

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No.: 359/2019

I N D E X

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**Before the National Green Tribunal
Principal Bench, New Delhi – 110001**

Date: 16TH January 2021.

Original Application No. 359/2019

Mohammad Yusuf Abdullah Shaikh & Anr. Applicant(s)
Versus
State of Maharashtra & Ors. Respondent(s)

Respected Members of the Bench,

Subject: Enforced implementation of newly introduced "Unified Development Control and Promotion Regulation for Maharashtra State by Urban Development Department, under Section 37 (1AA(c)) and Section 20(4) of the Maharashtra Regional and Town Planning Act 1966.

Prayers:

A. Newly introduced UDCPR, dated 2nd December 2020, may kindly be ordered to be strictly enforced on its terms conditions and spirit. Illegal, polluting textile sizing units do not fit and fulfil the conditions. They should not be allowed to take shelter under the conditions laid down only for power looms under UDCPR provisions. Only option for them is to shift their units from congested residential areas to conducive atmosphere of MIDC at Sayane village, near Malegaon.

B. MPCB office Nashik is blindly issuing consent to operate certificates to textile sizing owners, disregarding their own conditions laid down and printed on the application form. Spot Inspection Visit Report being submitted by MPCB officials is quite misleading and many conditions are violated by applicant and not enforced by MPCB officials which is their responsible official duty. such as:

- i) The applicant shall bring minimum 33% of the available open land under Green Coverage.
- ii) Separate drainage system shall be provided for collection of sewage effluents.
- iii) The applicant should keep good housekeeping.
- iv) The industry should not cause any nuisance in surrounding area.
- v) The industry should maintain clean & safe environment in and around the factory premises etc.

All these above mentioned important conditions impacting the environmental atmosphere are being completely ignored by MPCB officials while granting consent to operate.

C. Amenity lands reserved for gardens, playgrounds, primary schools, hospitals, parking and hawker zones etc. (Approx. 380 sites) most have been illegally occupied and sold by Land Mafia, under the watch of MMC Officials. I suspect that all these illegal activities are going on with the nexus of MMC officials, Local Politicians as well as Town Planning Authorities. Hence it is prayed to issue strict orders to Town Planning Authorities and Commissioner MMC to restore them for public purposes from the clutches of land grabbers.

These greedy land grabbers have not even spared the natural rivulets, green belts & Nallas(natural drains) filled them and sold illegally to poor members of the society causing flood in the rainy season and loss of property to them. It's a grave cause of concern, happening and known to the higher authorities of MMC as well as Town Planning Authorities.

D. *In the Orders dated 15th October 2019 & 21ST January 2020 it has been clearly ordered by the Hon. NGT to Joint Inspection Committee to observe & report about ROAD DUST. Since it was rainy season the JIC could not report about it and thereafter completely ignored this important aspect of **Road Dust pollution**. Hence Hon. **NGT may kindly issue strict order to JIC to carry out ROAD DUST Assessment of the city and its remedial measures, specifically pertaining to the area of Prabhad Nos. 2, 3 & 4. It may kindly be noted that***

all pollution issues & illegal industries (textile sizings & plastic recycling units) are totally concentrated in these three Prabhags of MMC. It is unfortunate that JIC is not honestly highlighting enormous problems of these 3 Prabhags and tacitly presenting happy position and reports of Prabhag No. 1.

I most respectfully submit before the Hon. Bench that:

1. The Hon. NGT has already taken a very serious view about illegal textile sizing units (Approx. 128) and approx. 220, illegal Plastic Recycling Units running in the heart of the city in the midst of residential colonies.

I am fully satisfied with all the orders passed by the honourable tribunal dated 02-04-2019, 09-07-2019, 15-10-2019, 21-01-2020 and 07-08-2020.

2. My only concern is that Govt. Agencies (Particularly Joint Inspection Committee) are not taking the Hon. NGT's orders seriously and acting on its implementation at a very slow pace. (My letter dated 22-10-2020 addressed to The Commissioner, MMC and sent to other members of JIC is enclosed, marked as an **Annexure-I**.)

I am confident that in spite of all evil and greedy forces such as polluters, corrupt Govt. Officials, opportunist politicians, coming together and forming nexus, Justice

will prevail. They will not succeed in their nefarious designs and citizen's rights guaranteed by Article 21 of the Constitution of India, will be protected by the Hon. NGT.

3. Now in the recently changed circumstances, State of Maharashtra (Urban Development Department) has introduced new regulation in the Maharashtra Regional and Town Planning Act 1966, called as "Unified Development Control and Promotion Regulations for Maharashtra State (UDCPR)." It has come into force vide notification since 02 December 2020 (Xerox copy of some important excerpts are enclosed herewith marked as an **Annexure-II** for your honour's kind perusal)
4. Needless to say that planned development is the crucial zone that strikes a balance between the needs of large-scale urbanization and individual building. It is the science and aesthetics of urbanization as it saves the development from chaos & uglification. A departure from planning may result in disfiguration of the beauty of an upcoming city and may pose a threat for the ecological balance and environmental safeguards.

It is, therefore clear that the provisions of Regional planning map or Development plan are important while considering the issues and problems which arise in area of Malegaon Municipal Corporation. Crux of the problem is non implementation of the development plan on

ground level, which lacks honesty and sincerity. It looks fine in the confines of book form. It provides solace without any result.

5. Malegaon City is having the population of more than 7 (seven) lakh. Malegaon municipal corporation (MMC) was established in year 2001 as a D class corporation, but unfortunately citizens are still struggling for the basic civil rights, their Right to use Govt. amenities and Right to use public facilities are being compromised and denied even after 19 years since inception of MMC.

As I have already mentioned for number of times, that MMC is a den of corruption. Nexus between untrained, unscientific, in-capable staff and between illiterate (least educated) politicians ruling since decades, Father + Mother, Sons occupying total seats of powers, (dynastic politics) has totally destroyed the fabric of the city. Rampant corruption, administrative failure unscientific policies and wrong decisions have been the main cause of lawlessness & chaos at Malegaon. Nobody is following Rule of Law. Money and muscle power is the dominant force, corrupt officials helping ruling politicians providing them escape routes.

