005 you have requested to supply office order in
respect of turning of Drain, so also other water flow. The
information in this regard in the record is Nil.

You prefer appeal under section 19(1) of the Right to
Information Act 2005 before First Appellate Authority Shri

P.N. Patil, Executive Engineer and Undersecretary, Soil & Water Conservation Department, Mantralaya, Mumbai within 30 days, if you are not satisfied with the above information.

Yours,

Encl: Right to Information Act application.

Sd/-
(Suresh B. Tonge)
Public Information Officer and
Desk Officer, Govt. of Maharashtra


वेस्टर्न कोलफील्ड्स लिमिटेड / Western Coalfields Limited

(मिनी रत्न कंपनी) (A Mini Ratna Company)

कोल इंडिया लिमिटेड की अनुषंगी कम्पनी

कोल इंडिया लिमिटेड की अनुषंगी कम्पनी (A Subsidiary of Coal India Limited)

OFFICE OF THE AREA GENERAL MANAGER, MAJRI AREA

क्षेत्रीय महाप्रबंधक का कार्यालय, माजरी क्षेत्र

पता: वे. वि. को., माजरी क्षेत्र, पो: माजरी, जिल्हा: चंद्रपुर, महाराष्ट्र, पिन: ४४२५०३

Address: WCL, Majri Area, PO: Majri, Dist: Chandrapur, MS, PIN 442503

पंजी, कार्या, कोल इस्टेट, सीविल लाइन्स, नागपुर ४४०००१

Regd. Office, Civil Lines, Nagpur- 440001

Website: www.westerncoal.in

Dept: Personnel / Legal

सन्दर्भ सं: वेकोलि/माजरी /क्षे.म.प्र./विधि/2024-2

दिनांक: 23/09/2024



प्रति,

Mrs.Shobha Madhukar Dahule,

At. Palsgaon Po.Kuchana,

Tah.- Bhadrawati, Dist.-Chandrapur

Subject: Response to Letter from Mrs. Shobha Madhukar Dahule Regarding Original Application No. 101/2020 (WZ), National Green Tribunal, Western Zone, Pune

Dear Sir/Madam,

This letter is in response to the letter from Mrs. Shobha Madhukar Dahule (wife of petitioner Late Madhukar Suryabhan Dahule) dated 12/03/2024, pertaining to Original Application No. 101/2020 (WZ) filed before the National Green Tribunal, Western Zone, Pune, in the matter of Madhukar Suryabhan Dahule vs. WCL.

The land in question, bearing Survey No. 2 of Mouza: Palasgaon, is owned by Mr. Madhukar Suryabhan Dahule. He has approached the Honorable high Court concerning the damage caused to his crops due to the diversion of the Koradi Nallah by WCL Majri Area for the NMUG to OC Project.

Mr. Madhukar Suryabhan Dahule has filed a writ petition in the High Court (WP No. 2190/2018) seeking compensation and prevention of further losses. The High Court, by its order dated 25/02/2020, stated that the National Green Tribunal (NGT) has the jurisdiction and expertise to adjudicate the matter, and accordingly, the case was transferred to the NGT, Western Zone Bench, Pune.

During the pendency of the matter, the applicant, Mrs. Shobha Madhukar Dahule (wife of petitioner Late. Madhukar Suryabhan Dahule), has submitted an application for a compromise, as per his letter dated 12/03/2024.

We would like to bring this to your notice that The representation has been considered. It is to mention that no damage has been caused to the agricultural land as alleged, and that too at the instance of WCL's or any of its Area's activities.

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As such there is no proposal for acquisition of land. Hence, the request for acquisition cannot be considered . When there is no acquisition, the question of providing compensation or R & R benefits also does not arise. Further, as no pollution has been occasioned due to any of the mining activities, payment of any compensation does not arise. Hence, all the request made by your representation dated 12/03/2024 cannot be accepted.

भवदिय,
२०११/२५,
क्षेत्रीय महाप्रबंधक
माजरी क्षेत्र
क्षेत्रीय महाप्रबंधक
Area General Manager
माजरी क्षेत्र / Majri Area

गाव नागालेम प.ह.न.२

759

तालुका भंडारा

920

भूमापन क्रमांक	भूमापन क्रमांकाचा उपविभाग	भूधारणा पद्धती	भागवटादाराचे नाव	साते क्रमांक
				कुळीचे नाव
शेताचे स्थानिक नाव			<u>सरकाउ</u> (<u>नखा व नाके</u>)	रु
लागवडीयोग्य क्षेत्र				पैसे
		हेक्टर		
		आर		
		—		
		—		
	एकूण ..	—		
पोटखराब (लागवडीयोग्य नसलेले)-				
	वर्ग (अ) ..	४-२५		
	वर्ग (ब) ..	—		
	एकूण ..	४-२५		
		रुपये		
		—		
आकारणी				सीमा आणि भूमापन चिन्हे
जुडी किंवा विशेष आकारणी ..				
		—		

ANNEXURE R-3

गाव नमुना बारा (पिकांची नोंदवही)

[महाराष्ट्र जमीन महसूल अधिकार अभिलेख आणि नोंदवहा (तयार करणे व सुरिथतीत ठेवणे) नियम, १९७१ यातील नियम २९]

वर्ग	हंशा म	पिकाखालील क्षेत्रांचा तपशील									लागवडीसाठी उपलब्ध नसलेली जमीन		जल सिंचनाचे साधन	जमीन करणाराचे नाव	शास
		मिश्र पिकाखालील क्षेत्र						निर्भळ पिकाखालील क्षेत्र			म्वरूप	क्षेत्र			
		मिश्रणाचा संकेत क्रमांक	जल सिंचित	अजल सिंचित	घटक पिके व प्रत्येका-खालील क्षेत्र			पिकाचे नाव	जल सिंचित	अजल सिंचित					
३	४	५	६	७	८	९	१०	११	१२	१३	१४	१५			
			हे. आ.	हे. आ.		हे. आ.	हे. आ.		हे. आ.	हे. आ.		हे. आ.			
	१९९५/९६		—	—	—	—	—	—	—	—	२	४.२५	—	—	—
	१९९६/९७		—	—	—	—	—	—	—	—	३	४.२५	—	—	—
	१९९७/९८		—	—	—	—	—	—	—	—	२	४.२५	—	—	—
	१९९८/९९		—	—	—	—	—	—	—	—	२	४.२५	—	—	—
	१९९९/२०००		—	—	—	—	—	—	—	—	२	४.२५	—	—	—
	२०००/२००१		—	—	—	—	—	—	—	—	२	४.२५	—	—	—
	२००१/२००२		—	—	—	—	—	—	—	—	२	४.२५	—	—	—
	२००२/०३		—	—	—	—	—	—	—	—	२	४.२५	—	—	—

१	२	३	४	५	६	७	८	९	१०	११	१२	१३	१४	१५
			हे आ.	हे आ.		हे आ.	हे आ.		हे आ.	हे आ.		हे आ.		
२००८/०९											०	४.२५		
२००९/२०१०	-	-	-	-	-	-	-	-	-	-	०	४.२५	-	-
२०१०/२०११	-	-	-	-	-	-	-	-	-	-	०	४.२५	-	-
२०११/२०१२	-	-	-	-	-	-	-	-	-	-	०	५.२५	-	-
२०१२/१३											०	४.२५		
२०१३/१४											०	४.२५		
२०१४/१५											०	४.२५		
२०१५/१६											०	४.२५		