

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE
ORIGINAL APPLICATION NO.121 OF 2023 (WZ)**

Lalita Sandip Shinde

] Applicant

Versus

**Chief Executive Officer,
Trimbakeshwar Municipal Council]**

] Respondents

AN INTERIM REPORT

- 1) It is most humbly and respectfully submitted that, by an interim order dated 26.09.2023 this Hon'ble Tribunal has ordered to constitute a Joint Committee comprising one member each of Chief Officer, Municipal Council, Trimbakeshwar, District Collector, Nashik and Chief Conservator Forest of Nashik and nominating the Collector, Nashik as nodal agency of the said Committee.
- 2) It is humbly submitted that, above said order has been submitted by the Applicant on dated 01.01.2024 to the office of the District Collector, Nashik.

3) It is humbly submitted that, according to the above said order, the District Collector Nashik by his order dated 02.01.2024 has constituted the Joint Committee comprising the District Collector, Nashik as President, Chief Conservator of Forest, Nashik as Member, Sub Divisional Officer, Igatpuri-Trimbakeshwar Sub Division, Nashik as Member, Tahsildar, Trimbakeshwar as Member, District Administrative Officer, Municipal Council, Collector Office, Nashik as Member and Chief Officer, Municipal Council, Trimbakeshwar as Member Secretary. Hereto annexed and marked as **Exhibit 'A'** is photo copy of the Order dated 02.01.2024 for kind perusal of this Hon'ble Tribunal.

4) It is humbly submitted that, according to the directions of this Hon'ble Tribunal the Joint Committee visited the site in Trimbakeshwar on 03.01.2024. At the time of visit the District Collector Nashik, Chief Officer Trimbakeshwar Municipal Council, Regional Forest Officer Trimbakeshwar, Tahsildar Trimbakeshwar and the Applicant were present.

5) It is humbly submitted that, the Joint Committee visited the spot in Gat No.337 Trimbakeshwar as shown by the Applicant and found that, prima facie the said land is under possession of the Naya Udasin Aakhada. On the said land a bridge has been found to be under construction over the Ahilya River and an easement road was found to be connected to the said bridge. The grant for the said work was found to be sanctioned from the State Government's Nagar Utthan Yojana. At the time of the visit the Applicant mentioned that, the bridge is bigger than required and has been constructed for the use of resorts/commercial use and a smaller bridge can serve the same purpose.

6) It is humbly submitted that, the Joint Committee has visited Gat No.338 and found that, prima facie the auditorium and tourist facilitation centre which has been constructed in the said land is by the Maharashtra Tourism Development Corporation.

7) It is humbly submitted that, the Joint Committee visited the Gat No.343/1 and noticed that, the land is owned by the private person and the construction of a resort is under progress. For the construction the Trimbakeshwar Municipal Council has granted the permission dated 29.11.2022. Further, the Joint Committee found that a small bridge had been constructed in said land which can cause obstruction in natural flow of the water. The resort owner has put a concrete pipe for the flow of the river.

8) It is humbly submitted that, the Joint Committee has visited the Gat No.351/1 and found that, the land is in the possession of Atal Aakhada and a new Bhakta Niwas (Worshipper House) has been constructed thereon by the state Public Works Department.

9) It is also humbly submitted that, recently Rs.18 Lakh has been sanctioned from the DPDC for demarcation of Eco-sensitive zone under the forest department land situated in Trimbakeshwar and the demarcation work is under progress. Therefore the Joint Committee is of the opinion that the said process after completion would also help in clarifying many apprehensions of the applicant.

10) The Joint Committee has visited the spots as mentioned and shown by the Applicant in their presence. The prima facie observations have been given in the above paras. For in-depth facts and details, the Joint Committee would require additional time. Therefore the Collector, Nashik humbly prays to this Hon'ble

Tribunal to accept this interim report and grant us a 2 month time for filing detailed report.

