

MAHARASHTRA POLLUTION CONTROL BOARD

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Regional Office,
5th Floor, Udyog Bhavan,
Civil Lines, Nagpur-01.

Regd.AD/Fax/Hand delivery.
No. MPC/NROI 704/2020

Date : 26/10/2020

To,
The Registrar,
Hon'ble National Green Tribunal,
Principal Bench, Faridkot House,
Copernicus Marg, Near India Gate,
New Delhi, Delhi 110001.

Sub:- Submission of Joint report in compliance of Order dtd. 25.09.2020
passed by Hon'ble National Green Tribunal in the O.A.No. 58/2020 (WZ)

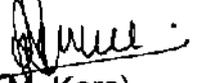
Ref:- Order dtd. 25.09.2020 in the matter O.A.No. 58/2020 (WZ).

Respected Sir,

Please find enclosed herewith the joint report in compliance of the order dated 25.09.2020 passed by this Hon'ble National Green Tribunal in O.A. No. 58/2020 (WZ) filed by Mr. Manoj Arjun Golhar V/s. District Collector and District Magistrate.

D.A.:- As above.

Yours faithfully,


(A.M. Kare)
MPCB, Nagpur.

Copy submitted to:-

1. The Assistant Secretary (Tech.), MPCB, Mumbai.
2. Law Officer, MPCB, Mumbai.

Copy submitted f.w.c. to:-

1. The District Collector, Nagpur.
2. Project Director, NHAI, Nagpur.

Copy to:- Sub-Regional Officer, MPCB, Nagpur.

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI
(PUNE BENCH)**

Original Application No.58/2020 (WZ)

Manoj Arjun Golhar & Anr.

... Applicant(s)

v/s

District Collector and District Magistrate &OrsRespondent(s)

**Report in compliance of Order dated 25/09/2020 passed by this
Hon'ble National Green Tribunal.**

The Hon'ble National Green Tribunal by order dated 25/09/2020, directed to constitute a Committee consisting (i) The Collector / District Magistrate, Nagpur (ii) National Highway Authority of India (NHAI) and (iii) Maharashtra State Pollution Control Board (MSPCB) and to submit a factual and action taken report with regards to allegations made in the present application within 4 weeks. It is further directed MPCB to file joint report.

The Hon'ble National Green Tribunal has directed applicant to take required step for service to the respondent and send the required documents by email. Collector Office, Nagpur had communicated to applicant vide letter dated 07.10.2020 regarding submission of documents to the Committee. Copy of letter

dtd.07.10.2020 is annexed herewith as **Annexure-I**. Accordingly, applicant has submitted documents to the committee on dtd.21.10.2020.

The Committee consisting of District Collector, NHAI and MSPCB has been formed by Hon'ble District Collector, Nagpur vide its letter dtd.01.10.2020. Committee formation letter dtd.01.10.2020 is annexed herewith as **Annexure-II**.

The joint report of the Committee is as follows;

- 1) A Layout plan for 203 plots at Village Chirvha, Tah.Mouda, Dist.Nagpur for the rehabilitation of Villagers of Tekepar, Tahsil Kuhi was sanctioned on dtd. 21.02.2014 by State Town Planning Department. The said layout is located on Nagpur-Bhandara National Highway having total area 19.90 Hecter. At the relevant time the said layout did not require Nagpur Metro Region Development Authority (NMRDA) sanction, as this village Chirvha was under Regional Development Plan.

- 2) In this sanctioned layout plan, 75 meters from the center of Highway reserved for Green Belt and layout was sanctioned

showing green belt of 33 meters. Copy of layout map is annexed herewith as **Annexure-III**.

- 3) The village Chirvha was incorporated in Nagpur Metro Region Development Authority (NMRDA) on 05.01.2018, hence revised layout was prepared by Town Planning Department on 19.09.2018 on direction of the then Collector. The Nagpur Metro Region Development Authority (NMRDA) as a planning authority as per MRTTP (Maharashtra Regional Town Planning) Act, 1966 has jurisdiction over Village Chirvha, Tah.Mouda, Dist.Nagpur. NMRDA has its own Development Control Rules (DCR). As per the DCR of NMRDA, there is a provision of no development zone up to 60-meter width of National Highway but not beyond that. There is no provision of green belt in this DCR. The Deputy Director, Town Planning, NMRDA, has given concurrence to the revised layout on 20.10.2018 and additional 20 plots were incorporated. 14 plots were allotted to Project Affected Residents of Village Sonarwahi, Tah-Kuhi, Dist.Nagpur. Out of these 14 plots, one plot is in the front row and remaining thirteen plots are

in the remaining revised layout. The copy of revised layout is annexed herewith as **Annexure-IV**. The copy of letter dated 20.10.2018 issued by the Dy. Director, Nagpur Metro Region Development Authority (NMRDA) is annexed herewith as **Annexure-V**. Thus the villagers of Tekepar and Sonarwahi are now resettled in same revised layout at village- Chirvha Tah- Mouda Distt- Nagpur.

