



483

Regi. Sr. No.

6293 | 2024

**BEFORE THE HON'BLE NATIONAL GREEN**

**TRIBUNAL, WESTERN ZONE BENCH, PUNE**

**Application No. 104 /2023(wz)**

*(Under section 15 of the National Green Tribunal Act, 2010)*

Charan Bhatt

...Petitioner

-versus-

Environment Department of Maharashtra state and Anr.

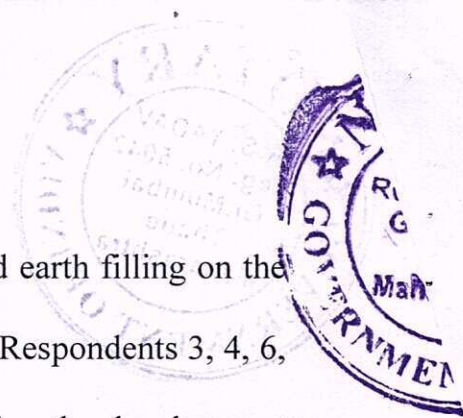
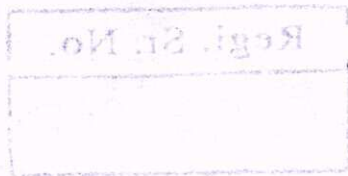
...Respondents

**REJOINDER / AFFIDAVIT IN REPLY BY  
RESPONDENTS 3, 4, AND 6.**

**Respondents 3, 4, and 6 submitted false statements to conceal their collusion with Respondents 9 and 12 in illegal water pond filling and unlawful development permission and applicant submitting the additional circle officer report revenue department on pond filling.**

**MOST RESPECTFULLY SUBMITTED:**

1. I, Charan Bhatt, applicant of Original Application (OA) No. 104/2023 before the Hon'ble National Green Tribunal, Western Bench, seek the restoration of the water pond area 2903.36 sq mt on S.No. 47 Hiss no.5, 7A & B, and S.No 48 Hiss no.6,10,11 S.No.50 Hiss no. 3 (old) 47/5/7a B/48/ 6/10/11 50/3 (new) and appropriate



action against the respondents for unauthorized earth filling on the said water body. The respondents, particularly Respondents 3, 4, 6, 9 and 12, are complicit in granting and receiving the development permissions on the water pond through collusion, misuse of legal provisions, misrepresentation of facts, and dereliction of their official duties, illegal earth filling on water pond, in blatant violation of environmental laws. The said actions have resulted in severe environmental harm, including the destruction of the natural water ecosystem, loss of biodiversity, obstruction of groundwater recharge and overall ecological imbalance.

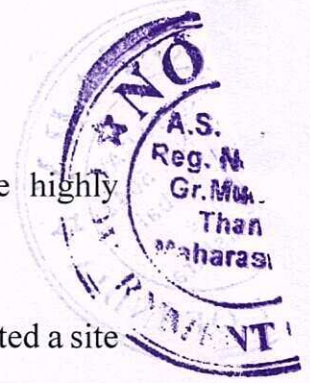
#### **PARA WISE REJOINDER**

2. The Respondent No. 3, 4, 6 Respondents Nos. 3, 4, and 6 in para 3 contains statements that are factually incorrect and intended to mislead this Hon'ble National Green Tribunal. The Respondents 3, 4, and 6 for the personal gain trying to show that there is no pond claiming misusing the law, misusing the position and power and misusing the revenue department documents, corruption motive, and wrongly presenting the facts and not disclosing the documents.
  - a. The Development Plan for the Vasai-Virar Sub-Region (VVSR) was prepared by CIDCO in collaboration with the **National Remote Sensing Agency (NRSA), Hyderabad. As**



part of this process, an aerial survey was conducted on 05.12.1992 using aircraft to capture photographs of the entire sub-region, during which aerial photographs of the entire sub-region were captured. These photographs were subsequently interpreted and validated through ground verification as of December 1993, in the year 1995, 1998 and final plan 2007 mentioned the presence of water pond on a area 2903.36 sq mt on S.No. 47 Hiss no.5, 7A & B, and S.No 48 Hiss no.6,10,11 S.No.50 Hiss no. 3 (old) 47/5/7a B/48/ 6/10/11 50/3 (new) in VVSR development plan marked in blue n green color.

