

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
(WESTERN ZONE) BENCH AT PUNE**

REJOINDER IN DISTRICT COMMITTEE REPORT

MATTER IN: O.A. NO. 84/2022 (WZ)

Shri Lalitkumar S/o Namdeo Chaudhari,

APPLICANT

VERSUS

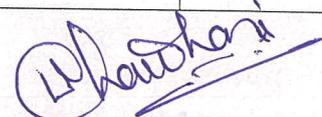
The State of Maharashtra,
And others

RESPONDENTS

INDEX

Sr. No.	Particulars of documents	Exhibit	Page Nos.
1.	Memo of Affidavit in rejoinder	--	237 To 242
2.	The copy of the Panchanama dated 25/07/2023 , Photographs	"AR-1"	243 To 245
3	A0 size of DP plan Hard Copy for Page no 54 in OA send by post.	--	246
4	Affidavit for thruthfullness in translation and document submitted		247

Date : 01 /04 /2024
Place: JALGAON


DEPONENT

Lalitkumar S/o Namdeo Chaudhari,



BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
(WESTERN ZONE) BENCH AT PUNE

IN THE MATTER:- O.A. NO. 84/2022 (WZ)

Shri Lalitkumar S/o Namdeo Chaudhari,

APPLICANT

VERSUS

The State of Maharashtra,
And others

RESPONDENTS

**AFFIDAVIT IN REJOINDER ON BEHALF OF APPLICANT
TO THE REPORT SUBMITTED BY THE DISTRICT
CONSTITUTED COMMITTEE**

I, Lalitkumar S/o Namdeo Chaudhari, Age : 50 years,
Occu.: Agriculture, R/o : 9, Shriram Colony, Faizpur, Tq. Yawal,
District Jalgaon (Maharashtra), Cell No. +919422279725, E-mail ID :
lalite24@gmail.com, do hereby state on oath and solemn affirmation
as under;

01. I say that, the applicant filed the Original Application
before this Hon'ble Tribunal seeking direction to take legal action
against the delinquents have caused damage to the Dhadi River, by
committing the encroachment and erecting the illegal construction in
the Dhadi River. The applicant further prayed for restoration of the
Dhadi River and to prevent the damage to the Dhadi River.

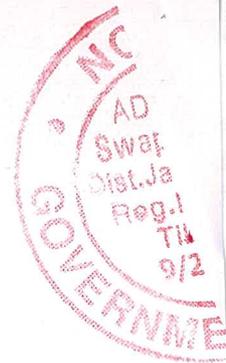


02. I say that, the applicant reiterates and confirms the statements / pleadings made in the Original Application filed by the applicant. The applicant humbly prays to kindly appreciate and consider the same in the interest of justice and in the interest of protection of environment. The applicant is filing the present rejoinder affidavit to the report submitted by the District Collector before this Hon'ble Tribunal vide covering letter dated 05/03/2024.

03. I say that, the applicant specifically pointed out that, there is encroachment committed in the Dhadi River Bed by erecting the permanent structure / construction and dumping the barrowed material. The applicant placed on record the Development Plan and the photographs showing the encroachment committed in the Dhadi River, which has caused and continuously causing damage to the environment and to the Dhadi River.

04. I say that, the applicant vehemently submits that, the State Government published the Development Plan of Faizpur City. The said Development Plan was modified by the State Government vide Notification dated 09/03/2015 in the light of Section 31 (1) of the Maharashtra Regional and Town Planning Act, 1966. Bare perusal of the said Modified Development Plan, it is crystal clear that, the same is published after due inspection of the respective sites of the Faizpur City including the Dhadi River. The Development Plan modified as on 09/03/2015 speaks that, the Flood line is determined / fixed by the competent authority to the Dhadi River. The modified Development Plan published by the State Government is annexed at Page Nos. 54 and 55 of the Petition Paper book of the Original Application No. 84/2022.

W. Pawar



05. I say that, without appreciating the modified Development Plan dated 09/03/2015, which clearly demonstrate that, flood-line is demarcated in the development plan, the Committee headed by the District Collector in Clauses 3.2.6 and 3.2.7 recorded that, the flood-line is not demarcated by the Irrigation Department. In fact, the Development Plan is duly published after having due inspection and the concurrence / reports from the competent authorities. Hence, there was no reason for the Committee to record that, the flood-line is not demarcated. The aforesaid misconception clauses 3.2.6 and 3.2.7, are further contrary to the admitted facts and the Modified Development Plan published in the year 2015, which duly reflects the demarcation of flood-line.

