

BEFORE THE NATIONAL GREEN TRIBUNAL
PUNE

MEMORANDUM OF APPLICATION

Under Section 18(1) read with Sections 14, 15 of National
Green Tribunal Act 2010

Application No. 43 of 2023

Sagar Kantilal Devre

... Applicant

VERSUS

State Of Maharashtra Through Principal Secretary
And 9 Others.

... Respondents

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MUMBAI.

DATE :- 14.07.2023



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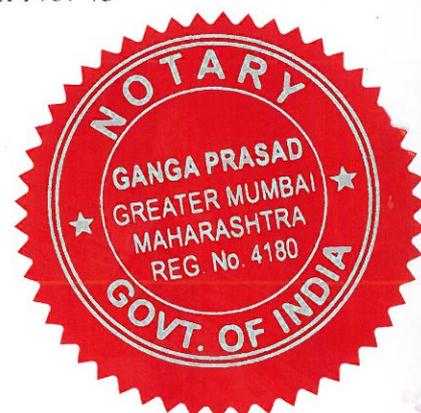
**“COUNTER AFFIDAVIT OF APPLICANT TO AFFIDAVIT
IN REPLY FILED BY THE RESPONDENT NO 8”**

I, Sagar Kantilal Devre, Age: 36 years, Occ:- Advocate, Applicant
in above Original Application, do hereby state on solemn
affirmation as under:-

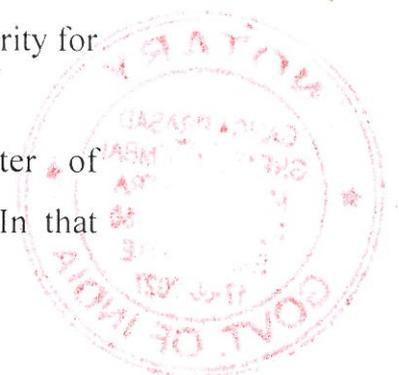
1. I say that I am the Applicant abovenamed as such well
conversant with the facts of this case. I file this Affidavit in
reply to the Affidavit-in-Reply filed by the Respondent No.
8. Respondent No. 8 has filed the Reply-in-Affidavit on
07.07.2023.
2. Respondent No.8 Mr. Ramdas Gangaram Kadam has stated
in his Reply-in-Affidavit that he is well known politician in
in the State of Maharashtra and member of political party
Shivsena (Eknath Shinde Group). He was the Cabinet
Minister of Environment in Maharashtra for the period of
2014 to 2019.
3. Respondent No.8 has denied all the allegations, contentions
and submission made by me in Original Application No. 43
of 2023.



(Handwritten signature)



4. Respondent No.8 stated that, the Application is filed by the Applicant with malafide intensions and liable to be dismissed.
5. Respondent No.8 stated that, the applicant is member of Maharashtra Navnirman Sena and by clubbing the hands with the members of Bhartiya Janata Party he has made the rivalry Political Application.
6. Respondent No.8 has annexed the copy of Judgment passed by Hon`ble Bombay High Court on 21 February 2022 for dismissing the Public Interest Litigation (L) No. 3961 of 2022 filed by the Applicant i.e. me along with Nitesh Rajhans Singh(a member of Bhartiya Janata Party) by imposing the cost of Rs. 25,000/- (each).
7. Respondent No.8 further stated that he never seen or visited the alleged Land till date. Further he stated that Applicant has made only two written complaints dated 29.11.2021 and 13.12.2021 addressed to Deputy Collector(Ench/Removal), Mulund regarding illegal construction on the alleged Land.
8. In this regard, I submit that,
- All the Reply-in-Affidavit itself is mischievous, baseless, malafide and misleading.
 - This Hon`ble Tribunal in M/s 108, Super Complex R.W.A. Vs Uttar Pradesh Pollution Control Board & Ors, Original Application No. 419 of 2021 in its Judgment dtd. 26.07.2022 held that, Encroachments on the Public Open spaces should be removed and Open Space should be developed by the authority for the permitted purpose.
 - Respondent No. 8 was Cabinet Minister of Environment for period of 2014 to 2019. In that



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sense, they had more responsibility to protect and preserve the Environment as the Head of the Department of Environment.

- iv. According to Section 17 of the Environment Protection Act, 1986,

"Where an offence under this Act has been committed by any Department of Government, the Head of the Department shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly"

- v. Respondent No. 8 has used the MLC fund to construct Drinking Water Point(Panpoi) on the alleged Land.
- vi. Respondent No. 8 has made an application to the Collector, Mumbai Suburban District on 20.08.2010. On this application Collector, M.S.D. has issued NOC to construct Drinking water Point(Panpoi) on maximum 300 sq.ft land with prior approval of planning authority that Mumbai Municipal Corporation vide letter No. O.W. No. C/Desk-2/2A/land/KV-24/11 dated 14.03.2011. A true and correct copy of the letter No. O.W. No. C/Desk-2/2A/land/KV-24/11 dated 14.03.2011 is **EXHIBIT - A**. Whereas, The English translation of the letter No. O.W. No. C/Desk-2/2A/land/KV-24/11 dated 14.03.2011 is **EXHIBIT - A - 1**.
- vii. The Collector, Mumbai Suburban District has issued a letter No.C/OFFICE/-2A/LAND/KAVI-87-16 dated 07.11.2017. According to this letter, on the land bearing CTS no 1320 C is reserved for the



(Handwritten signature/initials)

Recreational Ground (RG), on the request of various public servants NOC has been issued to construct Library, Drinking water Point, Gym etc. In this letter Collector has enclosed a table stating details of the structures on the alleged Land i.e. CTS No. 1320 C including the structure of Respondent No. 8. A true and Correct copy of a letter No.C/OFFICE/-2A/LAND/KAVI-87-16 dated 07.11.2017 is EXHIBIT – B.

- viii. Further, the Collector has stated that NOC has been issued imposing various terms and conditions and Construction has to be done with prior approval of the planning authority i.e. M.C.G.M. According to this letter, various terms and conditions has been violated and the collector has instructed the concern department to take action.
- ix. An affidavit was filed on behalf of The Collector, Mumbai Suburban before Hon'ble Bombay High Court in Writ Petition No. 1650 of 2022. Perusal of the affidavit that all the 5 out of 6 structures including the structure of Respondent No. 8 are illegal as they have been constructed without permission of the MCGM. A true and correct copy of the Affidavit filed on behalf of the Collector, Mumbai Suburban District is EXHIBIT – C. Hon'ble Bombay High Court in its order dated 18.01.2018 made the same observations. A true and correct copy of the order of Bombay High Court in W.P.(L). No 1650 of 2017 dated 18.01.2018 is EXHIBIT – D.



(Handwritten signature/initials)

- x. From these facts it is clear that the statements made by the Respondent No. 8 that, he never seen or visited the alleged Land till date is mischievous, false and misleading. Respondent No.8 has not only constructed illegal structure on the land reserved for Recreational Ground but malfeasances the public funds.
- xi. Contentions of the Respondent No. 8 that, the applicant is member of Maharashtra Navnirman Sena and by clubbing the hands with the members of Bhartiya Janata Party he has made the rivalry Political Application. The facts are, Respondent No.8 is member of Political Party Shivsena (Eknath Shinde Group) who is in alliance with Bhartiya Janata Party in the Maharashtra Government. Therefore, there is no question of any clubbing hands with the with the members of Bhartiya Janata Party to make any rivalry Application.
- xii. Applicant states that, he has made this application to save the Recreational Grounds/open space. In present day when urbanisation is on increase, rural exodus is on large scale and congested areas are coming up rapidly, may give rise to health hazard. Application has made to Protect the environment and such spaces and to reduce the ill-effects of urbanisation.
- xiii. Applicant further states that, the Respondent No. 8 has mentioned by the Public Interest Litigation disposed by the Hon'ble Bombay High Court imposing the cost to the Applicant, this is irrelevant



Apcc/13

matter as the Public Interest Litigation (L) No. 3961 of 2022 filed by the Applicant was to challenge the erroneous Notification issued by the then State government of Maharashtra. According to the order of Hon'ble Bombay High Court,

"The PIL Petition is filed without the mandatory averments and disclosure required to be made under Bombay High Court Public Interest Litigation Rule, 2010. The PIL Petition is dismissed with the cost quantified at Rs 50,000/- to be paid by the Petitioners (Rs 25,000/- by each of the Petitioners.)"

xiv. Though Hon'ble Bombay High Court has imposed the cost but they have not made any observations about the intentions of the Petitioners. The Respondent No.8 was associated with the Political party who was then in power and applicant has filed the PIL to challenge the Notification issued by the Government, Respondent No. 8 has made the erroneous statements with Prejudiced thoughts.

9. I say that the facts stated above are true to my knowledge and no material is concealed therefrom.

In view of the above facts, it is crystal clear that the contentions of the Respondent No. 8 are mischievous, false malafide and misleading. Respondent No.8 has not only constructed illegal structure on the plot reserved for the Recreational Ground(RG) by using MLC fund and malfeasances the public fund. Respondent No. 8 was the Head of the Environment Department as he was Cabinet Minister of Environment for period of 2014 to 2019. According to Section 17 of the Environment Protection Act,



APR 18 2023

1986, he shall be liable to be proceeded against and punished.

I respectfully pray to grant the interim relief and to order that, Criminal proceedings for illegal tress pass and encroachment of the public land against the offenders including Respondent No. 8.

Solemnly declared,

[Sagar Kantil Devre]

MUMBAI.

DATE :- 14.07.2023.

DEPONENT

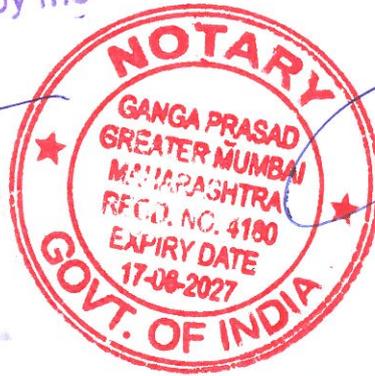
[Address: 6067, 2558 2024]

BEFORE ME.



Explained & Identified by me

H. M. YADAV
(B.Com., PM., & IR, LL.B.)
ADVOCATE HIGH COURT
51, Indira Colony, BR Rd.,
Mulund (W), Mumbai - 80.
M. No.: 9322685872



BEFORE ME

15 JUL 2023

GANGA PRASAD
(B.A.LL.B.)
ADVOCATE & NOTARY
Govt of India
Gr. Mumbai
Maharashtra
Reg. No. 4180



NOTED & REGISTERED
Sr. No. 2299/2023

जिल्हाधिकारी, मुंबई उपनगर जिल्हा यांचे कार्यालय

337

EXHIBIT-A # 8

प्रशासकीय इमारत, १० वा मजला, सरकारी वसाहत, बांद्रा (पू) मुंबई-५१
Ph.6556799, 6550111

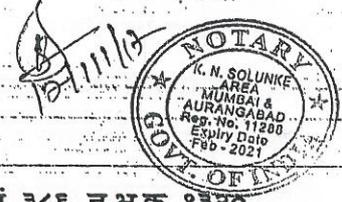
Fax : 6556805

email address:- collrnsd@yahoo.com

क्र. :- सी/कार्या-२/२ अ/जमिन/कावि-२४/१९
दिनांक :- १४/०३/२०१९

प्रति,
कार्यकारी अभियंता,
मुंबई झोपडपट्टी सुधार मंडळ, मुंबई
गृहनिर्माण भवन, बांद्रा (पूर्व),
मुंबई क्र. ४०० ०५१.