- b. The VVSR Development Plan prepared by CIDCO designated specific parcels of land for development purposes, with clear reservations. The Waliv pond was among the features recorded in this plan as a significant waterbody.
- c. The Form no.14 revenue records documents not presented by Respondents 3, 4, and 6.
- d. The respondent no.9 spot verification is questionable because the statements of five witnesses were taken claims that there is no pond. The identities of these five witnesses are unclear: who they are, where they came from, how they were contacted, and who verified them, who allowed them to record statement, is it respondent no.9 having power recorded the statement. Additionally, the witness IDs were not attached, and their addresses were not mentioned. The statement was not recorded in official VVCMC letterhead. These actions and



the documentation provided by Respondent 9 are highly suspicious.

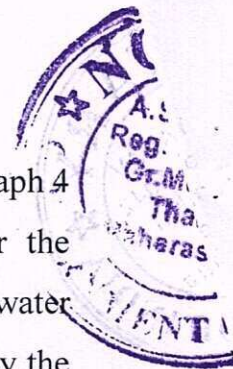
- e. On 16th June 2022, the Mandvi Circle Officer submitted a site visit report to the Tahsildar, stating that there was no water body or pond present at the location at the time of inspection. Based on this report, the Vasai Tahsildar sent a letter to the Vasai Virar City Municipal Corporation (VVCMC) on 22nd June 2022, confirming that **no pond or water at present**, in this there is not mentioned about anything that no pond past years in the report mentioned present status not past, from the 2014 earth filling started in water pond. However, the respondents (Nos. 3, 4, and 6) **misused and misinterpreted this letter**, claiming that there was no pond on the site and using it to justify permitted the development permission. It is important to note, however, that the District Collector of Thane, had issued the order 18.july.2005 Non-Agricultural (NA) land classification. Their orders clearly stated that the site contained a pond 2903 Sq mt, and therefore, **construction should not be permitted on the pond area**. Property card also mentioned there is pond. **Respondent no. 3,4 and 6 violated the District Collector order.**
- f. Respondent No. 3 stated that the inclusion of the pond in the development plan was a drafting error tried to delete the water pond under Clause 2.5 of the UDCPR. The cidco made this development plan from the year 1993 published 1995,1998 finalised in 2007 the development plan has made by arial suvery, ground suvery. However, the deletion of the pond from the VVSR development plan is entirely illegal and a



misuse of power and position. The 2.5 of the UDCPR drafting error wrongly use to give development permission on water pond area, the presence of pond has been confirmed by the District Collector in the year 2005, with an order explicitly prohibiting development permission in the pond area. The land property card also mentions the pond and the District Collector order. Google satellite images from past years shows the presence of water and vegetation in the pond area, and the CIDCO-prepared development plan also mentioned the pond blue colour water pond area. Furthermore, in previous sanctioned development projects, the landowner submitted the pond area, pond area layout, pond area boundaries, received development permission in the year 2004 and 2005. Respondents 3, 4, and 6 have misused their power and position for personal gain, collusion with Respondents 9 and 12 to illegally approved the development permission of the pond area and illegally tried to delete the water pond from the development plan. The 2.5 Drafting error not be applicable for the delete pond from the development plan the existing about the pond mentioned in revenue records, previous approved layout as well as google maps, earth filling on water pond after that applied for development permission and showing there was no pond it is drafting error.

#### 2.5 <sup>(#)</sup> DRAFTING ERROR

Drafting errors in Development/Regional Plan which are required to be corrected as per actual situation on site or as per the city survey record or sanctioned layout etc. may be corrected by the Authority, after due verification, in case of Municipal Councils Regional Plan areas, this shall be done after consultation with the Divisional Joint Director of Town Planning.



