

**BEFORE THE NATIONAL GREEN TRIBUNAL****WESTERN ZONAL BENCH AT PUNE**

(Under Sections 14 and 15 of the National Green Tribunal Act, 2010)

**ORIGINAL APPLICATION NO. 91 OF 2019****IN THE MATTER OF:**

POHRA BACHAV SAMITI

... APPLICANT

VERSUS

AMRAVATI MUNICIPAL

CORPORATION &amp; ORS.

... RESPONDENTS

**INDEX**

<b>S. No.</b>	<b>Particulars</b>	<b>Page No.</b>
1.	<b>Rejoinder to 'Written Submissions' on Behalf of Respondent No. 1 dated 14.12.2020</b>	108-121
2.	<b><u>ANNEXURE A-9</u></b> copy of Resolution of Pohra Bachav Samiti	122
3.	<b><u>ANNEXURE A-10</u></b> A copy of the order of the Hon'ble High Court of Bombay in <b>PIL 87/2013 Vanashakti Public Trust and Ors. v. Union of India and Ors.</b>	123-124

**FILED BY:**


**RITWICK DUTTA    RAHUL CHOUDHARY    MAITREYA GHORPADE**  
**ADVOCATES**

COUNSELS FOR THE APPLICANT

N-71, Lower Ground Floor, Greater Kailash-I,

New Delhi - 110038

Mobile: 9312407881

Email: litigation.life@gmail.com

**Place:- Delhi/Pune****Date:- 22.09.2021**

**BEFORE THE NATIONAL GREEN TRIBUNAL**

**WESTERN ZONAL BENCH AT PUNE**

(Under Sections 14 and 15 of the National Green Tribunal Act, 2010)

**ORIGINAL APPLICATION NO. 91 OF 2019**

**IN THE MATTER OF:**

POHRA BACHAV SAMITI ... APPLICANT

VERSUS

AMRAVATI MUNICIPAL CORPORATION & ORS. ... RESPONDENTS

**REJOINDER ON BEHALF OF APPLICANT IN RESPONSE TO WRITTEN SUBMISSIONS FILED BY RESPONDENT NO.1 DATED 14.12.2020**

**MOST RESPECTFULLY SHOWETH:**

1. That the present Application has been filed under Sections 14 and 15 of the National Green Tribunal Act, 2010 raising substantial question relating to the environment arising out of massive reclamation and concretization of and construction in the Chhatri Tank, a wetland situated in Amravati District, Maharashtra, being carried out by the Respondent No.1 'Amravati Municipal Corporation' (hereinafter referred to as 'AMC'), in violation of the Wetlands (Conservation and Management) Rules, 2017 (hereinafter referred to as the 'Wetland Rules, 2017'), EIA Notification, 2006, and orders of the Hon'ble Supreme Court and Hon'ble High Court of Bombay.
2. It is submitted that Chhatri Tank is a wetland in Amravati, Maharashtra, which has been included in the National Wetland Inventory and State Wetland Atlas. As per the Wetland Rules, 2017, any construction of a permanent nature, as well as handling of construction waste within 50 metres of the High Flood Level of a wetland is prohibited.

3. However, in stark violation of the Wetland Rules, 2017, the Amravati Municipal Corporation has undertaken construction works being carried out within the wetland, including Indoor Pavilion and chain link fencing, Ghat and Chowpaty, Pathway and Parking, Desilting of lake, Fountain and lazer show, Skywalk/ jogging track, Landscaping, Multicable Suspension Bridge, Horticulture, Boating and Mini train, Holographic Show, Mirror Maze/ 7D Motion Ride, Adventure Park and outdoor games under the garb of 'beautification' of Chhatri Tank.
4. That vide order dated 19.02.2020, this Hon'ble Tribunal had directed Respondent No. 2, Maharashtra State Wetland Authority, and Respondent No. 4, Deputy Conservator of Forest, Amravati District, to furnish a Joint Inspection Report before the next date of hearing.
5. However, as has been observed by this Hon'ble Tribunal in the next date of hearing, i.e., on 2.09.2020, that such Joint Inspection Report was not furnished by either of the Respondents Nos. 2 and 4. Furthermore, vide order dated 2.09.2020, this Hon'ble Tribunal had directed the Respondents to submit replies within 4 weeks thereof. That however, only the Respondent No. 1 Amravati Municipal Corporation has filed 'Written Submissions' dated 14.12.2020.
6. That at the outset, it is submitted that the averments raised by the Amravati Municipal Corporation in written submissions dated 14.12.2020 are wholly untenable in law and are denied in their entirety, unless specifically admitted by the Applicant. That the following is a contention-wise response to the averments raised by Amravati Municipal Corporation (AMC):  
**ON LOCUS STANDI**
7. It is submitted that the Applicant is an organization that has been formed by local residents for the purposes of protecting the Pohra-Malkhed Eco-

Sensitive Forests. However, AMC has on **Para 1(a), Pg. 56** stated that the Applicant herein has no *locus standi* to approach this Hon'ble Tribunal. However, the Applicant denies such statement as it is contrary to established jurisprudence of this Hon'ble Tribunal with regards to locus of Applicants approaching this Hon'ble Tribunal seeking protection and restoration of the environment.