- 4) The Sonarwahi villagers in Tah- Kuhi were initially allotted plots at Mouza Bothali, Tahsil Kuhi. But the Sonarwahi villagers demanded the resettlement at Village Marodi, Tahsil Mouda where villagers of village Kharada in Tahsil Kuhi were resettled .But villagers of Kharada resettled at Marodi opposed resettlement of Sonarwahi villagers. Therefore their resettlement was proposed at Mouda, Tah- Mouda where villagers of Chichaghat of Tahsil Kuhi were resettled. But the villagers of Chichaghat resettled at Mouda opposed resettlement of Sonarwahi villagers in their layout at Mouda. Tekepar villagers had began the “Jal Satyagraha” against allotment of plots to Sonarwahi villagers at Chirvha. Hence Sonarwahi villagers approached the Hon’ble High Court, Mumbai, Bench at Nagpur seeking direction to

protect their plot allotments for resettlement at village Chirvha, where Tekepar villagers also to be resettled.

In view of the undertaking given by District Administration before the Hon'ble High Court that the Sonarwahi villagers will be resettled in village Chirvha in writ petition no.6692/2019 and in view of the same the Honble High Court has passed order on 14/1/2020 directing Collector, Nagpur to abide by the undertaking and disposed off the said Writ Petition. Copy of the order is annexed herewith at **Annexure-VI**. In view of rehabilitation policy, the Sonarwahi villagers started construction of building their houses on the allotted plots on rehabilitation site at Mouza Chirvha, Tah mouda, Dist.Nagpur. Total 14 families from Sonarwahi Village were shifted to this Rehabilitation site out of which 5 families built up their houses on allotted plots.

- 5) NHAI is having Green Highways (Plantation, Transportation, Beautification & Maintenance) Policy, 2015, plantation has to be carried out as per the provision of IRC-SP-21-2009 within the available Right Of Way (RoW) of Highway Land. Beyond the Highway Land (RoW) NHAI does not have any planning for Green Belt.

- 6) Committee members had visited the site i.e. Village Chirvha, Tah.Mouda, Dist.Nagpur on 18.10.2020 and observed that, about five plot owners from Sonarwahi, who were allotted plots have started construction of their houses. The photographs of construction of their houses are annexed herewith as **Annexure-VII**. These PAPs (Project Affected Persons) from Village Sonarwahi have been allotted plots as per Map, copy of which is annexed herewith at **Annexure-VIII**.
- 7) The Development Agency i.e. Vidarbha Irrigation Development Corporation (VIDC), Nagpur has completed basic infrastructure facilities like construction of Grampanchayat Office, Market Yard, Anganwadi Building, Water Supply Scheme, Provision of electricity etc. The plot allotment to the villagers of Tekepar at this revised layouts at village Chirva, Tahsil Mouda is under process. The allotment of plots to the villagers of Tekepar is deferred due to the Covid Pandemic. These allotments to the Tekepar villagers would be taken up in coming fortnight.

- 8) The Maharashtra State Pollution Control Board (MSPCB) has no mandate in sanctioning of layout for rehabilitation, and this activity is not covered under the Consent Regime of the State Pollution Control Board.

Hence report submitted.


(A.M. Kare)
Regional Officer,
MPCB, Nagpur.

for 
(N.L. Yeotkar)
Project Director,
NHAI, Nagpur


(Ravindra Thakre)
District Collector,
Nagpur

Translated copy

Hon. National Green Tribunal.
Urgent

Sr. no. / Dy Coll- Gosi/Nag/ Kavi-126/2020
Deputy Collector (Gosikhurd) Nagpur Office,
Date: 07/10/2020

To,

Shri Manoj Golher,
R/o. Tekepar, Tq. Kuhi,
Dist: Nagpur

Sub: Gosikhurd National Project
Hon'ble National Green Tribunal, Principal Bench New Delhi, Pune Bench,
Original Application No. 58/2020 (WZ), Manoj Arjun Golher & Others –Vs-
The Collector and District Magistrate & Others
Supply of Important case documents in aforesaid matter

Ref: Hon,ble National Green Tribunal, Pune Bench Order dated 25.09.2020.