It is distressing to note that corruption is widely prevalent in Malegaon Municipal Corporation as well as MPCB Office (Nashik).

Mr. Praksh Dhumal Sub Regional Officer who was deliberately deputed to represent MPCB Office before the Hon. High Court, Bombay (writ petition (ST) No. 3327) of 2020 in the case of Reliable Sizing Works and others v/s State of Maharashtra and others, was later on (in March 2020) caught by the Anti-Corruption Bureau (Nashik) taking initial amount of Rs. 10000 as a bribe (out of total Rs. 25000) from one sand dealer.

Thereafter, as recently as on 5th January 2020, Mr. Pankaj Sonawane in charge of Prabhag No. 04, holding additional charge of Secretary Malegaon Municipal Corporation was caught red handed by the Anti-Corruption Bureau (Nashik) demanding Rs. 10000 as total amount to renew NOC of one medical store, situated at Raunaqabad area of Malegaon. He was caught red handed accepting Rs. 3000 as an initial amount out of Rs. 10000 totally demanded.

Hon. Tribunal is humbly prayed to note above serious incidents which are on record and judge how we common people can expect honest and fair treatment from these corrupt officials who are constantly in touch with the polluters which is the subject matter of my petition. I have lost all faith in these two departments, who are helping polluters by all means from top to bottom these departments are mired in deep corruption.

Illegal polluting industries operating in residential areas of Malegaon Municipal Corporation limits are permanent source of income for these corrupt officials protectors of environment have become collaborators. Hence their shifting in MIDC area is of utmost importance, removing permanent headaches as we cannot approach every now and then repeatedly with new petitions to bother the Hon. NGT for justice.

Our ultimate hope is in the justice system because all Govt. Agencies + Politicians have let us down. We pray your honour that justice will be granted to us and will not be delayed or denied.

6. In the light of New UDCPR brought in force since 2/12/2020, with the heading at 1.4 (page no.17) “APPLICABILITY OF REGULATIONS”

4.9 (pageNo.73) (Copy Enclosed) marked as an **Annexure-II**

Relevant statutory provision regarding Loom Industry cum residential Zone, states that

(a) Power loom use shall be restricted up to maximum permissible area of 250 Sq. M. with maximum 20 HP and 20 labourers.

7. Thus there is no mention of textile-sizing units, anywhere in the New UDCPR. It's a heavy industry

requiring minimum 1000 to 2000 square meter area to cover all their machineries and plants, Raw Materials, Spare Parts and tonnes of firewood which they require daily. All these cannot at all be accommodated in the power loom only permissible limit of 250 Sq. M. They also require widened roads of at least 15 to 20 Sq. M. to accommodate heavy trucks ferrying their raw materials and finished products which is not possible in residential areas causing traffic congestion, noise and Nuisance to Citizens. (Latest photos, depicting precarious conditions are marked as an **Annexure-III**)

Thus heavy textile sizing-units have no option except to shift their units in the MIDC area at Sayane village which is just 5 to 6 kms. Away from heart of the city with all facilities of cheap plots, good-wide roads, 24 hours power & water supply, safe and secured area, cheap labourers are available within a mere distance of 2 to 3 KMs., radius.

It will reduce congestion in the city of Malegaon. It may please be noted that all 128 (some of them in the same congested area operate double & triple units) textile-sizing-units are operating in the costly residential area of the city, costing Land @ Rs. 5000 to 6000 Sq. ft. in the old city area (i.e. heart of the city) and Rs. 2000 to 4000 Sq.ft.in the Suburban (extended area of the corporation). Whereas nearby Sayane MIDC plots are available at the cheapest 1/10th to 1/20th rate. (Present

status of MIDC at Sayane, informed by me vide my letter dated 03-12-2020 to The Chairman CPCB and sent to all members of JIC is marked as an **Annexure-IV**)

8. I also pray that strict orders may kindly be issued to all Town Planning Authorities, MMC to stop new constructions of textile sizing-units, Plastic Recycling Units, Dyeing Units and other polluting industries, hereafter, before such pattern becomes cancerous and spreads to all parts of the city.

9. Govt. agencies such as MMC, District collector, MSPCB (Nashik) Town planning Departments, who are entrusted to implement the New UDCPR, provisions of Maharashtra are made to perform their statutory obligations, honestly otherwise it would continue to result with wrongful gains to the violators of the Law at the cost of the public and instead of development bring back and aggravate the hazards of Air as well as water pollution, disorderly traffic, security risks, unabated Encroachments etc. such a pattern has already retarded Malegaon's Development, jeopardising all purposeful plans of the city. Unplanned Development has liquidated the scarce resources, tax payers money have gone in drains. It is a colossal national loss, without any accountability. MMC and MPCB are hiring expensive Lawyers to defend their Nefarious and Illegal activities at the cost of tax payer's money. It is irony of fact that this mess and menace happened due to the lethargic attitude and dereliction of duty of these

responsible officers, who have been appointed to protect the environment. Unfortunately instead of that they have aggravated the problem and now the city is in such a precarious condition. The rule that "Polluters Must Pay" may also kindly be applied in the case of these erring officers, following the nature of justice, they should not be let off unpunished and all legal expenses being incurred by these departments should be recovered from the salaries of these negligent officers, under the Environmental Act -1986 for aiding and abetting the polluters.

10. Unchecked heavy industrialisation has put undue strain on the civil amenities such as water, electricity, sewage collection and disposal, traffic congestions open drains, heavy-encroachment, resulting in various deadly diseases such as Asthma, T.B., Cancer, Dengue and Malaria and now disastrous problem of Coronavirus which has disturbed the whole world with no solution in sight.

11. Thus strict implementation, observance, follow up action of the UDCPR, provisions is vital for the city. If these rules are given a go-by, the inevitable result will be ecological and environmental imbalance. Such hardship is already being suffered by every resident of the city due to the adamant nature of polluters. They care least about the health, safety & well-being of others. Lust & greed to earn more profits disregarding injury to

others through deadly Air & water pollution doesn't shame them. "The principles of sustainable development have been in-corporated in the MRTP Act 1966, with a view to protect the rights of citizens under Article 21."

