

IN THE HON'BLE NATIONAL GREEN**TRIBUNAL(W.Z) BENCH AT PUNE****ORIGINAL APPLICATION NO. 97 OF 2023****DISTRICT: AHMEDNAGAR**

Kailash Chima Chakor

... APPLICANT**VERSUS**

State of Maharashtra

And Ors.

... RESPONDENTS**:: INDEX::**

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DATE: 21/03/2024

PLACE: AURANGABAD


AJAY T. KANANWADE
ADVOCATE FOR THE APPLICANT

IN THE HON'BLE NATIONAL GREEN

TRIBUNAL(W.Z) BENCH AT PUNE

ORIGINAL APPLICATION NO. 97 OF 2023

DISTRICT: AHMEDNAGAR

Kailash Chima Chakor

... APPLICANT

VERSUS

State of Maharashtra

And Ors.

... RESPONDENTS

**REJOINDER ON BEHALF OF APPLICANT TO THE
REPLY FILED BY THE RESPONDENT NO 8 AND
RESPONDENT NO. 9 TO 11**

BEFORE ME

S. DHONDE PATIL
Secretary Govt. of India
No. 3763

1. I, Kailas Chima Chakor, Age:48 Years Occu.
Agri. R/o. Pimpale, Tal. Sangamner Dist. Ahmednagar,
do hereby state on solemn affirmation on myself that, I

कैलाश चिमा चकोर

have gone through the contents of the affidavit in reply of Respondent No.8 i.e. **Deputy Regional Officer, Maharashtra Pollution Control Board, Through Secretary** and Respondent No.9 to 11 i.e. **Proprietors Shivkrupa Stone Crusher** and filing my rejoinder to the same as under-

2. The petitioner most respectfully say and submit that, The reply filed by the respondent No. 8 stated that in stone crusher was obtained without consent of board on 8/12/2021, and closure notice dated 17/12/2021 and further stated that restart stone crusher vide letter dated 04/02/2022. And stone crusher applied for consent to the Board (Resp.No.8) on 08/02/2022 with Grampanchyat Pimple letter dated 13/01/2020. The closure Notice issued by the Board (Resp.No.8) on 17/12/2021 at time also the Grampanchyat letter dated and Gramsabha Resolution dated 28/08/2019 are very much available to the office. The Grampanchyat letter and Gramsabha Resolution are

BEFORE ME

S. DHONDE PATIL
Govt. of India
No. 3763

दस्तावेज उपलब्ध - प्रमाणित

not the sole criteria for granting permission to Stone Crusher.

03. The petitioner most respectfully says and submits that, in Para No.7 the Board Observed that in

Para 7 clause No.ii There are 20-25 houses with about 100-150 numbers of population in Mahadevwadi, which is about 400-500 Mtrs from the Respondent- Stone Crusher.

iv. Zilla Parishad School is located within 400 Mtrs. from the stone crusher but, there are few houses in between the school and the crusher.

Therefore it is violation of Circular dated 04/03/2020 (Page No.33-36) issued by the Maharashtra Pollution Control Board and Consent of 1st Operate under Orange Category 16/06/2022 (Page No.38-45) regarding Sitting Criteria.

04. The petitioner most respectfully says and submits that, respondent No 9 to 11 filed reply and stated some consents received from nearby they are close relative

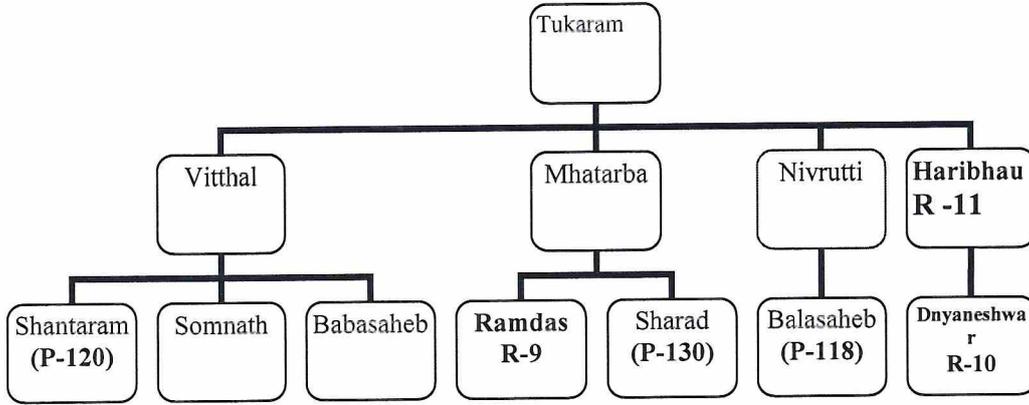
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B.S. DHONDE PATIL
Notary Govt. of India
Reg. No.: 3763