In Gosikhurd Rehabilitation project at Village Tekepar , Tq. Kuhi, District Nagpur, the first sanction Layout map dated 21/02/2014 at land Mouza – Chirwaha , Tq. Mouda, District Nagpur was reserved for greenbelt (Green Zone) but at as per new modified sanction Layout map dated 19/09/2018 the greenbelt area was removed for developing residential plots for rehabilitating left over families of Gosikhurd project. Thus the applicant Shri Manoj Arjun Golher & Others has filed an application before Hon,ble National Green Tribunal, Pune Bench vide OA no. 58/2020 (WZ).

In reference with order passed by the Hon,ble National Green Tribunal, Principal Bench New Delhi, Pune Bench, the committee has been constituted and you were directed to provide required documents to the committee in context with aforesaid Hon'ble NGT matter within one week from the order.

Hence, as per the directions of Hon,ble National Green Tribunal, Principal Bench New Delhi, Pune Bench, you shall submit required case documents as early as possible to this office.

(Jagdish Katkar)
Incharge Deputy
Collector
(Gosikhurd)
Nagpur Office

Copy submitted to Hon'ble District Collector for information.

(Translated copy)

**Hon. National Green Tribunal.
Urgent**

**Sr. no. / Dy Coll- Gosi/Nag/ Kavi-124/2020
District Collector Office, Nagpur
Date: 1/10/2020**

To,

Regional Officer,
Maharashtra State Pollution Control Board (MSPCB)
Nagpur

**Sub: Gosikhurd National Project
Hon'ble National Green Tribunal, Principal Bench New Delhi, Pune Bench,
Original Application No. 58/2020 (WZ), Manoj Arjun Golher & Others -Vs-
The Collector and District Magistrate & Others**

Ref: Hon,ble National Green Tribunal, Pune Bench Order dated 25.09.2020.

In Gosikhurd Rehabilitation project at Village Tekepar , Tq. Kuhi, District Nagpur, the first sanction Layout map dated 21/02/2014 at land Mouza - Chirwaha , Tq. Mouda, District Nagpur was reserved for greenbelt (Green Zone) but at as per new modified sanction Layout map dated 19/09/2018 the greenbelt area was removed for developing residential plots for rehabilitating left over families of Gosikhurd project. Thus the applicant Shri Manoj Arjun Golher & Others has filed an application before Hon,ble National Green Tribunal, Pune Bench vide OA no. 58/2020 (WZ).

Therefore, the Hon,ble National Green Tribunal, Principal Bench New Delhi, Pune Bench, in above said matter directed to constitute a Committee in order to submit a factual and action taken report within four weeks with regard to allegations made by the applicant in the present application. MSPCB will be the nodal agency for compliance.

Committee members are as follows:

- (i) The Collector/ District Magistrate, Nagpur,
- (ii) National Highways Authority of India (NHAI)
- (iii) Maharashtra State Pollution Control Board (MSPCB)

Thus the Hon'ble National Green Tribunal, had directed MPCB to submit joint committee report.

Henceforth being a Nodal agency it is instructed you to submit the factual and action Taken report in the said matter within time period as per the directions of Hon,ble National Green Tribunal, Principal Bench New Delhi, Pune Bench,

Encl: Referred Order Copy.

(Ravindra Thakre)
Collector
Nagpur

गोसीखुर्द प्रकल्पांतर्गत बाधित
मौजा : टेकेपार, ता. : कुही, जि. : नागपूर
मौजा : चिरव्हा, ता. : मौदा, जि. : नागपूर
येथील पुनर्वसन अभिन्यास (विद्यमान व सुधारीत प्रस्तावित)

एकूण जागा - १९४२३०.०० चौ.मी.
नहराखालील जागा - १३४००.०० चौ.मी.
अभिन्यासाखालील जागा - १८०८३०.०० चौ.मी.
भुखंडाखालील जागा - ९६६६०.०० चौ.मी.
खुल्या क्षेत्राखालील जागा - १८९९१.०० चौ.मी.
नागरी सुविधेखालील जागा - १८०९५.०३ चौ.मी.
रस्त्याखालील जागा - ४५१०८.९७ चौ.मी.
संबाध्य वाढीखालील जागा - ९२३०.०० चौ.मी.