Thus allowing textile-sizing-units in the residential Zone will violate the fundamental rights of the citizens under Article 21 of the constitution of India. Best solution is to please issue strict orders to shift them in the nearby MIDC area of Sayane Village, as has been similarly ordered by the Hon. Supreme Court in the case Delhi, M. C. Mehta v/s Union of India (2004, 6 SCC 588). Hon. Supreme Court held, all industrial units that have come up in residential / non confirming areas in Delhi on or after 01-08-1990 shall close down and stop operating.

It is unfortunate to inform the honourable tribunal that land reserved for gardens, playgrounds, primary schools, hospitals, parking and hawker zones etc. (Approx. 380 sites) have been occupied by unscrupulous elements Land Mafia have brazenly sold hundreds of Municipal Land (reserved sites) and Municipal Corporations Town Planning Department has been just mute spectator (or may be collaborators). It's a very serious matter because open spaces are lungs of the cities and its illegal sale has completely disturbed the environmental and ecological balance of Malegaon. My letter dated 17-12-2020 marked as **Annexure V** addressed to Commissioner MMC and copies have been sent by e-mail to all

concerned departments particularly Town Planning authorities at Pune, Nashik, District Collector and all members of JIC appointed by the Hon. NGT.

I expect that my prayers will be given patient hearing and my efforts to save my city from environmental degradation will not go in vain, which is in larger public interest.

THANKING YOU,

Yours Faithfully,



Mohammad Yusuf Abdullah Shaikh(Petitioner)

Date: 22-10-2020

Petitioner
Before the National Green Tribunal
Principal Bench, New Delhi

Original Application No. 359/2019

Mohammad Yusuf Abdullah Shaikh

Applicant

Versus

State of Maharashtra & Ors.

Respondents

To,
The commissioner
Malegaon Municipal Corporation
Malegaon

Respected Sir,

Subject: Regarding, non-implementation of Hon. National Green Tribunal (NGT), Principal Bench's orders dated 09-07-2019, 15-10-2019, 21-01-2020 and recent order of 07-08-2020. (Which have already been served to MMC Office and all other concerned govt. agencies by the Hon. NGT's website)

01) I, Shri Mohd. Yusuf Abdullah Shaikh, petitioner before the Hon. NGT, Principal Bench, New Delhi (Original application No. 359/2019) do hereby regretfully inform you that, honourable tribunal's orders dated above, almost one year back are not being implemented sincerely and honestly particularly in eastern sector of the city comprising wards no. 02, 03 and 04, where acute and serious civic problems persist.

02) These three wards are densely populated, full of slums and entire industries noted in the above orders are running in these three problematic wards. Hence I, as a petitioner have approached the

honourable tribunal citing lack of basic civic amenities and total negligence by Malegaon Municipal Corporation (MMC) as well as other responsible govt. agencies.

- 03)** The honourable tribunal has specifically ordered, MMC to carry out and provide basic civic amenity with responsibilities in its order dated 15-10-2019 (please read Para 4 Sub-Para (v)) at page no. 10. I request your honour to please study and go through all the contents of above orders particularly dated 15-10-2019 and 21-01-2020.
- 04)** I am dismayed by the lack of interest and negligence shown by your office. Even honourable tribunals orders are not being followed honestly, sincerely and in a judicious way, by all other responsible govt. agencies.
- 05)** I feel dis-heartened to note that ward nos. 02, 03 and 04 are being deliberately treated in a discriminatory and partisan ways. There is acute hygienic problem due to dismal performance of Water Grace Waste Management Company, which has been assigned the job of lifting garbage on daily basis and is being paid approximately 2.5 to 3 crores per month. Despite poor and criminal performance of this company, since last six to seven years, in these trying times of Covid-19, it is very surprising that Water Grace Co. has been accorded extension of further ten years which smacks of huge corruption with nexus between governing political body and municipal authorities. It is a criminal offence in this critical time of daily upward spread of Covid-19 cases, where precious govt. funds are being misused at the cost of citizen's life at large.
- 06)** Actions of all defaulting, corrupt companies, which are causing diseases or deaths should not go unpunished in a civil society governed by

rule of law. Your honour also must take action in exercise of powers granted to you under Article 243 W, of the Constitution of India, which is unfortunately not being followed in a responsible way. I humbly request your honour to treat all four wards equally, which is also your constitutional duty.

07) In view of un-satisfactory state of affairs and repeated continuous failure to take effective effects to enforce the law, the honourable Green Tribunal in its order dated 21-01-2020, has observed lack of co-ordination among District Administration, MMC, MPCB and Police Department. Hence honourable tribunal had strictly ordered in the above order dated 21-01-2020 (Page no. 07), that the Commissioner MMC, Malegaon, District Magistrate, Malegaon, Superintendent of Police, Malegaon, Member Secretary Maharashtra State PCB and MD MSEDCL, should remain present in person on the next date of hearing which was to be held on 25-03-2020.

08) “Further warning you all that the order of NGT is binding as a decree of Court and non-compliance is an actionable by way of punitive action including prosecution in terms of the NGT Act 2010.” Unfortunately you have been continuously ignoring this warning.

09) Due to sudden announcement of complete Lockdown by the honourable Prime Minister and bad luck of citizens you all officers got reprieve from personal appearance. In spite of serious life threatening disease of Covid-19 (Corona Virus) all the above problems are being taken easily and there is no improvement in the situation on ground level. Gutters are choked up and are overflowing on the roads, residential colonies and open spaces, garbage is lying littered for weeks and months un-attended providing perfect ground for spread of corona virus, dengue, malaria, viral fever, TB, asthma which is widely prevalent in Malegaon City.