06. I say that, apart from the aforesaid facts and circumstances, there are encroachment in the Dhadi River by the individuals by constructed the houses / sheds / dwellings. On 19/07/2023, there was heavy rainfall in Faizpur Town in the evening and due to the alleged heavy rainfall, the 183 houses were damaged. The Talathi (Patwari), Faizpur has conducted the Panchanama on 25/07/2023 and thereby recorded that, due to the flood in the Dhadi River, 183 houses are damaged and the cost of damage is Rs. 28,68,000/-. The applicant also armed with the photographs showing the damage caused to the houses constructed in Dhadi River and the water level of the Dhadi River. The copy of the Panchanama dated 25/07/2023 along with the Photographs are annexed herewith and marked as ANNEXURE – “AR-1”.

07. I say that, the inspection report prepared by the respondent pursuant to the order passed by this Hon'ble Tribunal is

W. H. Khan



totally contrary to the admitted facts and further prepared overlooking the Development Plan published by the State Government. The Committee is trying to protect the delinquents for the reasons best known to them. Even, bare perusal of the report prepared by the Committee, it is crystal clear that, the committee not denied the encroachment committed in the Dhadi River. These facts and circumstances clearly demonstrate that, there is encroachment in Dhadi River, which causing damage to the environment. It is also admitted position that, the sewage and the drainage water flowing from the houses (constructed in Dhadi River) causing continuous damage to the environment and the Dhadi River.

08. In view of the aforesaid facts and circumstances clearly goes to show that, the construction committed is totally in the Dhadi River Bed and under the flood-line demarcated in the Modified Development Plan. Hence, the same is required to be removed immediately by taking stringent civil and criminal action against the concerned delinquents.

09. I say that, I crave leave and liberty to add, amend, alter, delete and or modify any of the contention of the present Affidavit in rejoinder as and when occasion arises.

Hence this Affidavit in rejoinder.

Date : 01/04/2024
Place: Pune


DEPONENT

Lalitkumar S/o Namdeo Chaudhari,
R/o : 9, Shriram Colony, Faizpur, Tq.
Yawal, Dist. Jalgaon (Maharashtra),
Cell No. +919422279725,

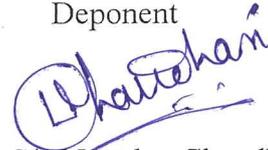
VERIFICATION

I, Lalitkumar S/o Namdeo Chaudhari, Age : 49 years, Occu.: Agriculture, R/o : 9, Shriram Colony, Faizpur, Tq. Yawal, District Jalgaon (Maharashtra), Cell No. +919422279725, E-mail ID : lalite24@gmail.com, do hereby state on oath and solemn affirmation that, the contents of this affidavit in rejoinder from para No. 01 to 09 are read over and understood by me and the same are true and correct to the best of my personal knowledge and as per the record available with me.

Hence, verified at Jalgaon on this 1th day of April, 2024.

Identified and
Explained by :

Deponent

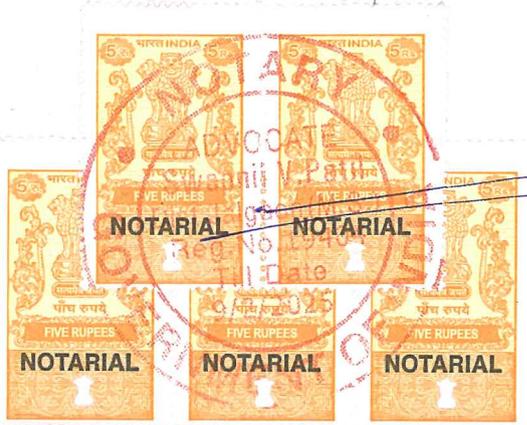


Lalitkumar S/o Namdeo Chaudhari,

Self

NOTED AND REGISTERED
Sr.No. 522
Contains Pages No.05
Date:01/04/2024

AFFIDAVIT
Solemnly affirmed and signed before me
by Shri Lalitkumar Namdeo Chaudhari
of Rajipur who is identified by
Shri self Age-49
whom I Know Personally.



Verified and Solemnly
Affirmed Before me.

SIGNED BEFORE ME


01/04/2024

Swapnil V. Patil (R.No.19404)
Notary Public Govt. of India
8, J.T. Chambers, Jalgaon

242

मा. तहसिलदार सो यावल
ता.यावल, जि.जळगाव
यांचे भेवेशी
दि.25/07/2023

विषय : मौजे फेजपूर येथील नुकसानग्रस्त घरांचे पंचनामे सादर करणे बाबत.