धरमराज फुलु कारे

of the Respondent No. 9 to 11. The family tree of Chakor

Family is given below:



The Respondent No. 9,10,11 are close relative of consent filed by nearby residential i.e Shantaram Page No. (120-121), Sharad (Page No. 130-131), Balasaheb (Page No. 118-119), and also consent filed by Baban Chakor (page No. 124-125) he is working in Indian Railway and residing at Nashik, and also consent filed by Kachru Chakor (page No. 126-127) he is residing 3 km away from stone crusher.

05. The petitioner most respectfully says and submits that, the petitioner filed an application for measuring the road near stone crusher. The Dy. Engineer Zilla Parishad P.W.D. Sub-Division Sangamner issued certificate and stated that the road from Pimple, Maldad to Sangamner is having status of the **Other District Road No.267** and on the side of this road the Gut. No. 522 there is a crusher owned by Dnyaneshwar Haribhau

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BEFORE ME

S. DHONDE PATIL
Distt. Govt. of India
No. 3763

Chakor as mentioned by the applicant in the application. As per the application made for the measurement of the distance of the crusher from the Pimpale- Maldad Road, When the spot inspection was done on 05/03/2024 the distance between from the middle of the road and the said crusher was measured. **The distance is averagely 44.73 Meters only from the District Road No.267.** The copy of Certificated issued by The Dy. Engineer Zilla Parishad P.W.D. Sub-Division Sangamner is annexed herewith and Marked as **Annexure R-1**

06. The petitioner most respectfully says and submits that, The Ld. S.D.O. Sangamner directed to Circle officer, Village Talegav to give your self-explanatory opinion pursuant to the point No. 1 to 12 (page No. 136-137) and thereafter he is given no objection to stone Crusher.

In that point no.7 (Page No.140-144) regarding depth of mine and it was satated that not more than 6 meter but according to petitioner it was more than 25 meter.

Point No. 16 Distance of the said site from prominent District Roads/Other District Roads/ State highway/national Highway is 2 km but The national Highway is only 1300 Meter (page no. 147) and other District Road is only 44.73 Meter.

DEFUSE ME

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Dist. No.: 3763

के.एस. धोंडे पाटील चकोर

Point No. 20 Distance of the said site from village/ habitation (m/km) is 1 km and point no.21 Distance from School/ collges/ hospitals religious places etc .but the reply of Board (Resp.No.8) admitted in their reply that There are 20-25 houses with about 100-150 numbers of population in Mahadevwadi, which is about 400-500 Mtrs from the Respondent- Stone Crusher.

and also Zilla Parishad School is located within 400 Mtrs. from the stone crusher but, there are few houses in between the school and the crusher.

7. The petitioners most respectfully say and submit that, the respondents not filed reply with clean hands and they suppress the material facts from the Hon'ble Court. Hence this rejoinder.

DATE: 21 /03/2024


Ajay T. Kanawade

PLACE: AURANGABAD

Adv for Petitioners

BEFORE ME

S.S. DHONDE PATIL
Notary Govt. of India
Reg. No.: 3763

ॐ नमो भगवते वासुदेवाय

VERIFICATION

I, Kailas Chima Chakor, Age:48 Years Occu. Agri. R/o. Pimpale, Tal. Sanganner Dist. Ahmednagar, do hereby state on oath and solemn affirmation on myself that, the contents of Rejoinder paragraph nos.1 to 7 above are explained to me in Marathi/ regional language and same are true and correct to the best of my own knowledge, which I believe to be true and correct.

Hence, verified on this 21th day of March , 2024 at Aurangabad.