अ.क्र.	भुखंडाचे आकार	एकूण भुखंड	भुखंडाचे क्रमांक
१.	१८५.००	१६	१६२ ते १६९, १७२ ते १७९
२.	२७७.००	५	४८, १६१, १७०, १७१, १८०
३.	३७०.००	११५	१३ ते २२, २४ ते ३१, ५७, ५८, ६६ ते ७२, ७५ ते ८१, ८२ ते ९१, ९३ ते १०१, १०४ ते १११, १२३ ते १४१, १४४ ते १५३, १५६ ते १५९, १८२ ते १८५, १८७ ते १९१.
४.	५५५.००	५२	२३, ३२ ते ३४, ४३ ते ४७, ४९ ते ५६, ५९ ते ६५, ७३, ७४, ९२, १०२, १०३, १२२, १४२, १४३, १५४, १५५, १६०, १८१, ८६, १९३ ते २००, २०१ ते २०७
५.	७४०.००	१९	१ ते १२, ३७ ते ४२
एकूण		२०७	

गोसीखुर्द प्रकल्पांतर्गत बाधित
मौजा : सोनारवाही, ता. : कुही, जि. : नागपूर
मौजा : चिरव्हा, ता. : मौदा, जि. : नागपूर
येथील पुनर्वसन अभिन्यास

अ.क्र.	भुखंडाचे आकार	एकूण भुखंड	भुखंडाचे क्रमांक
१.	३७०.००	१३	2-S TO 7-S, 9-S TO 12-S, 14-S 15-S, 16-S
२.	५५५.००	१	8-S
३.	७४०.००	२	1-S, 13-S
एकूण		१६	

स्थळदर्शक नकाशा



प्रमाण १ : ५०००

डा. ए. गोसीखुर्द प्रकल्प (मौजा : चिरव्हा) ता. मौदा (सुधारीत) २००६
दि. २०.०१.२०१८ चे सद्यपय नकाशा

तयार करणार
तपासणार

सहायक संचालक,
नगर रचना, नागपूर.

नगर रचना आणि मुल्यनिर्धारण विभाग,
नागपूर.



उ
प्रमाण १ : १०००
अभिन्यास नकाशा

सुची :

विद्यमान - 
प्रस्तावित - 

Annexure - V

Nagpur Metropolitan Region Development Authority

Station Road, Sadar, Nagpur – 440001

Ph. No. 25332020, P.B.X. No. 2531431, 2531432, Fax No. 07122531431

O/No.: Gosikhurd Project Chirwaha/ 772 Nagpur

dated 20/10/2018.

To,
Deputy Collector (Rehabilitation)
Collectors Office, Civil Lines,
Nagpur - 440001

Sub: - Sanction of revised layout map as per joint measurement report at Mouza Chirvha under Gosikhurd Project

Ref:- Your letter no. dex-17/Reb/ In. no. /Kavi -918/2018, dated 24/09/2018.

With reference to above mentioned letter it is understood that, Assistant Director, Town Planning Department, Nagpur has sanction revised layout plan for rehabilitation of Sonarwahi Villagers at Mouza-Chirvha and about 14 plots incorporated in the revised layout. Assistant Director, Town Planning Department, Nagpur has informed that, NMRDA (Nagpur Metro Region Development Authority) is a planning authority and necessary approval need to be taken from NMRDA.

The Assistant Director Town planning, vide latter no. 2006 dated 19/09/208 has approved and sanction the revised layout map of survey no. 127, 128, 130, 131, 132, 133, 134, 135 part, 126 Part for rehabilitation of Gosikhurd Project affected villagers of Mouza-Sonarwahi, Tah- Kuhi at land layout of mouza Chirvha Tehsil Mouda. The layout was approved on the basis of joint visit measurement report due to non-availability of adequate document along with revised sanction map.

A Proposed rehabilitation layout land is adjacent to Nagpur-Bhandara National Highway and 1000 meter away from agriculture land which comes under the NMRDA as per action plan. However as per rule no. 25.6 (xxxviii) of Development Control rules there is a provision of development of rehabilitation project on agriculture land comes under the jurisdiction of NMRDA.

The sanction layout for rehabilitation is as per the development control rules and it is sanctioned by Assistant Director, Town Planning, Nagpur, hence this office has approved the layout.

sd/-

Deputy Director, Town Planning,
Nagpur Metropolitan Region,
Development Authority,
Nagpur

Copy to: Assistant Director, Town Planning, Branch Office Nagpur.



1

WP6692-19

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 6692/2019

(SHALIK SHRAWAN DAHAKE & OTHERS **VERSUS** STATE OF MAHARASHTRA & OTHERS)

Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

Shri S.N. Nandeshwar, counsel for petitioners.
 Shri S.Y. Deopujari, G.P. for R-1, 3 & 4.
 Shri V.G. Palshikar, counsel for R-2.

CORAM : R.K. DESHPANDE AND
A.S. CHANDURKAR, JJ.