Date: 08/01/2024



(Jalaj Sharma)

Collector, Nashik

President Joint Committee

Respondent No.2



महसूल व वन विभाग
जिल्हाधिकारी कार्यालय, नाशिक (महसूल शाखा)
जुने सि.बि.एस.जवळ नाशिक

फोन नं.0253-2319006

Email ID: estnashik@gmail.com

क्र. मशा/कक्ष/3/2/कावि/01/2024

दि. 02/01/2024

वाचले :- राष्ट्रीय हरीत न्यायाधिकरण पश्चिम प्रदेश खंडपीठ, पुणे यांचेकडील मूळ अर्ज क्र. 121/2023 (wz) मधील दि.26/09/2023 चे आदेश

आदेश

त्र्यंबकेश्वर तालुक्यातील ब्रम्हगिरी पर्वताचे पायथ्याला बांधकामे होत असल्याने पर्यावरणीय धोका निर्माण होत असल्याने श्रीमती. ललिता संदीप शिंदे यांनी राष्ट्रीय हरीत न्यायाधिकरण पश्चिम प्रदेश खंडपीठ, पुणे यांचेकडील मूळ अर्ज क्र. 121/2023 (wz) दाखल केलेला आहे. त्यानुषंगाने राष्ट्रीय हरीत न्यायाधिकरण पश्चिम प्रदेश खंडपीठ, पुणे यांचेकडील दि.26/09/2023 चे आदेशान्वये जिल्हाधिकारी नाशिक यांच्या अध्यक्षतेखाली समिती गठीत करून सदर बांधकामाची पाहणी करून, त्याची वैधता तपासून मा. न्यायाधिकरण यांना अहवाल सादर करणेबाबत निर्देशित केलेले आहे. त्यानुसार मा. हरीत न्यायाधिकरणाच्या आदेशानुसार खालील प्रमाणे समिती गठीत करण्यात येत आहे :-

अ.क्र.	समितीचे सदस्य	समितीतील पदनाम
1	जिल्हाधिकारी, नाशिक	अध्यक्ष
2	मुख्य वन संरक्षक, नाशिक	सदस्य
3	उपविभागीय अधिकारी, इगतपुरी - त्र्यंबकेश्वर उपविभाग, नाशिक	सदस्य
3	तहसिलदार त्र्यंबकेश्वर	सदस्य
4	जिल्हा प्रशासन अधिकारी, नगरपालिका प्रशासन, जिल्हाधिकारी कार्यालय, नाशिक	सदस्य
5	मुख्याधिकारी, त्र्यंबकेश्वर नगरपरिषद, त्र्यंबकेश्वर	सदस्य सचिव

सदरच्या समितीने त्र्यंबकेश्वर तालुक्यातील इको सेन्सीटीव्ह झोन असलेल्या ब्रम्हगिरी पर्वतालगतच्या क्षेत्रामध्ये स्थळनिरीक्षण / स्थळपाहणी करून खालील प्रमाणे अहवाल दि. 05/01/2023 पावेतो सादर करावा.

1. त्र्यंबकेश्वर तालुक्यातील इको सेन्सीटीव्ह झोन असलेल्या ब्रम्हगिरी पर्वतालगतच्या क्षेत्रामध्ये एकुण किती बांधकाम सुरु आहे किंवा कसे ? असल्यास त्याबाबत योग्य त्या परवानग्या घेण्यात आल्या आहेत किंवा कसे?
2. सदरच्या परवानग्या ज्या प्राधिकरण / कार्यालयाकडून निर्गमित करण्यात आलेल्या आहेत त्याबाबतचा तपशिल. अशा परवानग्या देण्यास संबंधीत प्राधिकरण / कार्यालय सक्षम आहे किंवा कसे?
3. वरीलप्रमाणे स्थळनिरीक्षण / स्थळपाहणी करणेपुर्वी अर्जदार / याचिकाकर्त्या श्रीमती ललिता संदीप शिंदे यांना देखील स्थळनिरीक्षण / स्थळपाहणीसाठी उपस्थित राहणेबाबत लेखी कळविण्यात यावे.

वरील प्रमाणे स्थळनिरीक्षण / स्थळपाहणी बाबतचा सविस्तर अहवाल केवळ OCR Support PDF स्वरूपात इकडेस सादर करण्यात यावा.



(जसज शर्मा)
जिल्हाधिकारी नाशिक

प्रति,

01. मुख्य वन संरक्षक, नाशिक
02. उपविभागीय अधिकारी, इगतपुरी - त्र्यंबकेश्वर उपविभाग, नाशिक
03. तहसिलदार त्र्यंबकेश्वर
04. जिल्हा प्रशासन अधिकारी, नगरपालिका प्रशासन, जिल्हाधिकारी कार्यालय, नाशिक
05. मुख्याधिकारी, त्र्यंबकेश्वर नगरपरिषद, त्र्यंबकेश्वर
06. अर्जदार / याचिकाकर्त्या श्रीमती ललिता संदीप शिंदे रा. त्र्यंबकेश्वर ता. त्र्यंबकेश्वर जि. नाशिक