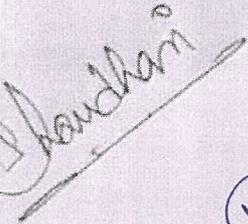
महोदया,

वरील विषयास अनुसरून सविनय सादर की, मौजे फेजपूर येथे दि.19/07/2023 रोजी संध्याकाळी झालेल्या अतिरुष्टी आणि धाडी नदीच्या पुढमुळे रहाते घरांमध्ये पाणी शिरून जिजनावश्यक वस्तूंचे नुकसान झाले होते. त्यामुळे प्रत्यक्ष घटनास्थळी जाऊन पंचनामे केलेले आहेत. त्याचा तपशील पुढील प्रमाणे...

अ.क्र.	नुकसान ग्रस्त घरांची संख्या	नुकसानाची अंदाजित रक्कम रु.पै.	शेरा
1	183	2868000	सदरची घरे सरकारी जागेवर तसेच ट्रस्ट च्या जागेवर वसलेली आहेत

येणे प्रमाणे असून अहवाला सोबत पंचनामे पुढील कार्यवाहीसाठी सविनय सादर करित आहे.


तलाठी फेजपूर
तलाठी फेजपूर
ता.यावल





English Translation

To

The Tahsildar sir

Tah: Yawal, Dist: Jalgaon

Sub: Submission of panchnama of damges houses at Mouje
Faizpur.

Resp Sir,

As the subject above, At Mouje Faizpur residential
houses have been damages by entering flood water occurred
due to heavy rain and flood in the evening of day
19/07/2023.

So Panchnamas made by actual site visit are as below:

Sr.No.	No of Houses Damaged	Estimated cost for damges	Remark
01	183	28,68,000/-	Houses are situated at govt. and trustee's land

As this panchanama is submitting for further action.

(Signature)

Talathi Faizpur

Tah: Yawal



Flood to Dhadi River @Faizpur Tah: Yawal Dist: Jalgaon vide dt
19/07/2023, Entered in city

PHOTO-1



PHOTO-2



Locations are marked on map.

Page NO :- 246

①① newshen

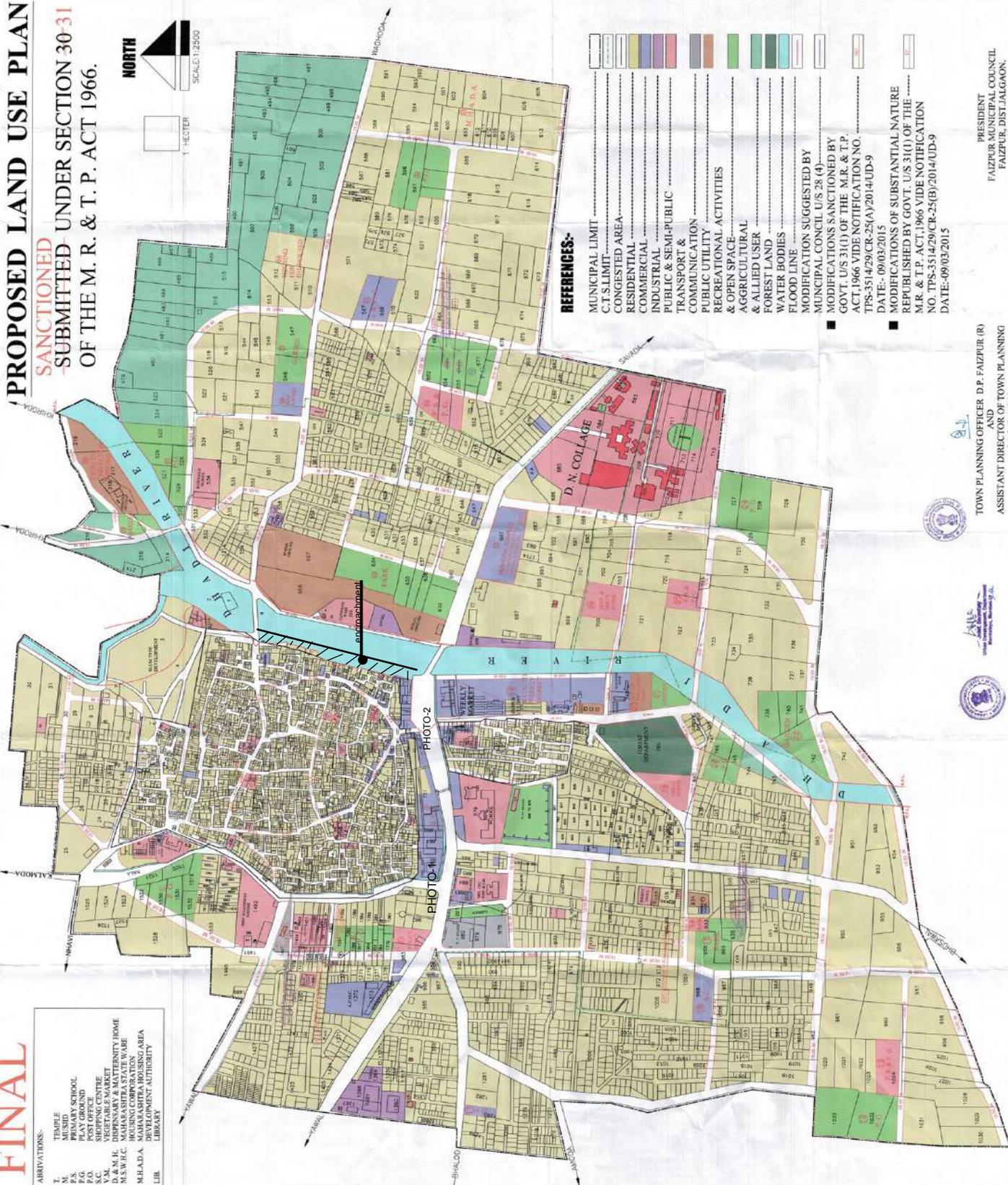
DRAFT DEVELOPMENT PLAN OF FAIZPUR (Second Revised)

