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Before The National green Tribunal Sitting At Pune Western zone, Memorandum Of Application (under section 18(1)read with sections 14,15,16&17 of National Green Tribunal Act,2010)

APPLICATION NO. 103 OF 2024

1.SRI BALVANT MURLIDHAR PARCHURE POWER OF ATTORNEY HOLDER(POAH) OF SRI VINAYAK DATRAYA BHATKAR,AGE 68 YEARS RESIDING AT DEOPAT GUHAGAR AT AND POST GUHAGAR TALUKA GUHAGAR DISTRICT RATNGIRI-415703

MOBILE NO . 9529696343

E mail ID :balvantparchure@yahoo.co.in

V/S

1.SRI YASHWANT SOMA TANDEL AGED 63 YRS RESIDING AT VELNESWAR TALUKA GUHAGAR DISTRICT RATNAGIRI-415729

Mobile no.:9082867062

Email:skandha.arwalkar22@gmail.com

2.SRI LAXMAN PANDURANG TANDEL,AGED 60 YRS RESIDING AT VELNESWAR TALUKA GUHAGAR DISTRICT RATNAGIRI-415729

Mobile no.:9082867062

Email:skandha.arwalkar22@gmail.com

3.SRI VIKRAM SANTOSH TANDEL AGED 27 YEARS



RESIDING AT VELNESWAR TALUKA GUHAGAR
DISTRICT RATNAGIRI-415729

MOBILE NO. 9022514431

Email:skandha.arwalkar22@gmail.com

4.SRI PANDURANG KALYA TANDEL AGED 65 YRS.
RESIDING AT VELNESWAR TALUKA GUHAGAR
DISTRICT RATNAGIRI-415729

MOBILE NO.: 7721958921

E mail ID : skandha.arwalkar22@gmail.com

5.SRI DATTRAM SOMA TANDEL AGED 53 YRS RESIDING
AT VELNESWAR TALUKA GUHAGAR DISTRICT
RATNAGIRI-415729

MOBILE NO.:9082867062

E mail ID : skandha.arwalkar22@gmail.com

6.GRAMPANCHAYAT ADHIKARI,GRAMPANCHAYAT
VELNESWAR VADDAI TALUKA GUHAGAR DISTRICT
RANAGIRI-415729

MOBILE NO.: 9011004744

E MAIL :grampvelneshwar@gmai.com

7.SUB DIVISIONAL OFFICER,SUB DIVISIONAL
OFFICE,MUMBAI GOA HIGHWAY,AT AND POST
CHIPLUN DISTRICT RATNAGIRI-415605

MOBILE NO.:9822133024

E MAIL: sdo_chiplun@rediffmail.com



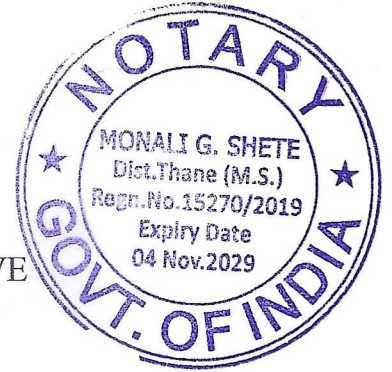


8 .CHAIRMAN,DISTRICT COASTAL ZONE
MANAGEMENT(DCZMA) AUTHORITY RATNAGIRI
COLLECTOR,RATNAGIRI DISTRICT,JAY
STAMBH,CENTRAL ADMINISTRATIVE BUILDING,AT
AND POST RATNAGIRI-415612

Mobile no.9869942395 Email:
collector.ratnagiri@maharashtra.gov.in

9. DIRECTOR AND MEMBER
SECRETARY(MCZMA),ENVIROMENTAL
DEPARTMENT,15TH FLOOR,NEW ADMINISTRATIVE
BUILDING,MANTRALAY MUMBAI-400032

Mobile no.:8369231439 Email:mahamczma@gmail.com



RESPONDENTS

**SUB:REJOINDER IN RESPECT OF REPORT FILED BY
RESPONDENT NO.7 AND 8,AFFIDAVIT FILED BY
RESPONDENT NO.6 AND AFFIDAVIT FILED BY
RESPONDENTS NO.1 TO 5**

1.Respondents no.1 to 5 have filed affidavit and as per that affidavit the local fishermen were using the area where RCC construction is getting erected as temporary strcture. There was no permission was existing and earlier temporary structure was given assessment no.98 and got mutated as 122 afteron. The existing area of old temporary structure was 79 sqmt/820 sq ft on the affidavit by these respondents.As per affidavit filed by respondents no.1 to 5 plot no.162 which belonging to sri vinayak bhatkar is on the eatern boundry of the plot.