EXHIBIT 5



विषय :- जमिन :- मुंबई उपनगर जिल्हा

ता. कुर्ला, गाव मुलुंड येथील सर्वे नं. ३८६, न.भू.क्र. १३२०
फायर बिग्रेड समोरील जागेत पाणपोई बांधणेकरीता
ना हरकत परवानगी मिळणेबाबत
मा. श्री. रामदास कदम, विधानपरिषद सदस्य यांची विनंती

- संदर्भ :- (१) मा. श्री. रामदास कदम, वि.प.स. यांचा दि. २०/०८/२०१० रोजीचा अर्ज
२) तहसिलदार, कुर्ला यांचा क्र. तह/कु/जमिन/कावि-१६४९/१० दि. १४/०१/२०११ रोजीचा अहवाल
३) नगर भूमापन अधिकारी यांचा क्र. नभूअमु/सरकारी जागा मागणी/ प.भू./बा.क्र. २७/२०८९ दि. ०४/१०/२०१० रोजीचा अहवाल
४) उप अभियंता-१ (पूर्व) मुंबई झोपडपट्टी सुधार मंडळ, म्हाडा यांचे जा.क्र. उपअ-१ (पूर्व)/मुं.झो.सु.म./३३/१० दि. ३०/०८/२०१० रोजीचे पत्र

मौजे मुलुंड येथील सर्वे नं. ३८६ पै., तत्सम न.भू.क्र. १३२० क ही जागा शासन कागदोपत्री महाराष्ट्र शासनाचे मालकीची आहे. ७/१२ प्रमाणे या जागेचे क्षेत्र ८ एकर ७ गुंठे ऐवढे असून न.भू.क्र. १३२० क चे मिळकत पत्रिकेप्रमाणे क्षेत्र ३६४४५.७ चौ.मी. ऐवढे दाखल आहे. तहसिलदार, कुर्ला व नगर भूमापन अधिकारी, मुलुंड यांचेवरील प्राप्त अहवालानुसार प्रस्तावित केलेली जागा ही फायर बिग्रेडच्या बाजूच्या जागेची मागणी केलेली असून ती स्थळदर्शक नकाशाप्रमाणे डी पी रोडच्या पलिकडे नारंगी रंगाने दर्शविलेली आहे. सदरहू जागा मुंबई महानगरपालिका यांचेकडील क्र. CE/४७/BPES/Govt./LOI दि. ०४/०८/२००७ मधील विकास आराखड्यामध्ये मनोरंजन मैदान (आर जी) करीता आरक्षित असलेचे दिसून येते. प्राप्त अहवालानुसार प्रस्तावित केलेली जागा अतिक्रमण विरहित असून जागेवर सध्या गवत आहे. याप्रमाणे सदर जागेची सद्यस्थिती आहे.

मौजे मुलुंड, न.भू.क्र. १३२० क मधील प्रस्तावित केलेली जागा ही पालिकेच्या विकास आराखड्यात मनोरंजन मैदान (आर.जी.) करीता आरक्षित असलेने त्यास पालिकेची प्रथम मंजूरी घेणे या अटीस अधिन राहून



प्रस्तावित केल्याप्रमाणे जास्तीत जास्त ३०० चौ.फूटावर आमदार निधीतून ' पाणपोई ' बांधण्यासाठी शासन निर्णय क्र. जमिन-२५०७/४००/प्र.क्र. १६४/ज-२ दि. ३ जून २०१० रोजीच्या शासन निर्णयामधील अटी/ शर्तीवर तसेच खालील अतिरिक्त अटी/ शर्तीवर बांधकाम करणेसाठी ना हरकत परवानगी देणेत येत आहे.

- १) पाणपोई प्रयोजनासाठी वापरण्यात येणाऱ्या क्षेत्राची मालकी शासनाची राहिल. शासनास आवश्यक लागल्यास ती विना तक्रार शासनास सुपूर्द करावी लागेल.
- २) प्रस्तावित जमिनीत केल्या बांधकामामुळे जमिनीबाबत कोणत्याही प्रकारचे हक्क/ अधिकार प्राप्त होणार नाहीत अथवा तशा प्रकारचे हक्क/ अधिकारी प्रस्तावित करता येणार नाही.
- ३) प्रस्तावित जमिनीत करण्यात येणारे बांधकाम तात्पुरत्या स्वरूपाचे असेल, बांधण्यात येणाऱ्या पाणपोईवर पालिकेचे नियंत्रण असेल.
- ४) प्रस्तावित जमिनीचा वापर पाणपोईसाठीच करावा लागेल. जमिनीचा वापर अन्य प्रयोजनासाठी करता येणार नाही. तसा बदल केल्यास सदर आदेश रद्द समजून जमिन शासन जमा करणेत येईल.
- ५) प्रस्तावित जमिनीवर बांधण्यात येणारे पाणपोई ही सर्व जाती धर्मासाठी राहिल.
- ६) प्रस्तावित पाणपोईचे बांधकामासाठी मुंबई महानगरपालिकेची रितसर बांधकाम परवानगी घेतल्यानंतरच पुढील बांधकाम करता येईल.
- ७) सदरचे ना हरकत प्रमाणपत्र शासनाचे अंतिम मान्यतेच्या अधिन राहून देण्यात येत आहे.
- ८) सदर ना हरकत परवानगीमधील अटी/ शर्तीचा भंग केल्यास सदरची ना हरकत आपोआप रद्द होईल.



जिल्हाधिकारी,

मुंबई उपनगर जिल्हाकरिता

प्रत :-

- १) मा. अपर मुख्य सचिव (महसूल), महसूल व वन विभाग, मंत्रालय, मुंबई-३२ यांना माहितीसाठी सविनय सादर.
- २) मुख्य अभियंता (नियोजन विभाग), महानगर मुख्य कार्यालय, ४ था मजला, महापालिका मार्ग, फोर्ट, मुंबई-१. यांस माहितीकरीता व आवश्यक त्या कार्यवाहीकरीता
- ३) सहाय्यक अभियंता (नियोजन विभाग) टि विभाग, मुंबई महानगरपालिका, घाटकोपर, मुंबई यांस माहिती व कार्यवाहीकरीता
- ४) तहसिलदार कुर्ला व नगर भूमापन अधिकारी, मुलुंड यांचेकडे पुढील कार्यवाहीकरीता
२/- त्यांना कळविणेत येते की, प्रकरणांत वरील अटी/ शर्तीचा भंग होणार नाही याची दक्षता घ्यावी.
- ५) मा. आमदार श्री. रामदास कदम, वि.प.स., पालखी बंगला, गोकुळ विहार, एच विंग, ठाकूर कॉम्प्लेक्स, कांदिवली (पूर्व), मुंबई-१०१ यांस माहितीकरीता सादर.
- ६) जिल्हा नियोजन अधिकारी, मुंबई उपनगर जिल्हा, बांद्रा यांस माहितीकरीता.

स्थळप्रतीवर जिल्हाधिकारी यांची सही असे

जिल्हाधिकारी,

मुंबई उपनगर जिल्हाकरिता

Zakavi527-2-mrs

15/03/11
ISSUED

Page 2 of 2

TRUE COPY

ADVOCATE FOR :
Plaintiff / Petitioner / Applicant
Appellant / Complainant / Defendant /
Respondent / Accused.

Office Translated copy

10
12/11/11

TRUE TRANSLATION FROM MARATHI TO ENGLISH

OFFICE OF THE COLLECTOR, MUMBAI SUBURBAN DISTRICT,
Administrative Building, 10th Floor, Government Colony,
Bandra (E), Mumbai- 51

Tel. No. 6556799, 6550111 Fax : 6556805

Email address:- collrmsd@yahoo.com

O.W. No. C/Desk-2/2A/Land/KV-24/11

Date: 14/03/2011

The Executive Engineer,
Mumbai Slum Improvement Board, Mumbai
Grihanirman Bhavan, Bandra (E),
Mumbai- 400 051



Sub: - Land : Mumbai Suburban District

Providing No Objection Permission for
constructing drinking Water Fountain
at the premises in front of Fire
Brigade at Survey No. 386 City
Survey No. 1320 at Village Mulund
Taluka- Kurla

Request of Hon'ble Shri Ramdas
Kadam, Member of the Legislative
Council.





Ref :- 1) Application dated 20/08/2010 of
Hon'ble Shri Ramdas Kadam,
Member of the Legislative Council

2) Report No. TAH/K/Land/KV-
1649/10 dated 14/01/2011 of the
Tahasildar Kurla

3) Report No. CSOM/Government
Premises Requisition / I.S.B.No.
27/2089 dated 4/10/2010 of the
City Survey Officer

4) Letter Bearing O.W. No. Dy.E.-1
(East) /M.S.I.B./33/10 dated
30/8/2010 of the Dy.Engineer-1
(E) Mumbai Slum Improvement
Board, MHADA

The Land bearing Survey No. 386 part & consequent City
Survey No. 1320 C at Village Mulund is owned by the
Government of Maharashtra on Government Record. As per

7/12 record the area of the said premises/ land is 8 Acres 7 Gunthas & as per the property card of C.S. No. 1320 C the area has been recorded as 36445. 7 Sq. Mtr. As per the report received from Tahasildar Kurla & City Survey Office Mulund the area which has been proposed is adjacent to Fire Brigade & it has been requisition & as per the location plan it has been shown in the orange color after D.P.Road. It is observed that the said premises has been reserved for Recreation Ground (R.G.) in the development plan no: CE/47/BPES/Govt. /LOI dated 4/08/2007 of the Municipal Corporation. As per the report received the area which has been proposed is free from encroachment & at present there is grass on the premises. Status of the land is as above.



As The land which has been proposed out of City Survey No. 1320 C at Village Mulund is reserved for Recreation Ground (R.G.) in the development plan of the Municipal Corporation, subject to the condition to get first approval for the same of Municipal Corporation, as proposed at maximum distance of 300 feet for constructing Drinking Water Fountain out of MLA fund & as per the terms & conditions as per the Government Resolution No. Land - 2507/400/C.No. 164 /L-2 dated 3 June 2010 & similarly



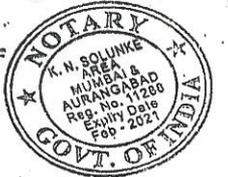
following additional terms & conditions No Objection Permission is being granted for carrying out the construction.

- 1) Ownership of the area which will be used for the purpose of the Drinking Water Fountain will be of the Government. If require by the Government it has to be handed over to the Government without any complaint.
- 2) Because of the Construction carried out in the proposed land no rights in connection with the land will be provided such type of rights cannot be proposed.
- 3) The Construction which will be carried out on the proposed land will be of temporary nature. On Drinking Water Fountain which will be constructed there will be control of the Municipal Corporation.
- 4) Use of the proposed land should be made only for Drinking Water Fountain. The land cannot be used for any other purpose. If such change will be made then the said order will be consider to be cancelled & the ~~land~~ will confiscated with the Government.



5) Drinking Water Fountain which will be constructed on the proposed land will be for all religion, caste, creed.

6) After obtaining appropriate construction permission of the Mumbai Municipal Corporation for the construction of the proposed Drinking Water Fountain, further construction can be carried out.



7) This No Objection Certificate is being granted subject to the final approval of the Government.

8) If terms & conditions of this No Objection Permission will be violated this no objection will automatically stand cancelled.