FINAL PROPOSED LAND USE PLAN

SANCTIONED
 SUBMITTED UNDER SECTION 30-31
 OF THE M. R. & T. P. ACT 1966.

ABBREVIATIONS:-

T.	TEMPLE
P.S.	PRIMARY SCHOOL
P.G.	PLAY GROUND
P.O.	POST OFFICE
P.C.	POLICE STATION
V.M.	VEGETABLE MARKET
D. & M.H.	DISPENSARY & MATERNITY HOME
M.S.W.H.C.	MUNICIPALITY STATE WARE
M.H.A.D.A.	MAHARASHTRA HOUSING AREA
D.A.	DEVELOPMENT AUTHORITY
LIB.	LIBRARY



- REFERENCES:-**
- MUNICIPAL LIMIT
 - C.T. LIMIT
 - CONGESTED AREA
 - RESIDENTIAL
 - COMMERCIAL
 - INDUSTRIAL
 - PUBLIC & SEMI-PUBLIC
 - TRANSPORT & COMMUNICATION
 - PUBLIC UTILITY
 - & OPEN SPACE
 - AGRICULTURAL
 - & ALLIED USER
 - FOREST LAND
 - WATER BODIES
 - FLOOD LINE
 - MODIFICATION SUGGESTED BY MUNICIPAL CONCIL U/S 28 (4)
 - MODIFICATIONS SANCTIONED BY GOVT. U/S 31(1) OF THE M.R. & T.P. ACT, 1966 VIDE NOTIFICATION NO. TPS-3514/29/CR-25(A)/2014/UD-9 DATE:- 09/03/2015
 - MODIFICATIONS OF SUBSTANTIAL NATURE REPUBLISHED BY GOVT. U/S 31(1) OF THE M.R. & T.P. ACT, 1966 VIDE NOTIFICATION NO. TPS-3514/29/CR-25(B)/2014/UD-9 DATE:- 09/03/2015

TOWN PLANNING OFFICER D.F. FAIZPUR (R) AND ASSISTANT DIRECTOR OF TOWN PLANNING JALGAON.

PRESIDENT FAIZPUR MUNICIPAL COUNCIL FAIZPUR, DIST. JALGAON.

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL (W. Z.)

PUNE.

Memo of Affidavit

(Submission of rejoinder in District committee report

IN THE MATTER OF: 84/2022

1. MR. LALITKUNMAR NAMDEO CHAUDHARI. ----- Applicant

// VERSES //

1. STATE OF MAHARASHTRA & Others ----- Respondent

I, Mr. Lalitkumar Namdeo Chaudhari. Age. 50, Occupation - Farmer R/o 9, Shreeram colony, Faizpur Ta: Yawal, Dist: Jalgaon (Maharashtra State) applicant in person do hereby state on solemnly affirmation that the important facts and information related to a certain case stated in this rejoinder are true, scan of the original documents and English translation, photographs in page no 237 to 247 attached herein are true and correct to the best of my knowledge and information solemnly affirmed on this 1st Day of April, 2024 at Jalgaon

Place: Jalgaon

Date: 01/04/2024



APPLICANT

NOTED AND REGISTERED
Sr.No. 523
Contains Pages No. 01
Date: 01/04/2024

247

SIGNED BEFORE ME


01/04/2024

Swarnil V. Patil (R.No.19404)
Notary Public Govt. of India
8, J. T. Chambers, Jalgaon