3. The statements made by Respondent Nos. 3, 4, and 6 in paragraph 4 of their reply are completely false and misleading. Under the provisions of the Maharashtra Land Revenue Code, 1966, the water pond in question was designated as protected and prohibited by the District Collector in the year 2005. Further, the planning committee of CIDCO, operating under the Maharashtra Regional and Town Planning Act, explicitly acknowledged the existence of the said pond in the years 1992, 1993, 1995, 1998, and 2007. This acknowledgment was based on thorough ground-truthing, ground surveys, revenue records, and aerial photographs. Previous authorities and the planning committee duly recorded the existence of the pond in the revenue records and development plans. The water pond holds critical importance for groundwater recharge, supports local biodiversity, and provides significant ecological benefits. The Hon'ble Supreme Court of India and the National Green Tribunal (NGT) have, on multiple application and petition, delivered judgments emphasizing the preservation and protection of water bodies under relevant statutes. Specifically, Schedule I of the National Green Tribunal Act, 2010, mandates the conservation of water bodies. In compliance with the Hon'ble NGT order dated 10.05.2019 in M.A. No. 26/2019 in O.A. No. 325 of 2015, indicative guidelines for the restoration and protection of water bodies were issued by Central Pollution Control Board. On the basis of the guidelines safeguard and restoration the water pond in question.
4. The statements made by Respondent Nos. 3, 4, and 6 in paragraph 5 of their reply are false, misleading, and intended to conceal material



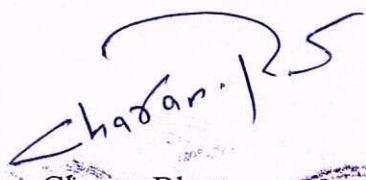
facts. It is submitted that the Circle Officer, being a subordinate officer to the District Collector revenue department. The District Collector, as the superior officer, issued clear orders dated 18th July 2005, explicitly prohibiting any development permissions in the pond area. Further, Tahasildar latter 22nd June 2022, addressed to Respondent No. 4, mentioned that the no pond or water bodies **at present**. This misrepresentation arises from the fact that **the pond was illegally filled with 624 Brass of earth and 358 Brass of stone, report submitted by the Circle Officer to the Tahsildar on 17th January 2024**. This report confirms that the pond was deliberately filled, thereby altering its natural state. It is evident that Respondent Nos. 3, 4, 6, 9, and 12 **acted in collusion to fill the pond and have sought to unlawfully delete it from the Development Plan. A fraudulent panchnama was prepared to mislead the Urban Development Department and the Hon'ble National Green Tribunal, solely for personal gain. This act constitutes a gross abuse of power and a blatant conspiracy, resulting in the destruction of a vital water body and irreparable environmental damage.** The Circle Officer report date: **17th January 2024** further exposes the scale of this illegal activity, detailing the total **982 Brass of earth and stone used to fill the pond approx. more than 300 trucks loaded**. This demonstrates a **clear nexus of corruption, misuse of authority, and a deliberate disregard for environmental laws and conservation measures.**

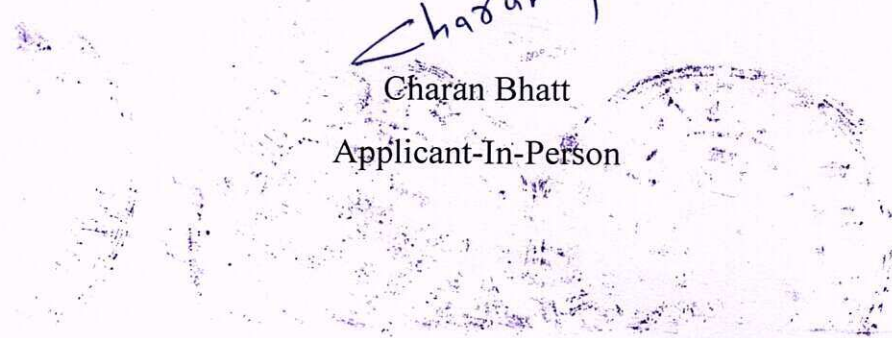
*The Mandal Adhikari report dated 17.01.2024 is annexed and marked as **Exhibit A**.*

5. The statements made by Respondent Nos. 3, 4, and 6 in paragraph 6 regarding the joint committee report are erroneous and misleading. The Applicant has raised objections to the joint committee report dated 12.09.2024, citing procedural lapses. Specifically, the committee failed to involve the Revenue Department during the site inspection, did not correspond with the Revenue Department and the landowner, and omitted details regarding the actual land area. The applicant submitted the objections to the said report were duly submitted on 12.09.2024.
6. The Applicant seeks allow this rejoinder affidavit and prays that the Hon'ble National Green Tribunal take appropriate action against Respondent Nos. 3, 4, 6, 9, and 12, directing them to restore the pond to its original state.