Identified and Explained by

DEPONENT
कैलास चिमा चकोर

(Ajay T. Kanawade)
Advocate

Kailas Chima Chakor

AFFIDAVIT

Solemnly Affirmed Before Me By Shri / Smt.

Kailas Chima Chakor

Age 48 Years Occu: Agri

R/o. Pimpale

Tq. Sanganner Dist. Ahmednagar

Who Identified by Ajay T Kanawade

Whom He/ She is Personally Known.

BEFORE ME

21-3-24

Bhaskar Shriram Dhonde Patil
B.A.L.L., D.L.L. & L.W.
Advocate & Notary Govt. of India
AREA-AURANGABAD DIST.
(Mob.) : 9822242637 Reg. No. 3763

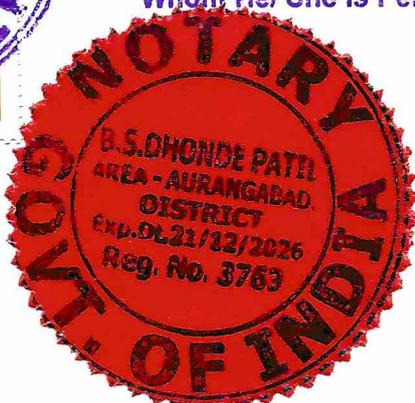
21 MAR 2024

NOTED & REGISTERED

AT Sr. No. 6989 2024

THIS DOCUMENT CONTAINS

07 PAGES



कैलास चिमा चकोर

**BEFORE THE HON'BLE NATIONAL GREEN
TRIBUNAL (WZ) PUNE**

ORIGINAL APPLICATION NO. 97 OF 2023

Kailas Chima Chakor

.....Applicant

vs.

STATE OF MAHARASHTRA

AND ORS.

.....Respondents

**AFFIDAVIT IN SUPPORT OF REJOINDER ON
BEHALF OF APPLICANT TO THE REPLY FILED BY
THE RESPONDENT NO 8 AND RESPONDENT NO. 9
TO 11**

I, Kailas Chima Chakor, Age:48 Years Occu. Agri.
R/o. Pimpale, Tal. Sangamner Dist. Ahmednagar do hereby
state on solemn affirmation that:-

- 1) I am the Applicant in the present Application filed
before this Hon'ble National Green Tribunal (WZ),
Pune.
- 2) I have fully acquainted with the facts and
circumstances of the present Rejoinder and I am
competent to swear herein.
- 3) I have read and understand the contents of the
Rejoinder which are as per my say and which are
drafted as per my instruction.

BEFORE ME

R.S. DHONDE PATIL
Advocate, Govt. of India
Reg. No.: 3763

कैलास चिमा चकोर

4) The contents of the Rejoinder in original Application are true and correct and it bears my signature.

WHEREAS STATED IN THE AFFIDAVIT IS TRUE AND CORRECT TO BEST OF MY KNOWLEDGE AND BELIEF AND INFORMATION THEREFORE I HAVE PUT MY SIGNATURE HEREIN ON 21 DAY OF March 2024.

Identified and Explained by
A
Adv. Ajay T. Kanawade

केलार चिमा चकोर
Kailas Chima Chakor
DEPONENT

AFFIDAVIT

Solemnly Affirmed Before Me By Shri / Smt
Kailas Chima Chakor
Age 48 Years Occu: Agri
To Pimpole
Ta Sargam Dist. Pras
Who Identified by Dr. A.T. Kanwade
Whom He/ She is Personally Known.