Sd/-

For Collector,

Mumbai Suburban District

Copy to:-

- 1) Hon'ble Additional Chief Secretary (Revenue), Revenue & Forest Department, Mantralaya, Mumbai- 32 -
Respectfully submitted for Information.

5

2) The Chief Engineer, (Planning Department), Municipal Corporation Head Office, Fourth Floor, Mahapalika Marg, Fort, Mumbai- 1- For information & necessary action.



3) The Assistant Engineer (Planning Department), T Ward, Mumbai Municipal Corporation, Ghatkopar, Mumbai-For information & action.

4) The Tahasildar Kurla & City Survey Officer Mulund – For further action.

2/- They are being informed they should take care that above terms & conditions in the matter will not be violated.

5) Hon'ble Ramdas Kadam – Member of Legislative Council , Parshi Bunglow, Gokul Vihar, H Wing, Thakur Complex, Kandivali (E), Mumbai- 101 - Submitted for information.



6) District Planning Officer, Mumbai Suburban District,
Mumbai- For information.

Counterfoil bears the Sd/-

signature of the Collector For Collector,
Mumbai Suburban District



TRUE COPY

[Signature]
ADVOCATE FOR :
Plaintiff / Petitioner / Applicant
Appellant / Complainant / Defendant /
Respondent / Accused.



जिल्हाधिकारी, मुंबई उपनगर यांचे कार्यालय

EXHIBIT-B

प्रशासकीय इमारत, १० वा मजला, शासकीय वसाहत, वांद्रे (पूर्व), मुंबई-४०० ०५१
दुरध्वनी : २६५५६७९९, फॅक्स : २६५५६८०५, ई-मेल : collectormsd@gmail.com

क्रमांक : सी/कार्या-२अ/जमीन/कावि-८७/१६
दिनांक : ०७/११/२०१७

प्रति,

१. उपजिल्हाधिकारी (अति/निष्का), मुलुंड
२. कार्यकारी अभियंता,
मुंबई झोपडपट्टी सुधार मंडळ, मुंबई
गृहनिर्माण भवन, वांद्रे (पूर्व), मुंबई - ५१.
३. सहाय्यक आयुक्त, टी प्रभाग, बृहन्मुंबई महानगरपालिका
४. जिल्हा नियोजन अधिकारी, मुंबई उपनगर जिल्हा
५. तहसिलदार कुर्ला (मुलुंड)
६. नगर भूमापन अधिकारी, मुलुंड

EXHIBIT - 8



विषय : मौजे मुलुंड ता. कुर्ला येथील न.भू.क्र. १३२० मधील अतिक्रमणाबाबत...

संदर्भ : १) या कार्यालयाचे सम क्रमांकाचे पत्र दि. २०/०५/२०१६
२) मा. उच्च न्यायालय, मुंबई यांचेकडे दाखल झालेली रिट याचिका
क्रमांक १६५०/२०१७

उपरोक्त संदर्भ क्र. १ वर नमूद पत्राची प्रत सुलभ संदर्भासाठी सोबत जोडली आहे.

मौजे मुलुंड ता. कुर्ला येथील न.भू.क्र. १३२० या मिळकतीमध्ये विविध लोकप्रतिनिधीनी केलेल्या विनंतीच्या अनुषंगाने वाचनालय, पाणपोई, समाजकल्याण केंद्र, व्यायामशाला अशा प्रयोजनार्थ शासकीय मिळकतीवर बांधकाम करणेसाठी काही अटी व शर्तीस अधीन राहून प्रचलित शासन तरतुदीनुसार ना-हरकत देण्यात आलेली आहे. या कार्यासनाचे अभिलेख तपासले असता खालील तक्त्यात नमूद प्रकरणांमध्ये या कार्यालयाची ना-हरकत निर्गमित केल्याचे दिसते.

अ. क्र.	या कार्यालयाचे पत्र क्र. व दिनांक	लोकप्रतिनिधीचे नाव व तत्कालीन पद	ना-हरकत ज्या यंत्रणेस निर्गमित केली आहे त्याचा तपशिल	न.भू.क्र.	प्रयोजन	याचिके मधील परिशिष्ट क्र.	शेरा
१	सी/कार्या-२/२अ/जमीन/कावि-३९५/२०१० दि. २४/०९/२०१०	श्री. सरदार तारा सिंह, आमदार	कार्यकारी अभियंता, म्हाडा	१३२०क	समाज कल्याण केंद्र	एफ	--
२	सी/कार्या-२/२अ/जमीन/कावि-५२७/१० दि. ०२/१२/२०१०	श्री. चरण सिंग सप्रा, आमदार	कार्यकारी अभियंता, म्हाडा	१३२० क	वाचनालय	जी	--

३	सी/कार्या-२/२अ/ जमीन/कावि- २४/११ दि.१४/०३/२०११	श्री. रामदास कदम, आमदार	कार्यकारी अभियंता, म्हाडा	१३२० क	पाणपोई	एच	--
४	सी/कार्या-२अ/ जमीन/कावि- ४५४/०८ दि.२६/१२/२००८	सो. ज्योती महेंद्र वैती, नगरसेविका	सहाय्यक अभियंता (परिक्षण), टी विभाग	१३२० अ	वाचनालय	--	--
५	सी/कार्या-२/२अ/ कावि-२६२/०३ दि.१६/०८/२००३	श्री. किरिट सोमय्या, खासदार	जिल्हा नियोजन अधिकारी	१३२० अ	समाज कल्याण केंद्र	--	--
६	सी/कार्या-२/२अ/ जमीन/कावि- २९३/०४ दि.१९/०७/२००४	श्री. सरदार तारा सिंह, आमदार	जिल्हा नियोजन अधिकारी	१३२० अ	व्यायाम शाळा	--	उपरोक्त नमूद अ.क्र. ५ वरील समाजक ल्याण केंद्रा ऐवजी

सुलभ सद्भासाठी उपरोक्त नमूद सर्व पत्रांच्या प्रती सोबत जोडल्या आहेत. त्याचे अवलोकन करावे.

या कार्यालयाचे असे निदर्शनास आले आहे की, कार्यान्वयन यंत्रणेमार्फत या कार्यालयाचे ना हरकत पत्रातील अटी/ शर्तीचे काटेकोरपणे पालन केले जात नाही. विशेषतः नियोजनाच्या दृष्टीकोनातून प्रस्तावित वापर अनुज्ञेय असल्याबाबत सक्षम प्राधिकारी (बृहन्मुंबई महानगरपालिका) यांचे अभिप्राय प्राप्त झालेनंतरच बांधकाम करणे अपेक्षित आहे. बृहन्मुंबई महानगरपालिकेची रितसर परवानगी घेतल्यानंतरच बांधकाम करता येईल अशी अट या कार्यालयाचे ना हरकत पत्रांमध्ये नमूद करण्यात आली आहे. तसेच प्रचलित शासन तरतुदीनुसार महानगरपालिका क्षेत्रात कोणतेही बांधकाम करण्यापूर्वी त्याबाबत महानगर पालिकेकडून रितसर पूर्व परवानगी घेणे देखील बंधनकारक आहे.

मौजे मुलुंड ता. कुर्ला येथील न.भू.क्र. १३२० या मिळकतीमध्ये असलेल्या अनधिकृत बांधकामाबाबत रिट याचिका क्रमांक १६५०/२०१७ दाखल आहे. सदर याचिकेची छायाप्रत सोबत जोडली आहे. त्याचे अवलोकन करावे. रिट याचिकेमधील आपले कार्यालयाशी संबंधीत मुद्दांवर नियमानुसार योग्य ती कार्यवाही तात्काळ करावी व केलेल्या कार्यवाहीचा अहवाल संबंधीत कागदपत्रांसह या कार्यालयास दिनांक १८/११/२०१७ पूर्वी सादर करावा.

शरद पत्र खर्च
२६/११/१७

१६/११/१७
जिल्हा नियोजन समिती
जिल्हाधिकारी मुंबई उपनगर जिल्हा
यांचे कार्यालय,
महाराष्ट्र शासकीय इमारत, ९ नगर, मुंबई,
सरकारी असेल, वॉर्ड (उर्व)
मुंबई - ४०० ०५९.

स्थळ प्रतीवर मा. जिल्हाधिकारी यांचा सही

१६/११/१७
(डॉ. नितान महाजन)
जिल्हाधिकारी,
मुंबई उपनगर करिता

TRUE COPY - 2 -

ADVOCATE FOR :
Plaintiff / Petitioner / Applicant
Appellant / Complainant / Defendant /
Respondent / Accused.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

Writ Petition 1650 OF 2017

Ankur P. Patil



...Petitioner.

Versus

Municipal Corporation of Greater Mumbai. & Others

...Respondent

Affidavit In Reply

(Of Respondent No. 3)

I Mr. Vishwas Digambar Gujar, Adult, is working as Upper Chitnis, in the Office of Collector Mumbai Suburban, Respondent No-3 in the captioned matter. I state of solemn affirmation as under.

1. I have gone through the Writ Petition and averments made therein. I say that, I am authorized to make the present affidavit. I am making the present affidavit on the basis of facts & documents available with my office. I pray to this Hon'ble Court that, in view of whatever is stated herein under the Petition is not maintainable and may be dismissed with cost.

2. I say that nothing stated in the Writ Petition should be deemed to have been admitted unless the same is specifically admitted in the present reply. I say that due to paucity of time and dire urgency in the matter, I am not giving my parawise comments to the petition at this stage. I say that I reserve my right to file detailed parawise reply to the petition if so advised and/or directed by the Hon'ble Court. I say that however by this reply I am placing the actual facts before the Hon'ble Court along with all supporting documents which are germane and important in deciding the matter on its merits.

3. I say that the State Government vide its Government Resolution dated 22-01-2008 read along with Government Resolution dated 03-06-2010 empowered the Office of Collector to grant NOC for use of government lands for public utility purposes such as library, gym, drinking water supply, social welfare centers, toilets

etc. Hereto annexed and marked as Exhibit 1 & 2 are copies of the two Government Resolutions dated 22-01-2008 & 03-06-2010. Office typed translation of the said two documents is annexed hereto as Exhibit 1 A & 2 A.

4. I say that the NOC is not blanket and is subjected to stringent conditions which are to be abided with by the implementing agency such as MHADA, BMC, etc. I say that in the present case the office of collector Mumbai Suburban has granted NOC and the same is annexed hereto as under.



Sr. No.	Description of property.	Authority by whom NOC is sought and granted.	Purpose of NOC / Use of Government land.	Exhibit	Off. Typed & translated documents.
1	Village Mulund C.T.S No. 1320 C	Executive Engineer, Mhada	Social Welfare Centre	3	3 A
2	Village-Mulund C.T.S No. 1320 C	Executive Engineer, Mhada	Library	4	4 A
3	Village-Mulund C.T.S No. 1320 C	Executive Engineer, Mhada	Drinking Water Point	5	5 A
4	Village-Mulund C.T.S No. 1320 A	Assistant Engineer (Maintenance) T Ward	Library	6	6 A
5	Village-Mulund C.T.S No. 1320 A	District Planning Officer	Gymanasium	7	7 A

I say that from mere perusal of the aforesaid 5 NOCs it will be seen that in each of NOC list of conditions are enumerated and the same are to be strictly abided with by the authority to whom the said NOC is granted.