Place : Nallasopara

Date : 18.12.2024

  
Charan Bhatt  
Applicant-In-Person





VERIFICATION & AFFIDAVIT

I, Charan Bhatt, adult, do hereby state that I have verified the contents of the above submissions. I affirm that the facts stated therein are true and correct to the best of my knowledge and belief. This affidavit is filed on solemn affirmation and oath.

Place: Nallasopara

Date: 18.12.2024

Charan Bhatt

Applicant In-person



Regi. Sr. No.
6293/2024

BEFORE ME  
*Ajeet S. Yadav*  
18-12-2024  
AJEET S. YADAV  
ADVOCATE & NOTARY  
GOVT. OF INDIA

## Office of the Circle Officer, Pelhar

Address: Talathi Office Achole/Nilemore, Near Ganesh Temple, Achole Road,  
Nalasopara (East), Taluka Vasai, District Palghar.

Outward Number/Waliv/Office Subject/200/2023

Date – 17/1/2024

To,

The Honorable Tehsildar, Vasai

**Subject:** Site Inspection Report Regarding the Land at Survey Numbers 47/5/7AB/48, 6/10/11/50/3,  
Mauje - Waliv, Taluka Vasai, District Palghar.

**Reference:** Telephonic Message Dated 16.01.2024 from the Honorable District Collector, Palghar.

Sir,

With reference to the subject cited above, it is submitted that the land located at Mouje Waliw, Taluka Vasai, District Palghar, bearing Survey Numbers 47/5/7AB/48/6/10/11/50/3, having a total area of 268.10.00 Are Sq. Mtrs, is recorded in the 7/12 extract as follows: Area of 228.10.00 Are Sq. Mtrs is registered in the name of Mona Atul Patel. Area of 40.00.00 Are Sq. Mtrs is registered in the name of Abdul Hamid Mustafa Husain Shaikh and others, on behalf of Best Builders as partners. Additionally, as per the registered development agreement, other rights are recorded under Sagar Developers, represented by partner Mohammed Yusuf Abdul Latif Qureshi and others, for the non-agricultural area of 268.10.00 Are Sq. Mtrs.

On this day, 16.01.2024, during the site inspection conducted before the Talathi of Waliv, it was observed that regarding the two buildings under M/s Sagar Developers, represented by partner Mohammed Yusuf Abdul Latif Qureshi and others, prior permission for residential and commercial non-agricultural purposes was granted to Smt. Mona Atul Patel by the Honorable District Collector,





Thane, as per the order dated 18.07.2005. It is also noted in the said order that construction is not permissible in the area marked as pond land, with a specified area of 2903.36 Sq. Mtrs.

Subsequently, it is observed that Smt. Mona Atul Patel obtained construction permission from the CIDCO Authority as per the order dated 02.09.2008. In the said order, the pond area of 2903.36 Sq. Mtrs is also specified.

Subsequently, it is observed that Smt. Mona Atul Patel obtained construction permission from the Honorable Commissioner, Vasai Virar City Municipal Corporation, as per the order dated 01.11.2022. In the said order, the pond area is not specified.

However, subsequently, in the revised construction permission issued by the Honorable Commissioner, Vasai Virar City Municipal Corporation, dated 22.02.2023, the Area Under Pond (Shown in DP) with an area of 2903.36 Sq. Mtrs is specified.

In the approved construction plan dated 18.07.2005 issued by the Honorable District Collector, Thane, the pond area of 2903.36 Sq. Mtrs was specified. During the site inspection of the said location, it was observed that the area is vacant, and access to the site is available via the main road from Vasai Phata to Waliv, through the road near Shalimar Hotel. It was further observed that an old earth filling of 624 brass had been carried out at the location. Additionally, excavation from the adjoining area revealed new stone filling of 358 brass, which has been documented in a panchanama.