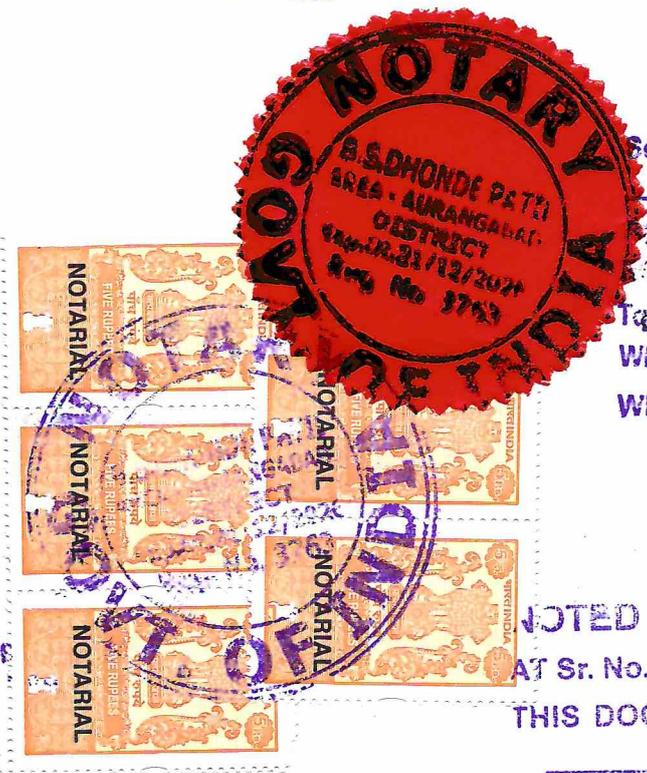
BEFORE ME

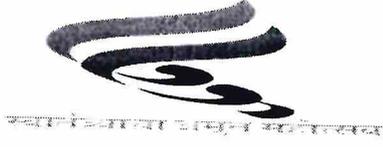
21.3.24
Bhaskar Shriram Dhonde Patil
B.A.L.L., D.L.L. & L.W.
Advocate & Notary Govt. of India
AURANGABAD DIST.
(Mob.) : 9822242627 Reg. No. 3763

NOTED & REGISTERED
AT Sr. No. 6992 / 20 24
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21 MAR 2024

केलार चिमा चकोर





उपअभियंता जि.प.सा.बां उपविभाग,पंचायत समिती संगमनेर,ता.संगमनेर,जिल्हा अहमदनगर ,इंमेल आयडी

sangamzppwsd2014@gmail.com

जा.क्र/बांध/चित्रशाखा/४५८/२०२४

दि. ५.३.२०२४

दाखला

दाखला देण्यात येतो कि,श्री.कैलास चिमाजी चकोर, अर्जदार रा.पिंपळे ता.संगमनेर यांनी केलेल्या अर्जानुसार दाखला देण्यात येतो कि, पिंपळे,मालदाड ते संगमनेर हा रस्ता इतर जिल्हा मार्ग क्रमांक २६७ दर्जाचा असून या रस्त्याच्या बाजूस गट नं. ५२२ मध्ये ज्ञानेश्वर हरीभाऊ चकोर यांचे मालकीचे क्रशर असून अर्जदारने अर्जात नमूद केल्या प्रमाणे पिंपळे ते मालदाड या रस्त्यापासून क्रशर किती अंतरावर आहे याची फेरमागणी केल्या प्रमाणे सध्दा रस्त्याची दिनांक ५/३/२०२४ रोजी स्थळ पहाणी केली असता रस्त्याच्या मध्यापासून क्रशर पर्यंतचे अंतर हे सरासरी ४४.७३ मी.इतके आहे.तरी सदरचा दाखला हा अर्जदार यांना कोर्ट कामी दिला असे.

उपअभियंता

जि.प.सा.बां.उपविभाग संगमनेर

Deputy Engineer Z.P.P.W.D. Sub-Division, Panchayat Samiti Sangamner,

Tal. Sangamner, Dist. Ahmednagar

Email. Sangamzppwsd2014@gmail.com

Ja.Kr/Band/Chitrashakha/458/2024

Date:05.03.2024

CERTIFICATE

It is certified that, Applicant Shri Kailas Chima Chakor , R/o: Pimpale, Tal. Sangamner. According the application made by the applicant this certificate is given that, the road from Pimple, Maldad to Sangamner is having status of the Other District Road No.267 and on the side of this road the Gut. No. 522 there is a crusher owned by Dnyaneshwar Haribhau Chakor as mentioned by the applicant in the application. As per the application made for the measurement of the distance of the crusher from the Pimpale- Maldad Road, When the spot inspection was done on 05/03/2024 the distance between from the middle of the road and the said crusher was measured. The distance is averagely 44.73 Meters. Accordingly this certificate is given to the applicant for the Court purpose.

Sign

Dy. Engineer

Z.P.P.W.D. Sub-Division Sangamner

True Copy
A
Dr. A.T. Kanawade