Elected representatives irrespective of their political affiliations have no sympathy for the public welfare because being elected on the basis of money and muscle power and false promises. The matter is still under the consideration of honourable NGT and the next date of hearing is on 20-01-2021

- 10)** Malegaon city is going through a very serious trying times particularly ward nos. 02, 03 and 04 (3/4th of the city) with civic apathy, political manoeuvring, nexus between contractors and politicians occupying the seat of power, looting the coffers of corporation clandestinely through back door channels by obtaining tenders in the name of fictitious firms. They are getting elected to do business in nexus with corporation employees. There have been many instances where work orders according to tender allotted have not been carried out on ground level and total bills have been passed without verifying, the factual position of the project. How completion certificates are being issued and payments made under your watch, being the final authority.
- 11)** I, as a petitioner in the Hon. NGT, earnestly request your honour to pay personal visit to at least few areas / localities where people are living in inhuman conditions, such as Golden Nagar, Bagh-e-Qasim, Near Masjid-e-Bani Aqeel, S. No. 94 where Haroon Ansari Hospital is being built and Jafar Nagar Sabzi Market built worth crores since decades is lying un-attended and neglected and un-utilised pointing to misuse of precious govt. funds. Similarly, Mukundwadi Shopping Complex built at Azad Nagar is also lying in a dilapidated condition before its inauguration. In the same way Urdu Ghar which was built spending worth crores of rupees is lying un-attended in shambles, behind Malegaon High School and facing wear and tear before its inauguration and utilisation.

- 12)** Many other important projects such as IHSDP Housing Project worth more than 425 crores (approximate), over delayed fly over bridge at Old Agra Road in the heart of the city, unabated encroachments all over the city. Contamination of Girna Dam and other water bodies supplying drinking water to citizens, non-installation of sewage and water treatment plants, non-development of 20 Amrut Green Space gardens and many such projects are lying in limbo.
- 13)** Sanitary problems, overflowing gutters without proper outlets, dilapidated roads at Pawar Wadi, Awadi Nala, Mohammedabad, Imdad Nagar and Dayane Ramzanpura area, Old Agra Road needs your kind attention, in the light of Hon. NGT's orders. Sir, you can understand the factual conditions only when you step out of your office and pay personal visit to these few areas to gauge the gravity of situation with your own eyes.
- 14)** Please take immediate remedial measures irrespective of City's geographical conditions and political affiliations. I as a petitioner in the Hon. NGT hope that you will do justice equally to all the four wards of the city. Politicians and elected representatives particularly of ward nos. 02, 03 and 04 have completely failed in their constitutional duty and false election promises. Their corrupt mind set is the root cause of all problems faced by the citizens and public is paying heavy price for them being elected.
- 15)** Sir you being the highest govt. authority, can only impart justice to us. I hope that you will take serious note of all the problems pointed out by me in this letter and honourable NGT's orders and directions. Please note that "The principals of sustainable development have been

incorporated in the MRTP Act with a view to protect the fundamental rights of the citizens under Article 21.”

Thanking you...

Yours' faithfully,



(Mohammad Yusuf Abdullah Shaikh)

Petitioner / Hon. NGT Principal Bench, New Delhi



**UNIFIED
DEVELOPMENT
CONTROL AND
PROMOTION
REGULATIONS FOR
MAHARASHTRA
STATE.**

**Applicable to all Planning Authorities and Regional Plan areas
except Municipal Corporation of Greater Mumbai, Other Planning Authorities /
Special Planning Authorities / Development Authorities within the limit of
Municipal Corporation of Greater Mumbai, MIDC, NAINA, Jawaharlal Nehru Port Trust,
Hill Station Municipal Councils, Eco-sensitive / Eco-fragile region notified by MoEF & CC
and Lonavala Municipal Council, in Maharashtra.**

**GOVERNMENT OF MAHARASHTRA
URBAN DEVELOPMENT DEPARTMENT**

1. These Unified Development control and Promotion Regulations are sanctioned by the State Government under Section 37(1AA)(c) and Section 20(4) of the Maharashtra Regional & Town Planning Act, 1966 vide Notification No.TPS-1818/CR-236/18/DP&RP/Sec.37(1AA)(c) & Sec.20(4)/UD-13, Dated 02 December, 2020.
2. These Unified Development control and Promotion Regulations are published by the State Government under Section 20(3) of the Maharashtra Regional & Town Planning Act, 1966 vide Notice No.TPS-1818/CR-236/18/Sec.20(3)/UD-13, Dated 02 December, 2020.
3. Directives under Section 154 of the Maharashtra Regional & Town Planning Act, 1966 issued by the State Government vide Resolution No.TPS-1818/CR-236/18/Sec.20(3)/UD-13, Dated 02 December, 2020.
4. These Unified Development control and Promotion Regulations are published by the State Government under Section 37(1AA)(c) of the Maharashtra Regional & Town Planning Act, 1966 vide Notification No.TPS-1818/CR-236/18/Sec.37(1AA)/UD-13, Dated 02 December, 2020.
5. Directives under Section 154 of the Maharashtra Regional & Town Planning Act, 1966 issued by the State Government vide Resolution No.TPS-1818/CR-236/18/Sec.37(1AA)/UD-13, Dated 02 December, 2020.



(Kishor Gokhale)
Under Secretary
Government of Maharashtra



(N. R. Shende)
Joint Secretary and Director of Town Planning
Government of Maharashtra

- c) On the date of draft publication of these UDCPR, if the entire holding of a person at a place in industrial zone admeasures less than 500 sq.m., then regulation mentioned in (b) above shall not be applicable and such plot in industrial zone shall be deemed to be included in adjoining zone, if requested by the owner.
- d) If the land for industrial unit is acquired under the provisions of relevant Land Acquisition Act, then prior permission of the Government is necessary before permitting residential use on such lands and additional items and conditions mentioned in Land and Revenue Department, G.R. No.Sankirna-01/2017/C.R.11/A-2,dated 11/01/2018, as amended from time to time, shall be applicable.