DATE : JANUARY 14, 2020.

This petition can be disposed of by recording the undertaking given by the respondent no.1 in paragraph 6 of the reply which is reproduced below:-

“It is further submitted that, as per rehabilitation policy the District Administration has undertaken to provide all civic facilities including road, light, drinking water, schools, play grounds, market place and office of grampanchayat at the said place. Almost 70% of work is already completed and rest of the 30% of work will be completed within two months. It is respectfully submitted that the District Administration has also provided the building funds and other incidental allowances to the project affected persons of Sonarwahi as per rehabilitation policy so that they can build their respective houses at the rehabilitation site as per their choice. The table showing the disbursement of the said funds per family is filed herewith and marked as Annexure R-1-1 for kind perusal of this Hon’ble Court. It is respectfully submitted that, the petitioners nos.3, 7 & 13 have already constructed the plinth of their houses on the plots allotted to them at Mouza Chirva. It is respectfully submitted that, the other allottees of the plots may also commence the construction on the plots allotted to them including remaining petitioners.”



2

WP6692-19

The respondent no.1 shall abide by the aforesaid undertaking and the petition therefore stands disposed of. No costs.

(A.S. CHANDURKAR, J.)

(R.K. DESHPANDE, J.)

APTE

						झाले नाही .
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श्री रामा श्रावण डहाके यांचे भुखंड क्र ७-S वरील बांधकाम



श्री ईश्वर जुम्मा वडगे यांचे भुखंड क्र ८-S वरील बांधकाम



Latitude: 21.147039
 Longitude: 79.430496
 Elevation: 263.83 m
 Accuracy: 3.2 m
 Time: 08-10-2020 11:45
 Note: sonarwahi chirva plot no. 12-3, Vaso, shilwan dahare

Powered by NetCam



Latitude: 21.147281
 Longitude: 79.430657
 Elevation: 253.35 m
 Accuracy: 3.2 m
 Time: 08-10-2020 11:44
 Note: sonarwahi chirva plot no. 12-3, Vaso, shilwan dahare

Powered by NetCam

श्री किसन श्रावन डहाके यांचे भूखंड क्र १२-S वरील बांधकाम



श्री करु डहाके यांचे भुखंड क्र ५-९ वरील बांधकाम



श्री करु इहाके यांचे भुखंड क्र १४-S वरील बांधकाम

(Translated copy)

Urgent

No. Dycoll.Gosi/Nag/Kavi-02/8/2018
Deputy Collector (Gosikhurd), Nagpur
Office, Nagpur.
Dated ; 28.09.2018.

To,
Executive Magistrate,
Kuhi/Mouda.

Subject :- **Gosikhurd National Project-**

Rehabilitation of Village-Sonarwahi, Tah.Kuhi, allotment & possession of
14 Plots under the Gosikhurd Project affected persons.

Reference:- Letter of Assistant Director, Town Planning, Nagpur, letter No. Gosikhurd
Project/ Vill-Chirvha, Tah.Mouda/Nag/2006 dtd. 19.09.2018.

With reference to above it is to inform you that, vide letter under reference this office has received revised sanction of layout from Assistant Director, Town Planning Department, Nagpur to the allotment of 14 Plots to the project affected persons of Village-Sonarwahi rehabilitated to the Village-Chirvha, Tah.Mouda. The revised sanctioned layout copy is submitted to your office. The plots are earmarked through Executive Engineer, Gosikhurd Rehabilitation and NBCC.

In view of above you are instructed to allot and give possession of 14 plots (S-1 to S-14) through lottery system to the project affected person of the Village-Sonarwahi, Tah.Kuhi as per the revised layout sanctioned by Assistant Director, Town Planning Department, Nagpur. You are further instructed to expedite the process of allotment & possession and submit the report to this office, accordingly.

This is issued as per the approval of Hon'ble District Collector, Nagpur.

sd/-
(Avinash Katade)
Deputy Colletor (Gosikhurd),
Nagpur.

Copy to:-

1. Hon'ble Deputy Commissioner (Gosikhurd/Rehabilitation), Divisional Commissioner Office, Nagpur- For information.
2. Deputy Collector (Rehabilitation), Nagpur- For information & necessary action.
3. Sub-Divisional Officer, Umred/Mouda- For information & necessary action.
4. Executive Engineer, Gosikhurd Rehabilitation Department, Nagpur- You are requested to provide copy of revised sanction layout and co-operate with Tahsildar regarding allotment and possession of plots.

sd/-
(Avinash Katade)
Deputy Colletor (Gosikhurd),
Nagpur.