In this matter, the then Circle Officer, Mandvi, had previously submitted a site inspection report via letter dated 16.06.2022 (copy enclosed).

In the present matter, Mubarak Husain Mustafa Husain Shaikh, on behalf of M/s Best Builders as a partner, has filed a case (Regular Civil Suit No. 78/2023) against Mohammed Yusuf Abdul Latif Qureshi and others in the Honorable Civil Court, Senior Division, Vasai, on 25.10.2023. It appears that through this suit, a complaint has been made regarding the development permission and the pond related to the subject land. Additionally, regarding the subject land and the pond, Shri Charan Bhatt has filed Case No. 104/2023 (WZ) with the NGT (National Green Tribunal) against the Environment and Climate Change Department and others.

Therefore, the said report is respectfully submitted in this matter.

Enclosed are pages numbered 01 to 933.

<Stamp>

A copy of the document included in the office records/original file has been provided under the Right to Information Act.

Signed

Circle Officer, Pelhar

Additional Circle, Palghar,

Taluka Vasai, District Palghar



## मंडळ अधिकारी पेल्हार यांचे कार्यालय

पत्ता : तलाठी कार्यालय आचोळे/निळेमोर, गणेश मंदिर जवळ, आचोळे रोड,  
नालासोपारा (पूर्व) ता.वसई जि.पालघर

जा. क्र./वालीव/कावि/१०४२०२३

दिनांक : १७/१/२०२४

प्रति,  
मा.तहसिलदार वसई

विषय :- मौजे-वालीव ता.वसई जि.पालघर येथील सर्व्हे नंबर ४७/५/७अब/४८  
६/१०/११/५०/३ या जमिनीबाबत स्थळ पाहणी अहवाल.

संदर्भ :- मा.जिल्हाधिकारी सा.पालघर यांचेकडील दिनांक १६.१.२०२४ रोजीचा  
दुरध्वनी संदेश.

महोदय,

उपरोक्त संदर्भिय विषयान्वये सादर करणेत येते की, मौजे-वालीव ता.वसई जि.पालघर येथील सर्व्हे नंबर ४७/५/७अब/४८/६/१०/११/५०/३ क्षेत्र २६८.१०.०० आर चौ.मी. ही जमीन ७/१२ सदरी मोना अतुल पटेल यांचे नावे क्षेत्र २२८.१०.०० आर चौ.मी. व बेस्ट बिल्डर्स तर्फे भागीदार अब्दुल हमीद मुस्ताफा हुसेन शेख व इतर यांचे नावे क्षेत्र ४०.००.० आर.चौ.मी अशी दाखल असून, इतर हक्क सदरी मे. सागर डेव्हलपर्स तर्फे भागीदार मोहम्मद युसूफ अब्दुल लतीफ कुरेशी व इतर यांना नोंदणीकृत विकसन करारनाम्याप्रमाणे बिगरशेती क्षेत्र २६८.१०.०० आर चौ.मी. अशी नोंद आहे.

आज दिनांक १६.१.२०२४ रोजी तलाठी सजा वालीव यांचेसमक्ष जागेची स्थळ पाहणी केली असता, मे.सागर डेव्हलपर्स तर्फे भागीदार मो.युसूफ अब्दुल लतीफ कुरेशी व इतर यांचे दोन इमारीती संदर्भात यापूर्वी श्रीम.मोना अतुल पटेल यांना मा.जिल्हाधिकारी ठाणे यांचेकडील दिनांक १८.७.२००५ रोजीच्या आदेशानुसार रहिवास व वाणिज्य या बिगरशेतकी प्रयोजनाकरीता परवानगी मिळाल्याचे दिसून येते. सदर आदेशामध्ये ज्या ठिकाणी बांधकाम अनुज्ञेय नाही यामध्ये पाँड क्षेत्र २९०३.३६ चौ.मी. क्षेत्र नमुद केलेले दिसून येत आहे.