5. I say that some of the important conditions are a) structure to be erected is only with prior permission of BMC and /or respective planning authority. B) The structure to be erected from the funds allocated to the MP/MLA/ MLC / Corporator from the region where the structure is to be erected for public use and public benefit. C) Structure if any to be erected has to be less than 300 Sq.Ft.

R

6. I say that in these particular cases the office of Collector Mumbai Suburban has already issued letters to various concerned authorities to verify the latest status of the structures.

7. I say that in the letter it is further stated by the Collector that if violation is found appropriate action / steps to be taken against the said structures by the planning authority / implementing agency such as BMC / MHADA respectively. Copy of the said letters dated 07-11-2017 Hereto annexed and marked as Exhibit 8 is copy of the said letter. Office typed & translation of the said letter is annexed hereto as Exhibit 8 A.

EXHIBIT 8

EXHIBIT 8A.

8. In view of the aforesaid the Petition be dismissed with costs.

Solemnly affirmed in Mumbai)
Dated this 17th Day of November, 2017.)
Affidavit drawn by & deponent is identified by:

[Signature]
17/11/17
DEPONENT

[Signature]
ADV. KEDAR B. DIGHE
A.G.P. STATE OF MAHARASHTRA
BOM. H. C. (O.S.) (WRIT CELL)
MUMBAI
MOB.: 9892040654



BEFORE ME
[Signature]
K. N. SOLUNKE
B.A., BSL., LL.M., G.D.C.&A, M.B.A.
Advocate Notary Govt. of India
AREA-MUMBAI & AURANGABAD
Expiry Date February 2021
Reg. No. 11288

SR. No. 966 P. No. 4
NOTARY Register. 83 Date. 17/11/17



- (2) तूर्त अशी ना हरकत प्रमाणपत्रे ही शौचालये बांधणे, विण्याच्या व्यवस्था करणे, मल-निस्सारण याहिनी बांधणे / दुरुस्त करणे, या उभारणे या कामापुरतीच मर्यादित असावीत.
- (3) ना हरकत प्रमाणपत्र चायपाच्या क्षेत्राची मर्यादा जास्तीत जास्त चौ.फू. पयदी ठेवण्यात यावी.
- (4) असे ना हरकत प्रमाणपत्र म्हणजे जागा प्रदान करणे नव्हे व ना हरकत प्रमाणपत्रागुळे अशा जागेवर कोणत्याही-खाजगी व्यक्ती संस्थेचे हितसंबंध निर्माण होणार-नाहीत, याची दक्षता जिल्हाधिकारी घ्यावी.
- (5) असे ना हरकत देण्यापूर्वी नियोजनाच्या दृष्टीकोनातून प्रस्तावित जागे अनुज्ञेय असल्याची तपासणी जिल्हाधिकारी यांनी करावी.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने,

(म. सु. लटके)
अवर सचिव
महसूल व वन विभाग

प्रति,

(1) जिल्हाधिकारी मुंबई शाहर, पुणे-जकात घर, मुंबई-०९.

(2) जिल्हाधिकारी मुंबई जयनगर, नवीन-प्रशासकीय इमारत, बांद्रा (पूर्व), मुंबई-५९.

प्रतिलिपि :-

- (1) आयुक्त, कोकण विभाग, कोकण मयने, नवी मुंबई-४००-०६४
- (2) अवर सचिव, ज-३ कार्यालय, महसूल व वन विभाग, मंत्रालय, मुंबई
- (3) महालेखापाल-२, महाराष्ट्र राज्य, नागपूर
- (4) निबंधास्ती, ज-२ कार्यालय, महसूल व वन विभाग, मंत्रालय, मुंबई

TRUE COPY

ADVOCATE FOR :
Plaintiff / Petitioner / Applicant
Appellant / Complainant / Defendant /
Respondent / Accused.



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EXHIBIT-1-A.

Office Translated copy.

Land Mumbai City Suburban,
Regarding assigning power to Hon.
District Collector, Mumbai for issuing
no objection certificate for erecting
amenities in public nature on
government land plot property from local
development Fund:-

MAHARASHTRA GOVERNMENT

Revenue and Forest Department,

Government Resolution No. land-2507/400/case No. 164/J-2,
Mantralya, Mumbai-400 032.

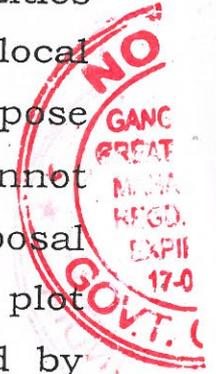
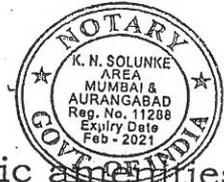
Date:- 22nd January, 2008.

Introduction:-

If public representatives have to erect public amenities and facilities on government land plot property from local development fund. Of M. L. A. therefore, for this purpose power of issuing no objection for this purpose cannot issued by Hon. District Collector, Mumbai. Thus, proposal of erective public amenities and facilities on the land plot properties under local development program received by government through Hon. District collector, Mumbai. And on receipt of the said proposal by government it is too late for issuing no objection certificate. However. Point of assigning power of issuing no objection certificate by District collector was under government consideration. As per, now government has taken following decision,

Government Resolution:-

Public amenities and facilities are erected from local development fund for public from fund made available with Hon. m. L. A. and for that purpose land property is available on very small proportion. But in the said cases,



24

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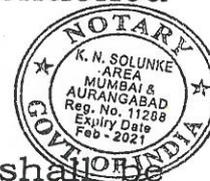
District collector has not any power to issue no objection certificate for erective public amenities from public local fund which is available to M. L. A. by government. Hence development fund is not spent during specific time and period that means that is forfeits by the government Therefore, where the land property is available on very less proportion, In this matter power is assigned to District Collector, Mumbai suburban District to the subject matter of the following terms and condition as per mentioned herewith.

(1) Terms:-

Thus the said no objection certificates shall be issued by Hon. Collector only for those construction work which are done from local development fund made available from M. L. A. Fund. Similarly, District collector shall have not any power to issue the said no objection certificate in any other matter.

Due to the said government resolution is not respect of subject of planning directly with any action hence it is transferred to residential deputy district collect for further action in the matter.

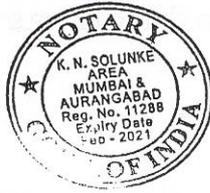
- (2) time being, no objection certificate shall be issued for limited work as construction of toilets, to establish drinking water point, to construct dirty water disposal gutters or pipe-lines. To repair and to erect any other amenities for public use.
- (3) Limitation of issuing admeasuring area for which no objection shall be kept minimum this much ---
- (4) Thus the said no objection certificate means not to allot land plot property Similarly, District collector shall take precaution and cognizes that private person cannot take advantage and to create his ownership



and common interest of the said government land property.

- (5) Before issuing thus the said certificate District collector shall have to verify that there is admissibility in view of planning.

By order by name and with signature of Maharashtra Government.



Sd/-(),

(Vai. B. Latke),

Upper Secretary,

Revenue and forest department,

Copy to:-

- (1) District Collector, Mumbai City old custom house, Mumbai;-400 001.
- (2) District Collector, Mumbai Suburban, New Administrative Building, Bandra (East), Mumbai:- 400 051,

Duplicate copy:-

- (1) Commissioner, Kokan Division, Kokan Bhavan, Navi Mumbai:- 400 064.
- (2) Upper Secretary, J-3, Assembly, Revenue and Forest Department, Mantralaya, Mumbai.
- (3) General Accountant-2, Maharashtra State, Nagpur,
- (4) Hand Brief (Office record file) J-2, Section, Revenue and Forest Department, Mantralaya, Mumbai.

TRUE COPY

ADVOCATE FOR :

Plaintiff / Petitioner / Applicant
 Respondent / Complainant / Defendant
 Dependent / Unassisted.

EXHIBIT - 2

जमीन-मुंबई शहर/उपनगरे
स्थानिक विकास निधीतून शासकीय जागेवर
सार्वजनिक, स्वरूपाच्या सुविधा निर्माण
करण्यासाठी "ना हरकत प्रमाणपत्र" देण्याचे
अधिकार जिल्हाधिकारी, मुंबई शहर व उपनगर
यांना देण्याबाबत.

महाराष्ट्र शासन
महसूल व वन विभाग
शासन निर्णय क्र.जमीन २५०७/४००/प्र.क्र.१६४/ज-२
मंत्रालय, मुंबई-४०० ०३२
दिनांक : २२ जून, २०१०.

वाचा :- शासन निर्णय, समक्रमांक दिनांक: ११ जानेवारी, २००८.

शासन निर्णय :

मा.आमदारांच्या स्थानिक विकास कार्यक्रमातून बृहन्मुंबईतील शासकीय जागेवर सार्वजनिक सुविधा निर्माण करण्याच्या दृष्टीने "ना हरकत प्रमाणपत्र" देण्याचे प्रस्ताव जिल्हाधिकारी यांच्याकडून शासनाकडे प्राप्त होतात. अशा प्रकारचे प्रस्ताव शासनास प्राप्त झाल्यावर शासनाकडून "ना हरकत प्रमाणपत्र" देण्यामध्ये बराच काळाची जातो. यास्तव स्थानिक विकास निधीतून शासकीय जागेवर शांचालय बांधणे, पिण्याच्या पाण्याची व्यवस्था करणे, मलनिःसारण वाहिनी बांधणे/उभारणे, वाचनालय उभारणे या कामांसाठी काही अटीच्या अधीन राहून "ना हरकत प्रमाणपत्र" देण्याचे अधिकार जिल्हाधिकारी, मुंबई शहर व जिल्हाधिकारी मुंबई उपनगरे यांना दिनांक २२.०१.२००८ च्या शासन निर्णयान्वये देण्यात आले होते. या कामाव्यतिरिक्त आणखी काही सार्वजनिक कामांसाठी "ना-हरकत प्रमाणपत्र" देण्याचे अधिकार जिल्हाधिकार्यांना देण्यात यावेत, अशी मागणी लोकप्रतिनिधींकडून करण्यात आली आहे. त्यानुसार खालीलप्रमाणे निर्णय घेण्यात आला आहे :-

(१) दिनांक २२ जानेवारी, २००८ च्या शासन निर्णयामध्ये उभरून येलेल्या सार्वजनिक, प्रयोजनाव्यतिरिक्त स्थानिक विकास कार्यक्रमांतर्गत खासदार/आमदार/नगरसेवक यांच्या निधींतर्गत बृहन्मुंबई महानगरपालिका क्षेत्रामधील शासकीय जमिनीवर व्यायामशाळा बांधणे, समाजमंदीर बांधणे, तलावाचे सौंदर्यीकरण, तलाव स्वच्छ करून त्या तलावामध्ये प्रकाश योजना करणे, झाडांची लागवड करणे, स्मशानभूमीचा विकास, मोकळ्या मैदानाचे सुशोभिकरण करणे इत्यादी कामे करण्यास ना-हरकत प्रमाणपत्र देण्याचे अधिकार जिल्हाधिकारी मुंबई शहर/जिल्हाधिकारी मुंबई उपनगर यांना देण्यात येत आहेत.

FD/ESK-J-2/CR-164-07-GANESHMURTINAGAR.I&P

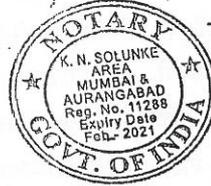
(२) जेथे सार्वजनिक सुविधा निर्माण करण्यासाठी नेव्याने बांधकाम करणे अपेक्षित आहे. जसे, स्वच्छतागृह, वाचनालय, व.यामशाळा, समाजमंदिर इत्यादी बांधकामासाठी ना-हरकत प्रमाणपत्र घाबऱ्याच्या क्षेत्राची मर्यादा जास्तीत जास्त ३०० चौ.फू. राहिल.