4.9 Loom Industry cum Residential Zone.

The following uses shall be permissible:-

- i) Uses permissible in R-1, R-2 Zone according to road width.
- ii) Power loom.
- iii) Power looms cum residential to any extent.
User (i) above shall be as per conditions of R-1 and R-2 zone. However, (ii) and (iii) shall be permissible with following conditions.
 - a) Power loom use shall be restricted up to maximum permissible floor area of 250 sq.m. with maximum 20 h.p and 20 labourers.
 - b) Total FSI permissible shall be as that of residential zone.
 - c) Adequate safety measures shall be taken to reduce noise and air pollution etc. by providing vibration absorbing platform and dust settler.
 - d) Working hours for looms shall be 8 am to 8 pm.

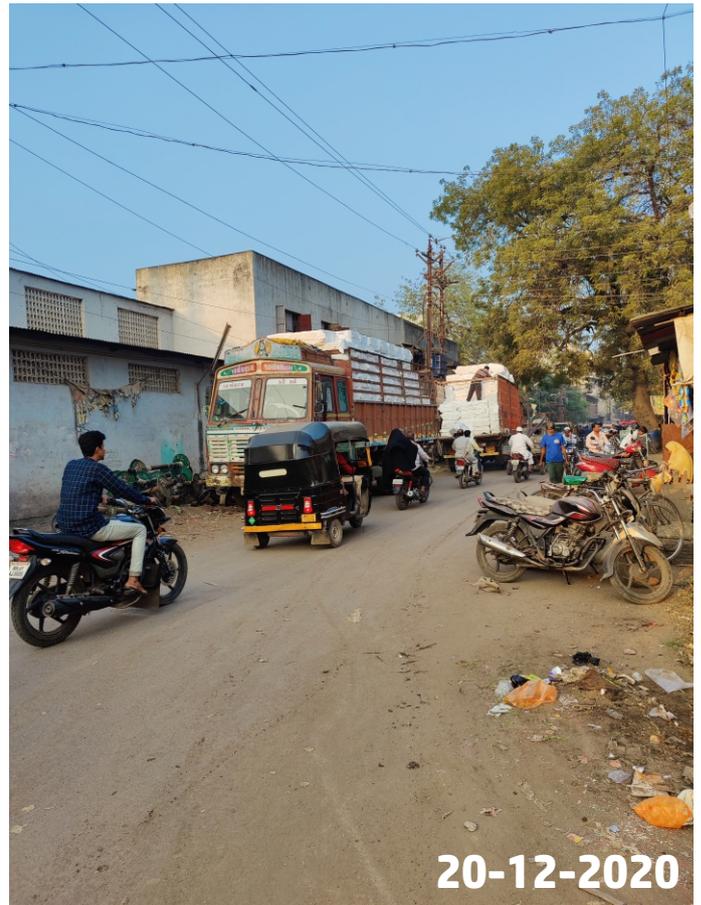
4.10 PUBLIC/ SEMI PUBLIC ZONE

The following uses shall be permissible:-

- (i) Schools, Colleges, Educational Complexes, Training institutions, Hostels for students and essential staff quarters.
- (ii) Home for the aged, Hospitals, Sanatoria, Dispensaries, Maternity Homes, Health Centres and related health facilities with ancillary structures like quarters, Dharmshalas, veterinary hospitals etc.
- (iii) Offices and essential staff quarters of the Government/ Semi Government and/or their authorities/ Local Self-Government, Courts etc., Public Housing by Government / Government Bodies.
- (iv) Public/semi-public sector utility and transport establishments/ institutions of research, education and health.
- (v) Libraries, Mangal karyalayas, Gymnasia, Gymkhanas, Stadia, Community halls, Civic and Cultural Centres, Religious Structures, auditoria etc..
- (vi) Commercial use upto 15% shall be permissible subject to following conditions: -
 - a) Shop/ permit rooms for liquor/ wine/ beer, pan, cigarette, tobacco, lottery tickets and such other uses which do not serve public purpose, similarly storage of domestic gas cylinders, kerosene etc., which are dangerous to public health, shall not be permitted.

**Blatant Violation of MPCB's Consent to Operate Conditions
as well as
Violation of MRTTP Act-1966**

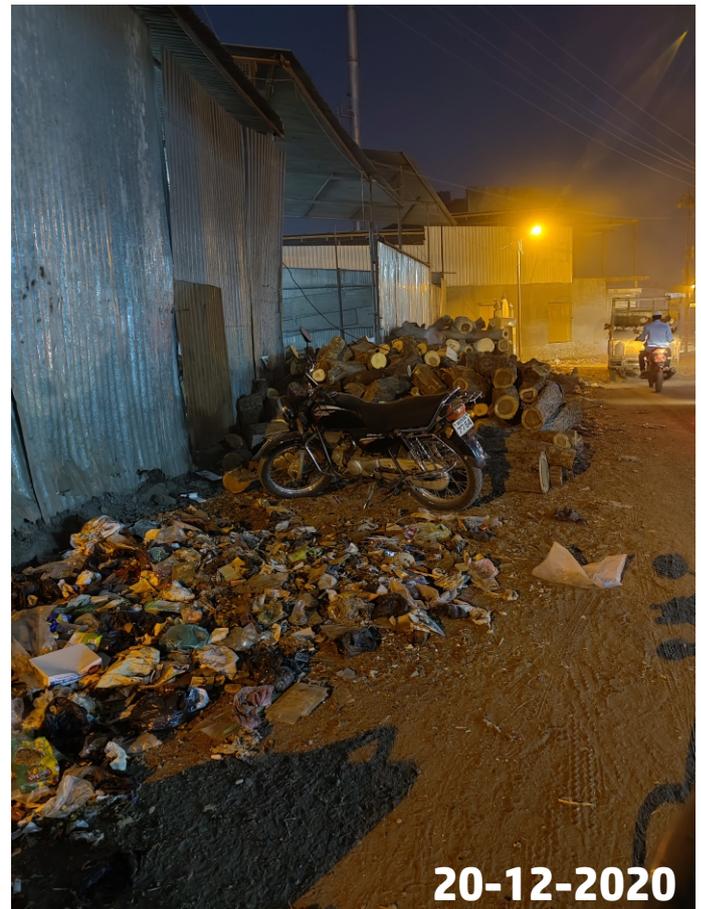
ANNEXURE - III



Latest photos are testimony to the fact that more than 90% of the textile sizing units operating in residential area of Malegaon Municipal Corporation Limit is cause of Traffic Jams, Road Congestions, Illegal Parking, Nuisance, Heavy Encroachment on the Roads, keeping their beam pipes (machinery parts) on open gutters, blocking their cleaning for months and also storing tonnes of firewood is causing filthy atmosphere.