2. Respondent no.6 have filed affidavit and on affidavit the village officer have stated that temporary structure mentioned by respondents no.1 to 5 was being reconstructed without permission and the had given respondents no.1 to 5 notice to stop the construction and get necessary permissions. Respondent no.6 have also stated on the affidavit that assessment no.of temporary structure was 137 ,got mutated to 143 and to 122 as on today. The statement on oath given by respondent no.6 is false.

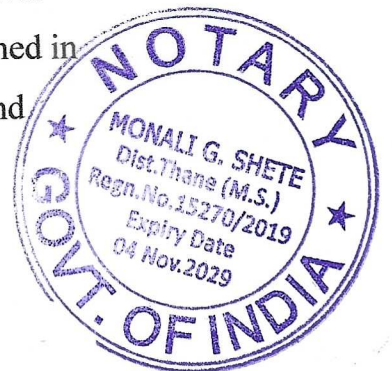
It may be noted that village officer when asked about mutation entries and area mentioned under right of information act 2005 ,village officer had replied that assessment no.98 has got mutated to assessment no.122 and it was temporary structure and there is no land associated with assessment number or 7/12 associated with assessment number 122.(EXHIBIT 1 and 1A translation)

Village panchayat can recover tax from any structure but can not give assessment number to structure which is constructed without any permissions. If the false statement made is with malicious intention to save crz violator respondent no.6 may be tried under sections of perjury as per bharatiya nyaya sanhita.

3. Respondent no.8 had constituted committee as per ngt order and at the request of respondent no.8 respondent no.7 have filed the report ,following are highlights

a. Illegal structure was constructed adjacent to s.no.162 and not adjacent to s.no.163 as per map provided by city survey department

b. The land involed was alluvial land formed over time and was adjacent to s.no.162 and was not part of s.no.163 as mentioned in the report by city survey department. As per Maharashtra land



revenue code the right of such alluvial land goes to adjacent plot holder.

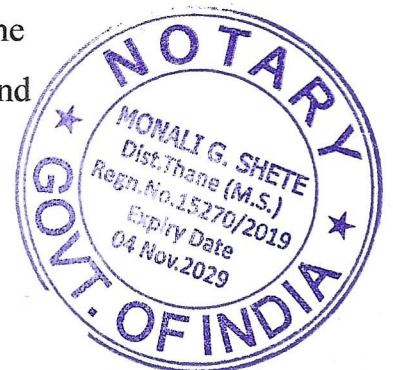
c. Sub divisional officer had stated in report that the structure was existing earlier having assessment no. as 137 and had dimension of 16.5x8.9(146 sq mt) meters, and assessment no. 137 had mutated to assessment no. 122 which is false statement made in judicial process.

Correct factual position is that assessment no. 98 has mutated to assessment no. 122. It may be pertinent to note that as per mutation history enclosed there was no dimension mentioned in assessment record from 1986 to 2000 while subsequently it is mentioned 820 sqft or 79 sqmt and being zopadi/koularu zapache kud and it was temporary structure. (EXHIBIT 1). The temporary structures can not be given any assessment numbers.

Respondents no. 1 to 5 have mentioned as mentioned in s.no. 1 and have confirmed this fact and have admitted that the structure was temporary structure.

d. The construction site lies in crz IB area as per the report and no construction is permitted in this zone as per mentioned in the report and crz rules 2019

It may be noted that respondent no. 7 and 8 are responsible revenue authority and environmental officers also as per government resolution issued. These respondents have not filed affidavit but have filed joint committee report as per order of honourable national green tribunal west zone. Thus the report submitted in judicial process can not be false report. As per s.no. 3c respondent no. 7 have made false statement creating the picture as if the temporary structure is permanent structure and



crz violation is of 6 sq meters only as per daily order dated 25/11/2024 of this tribunal. The present illegal structure is double of that of original temporary structure.