(३) ज्या सार्वजनिक प्रयोजनामध्ये बांधकामाचा सभावेश नसून केवळ विकास करणे अपेक्षित आहे, अशा तलावाचे सौंदर्यीकरण करणे, तलाव स्वच्छ करून त्या तलावात प्रकाशयोजना करणे, झाडांची लागवड करणे, स्मशानभूमिचा विकास, मोवळ्या भेदानाचे सुशोभीकरण या कार्यक्रमांसाठी ३०० चौ.फू. कमाल मर्यादा लागू राहणार नाही.

(४) असे ना हरकत प्रमाणपत्र म्हणजे जागा प्रदान करणे नव्हे. जमिन शासनाच्या मालकीची राहिल व अशा ना हरकत प्रमाणपत्रामुळे अशा जागेवर कोणत्याही खाजगी व्यक्तीचे / संस्थेचे कोणत्याही प्रकारचे हक्क आणि हितसंबंध निर्माण होणार नाहीत, याची दक्षता जिल्हाधिकारी यांनी घ्यावी.

(५) असे ना हरकत देण्यापूर्वी नियोजनाच्या दृष्टीकोनातून प्रस्तावित वापर अनुज्ञेय असल्याची तपासणी जिल्हाधिकारी यांनी करावी.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने,



(वि.सि.वखारे)
अवर सचिव,
महसूल व वन विभाग

प्रति,

- (१) जिल्हाधिकारी मुंबई शहर, जुने जकात घर, मुंबई-०१.
- (२) जिल्हाधिकारी मुंबई उपनगर, नवीन प्रशासकीय इमारत, बांद्रा (पूर्व), मुंबई-५१.

प्रतिलिपी :-

- (१) आयुक्त, कोकण विभाग, कोकण भवन, नवी मुंबई-४०० ०६४
- (२) अवर सचिव, ज-३ कार्यासन, महसूल व वन विभाग, मंत्रालय, मुंबई
- (३) महालेखापाल-२, महाराष्ट्र राज्य, नागपूर
- (४) निवडनस्ती, ज-२ कार्यासन, महसूल व वन विभाग, मंत्रालय, मुंबई



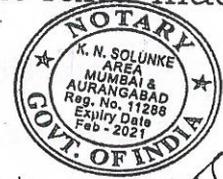
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TRUE COPY

ADVOCATE FOR :
Plaintiff / Petitioner / Applicant
Appellant / Complainant / Defendant /
Respondent / Accused.

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Land - Mumbai City / Suburban District,
Regarding power of issuing no objection
certificate for erecting public
amenities/facilities on government land plot
properties from local development fund made
available from M. L. A. Fund.



[Handwritten Signature]

MAHARASHTRA GOVERNMENT,

Revenue & Forest Department,
Government Resolution No. land/ 2507/ 400/case No. 164/land-2,
Mantralaya, Mumbai-400 032.

Date:- 3rd June, 2010.

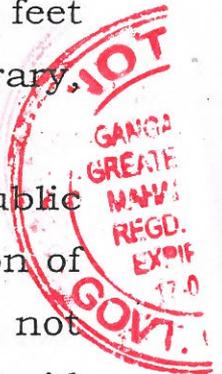
Read:- Government Resolution, same no. dated 22nd
January, 2008.

Government Resolution:-

Proposal of issuing no objection certificate for erective
public amenities and facilities on the government land
property from local development fund available from M. L.
A. Fund receives by Government through Hon. District
Collector, Mumbai. On receipt of the said proposal by
government. It is delayed for issuing the said no objection
certificate from government side. Thus power of issuing
certificate by Hon. District Collectors for construction of
toilet, and to make arrangement of drinking water, and to
construct dirty water disposal drainage or gutters to erect
library, on the government land property from local
development program made available from M. L. A. fund is
assigned to District collector, Mumbai to the subject matter
of following some terms and conditions is issued to District
Collector by government resolution dated 22/01/2008.
Except these all work, for any other public work. Power of
issuing no objection certificates should be assigned to

District Collector, Mumbai. Thus said demand is done from some public representative. Accordingly decision is taken as per mentioned following below:-

- (1) In the Government resolution dated 22nd January, 2008. Mentioned except for public purposes under the local development program and under the fund of town Corporator, M. L. A. M. P. to construct gymnasium, social Temple, and modification of pond or dam, to clean dam and to make arrange of lightning in the said dam. To plant trees, and to develop grave-yards, and to make modification of open grounds and power of issuing no objection certificates are issued to District Collector, Mumbai City/District Collector and Mumbai Suburban.
- (2) Where it is expected to re-construct for erecting public amenities/facilities as limitation of area for issuing no objection certificate shall be up to only 300 square feet area for the purpose of construction of toilet, library, gymnasium social temple etc.,
- (3) if there no inclusion of construction work in public purposes only it is expected development, limitation of total area admeasuring 300 square feet only shall not be binding for decoration of dam, and to clean the said dam and to make lightening arrangement in the said dam, or pond to plan tree, develop graveyards, and to decorate open grounds.
- (4) Thus this no objection certificate means not to allot government land property to private person or for public purposes, however, even though the said land plot property shall be remain under right of ownership of government. And due to these no objection certificate no any right or common interest of the said



land plot property shall transferred in favour of any private person/party or any society. Thus, District collector shall be take precaution and cognizes of the same.

- (5) District collector shall verify the said proposed use is admissible in view of the planning before issuing no objection certificate.

By name and signature of Maharashtra Governor.



Sd/-(),

(V. C. Vakhare),

Upper Secretary,

Revenue & Forest Department.

Copy:-

- (1) District Collector, Mumbai City, Old Custom House, Mumbai-01.
- (2) District Collector, Mumbai Suburban, New Administrative Building, Bandra East), Mumbai-400 051.

Duplicate copy:-

- (1) Commissioner, Kokan Division, Kokan Bhavan, Navi Mumbai:- 400 064.
- (2) Upper Secretary, Land-3, Section, Revenue and forest Department, Mantralaya, Mumbai.
- (3) Accountant General-2, Maharashtra State, Nagpur,
- (4) Hand Brief, (Office record copy) Land-2, section, revenue & forest Department, Mantralaya, Mumbai.

TRUE COPY

ADVOCATE FOR :
 Plaintiff / Petitioner / Applicant
 Appellant / Complainant / Defendant /
 Respondent / Accused.

जिल्हाधिकारी, मुंबई उप 361 जिल्हा यांचे कार्यालय

प्रशासकीय इमारत, १० वा मजला, सरकारी वसाहत, बांद्रा (पू) मुंबई-५१
Ph.6556799, 6550111 Fax : 6556805 email address:- collrmsd@yahoo.com

क्र. :-सी/कार्या-२/२ अ/जमिन/कावि-३९५/२०१०
दिनांक :- २४/०९/२०१०

EXHIBIT - 3

प्रति,
कार्यकारी अभियंता,
मुंबई झोपडपट्टी सुधार मंडळ, मुंबई
गृहनिर्माण भवन, बांद्रा (पूर्व),
मुंबई क्र. ४०० ०५१.



Handwritten signature and date: 24/09/10

विषय :- जमिन : मुंबई उपनगर जिल्हा

ता. कुर्ला, गाव मुलुंड येथील सर्वे नं. ३८६, न.भू.क्र. १३२० फायर
बिग्रेड समोरील जागेत समाजकल्याण मंदिर बांधणेकरीता ना हरकत
परवानगी मिळणेबाबत
मा.आमदार श्री. सरदार तारासिंग यांची विनंती.

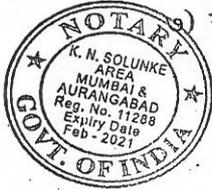
- संदर्भ:- १) मा. आमदार श्री. सरदार तारासिंग यांचा दि. १६/०६/२०१०
रोजीचा अर्ज
२) तहसिलदार, कुर्ला यांचा क्र. तह/कु/जमिन/कावि-९२७/१०
दि. २१/०८/२०१० रोजीचा अहवाल
३) नगर भूमापन अधिकारी यांचा क्र. नभूअमु/सरकारी जागा
मागणी/तो.क्र./ बा.क्र. १०/१५०८ दि. ३०/०६/२०१० व दि.
रोजीचा अहवाल

मौजे मुलुंड येथील सर्वे नं. ३८६ पै., तत्सम न.भू.क्र. १३२० क ही जागा शासन कागदोपत्री महाराष्ट्र
शासनाचे मालकीची आहे. ७/१२ प्रमाणे या जागेचे क्षेत्र ८ एकर ७ गुंठे ऐवढे असून न.भू.क्र. १३२० क चे मिळकत
पत्रिकेप्रमाणे क्षेत्र ३६४४५.७ चौ.मी.ऐवढे दाखल आहे. तहसिलदार, कुर्ला व नगर भूमापन अधिकारी, मुलुंड
यांचेवरील प्राप्त अहवालानुसार प्रस्तावित केलेली जागा ही फायर बिग्रेडच्या बाजूच्या जागेची मागणी केलेली असून ती
स्थळदर्शक नकाशामध्ये डी.पी. रोडच्या पलिकडे नारंगी रंगाने दर्शविलेली आहे. सदरहुन जागा मुंबई महानगरपालिका
यांचे कडील क्र. CE/४७/BPES/Govt./LOI दि. ०४/०८/२००७ मधील विकास आराखडयामध्ये मनोरंजन मैदान
(आर.जी.) करीता आरक्षित असलेचे दिसून येते. प्राप्त अहवालानुसार प्रस्तावित केलेली जागा अतिक्रमण विरहीत
असून जागेवर सध्या गवत आहे. याप्रमाणे सदर जागेची सद्यस्थिती आहे.

मौजे मुलुंड, न.भू.क्र. १३२० क मधील प्रस्तावित केलेली जागा ही पालिकेच्या विकास आराखडयात
मनोरंजन मैदान (आर.जी.) करीता आरक्षित असलेने त्यास पालिकेची प्रथम मंजूरी घेणे या अटीस अधिन राहून
प्रस्तावित केल्याप्रमाणे जास्तीत जास्त ३००चौ.फूटावर आमदार निधीतून समाजकल्याण केंद्र बांधण्यासाठी शासन निर्णय

क्र. जमिन-२५०७/४६०/प्र.क्र. १६४/ज-२ दि. ३ जून २०१० रोजीच्या शासन निर्णयामधील अटी/ शर्तीवर तसेच खालील अतिरिक्त अटी/शर्तीवर बांधकाम करणेसाठी ना हरकत परवानगी देणेत येत आहे.