Latest photos are testimony to the fact that more than 90% of the textile sizing units operating in residential area of Malegaon Municipal Corporation Limit is cause of Traffic Jams, Road Congestions, Illegal Parking, Nuisance, Heavy Encroachment on the Roads, keeping their beam pipes (machinery parts) on open gutters, blocking their cleaning for months and also storing tonnes of firewood is causing filthy atmosphere.



+ Heavy Trucks & Trolly's ferrying their raw material & finished products in the congested area hinders & disturbs the life of citizens particularly School going children, senior citizens, Ladies, Ambulances carrying patients etc. etc.

Environmental conditions of planting of trees in the premises, legally comprising 33% of open land is being totally neglected by all the sizing unit owners.



Level of encroachment is so high that half of the textile sizing units is constantly on the public utility land & roads in spite of this known fact MPCB officials are looking the other way & issuing consent to operate blindly.

From,
Mohammad Yusuf Abdullah Shaikh
15, Nandan Tower, Qidwai Road,
Malegaon – 423203 (Nashik) (MH)

Date: 03-12-2020

To,
The Chairman,
Central Pollution Control Board (CPCB)
Govt. of India, Pariveshan Bhavan,
New Delhi-110032
Email: sanand.cpcb@nic.in

Respected Sir,

Subject: Status report submitted in the Hon. NGT Principal Bench, New Delhi by MPCB Office (dated 20-02-2020 and 05-08-2020) regarding proposal to shift textile sizing units at MIDC Ajang Vadel. (OA 359/2019 Before the honorable NGT Principal Bench – New Delhi)

I, as a petitioner inform your honor that proposed MIDC at Ajang Vadel is in infant stage. It is a completely barren land and not at all cost effective, far away (13 km.) from Malegaon.

MIDC at Sayane has already been declared, decades back. Basic amenities such as road, water, electricity supply is already available at Sayane it is already functional, will be more convenient for textile sizing owners to shift easily which

is only at 5 km. away. Power loom owners whose power loom factories are located and running in Prabhag Nos. 02, 03 and 04 will find easy to operate from Sayane very conveniently.

While submitting the above status report MPCB office and Joint Inspection Committee has not taken opinion of textile sizing owners association and leaders of textile industry. Sir, it is a mischievous proposal concealing the fact that MIDC at Sayane is already available and functional. It is a ploy to promote quite a new proposal at Ajang Vadel and thus dynamite the old MIDC at Sayane. It will complicate and multiply the problem instead of solving it. Shifting of Textile Sizing Units at Ajang Vadel will also pose security problems, which please note.

One main point to be particularly noted that MIDC at Sayne was initially declared with the main purpose of Rehabilitating Textile Industry, in order to lesser the burden of congestion and encroachment at Prabhag Nos. 2, 3 & 4, of Malegaon Municipal Corporations.

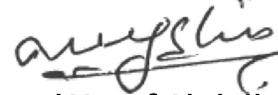
MIDC at Ajang Vadel is not at all suitable for textile industry (13 km. away) as labour problem which is the back bone of industry, will pose a very serious problem of production. Labour Force is residing mainly in above three Prabhags of Malegaon City. They will not agree to travel daily at a long distance of 13km. it will unnecessary increase the cost of production of textile products and weavers will not be able to with stand intense competition.

Kindly therefore make necessary amendments in the next status report which is due and is to be submitted by the MPCB and Joint Inspection Committee on 31-12-2020 that is before the next date of hearing which is on 20-01-2021.

Above proposal has been sent to the Hon. NGT in a haphazard manner without applying mind, creating unnecessary inconvenience to the Hon. NGT by giving misleading information which may please be corrected at once.

Thanking You,

Yours Faithfully,



Mohammad Yusuf Abdullah Shaikh

From,
Mohd. Yusuf Abdullah Shaikh
15, Nandan Tower, Malegaon
Dist. Nashik
Date: 17-12-2020

To,
The Commissioner
Malegaon Municipal Corporation
Rachnakar Vibhag (Town Planning Department)
Malegaon

Respected sir,

Subject: Violation of Maharashtra Regional & Town planning Act 1966 in respect Of Abdul Aziz Kallu Stadium, meant for playground.

Reference: My petition in the Hon. National Green Tribunal, Principal Bench New Delhi, Original Application No. 359/2019.

1. You are well aware that subject of Non-Implementation of MRTP Act. 1966 is already under the consideration of Hon. N.G.T. Principal Bench, New Delhi.

According to section 25.8 (Uses permissible in reservations) (i) it has been clearly mentioned that "The uses permissible in reserved sites shall be conforming to the use for which it is reserved, in MRTP Act 1966."

Thus according to section 25.8 (a) i.e. Playground the law says "In playground reservation, minimum 90% area shall be kept open for open play activities."

2. I have gone through the News, published in local daily newspaper "SHAMNAMA" dated 14-12-2020 that you are going to construct a garage and parking shed in premises of playground. You have already issued a tender amounting to Rs.10,84,988, in violation of above Section 25.8 (a).

3. Since the matter is sub judice and Honorable N.G.T. has already cited the case of Rajiv Mohan Mishra and others v/s City and Industrial Development Corporation of Maharashtra Ltd. and others (2018 SCC online Bom 4132).

In this judgement, the Honorable High court, Bombay has already given the judgment decided on 02-11-2018, that if any illegal structure is constructed on this playground, the very concept of town-planning will be thrown to winds. Thus the very concept of town-planning will be destroyed and defeated.