The statement made by authorised officer is irresponsible and malicious attempt to save crz violator. I request tribunal to take appropriate action as per perjury sections of bartiya nya sanhita.

4. The respondent no.7 had given notice under section 5 of environmental protection act 1986 and afteron did not take any credible action to stop further construction. The illegal construction has been already complete and further sewage tank is already constructed and its waste water is allowed to flow in the sea as shown EXHIBIT 2 A ,2B AND 2C .

This shows irresponsible attitude towards environmental and crz rules and regulations and should be dealt with stricter action

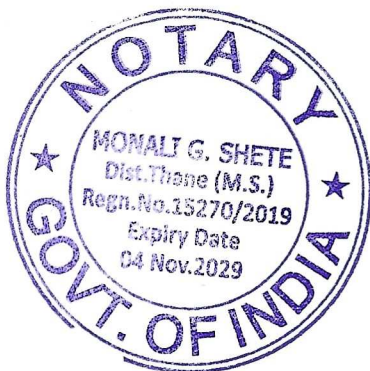
Pune


SRI BALVANT M ARCHURE

POAH SRI VINAYAK BHATKAR

Date 11/03/2025

APPLICANT MOBILE NO.9529696343



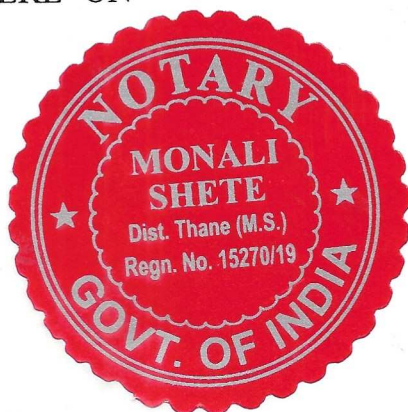
AFFIDAVIT

I SRI BALVANT M PARCHURE AGE 67, OCCUPATION BUSINESS, FARMER, R/O GUHAGAR AND APPLICANT HEREIN SOLEMONELY AFFIRM THAT CONTENTS OF APPLICATION from 1 to 4 ARE TRUE TO MY PERSONEL KNOWLEDGE AND INFORMATION AND I SIGN HERE ON 11 th DAY OF MARCH 2025



B. M. Parchure

AFFIANT



VERIFICATION

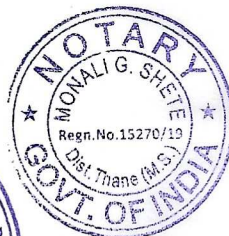
I SRI BALVANT M PARCHURE AGE 67, OCCUPATION BUSINESS, FARMER, R/O GUHAGAR THE APPLICANT HEREIN DO HEREBY VERIFY THAT CONTENTS OF THE APPLICATION AS MENTIONED ARE TRUE AND CORRECT TO MY PERSONEL KNOWLEDGE AND BELIEF AND I HAVE NOT SUPRESSED ANY MATERIAL FACT IN THE WITNESS WHEREOF I SIGNED BELLOW ON 11thTH DAY OF MARCH 2025



B. M. Parchure

Sri BALVANT MURLIDHAR PARCHURE

Applicant



BEFORE ME
NOTARY

Monali G. Shete

MONALI G. SHETE

ADVOCATE & NOTARY
Shop No. 1, Dighe House,
Behind Sai Baba Mandir,
Court Naka, Thane (W)-400601.



NOTED & REGISTERED

11 MAR 2025

3889/25

स्थापना :- १९५५

॥ सत्यमेव जयते ॥

फोन :- ०२३५९-२४३०२३

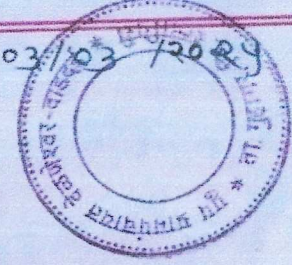
स्वच्छता असे ज्याचे घरी । आरोग्य तेथे वास करी ॥

निर्मल ग्रुप ग्रामपंचायत वेळणेश्वर-वाडदई

ता. गुहागर, जि. रत्नागिरी, पिन ४१५ ७२९

जा. क्र. २०२४/२०२५

दिनांक: ०३/०३/२०२५



प्रति,

श्री. विनायक विलास बाटकर

शा. वेळणेश्वर ता. गुहागर

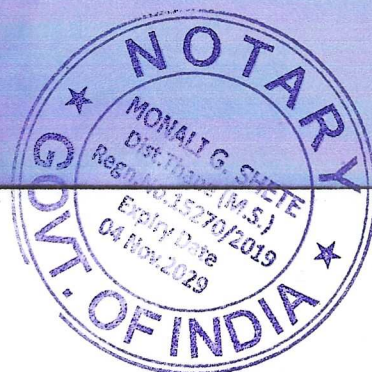
जि. रत्नागिरी,

विषय - आपला माहिती अधिकार अंतर्गत माहिती मिळवण्याबाबत
दि. २७/०२/२०२५ चा अर्ज.