- १) समाजकल्याण केंद्राच्या प्रयोजनासाठी वापरण्यात येणाऱ्या क्षेत्राची मालकी शासनाची राहिल. शासनास आवश्यक लागल्यास ती विना तक्रार शासनास सुपूर्द करावी लागेल.
- २) प्रस्तावित जमिनीत केलेल्या बांधकामामुळे जमिनीबाबत कोणत्याही प्रकारचे हक्क/ अधिकार प्राप्त होणार नाहीत अथवा तशा प्रकारचे हक्क/ अधिकारी प्रस्तावित करता येणार नाही.
- ३) प्रस्तावित जमिनीत करण्यात येणारे बांधकाम तात्पुरत्या स्वरूपाचे असेल, बांधण्यात येणाऱ्या समाजकल्याण केंद्रावर पालिकेचे नियंत्रण असेल.
- ४) प्रस्तावित जमिनीचा वापर समाजकल्याण केंद्रासाठीच करावा लागेल. जमिनीचा वापर अन्य प्रयोजनासाठी करता येणार नाही. तसा बदल केल्यास सदर आदेश रद्द समजून जमिन शासन जमा करणेत येईल.
- ५) प्रस्तावित जमिनीवर बांधण्यात येणारे समाजकल्याण केंद्र हे सर्व जाती धर्माच्या लोकांना खुले असेल.
- ६) प्रस्तावित समाजकल्याण केंद्राच्या बांधकामासाठी मुंबई महानगरपालिकेची रितसर बांधकाम परवानगी घेतल्यानंतरच पुढील बांधकाम करता येईल.
- ७) सदरचे ना हरकत प्रमाणपत्र शासनाचे अंतिम मान्यतेच्या अधिन राहून देण्यात येत आहे.



प्रत :-

- १) मा. अपर मुख्य सचिव (महसूल), महसूल व वन विभाग, मंत्रालय, मुंबई-३२ यांना माहितीसाठी सविनय सादर
- २) मुख्य अभियंता (नियोजन विभाग), महानगर मुख्य कार्यालय, ४ था मजला, महापालिका मार्ग, फोर्ट, मुंबई-१ यांस माहितीकरीता व आवश्यक त्या कार्यवाहीकरीता
- ३) सहाय्यक अभियंता (नियोजन विभाग) टि विभाग, मुंबई महानगरपालिका, घाटकोपर, मुंबई यांस माहिती व कार्यवाहीकरीता
- ४) तहसिलदार कुर्ला व नगर भूमापन अधिकारी, मुलुंड यांचेकडे पुढील कार्यवाहीकरीता
२/- त्यांना कळविणेत येते की, प्रकरणांत वरील अटी/ शर्तीचा भंग होणार नाही याची दक्षता घ्यावी.
- ५) मा. आमदार श्री. सरदार तारासिंह, जन संपर्क कार्यालय, एल बी एस मार्ग, भांडूप (प.), मुंबई-७८ यांना माहितीकरीता अग्रेषित.
- ६) जिल्हा नियोजन अधिकारी, मुंबई उपनगर जिल्हा, बांद्रा यांस माहितीकरीता

स्थळप्रतीवर जिल्हाधिकारी यांची सही असे

Issued
26/1/90

जिल्हाधिकारी,
मुंबई उपनगर जिल्हाकरिता

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ADVOCATE FOR :
Plaintiff / Petitioner / Applicant
Appellant / Complainant / Defendant /
Respondent / Accused.

Office Translated copy.

[Handwritten Signature]

TRUE TRANSLATION FROM MARATHI TO ENGLISH

No. C/Desk-2/2 A/Land/KV-395/2010

Date 24/09/2010.

To,
The Executive Engineer,
Mumbai Slum Improvement Board, Mumbai
Grihanirman Bhavan, Bandra (E),
Mumbai - 400 051



Sub: - Land : Mumbai Suburban District

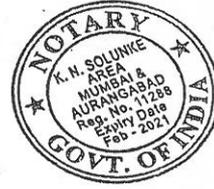
Providing No Objection Certificate for
constructing Community Hall at
Survey No. 386, City Survey No. 1320
in front of the premises of Fire Brigade
of Village Mulund, Taluka Kurla.

Request of Hon'ble MLA Shri Sardar
Tarasingh

Ref :- 1) Application dated 16/06/2010 of
Hon'ble MLA Shri Sardar Tarasingh.

2) Report No. TAH /K-Land/ KV-
927/10 dated 21/08/2010 of the
Tahasildar Kurla

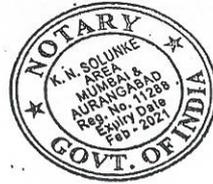




3) Report No. CS/ AM/ Government
Premises Requisition/T.No. /B. No.
10/1508 dated 30/06/2010 of the
City Officer

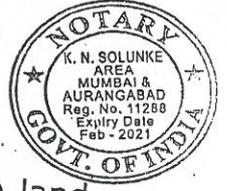
The Land bearing Survey No. 386 Part & consequent City Survey No. 1320 at village Mulund is owned by the Government as per the Government Record. As per the 7/12 record area of the said land is 8 Acres 7 Gunthas & as per the property card of City Survey No. 1320 C Area of 36445.7 Sq. Mtr. has been recorded. As per the report received from the Tahasildar Kurla & City Survey Officer Mulund the premise which has been proposed is adjacent to the Fire Brigade & in the location plan it has been shown in the orange color after D. P. Road. It is observed that the said premises has been reserved for Recreation Ground (R. G.) in the development plan no. CE/47/BPES/Govt. /LOI dated 4/08/2007 with the Mumbai Municipal Corporation. As per the report received the premises which has been proposed is free from encroachment & there is grass at present on the land. This is the present status of the said premises.





The land which has been proposed out of City Survey No. 1320 at Village Mulund has been reserved for the Recreation Ground (R. G.) in the development plan of the Municipal Corporation, subject to the condition "to get first sanction for the same of the Municipal Corporation" as proposed maximum distance of 300 feet for constructing community hall from MLA fund, no objection is being granted to carry out the construction on the following additional terms & conditions & similarly terms & conditions of the Government Resolution No. Land- 2507/400/C.No. 164/ L-2 dated 3 June 2010.

- 1) The Ownership of the Area which will be used for the purpose Social Welfare Centre will be of the Government, if require by the Government it will have to be handed over to the Government without any complaint.
- 2) Because of the construction proposed in the land rights of any nature in connection with the land will not be provided or such type of rights cannot be proposed.

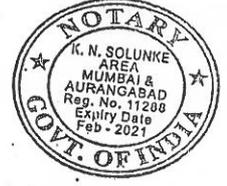


- 3) The Construction which has been proposed in the land will be of temporary nature & the Municipal Corporation will have control on the Social Welfare Centre which will be constructed.
- 4) The use of the proposed land will have to be made only for Social Welfare Centre. Land cannot be used for any purpose. If such change will be made this order will be consider to be cancel & land will be confiscated with the Government.
- 5) The Social Welfare Centre which will be constructed on the proposed land will be open to the public of all caste, religion & creed.
- 6) For the Construction of the proposed Social Welfare Centre further construction can be made only after obtaining appropriate construction permission of the Mumbai Municipal Corporation.
- 7) This No Objection Certificate is being granted subject to the final approval of the Government.



Sd/-

For Collector,
Mumbai Suburban District



Copy to:-

1) Hon'ble Additional Chief Secretary (Revenue),
Revenue & Forest Department, Mantralaya, Mumbai-
32 - Respectfully submitted for information.

2) The Chief Engineer, Planning Department, Municipal
Corporation Head Office, 4th Floor, Mahapalika Marg,
Fort, Mumbai- 1 - For information & necessary
action.

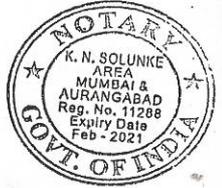
3) The Assistant Engineer, (Planning Department), T
Ward, Mumbai Municipal Corporation, Ghatkopar,
Mumbai- For Information & action.

4) The Tahasildar Kurla & City Survey Officer Mulund -
For further action.

2/- They are being informed that, they should take
care above terms & condition in the matter will not
be violated.



5) Hon'ble MLA Shri Sardar Tarasingh, Public Relation
Office, LBS Marg, Bhandup (W), Mumbai 78-
Forwarded for information.



6) District Planning Officer, Mumbai Suburban District,
Bandra- For information

Counterfoil bears the Sd/-

signature of the Collector For Collector,

Mumbai Suburban District

TRUE COPY

ADVOCATE FOR :
~~Plaintiff / Petitioner / Applicant~~
~~Appellant / Complainant / Defendant /~~
~~Respondent / Accused.~~

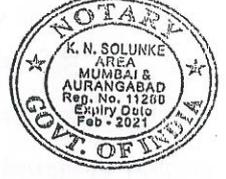


जिल्हाधिकारी, मुंबई उपनगर जिल्हा यांचे कार्यालय

प्रशासकीय इमारत, १० वा मजला, सरकारी वसाहत, बांद्रा (पू) मुंबई-५१
Ph.6556799, 6550111

Fax : 6556805

email address:- collrmsd@yahoo.com

क्र. :-सी/कार्या-२/२ अ/जमिन/कावि-५२७/१०
दिनांक :- ०२/१२/२०१०प्रति,
कार्यकारी अभियंता,
मुंबई झोपडपट्टी सुधार मंडळ, मुंबई
गृहनिर्माण भवन, बांद्रा (पूर्व),
मुंबई क्र. ४०० ०५१.

विषय :- जमिन : मुंबई उपनगर जिल्हा

ता. कुर्ला, गाव मुलुंड येथील सर्वे नं. ३८६, न.भू.क्र. १३२०
फायर बिग्रेड समोरील जागेत समाजकल्याण मंदिर बांधणेकरीता
ना हरकत परवानगी मिळणेबाबत
मा. आमदार श्री. चरणसिंग सप्रा यांची विनंती

- संदर्भ :-१) मा. आमदार श्री. चरणसिंग सप्रा यांचा दि. ०५/०७/२०१० रोजीचा अर्ज
२) तहसिलदार, कुर्ला यांचा क्र. तह/कु/जमिन/कावि-९२०/१० दि. २८/१०/२०१० रोजीचा अहवाल
३) नगर भूमापन अधिकारी यांचा क्र. नभूअमु/सरकारी जागा मागणी/ प.भू./बा.क्र.८/१९७४ दि. २०/०९/२०१० रोजीचा अहवाल
४) उप अभियंता-१ (पूर्व) मुंबई झोपडपट्टी सुधार मंडळ, म्हाडा यांचे जा.क्र. उपअ-१ (पूर्व)/मु.झो.सु.म./१०००/१० दि. २८/०४/२०१० रोजीचे पत्र

मोजे मुलुंड येथील सर्वे नं. ३८६ पै., तत्सम न.भू.क्र. १३२० क ही जागा शासन कागदोपत्री महाराष्ट्र शासनाचे मालकीची आहे. ७/१२ प्रमाणे या जागेचे क्षेत्र ८ एकर ७ गुंठे ऐवढे असून न.भू.क्र. १३२० क चे मिळकत पत्रिकेप्रमाणे क्षेत्र ३६४४५.७ चौ.मी. ऐवढे दाखल आहे. तहसिलदार, कुर्ला व नगर भूमापन अधिकारी, मुलुंड यांच्यावरील प्राप्त अहवालानुसार प्रस्तावित केलेली जागा ही फायर बिग्रेडच्या बाजूच्या जागेची मागणी केलेली असून ती स्थळदर्शक नकाशाप्रमाणे डी पी रोडच्या पलिकडे नारंगी रंगाने दर्शविलेली आहे. सदरहू जागा मुंबई महानगरपालिका यांचेकडील क्र. CE/४७/BPES/Govt./LOI दि. ०४/०८/२००७ मधील विकास आराखडयामध्ये मनोरंजन मैदान (आर जी) करीता आरक्षित असलेचे दिसून येते. प्राप्त अहवालानुसार प्रस्तावित केलेली जागा अतिक्रमण विरहीत असून जागेवर सध्या गवत आहे. याप्रमाणे सदर जागेची सद्यस्थिती आहे.