4. Sir, you are well aware that the facilities provided to the citizens particularly in eastern part of the city i.e. Prabhags No.02, 03, 04 regarding playground, Gardens shopping centers, libraries, primary schools, housing for dishoused, swimming pools & gardens gymnasium, have already been occupied by unscrupulous, corrupt politicians, their relatives and friends, party workers, with the connivance of MMC Officials. They have constructed compound-walls around these open-spaces and locked it, with no benefit to general public, as if it is their own family property, occupied by forming Bogus & fictitious organizations.

5. There are no suitable gardens and children's playgrounds worth using. All are in shambles & dilapidated conditions, due to huge corruption between corporation employees and ruling politicians. They are so greedy & selfish and inhuman that they do not feel ashamed of snatching children's childhood.

6. Genuine cricket, Football, Volley Ball players, kabaddi & khokho (traditional games) players are running from pillar to post of the city (i.e. Prabhag No. 02, 03, 04) to find suitable playground but to of no avail.

Since these players have the interest and urge to play, they cross over to the western part of the city (i.e. Prabhag No. 01) as a last resort, where better facilities of vast grounds and developed gardens are available.

7. An unfortunate event took place some months back and the players of eastern part took objection to the players of western part, occupying their grounds. It took some communal tone & ugly event provided an opportunity to cunning & unscrupulous politicians. Thanks god that the matter did not escalate further but it is a permanent problem for the players of eastern sector, which needs solution from higher Govt. authorities particularly director of town planning pune, which has been assigned the responsibility to look into the implementation of DCR D-Class, Notification dated 20/09/2016.
8. Director of town-planning has also been assigned the job of preparing new draft development plan for the extended area of Malegaon mun-corporation.

I humbly request the director town planning Pune to go deep into wayward development of Malegaon city (old area as well as new extended area)

The honorable judges of Bombay high-court in the case of Rajiv Mohan Mishra and others V/S City and Industrials Development Corporation of Maharashtra LTD. and others have been specifically reminded of what Socrates said:

“By far the greatest and most admirable form of wisdom is that needed to plan and beautify cities and human communities.”

Benjamin Franklin supposedly said once

“If you fail to plan, you are planning to fail”

9. The honorable judges have also stated in their order as above, that at the time of planning, experts in the field of town planning take into account various aspects, such as, healthy living, environment, lung space need, land use intensity, areas where the residential houses are to be built and where the commercial buildings are to be located, the need of household industries, etc. Unplanned and haywire development of the city is out to destroy the fabric of the society which is doomed to destruction.

The application and observance of the development control rules is vital for the proper and planned growth and development of the city. If these rules are given a go-by, the inevitable result will be shortage of water and electricity, choked roads and ecological and environmental imbalance. Such hardship would be suffered by every resident of the city.

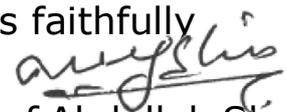
10. You are therefore. Kindly requested to strictly follow the above order of the honorable Bombay high court and oblige. All the reserved land meant for public utility should be restored for the purpose, which it has been allotted. Order should be strictly implemented in my case also, which is of similar nature, all the government agencies such as District Collector (Nashik), Director of Town Planning (Pune), Commissioner of Malegaon Municipal Corporation, MPCB Officials (Nashik), ASP Malegaon all should jointly respond in a positive way and act as per rule of law. Please strictly direct the Commissioner of Malegaon Municipal Commissioner to restore all reserved land to its original form and remove all illegal constructions over and above the space limit, set up under MRTP Act 1996. All illegalities should be probed and open spaces worth thousands of crores should be restored for public use.

11. Please note that if no action is taken on my above mentioned points up to 31-03-2021, I will be constrained to file Public Interest Litigation in Bombay High Court making Commissioner Malegaon Municipal Corporation, Town Planner Malegaon and City Engineer Malegaon as respondent parties.

Awaiting for your early reply.

Thanking you,

Yours faithfully



Mohd. Yusuf Abdullah Shaikh
(Petitioner, National Green Tribunal,
Principal Bench, Delhi, Original
Application No: 359 / 2019)

From,
Mohammad Yusuf Abdullah Shaikh
(Petitioner – National Green Tribunal)
15, Nandan Tower, Qidwai Road,
Malegaon - 423203 (Nashik) (MH)
Original Application No. 359/2019
Date: 25-11-2020

To,
The Chairman,
Central Pollution Control Board (CPCB)
Govt. of India, Pariveshan Bhavan,
New Delhi-110032
Email: sanand.cpcb@nic.in

Respected Sir,

Subject: Defiant attitude of Plastic Recycling units, in spite of closure orders by the Hon. NGT Principal Bench, New Delhi (OA No. 359/2019), recycling units have re-started their operations stealthily mostly at night.

Reference: Status reports dated 20-02-2020 and 05-08-2020 of MPCB in compliance of Hon. NGT's order dated 21-01-2020. (OA No. 359/2019)

1. I, the above petitioner regretfully inform your honor that, tall claims made in the above status report dated 05-08-2020 (at Page No. 01 Para No. 02 (i)) that MPCB has issued closure directions to 190 plastic and allied industries, with power disconnections in order to ensure effective implementation, has proved to be futile and total failure.
2. In spite of MSEDCL's claims that electric supply has been disconnected, these units are still operating by illegally connecting their electric supply, particularly at night. Drone survey carried out during day time to detect unauthorized operation has proved to be non-effective and complete failure. Night vision drone camera is the only option and must be purchased by electric supply company as it is already suffering crores of rupees loss.
3. Please note that on 20th November 2020 (Friday) one plastic recycling unit / godown belonging to Mr. Furqan Quraishi, situated at Devi ka Malla, Near National Petrol Pump,

Gut No. 184/2, Plot No. 65, Dayane Shiwar, Malegaon (Nashik), caught fire during day time (01:30 to 02:00 pm). It was a huge fire engulfing the whole area with poisonous thick smoke, suffocating whole area with breathlessness. [\(Photos of incident are enclosed\)](#)