महोदय,

वरील विषयामध्ये नमुद केलेल्या अर्जात गाव नमुना नं ८ मधील पुर्वीचे घर नं ९८ व आताचे घर नं १२२ मिळकतीचे वर्णन आवाची/कुजची कुठे आतापर्यंत नंतर बदलले जावत-चा इराव व आताबारा याची माहिती आगितलेली आहे याबाबत पुर्वीचे घर नं ९८ आवाची कुजची इमारत असे वर्णन आदेश १९८६ आकाश्री रजिस्टरला क्र. १२२ इमारतीचे वर्णन कुजची इमारत आहे. याबाबत असे समजल्या नवित नंतर देणेबाबत मोठम इराव ज्ञाप. आधिक सभा इराव ५(३) दि. १५/१२/१९८५ इराव आहकला अद्युन याबाबत आताबारा आहलेला नाही. व्हालीन प्रमाणे आपणांस माहिती देण्यात येत आहे.

क्र. नं.	माहितीचा तपशिल	पृष्ठ संख्या	दि
१	आधिक सभा इराव ५(३) दि. १५/१२/८५	०३/-	०६/-



Monali G. Shete
जनमाहिती अधिकारी
ग्रुप ग्रामपंचायत वेळणेश्वर, वाडदई
ता. गुहागर, जि. रत्नागिरी
दि. ०३/०३/२०२५

ENGLISH TRANSLATION OF REPLY GIVEN BY VILLAGE OFFICER TO SRI VINAYAK D,
BHATKAR UNDER RIGHT OF INFORMATION ACT

TO,

SRI VINAYAK DATTRAY BHATKAR

R/O VELANESHWAR TA.GUHAGAR

DIST.RATNAGIRI

SUB:YOUR APPLICATION UNDER RIGHT TO INFORMATION ACT INFORMATION
REQUIRED DATED 27/02/2025

SIR,

AS APPLICATION AND AS PER SUBJECT THEREIN YOU HAD ASKED IN SPECIMEN
NO.8 INFORMATION REGARDING GHAR NO.98 AND PRESENT GHAR NO.122 AND
DESCRIPTION ,RESOLUTION MADE AND ASSOCIATED 7/12 WITH GHAR NUMBER.

IN THIS RESPECT WE WANT TO INFORM YOU THAT IT IS EARLIER GHAR NUMBER
98 IS DESCRIBED AS ZAPACHI KUDACHI EMARAT,IN THE YEAR 1986 ASSESSMENT
REGISTER SAME IS DESCRIBED AS ZAPACHI KUDACHI EMARAT AND ASSESSMENT NO.
IS 122.RESOLUTION TO GIVE NEW ASSESSMENT NO.122 TO ASSESSMENT NO.98
WAS PASSED IN MONTHLY MEETING OF GRAMPANCHAYAT HAVING RESOLUTION
NO.5(3) DATED 18/12/1985 AND IS NOT ASSOCIATED WITH ANY 7/12.

WE ARE GIVING INFORMATION AS PER BELLOW

NO	DETAIL OF INFORMATION	PAGE NO.S	FEE
1	MONTHLY RESOLUTION 5(3) DATED 18/12/85	03	6

PUBLIC RELATION OFFICER

GRAMPANCHAYAT VELANESHWAR WADDAI

TAL GUHAGAR, DIST.RATNAGIRI

03/03/2025





वेळणेश्वर, महाराष्ट्र, India

96g6+384, Bhakt Niwas Road, वेळणेश्वर, महाराष्ट्र 415729, India

Lat 17.373304° Long 73.209631°

04/03/2025 07:55 AM GMT +05:30

Exhibit
213

11





Exhibit
2C