मौजे मुलुंड, न.भू.क्र. १३२० क मधील प्रस्तावित केलेली जागा ही पालिकेच्या विकास आराखडयात मनोरंजन मैदान (आर.जी.) करीता आरक्षित असलेने त्यास पालिकेची प्रथम मंजूरी घेणे या अटीस अधिन राहून प्रस्तावित केल्याप्रमाणे जास्तीत जास्त ३०० चौ.फूटावर आमदार निधीतून ' वाचनालय ' बांधण्यासाठी शासन निर्णय क्र. जमिन-२५०७/४००/प्र.क्र. १६४/ज-२ दि. ३ जून २०१० रोजीच्या शासन निर्णयामधील अटी/ शर्तीवर तसेच खालील अतिरिक्त अटी/ शर्तीवर बांधकाम करणेसाठी ना हरकत परवानगी देणेत येत आहे.

- १) वाचनालय प्रयोजनासाठी वापरण्यात येणाऱ्या क्षेत्राची मालकी शासनाची राहिल. शासनास आवश्यक लागल्यास ती विना तक्रार शासनास सुंपूर्द करावी लागेल.
- २) प्रस्तावित जमिनीत केलेल्या बांधकामामुळे जमिनीबाबत कोणत्याही प्रकारचे हक्क/ अधिकार प्राप्त होणार नाहीत अथवा तशा प्रकारचे हक्क/ अधिकारी प्रस्तावित करता येणार नाही.
- ३) प्रस्तावित जमिनीत करण्यात येणारे बांधकाम तात्पुरत्या स्वरूपाचे असेल, बांधण्यात येणाऱ्या वाचनालयावर पालिकेचे नियंत्रण असेल.
- ४) प्रस्तावित जमिनीचा वापर वाचनालयासाठीच करावा लागेल. जमिनीचा वापर अन्य प्रयोजनासाठी करता येणार नाही. तसा बदल केल्यास सदर आदेश रद्द समजून जमिन शासन जमा करणेत येईल.
- ५) प्रस्तावित जमिनीवर बांधण्यात येणारे वाचनालय हे सर्व जाती धर्माच्या लोकांना खुले असेल.
- ६) प्रस्तावित वाचनालयाचे बांधकामासाठी मुंबई महानगरपालिकेची रितसर बांधकाम परवानगी घेतल्यानंतरच पुढील बांधकाम करता येईल.
- ७) सदरचे ना हरकत प्रमाणपत्र शासनाचे अंतिम मान्यतेच्या अधिन राहून देण्यात येत आहे.

Aug
जिल्हाधिकारी,

2/9/11 मुंबई उपनगर जिल्हाकरिता



प्रत :-

- १) मा. अपर मुख्य सचिव (महसूल), महसूल व वन विभाग, मंत्रालय, मुंबई-३२ यांना माहितीसाठी सविनय सादर.
- २) मुख्य अभियंता (नियोजन विभाग), महानगर मुख्य कार्यालय, ४ था मजला, महापालिका मार्ग, फोर्ट, मुंबई-१ यांस माहितीकरीता व आवश्यक त्या कार्यवाहीकरीता.
- ३) सहाय्यक अभियंता (नियोजन विभाग) टि विभाग, मुंबई महानगरपालिका, घाटकोपर, मुंबई यांस माहिती व कार्यवाहीकरीता.
- ४) तहसिलदार कुर्ला व नगर भूमापन अधिकारी, मुलुंड यांचेकडे पुढील कार्यवाहीकरीता
२/- त्यांना कळविणेत येते की, प्रकरणांत वरील अटी/ शर्तीचा भंग होणार नाही याची दक्षता घ्यावी.
- ५) मा. आमदार श्री. चरणसिंग सप्रा, ९ गाला नगर, जे एन मार्ग, मेहूल सिनेमा जवळ, मुलुंड (प.), मुंबई-८० यांस माहितीकरीता सादर.
- ६) जिल्हा नियोजन अधिकारी, मुंबई उपनगर जिल्हा, बांद्रा यांस माहितीकरीता.

2/9/11
स्थळ

स्थळप्रतीवर जिल्हाधिकारी यांची सही असे

2/9/11
जिल्हाधिकारी,

2/9/11 मुंबई उपनगर जिल्हाकरिता

2akavi527-mrs

Page 2 of 2



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ADVOCATE FOR :
Plaintiff / Petitioner / Applicant
Appellant / Complainant / Defendant /

371

EXHIBIT-4-A

Shri Charansingh Chapla

104
42

Office Translated copy.

TRUE TRANSLATION FROM MARATHI TO ENGLISH

OFFICE OF THE COLLECTOR, MUMBAI SUBURBAN DISTRICT,
Administrative Building, 10th Floor, Government Colony,

Bandra (E), Mumbai- 51

Tel. No. 6556799, 6550111 Fax : 6556805

Email address:- collrmsd@yahoo.com

O.W. No. C/Desk-2/2A/Land/KV-527/10

Date: 2/12/2010

To,
The Executive Engineer,
Mumbai Slum Improvement Board, Mumbai
Grihanirman Bhavan, Bandra (E),
Mumbai- 400 051



Sub: - Land : Mumbai Suburban District

Providing No Objection Permission for
construction Community Hall in the
premises of Survey No. 386 City
Survey No. 1320 opposite Fire
Brigade, at Village Mulund Taluka-
Kurla

Request of the Hon'ble MLA Shri
Charansingh Chapla.

W

Ref :- 1) Application dated 5/07/2010 of
Hon'ble MLA Shri Charansingh
Chapla.

2) Report No. TAH/K-Land/KV-920
/10 dated 28/10/2010 of the
Tahasildar Kurla

3) Report No. CSQM/Government
Premises Requisition/ I.S./C.No.
8/1974 dated 20/09/2010 of the
City Survey Officer.

4) Letter bearing O.W. No. Dy.E. -1 (E)
/ MSID /1000/10 dated
28/04/2010 of the Dy. Engineer -1
(E) of Mumbai Slum Improvement
Board, MHADA



The Land bearing Survey No. 386 (Part) consequent City
Survey No. 1320 C at Village Mulund is owned by
Government of Maharashtra as per the Government Record.

As per the 7/12 record the area of the said premises /land is 8 Acres 7 Gunthas & as per the property card of C.S. No. 1320 C Area has been recorded as 36445.7 Sq. Mtr. As per the report received from Tahasildar Kurla & City Survey Officer Mulund the land/premises which has been proposed is adjacent to fire brigade & as per the location plan it has been shown with the orange color after the D.P. Road. The said premises as per the Development Plan CE/47/BPES/Govt./LOI dated 4/08/2007 of Mumbai Municipal Corporation it is observed that it has been reserved for Recreation Ground (R.G.) as per the report received the premises which has been proposed is free from the encroachment & there is grass at present on the said land. Accordingly, it is the status of the said premises.

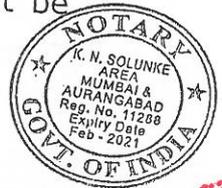


As the premises proposed out of City Survey No. 1320 C at Village Mulund has been reserved for Recreation Ground (R.G.) in the development plan of the Municipal Corporation. Subject to the condition to obtain first sanction for the same of the Municipal Corporation & as proposed maximum at the distance 300 feet for constructing "Library" from the MLA fund. No objection permission is being granted for carrying out the construction following additional terms & conditions

(K)

& similarly terms & conditions of the Government Resolution
No. Land /2507 /400/ C.No. 164 /L-2 dated 3 June 2010.

- 1) Ownership of the premises /area which will be used for the purpose Library will be of the Government. If observed necessary by the Government it will have to the handed over to the Government without any complaint.
- 2) Because of the construction carried out in the proposed land rights of any nature in connection with the said will not be provided or such type of rights cannot be proposed.
- 3) The Construction which will be carried out in the proposed land will be of temporary nature. Municipal Corporation will have control on the library which will be constructed.
- 4) Use of the proposed land will have to be made for Library only. The land cannot be used for any other purpose. If such change will be made this order will be

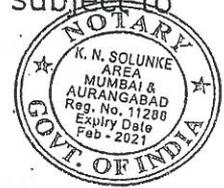


consider to be cancelled & land will be confiscated with the Government.

5) The Library which will be constructed on the proposed land will be open to the public of all caste, religion & creed.

6) For the construction of the proposed library for the construction can be carried only after obtaining appropriate construction permission from the Mumbai Municipal Corporation.

7) This No Objection Certificate is being granted subject to the final approval of the Government.



Sd/-

For Collector,
Mumbai Suburban District

Copy to:-

~~11~~ Hon'ble Additional Chief Secretary (Revenue), Revenue
& Forest Department, Mantralaya, Mumbai- 32 -
Respectfully submitted for Information.

UR

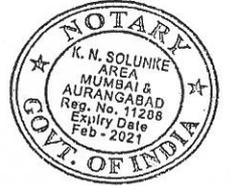
2) The Chief Engineer, (Planning Department), Municipal Corporation Head Office, Fourth Floor, Mahapalika Marg, Fort, Mumbai- 1- For information & necessary action.

3) The Assistant Engineer (Planning Department), T Ward, Mumbai Municipal Corporation, Ghatkopar, Mumbai-For information & action.

4) The Tahasildar Kurla & City Survey Officer Mulund. - For further action.

2/- They are being informed they should take care that above terms & conditions in the matter will not be violated.

5) Hon'ble MLA Shri Charansingh Sapra, 9 Gala Nagar, J.N. Marg, Near Mehul Cinema, Mulund , Mumbai-80-
Respectfully submitted for information.

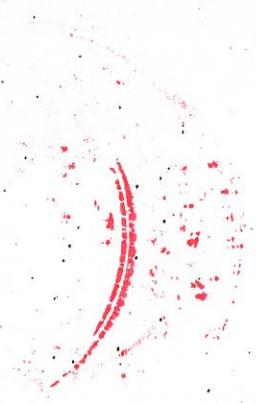
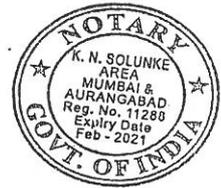


6) District Planning Officer, Mumbai Suburban District,
Mumbai- For information.

Counterfoil bears the Sd/-
signature of the Collector For Collector,
Mumbai Suburban District

TRUE COPY

ADVOCATE FOR :
Plaintiff / Petitioner / Applicant
Appellant / Complainant / Defendant /
Respondent / Accused.