तद्नंतर श्रीम.मोना अतुल पटेल यांनी सिडको प्राधिकरण यांचेकडून दिनांक ०२.९.२००८ रोजीच्या आदेशान्वये बांधकाम परवानगी घेतलेची दिसून येते. सदर आदेशामध्ये पाँड क्षेत्र २९०३.३६ चौ.मी. क्षेत्र नमुद केलेले दिसून येत आहे.

तद्नंतर श्रीम.मोना अतुल पटेल यांनी मा.आयुक्त, वसई विरार शहर महानगर पालिका यांचेकडील दिनांक ०१.११.२०२२ रोजीच्या आदेशान्वये बांधकाम परवानगी घेतलेची दिसून येते. सदर आदेशामध्ये पाँड क्षेत्र क्षेत्र नमुद केलेले दिसून येत नाही.

कार्यालयीन अभिलेखात/मुळ संचिकेत  
समाविष्ट असलेल्या कागद पत्रांची  
प्रत तहसिलदाराच्या कार्यालयात पुढेवर्णित  
आली आहे.

तहसिलदार कार्यालय, वसई	
संकलन:-	---
23 JAN 2024	
अ.का.	तहसिलदार

मात्र तदनंतर मा.आयुक्त वसई विरार शहर महानगर पालिका यांचेकडील दिनांक २२.२.२०२३ रोजीच्या सुधारीत बांधकाम परवानगीमध्ये Area Under Pond (Shown in DP) क्षेत्र २९०३.३६ चौ.मी. क्षेत्र नमुद केलेले दिसून येत आहे.

मा.जिल्हाधिकारी सा.ठाणे यांचेकडील दिनांक १८.७.२००५ रोजीच्या मंजूर बांधकाम नकाशात नमुद पॉन्ड क्षेत्र २९०३.३६ चौ.मी. या ठिकाणी जागेची पाहणी केली असता, सदर जागा मोकळी असून जागेवर जाणेसाठी वसई फटा ते वालीव या मुख्य रस्यावरून शालीमार हॉटेलच्या बाजूने जाणेसाठी रस्ता आहे. सदर ठिकाणी जुने ६२४ ब्रास माती भराव केलेला आढळून आला तसेच सदर जमिनीचे लगत असलेल्या जागेतून उत्खनन करून ३५८ ब्रास नविन दगडाचा भराव केलेला आढळून आला त्याबाबतचा पंचनामा सादर केलेला आहे.

प्रकरणी यापुर्वी तत्कालीन मंडळ अधिकारी मांडवी यांनी स्थळ पाहणी अहवाल दिनांक १६.६.२०२२ रोजीच्या पत्रान्वये सादर केलेला आहे प्रत (संलग्न)

प्रस्तुत प्रकरणी मुबारक हुसेन मुस्ताफा हुसेन शेख मे.बेस्ट बिल्डर्स तर्फे भागीदार यांनी मोहम्मद युसूफ अब्दुल लतीफ कुरेशी व इतर यांचेविरुद्ध मा.दिवाणी न्यायालय वरिष्ठ स्तर वसई यांचे न्यायालयात रे.मु.नं. ७८/२०२३ दि. २५.१०.२०२३ दाखल करण्यात आलेला असून, सदर दाव्याद्वारे विषयांकीत जमिनीची विकास परवानगी व तलावाबाबत तक्रार केल्याचे दिसून येते. तसेच विषयांकीत जमिनीबाबत तलावाचे अनुषंगाने श्री. चरण भट यांनी Environment and climate change department and ors. यांचेविरुद्ध NGT (National Green Tribunal) यांचेकडे दावा क्र.१०४/२०२३ (WZ) दाखल केलेला आहे.

तरी प्रकरणी सदर अहवाल सविनय सादर करीत आहे.

सोबत पृष्ठ क्रमांक ०१ ते १३३

कार्यालयीन अभिलेखात/मुळ संचिकेस  
समाविष्ट असलेल्या वक्राव पत्रांची  
प्रत माहितीच्या अकारात पुरविणेत  
असली आहे.

*Ashvagade*  
मंडळ अधिकारी पॅल्हार  
मंडळ अधिकारी पॅल्हार  
ता.वसई जि.पालघर