4. Thanks to God that it was a day time and weekly holiday. Had it been at night, it would have been catastrophic and engulfed the surrounding area where similar units, power loom factories, National Petrol Pump were located in the neighborhood. In the past some months back, similar incident had happened at Malde Shiwar, Gut No. 34 during night time and along with plastic recycling unit, three residential houses and one power loom factory was completely burnt and lakhs of rupees loss was suffered by poor residents. All the above incidents have been duly reported to JIC and recorded by the fire brigade department of MMC.
5. The joint inspection committee must seek above reports from the Commissioner, Malegaon MMC, who is part of committee appointed by the Hon. NGT. All these facts must be brought honestly to the notice of Hon. NGT, on the next date of hearing fixed on 20-01-2021 for further consideration. Polluters and violators of Hon. NGT's orders dated 15-10-2019, 21-01-2020 and 07-08-2020 must be heavily penalized and compensation must be recovered on "Polluters Pays Principle" as already directed.
6. I expect that Joint Inspection Committee will seriously take cognizance of above incidents, because the order of NGT is binding as a decree of the court and non-compliance, suppression of facts, filing misleading affidavits, helping in any way plastic recycling units or illegal textile sizing units, when the matter is still before the Hon. NGT. Illegal plastic recycling or sizing units, submitting wrong figures before the Hon. NGT. Violating MRTP Act and not protecting the rights of citizens guaranteed under Article 21 of the constitution of INDIA, smacks of favoritism and compels me to doubt the honesty and integrity of the MMC's Office, MSPCB, District Collector's Office and Director of Town Planning etc.
7. Working under political pressure and providing opportunities to corrupt political leaders to play dirty politics and collect funds from illegal, unscrupulous industrialists in the name of helping them. Statements issued by present Mayor and her husband (past two times MLA as well as Mayor) and Commissioner MMC is gross interference in judicial process. The matter is still under the consideration of the Hon. Bench, but unfortunately above political leaders occupying the seat of power have already announced immediately after General Body meeting, their own parallel judgement, in advance before the final judgement, which is still to be announced by the Hon. NGT. Thus these unscrupulous

politicians are running their parallel courts and Malegaon's Municipal Commissioner is being part of this dirty game.

- 8.** I specifically urge the Hon. Secretary Urban Development Department that, since the matter is sub-judiced, all resolutions passed by MMC's general body meeting overruling NGT's orders must be cancelled, rule of law must prevail. The above fire incidents show clear political and official backing. Hence there is no guarantee that deadly air as well as water pollution can ever be solved when there is gross open interference in judicial process.
- 9.** MMC is the den of corruption. Here, all political representatives as well as responsible officers, think that they are above the Law of country. The Mayor and her husband have already announced that all these polluting industries will remain and operate, where they are. Nobody can dare to shift them out of city limits. Press conference openly taken, immediately after the general body meeting is clear cut proof of challenging the National Tribunal's powers and openly instigating the polluters (plastic recycling units as well as textile sizing owner) to defy Hon. NGT's orders and continue their nefarious activities. They promise openly that, here we all are to protect you, provided you fulfill our political ambitions and provide political funding. Video shooting of press conference can be obtained from MMC's Office, which is on record.
- 10.** It is also to be noted that in spite of clear orders of honorable NGT, the Police department has failed to control the illegal entry of plastic waste material coming from out of Malegaon such as Mumbai, Thane, Vapi & Pune etc. etc.
- 11.** I, as a petitioner expect that Joint Inspection Committee will take cognizance of all above facts and report every fact before the Hon. NGT in the next status report to be submitted on 31-12-2020, before the next date of hearing which is fixed on 20-01-2021.

Thanking you.

Yours' faithfully



Mohammad Yusuf Abdullah Shaikh
(Applicant)

**PLASTIC RECYCLING UNIT / GODOWN OF SHRI FURQAN QURAISHI
IN FRONT OF DEVI KA MALLA, NEAR NATIONAL PETROL PUMP,
GAT NO. 184 / 2, P. NO. 65, DAYANE SHIVAR, MALEGAON**

ANNEXURE-VI



**PLASTIC RECYCLING UNIT / GODOWN OF SHRI FURQAN QURAIHI
IN FRONT OF DEVI KA MALLA, NEAR NATIONAL PETROL PUMP,
GAT NO. 184 / 2, P. NO. 65, DAYANE SHIVAR, MALEGAON**

ANNEXURE-VI



**PLASTIC RECYCLING UNIT / GODOWN OF SHRI FURQAN QURAISHI
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**PLASTIC RECYCLING UNIT / GODOWN OF SHRI FURQAN QURAISHI
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GAT NO. 184 / 2, P. NO. 65, DAYANE SHIVAR, MALEGAON**

ANNEXURE-VI



NOTE 9 PRO
AD CAMERA

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AD CAMERA

**IN THE COURT OF NATIONAL GREEN TRIBUNAL AT PRINCIPAL BENCH,
NEW DELHI –110001.**

In the matter of Original Application No. 359/2019

16th January 2021

Mohammad Yusuf Abdullah Shaikh & Anr. Applicant(s)
Versus
State of Maharashtra & Ors. Respondent(s)

Subject: Verification by Mohammad Yusuf Abdullah Shaikh (Petitioner)

I, Mohammad Yusuf Son of Abdullah Shaikh, Age about 73 years

Resident of S. No. 97/8, Plot No. 5, Tayyababad, Near Pharmacy College, Opposite,
Masjid Saad Bin Abi Waqqas, Malegaon –423203, Maharashtra.

Office Address: 15, Nandan Tower, Quidwai Road, Malegaon - 423203 Dist. Nashik

Contact: 7020123958 / 9422778897 / 9834494208.

Email: yusufabdullahngt@gmail.com ; kaleemabdullahandroid@gmail.com

Verification:

I, Mohammad Yusuf Abdullah Shaikh do hereby verify that contents of page number(s) 01 to 42 are correct to my knowledge and belief nothing has been concealed therein.

Place: Malegaon, Dist. Nashik, Maharashtra-423203.

Date: 16th January 2021



Signature (Petitioner)