जिल्हाधिकारी, मुंबई उपनगर जिल्हा यांचे कार्यालय

प्रशासकीय इमारत, १० वा मजला, सरकारी वसाहत, बांद्रा (पू) मुंबई-५१

Ph. 26556799, 6557807

Fax : 26556805

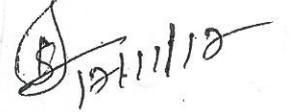
emailaddress: collrmsd@yahoo.com

क्र. :- सी/कार्या २अ/जमिन/कावि ४५४/०८

दिनांक :- २६/१२/२००८

प्रति,

सहाय्यक अभियंता (परिक्षण)
'टी' विभाग, बृहन्मुंबई महानगर पालिका
लाला देवीदयाळ मार्ग, मुलुंड (प.) मुंबई ४०००८०




विषय :- जमिन: मुंबई उपनगर जिल्हा
अग्निशमन केंद्र गव्हाणपाडा समोरील
सरकारी भूखंडावर बालवाडी (समाजकल्याण
केंद्र) बांधण्याबाबत

संदर्भ: आपलेकडील पत्र क्र. AEMT/६७८/GEN
दिनांक १३/१०/२००८

अग्निशमन केंद्र गव्हाणपाडा समोरील सरकारी भूखंडावर बालवाडी (समाजकल्याण केंद्र) बांधण्याकरिता रजनीगंधा फाऊंडेशन या नोंदणीकृत संस्थेने सौ. ज्योती महेंद्र वैती, नगरसेविका मुलुंड यांजकडे विनंती केली आहे. त्या अनुषंगाने सौ. ज्योती महेंद्र वैती यांनी आपलेकडे दिनांक १९/९/२००८ रोजी पत्र देऊन प्रस्तावित जागेवर बालवाडी (समाजकल्याण केंद्र) बांधणेसाठी परवानगी मागितली आहे. तथापि आपले संदर्भिय पत्रानुसार प्रस्तावित जागेचे स्थळनिरिक्षण करून तहसिलदार कुर्ला यांनी त्यांचे क्र. तह/कु/जमिन/कावि १०६०/०८ दिनांक १५/१२/२००८ रोजी आपलेकडे अभिप्राय अहवाल पाठविलेला आहे.

प्रस्तावित केलेली जागा ही मौजे मुलुंड येथील नभूक १३२० अ ही शासकीय जागा असून ती आपलेकडील विकास आराखड्याप्रमाणे रिक्रेशन ग्राऊंडसाठी आरक्षित आहे. अर्जदार यांनी प्रस्तावित केल्याप्रमाणे जास्तीत जास्त ३०० चौ. फूट क्षेत्रावर बालवाडी (समाजकल्याण केंद्र) ऐवजी वाचनालयाचे बांधकाम करण्यास शासन निर्णय क्र. जमिन-२५०७/४००/प्र. क्र. १६४/ज.३ दिनांक २२/१/२००८ मधील तरतूदीस व खालील अटी/शर्तीस अधिन राहून ना हरकत प्रमाणपत्र देण्यात येत आहे.

- १) वाचनालयाच्या प्रयोजनासाठी वापरण्यात येणाऱ्या क्षेत्राची मालकी शासनाची राहिल. जमिनीची शासनास आवश्यकता लागल्यास ती विना तक्रार शासनास सुपूर्द करावी लागेल.
- २) प्रश्नांकीत जमिनीत केलेल्या बांधकामामुळे जमिनीबाबत कोणत्याही प्रकारचे हक्क/अधिकार प्राप्त होणार नाहीत अथवा तशा प्रकारचे हक्क/अधिकार प्रस्थापि करता येणार नाहीत.
- ३) प्रश्नांकीत जमिनीत करण्यात येणारे बांधकाम तात्पुरत्या स्वरूपाचे असेल. बांधण्यात येणाऱ्या वाचनालयावर पालिकेचे/संस्थेचे नियंत्रण असेल.
- ४) प्रश्नांकीत जमिनीचा वापर वाचनालयासाठीच करावा लागेल, जमिनीचा वापर अन्य प्रयोजनासाठी करता येणार नाही तसा बदल केल्यास सदर आदेश रद्द समजून जमिन शासन जमा करणेत येईल.
- ५) प्रश्नांकीत जमिनीवर बांधण्यात येणारे वाचनालय हे सर्व ज्ञाती धर्माच्या लोकांना खुले असेल.



प्रस्तावित वाचनालयाचे बांधकामासाठी मुंबई महानगर पालिकेची रितसर परवानगी घेतलेनंतरच पुढील बांधकाम करता येईल.

(०१०१०)
जिल्हाधिकारी,

मुंबई उपनगर जिल्हाकरिता

(०१०१०)

- प्रत: १) जिल्हा नियोजन अधिकारी, मु.उ.जि. यांस माहितीसाठी
२) नगर भूमापन अधिकारी मुलुंड यांचेकडे माहितीसाठी.
३) तहसिलदार अंधेरी यांना माहितीसाठी
४) उप जिल्हाधिकारी (अति/निष्का) मुलुंड यांस माहितीसाठी

स्थळप्रतीवर मा.जिल्हाधिकारी, मुजि यांची सही असे

(०१०१०)
29/12/08
ISSUED

(०१०१०)
जिल्हाधिकारी,

मुंबई उपनगर जिल्हाकरिता

(०१०१०)

TRUE COPY

ADVOCATE FOR :
Plaintiff / Petitioner / Applicant
Appellant / Complainant / Defendant /
Respondent / Accused.

दृष्टा

प्रति
जि
मुंब
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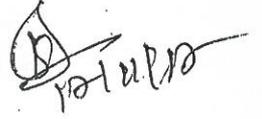
परवान

Typing

Office Translated Copy.

**OFFICE OF DISTRICT COLLECTOR, MUMBAI
SUBURBAN DISTRICT****Administrative Building, 10th floor, Government****Colony, Bandra (East), Mumbai:- 400 051.,**

Phone 26556799, 6557807 Fax: 26556805

emailaddress: collrmsd@yahoo.com

No:- C/Section 2 A/Land/KV 454/08

Date:- 26/12/2008

To,
Assistant Engineer (Maintenance),
T' Ward, Greater Mumbai
Municipal Corporation,
Lala Devidayal Marg, Mulund (West),
Mumbai-400 080.

**Subject:- Land: Mumbai Suburban District:-**

Regarding construction of Balwadi (Social Welfare Centre on Government land property opposite Fire-Brigade Centre Gavhanpada.

Reference:- Your letter no. AEMT/678/GEN dated 13/10/2008.

Registered Society Rajnignadha Foundation has made requested to Sau Jyoti Mahendra Vaity, Town Corporator, Mulund for erecting Balawadi (Social Welfare Centre) on government land plot property opposite Fire-Brigade Unit Gavhanpada. Hence Sau Jyoti Mahendra Vaity has addressed letter to you on 19/09/2008 and requested for grant of permission for erecting Balwadi (Social Welfare Centre) on government land property opposite Fire-Brigade Centre Gavhanpada. However, as per your reference letter, Tahasildar, Kurla has taken inspection of the site of the

said land plot property and submitted his report under letter No. Tahasildar /K /Land/KV/1060/08 dated 15/12/2008.

Proposed land property is of city survey no. 1320 situated at Mauje Mulund and ownership property of government and that is reserved for recreation ground as per your development layout plan. As per proposed by the Applicant Government has issued no objection for erecting library instead of Balwadi (Social Welfare Centre) on land property of 300 Square feet as per Government Resolution No. land-25-7/400/Case No. 164/land-03 dated 22/01/2008 subject matter to the following provision & terms and conditions.

- 1) Area used for purpose of Library shall be under right of ownership of Government. And if in future government is required of the said land property, then the possession of the said land property should be hand over to government without any objection or any obstruction.
- 2) Due to construction made in the subject land property no any right or powers in respect of the said land property shall be acquired by the concerned grantor. Similarly, nobody shall be entitled to establish any right of ownership or common interest or any claim in respect of the said land property.
- 3) And construction made in the said land plot property shall be in temporary nature and constructed library on the said land plot property shall be controlled and supervised by Greater Mumbai Municipal Corporation.
- 4) Similarly, use of the proposed land plot property shall be done only for the library. And not to use for any other purpose. And if any change is made in the use of



purpose in the said land property, then the said no objection shall be treated as cancelled and the said land property shall be returned to government.

- 5) Library erected on the subject land property shall be allowed to people of all caste community and race religion and creed, territory.
- 6) For construction of the said library, prior permission of Greater Mumbai Municipal Corporation is Initial and applicant shall not be entitled for the said construction without prior grant of the said competent authority.

Sd/-(),

District Collector,

For Mumbai Suburban, District

- Copy:-
- 1) District Planning Officer, Mumbai Suburban District for information,
 - 2) Town City Survey officer, Mulund for information.
 - 3) Tahasildar, Andheri for information.
 - 4) Deputy District Collector (Enc/Rev) Mulund for information.



Hon. District Collector has signed on office copy

Sd/-(),

District Collector,

For Mumbai Suburban, District

TRUE COPY

ADVOCATE FOR :
 Plaintiff / Petitioner / Applicant
 Appellant / Complainant / Defendant /
 Respondent / Accused



W

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.1650 OF 2017

Ankur Patil s/o. Prabhakar Patil and Anr. ... Petitioners
Vs.
Municipal Corporation of Greater Mumbai and Ors. ... Respondents

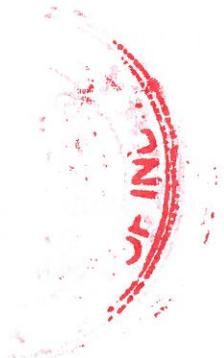
Mr. Altaf Khan i/by Anjali Awasthi for the Petitioners.
Ms. Pallavi Thakar for the Respondent – BMC.
Mr. Kedar Dighe, AGP for Respondent Nos.3 to 5.
Mr. Suyash Gadre i/by M/s. Utangale & Co. for Respondent Nos.2 and 4.

CORAM : A.S. OKA &
P.N. DESHMUKH, JJ.

DATE : 18th JANUARY, 2018

P.C.

1 Heard the learned counsel appearing for the petitioners, the learned AGP for the State and the learned counsel appearing for the Mumbai Municipal Corporation. We have also heard the learned counsel appearing for the second and fourth respondents. The learned counsel appearing for the petitioners seeks leave to implead all the legally elected representatives mentioned in Exhibit - 8 to the reply of the State Government as party respondents. One of which has been already impleaded as party respondent No.6.



2 Accordingly, we grant leave to amend for impleading the said persons as parties and for carrying out consequential amendments which shall be done within a period of two weeks from the date on which this order is uploaded. Issue notice to the added respondents as well as respondent No.6 returnable on 28th February, 2018. Petition to be listed under the caption of "Fresh Admission". Advocate for the petitioners to supply adequate number of copies for effecting service within a period of three weeks from today failing which the Petition shall stand dismissed for non-prosecution without further reference to the Court.

3 Perusal of Exhibit – 8 to the reply filed on behalf of the Collector records that 5 persons named therein have carried out construction on the plots allotted to them without obtaining permission of the Mumbai Municipal Corporation.

4 We, therefore, direct the Designated Officer of the Mumbai Municipal Corporation to visit the plot bearing CTS No.1320 at village Mulund, Taluka Kurla and inspect the structures which are mentioned in Exhibit 8 of the reply filed on behalf of the Collector. As stated in the said letter at Exhibit -8, the Designated Officer shall initiate appropriate action in accordance with law in respect of the structures which are

found to be illegal. Compliance affidavit shall be filed before the next date.

(PN. DESHMUKH, J)

(A.S. OKA, J)



**BEFORE THE NATIONAL GREEN
TRIBUNAL PUNE**

Application No. O.A. 43 of 2023

Sagar Kantil Devre

... Applicant

VERSUS

State Of Maharashtra Through Principal
Secretary And 9 Others.

... Respondents

**COUNTER AFFIDAVIT OF
APPLICANT**

Mumbai, this 14th day of July, 2023

SAGAR K. DEVRE

Advocate, Bombay High Court,
4, TARA DARSHAN, OPP. UNION BANK,
HUTATMA CHAFEKAR BANDHU MARG,
MULUND (EAST), MUMBAI – 400 082*

Mobile: 9819996048

Email ID.: meesagardevre@gmail.com