8. It is submitted that the Section 2(I)(j)(v) of the National Green Tribunal Act, 2010, clearly states that 'person as defined under the Act, includes 'an association of persons or body of individuals, whether incorporated or not'.
9. It is submitted that the Applicant herein is an organization that has been formed for the purposes of protecting the Pohra-Malkhed Eco-Sensitive Forests, within which the said Chhatri Tank is located. That furthermore, the members of the Applicant organization are also residents of Amravati City, and therefore cannot be said to be alien to the present Application whatsoever. That there is a direct interest in protection of vulnerable wetlands, as per the Wetland Rules 2017 and orders of the Hon'ble Supreme Court, and therefore, there exists valid locus standi for the Applicant to approach this Hon'ble Tribunal seeking protection and restoration of Chhatri Tank.
10. That as was held in *Amit Maru v. MoEF & Ors* vide order dated 1.10.2014, any person may raise environmental disputes, with the only applicable conditions thereto being that such Application may not be filed with *malafide* intention, and that the Applicant may not be totally alien. Accordingly, this Hon'ble Tribunal held:

*"11. Now, the term 'environment' has to be interpreted liberally. The environmental dispute cannot be cribbed, cabined or put in the small compass of 'personal disputes' or 'property disputes' or "disputed rights between two groups" or "individual rights". The damage caused to environment has to be looked from holistic angle. **Any person may raise environmental dispute irrespective of his being personally affected due***

**to the act of wrong doer/polluter or violater of environmental Law/Norms. The only barrier is that such a person shall not file the Application with malafide intention. Secondly, he shall not be totally alien. In other words, if it is demonstrated that the Applicant is a person interested in protection of environment, or at least restitution of environment, then prima facie, he has locus standi to maintain the Application."**

*(emphasis supplied)*

11. Furthermore, a similar stand has been taken by this Hon'ble Tribunal in the case of *Vimal Bhai v. Tehri Hydro Development Corporation and Ors.* wherein vide order dated 13.04.2017, this Hon'ble Tribunal held:

**"12. We are not impressed by any of these averments. Merely because the applicant is not a resident of Chamoli village, does not per se mean that he has no right to file the present application raising a substantial question of environment within the ambit and scope of the provisions of Section 14 of the Act of 2010. The construction of a Hydroelectric project in an eco-sensitive State like Uttarakhand would not be a localized issue of the village but its impact would be felt all over. The language of Section 14 read in conjunction with Section 18 of the Act of 2010 clearly provides that the expression locus-standi will have to receive a liberal interpretation and the application cannot be thrown out on this ground, if it otherwise raises a substantial question of environment in accordance to the implementation of any legal right in relation to the Acts mentioned in Schedule-I of the Act of 2010."**

*(emphasis supplied)*

12. It is therefore submitted, that the *locus standi* in the instant Application will have to receive a liberal interpretation, and the instant Application cannot be dismissed merely on the ground of *locus standi* as alleged by AMC, as the instant Application raises substantial question relating to Wetland Rules, 2017 and protection and restoration of the environment. That for abundant caution, the Applicant organization has passed Resolution affirming the

undertaking of present proceedings in Meeting held in September 2021. A copy of Resolution of Pohra Bachav Samiti is annexed and marked herewith as **ANNEXURE A-9.**

#### **APPLICABILITY OF WETLAND RULES**

13. The Applicant had submitted that the impugned project is being executed in violation of the Wetland (Conservation and Management) Rules, 2017. In response, the AMC as on **Para 7(2), Pg. 64**, has stated that since the Government Resolution dated 8.03.2016 was passed prior to the notification of Wetland Rules, 2017 and the order of the Hon'ble Supreme Court in M.K. Balakrishnan (supra), the impugned project is exempt from application of Wetland Rules, 2017. The Applicant denies the veracity of these statements. It is submitted that such contentions are untenable in law owing to the following reasons.
14. It is submitted that the list of prohibited activities as per Rule 4(2)(vi) of Wetland Rules 2017 has been taken verbatim from the Rule 4(2)(vi) of Wetland Rules, 2010, which means that the prohibited activities as per Wetland Rules, 2017, were also prohibited activities since the notification of Wetland Rules, 2010. That therefore, the submissions of the AMC that the impugned beautification project is exempt from application of Wetland Rules is untenable.
15. That AMC has submitted as on **Para 7(2) Pg 63**, that the Wetland Rules, 2017 came into force after the Government Circular dated 8.03.2016, and therefore, there cannot be said to be a violation of the provisions of the Wetland Rules, 2017. The Applicant however, denies these submissions as being patently misleading and untrue.
16. The Applicant submits that Government Resolution dated 8.03.2016 is regarding the implementation of a Government of Maharashtra scheme to provide 'Essential Amenities/Basic Utilities' to different Municipal Corporations/Urban Local Bodies in Maharashtra. A perusal of such

resolution, at **Pgs 92-97**, makes it clear that it in no way, form, or manner makes any mention of any of the activities planned under the impugned project, such as "Fountain and lazer show, Skywalk/ jogging track, Landscaping, Multicable Suspension Bridge, Horticulture, Boating and Mini train, Holographic Show, Mirror Maze/ 7D Motion Ride, Adventure Park, etc." The Applicant submits that the Government Resolution dated 8.03.2016 does not in any way legitimize or sanction the activities being undertaken by the AMC under the garb of beautification which are directly in violation of the Wetland Rules, 2017. The Applicant reiterates that AMC is attempting to mislead this Hon'ble Tribunal and denies their submissions regarding non-applicability of Wetland Rules, 2017.

17. That Applicant submits that, as is evident per **ANNEXURE A-4, on Pg. 33**, the Technical Approval for Budget outline for 'Chhatri Tank Beautification' was submitted for approval by the AMC to the Public Works Department on 2.08.2018. Therefore, the budget approval for the impugned project was still being applied for by the AMC several months after notification of Wetland Rules, 2017.

18. Furthermore, it is evident, as per submissions made by AMC itself as on **Para 5 Pg 61**, that the 'Work Order' for the impugned project was issued on 15.12.2018, by the Divisional Commissioner, Amravati Division. Therefore, it is clear that such was issued after the notification of Wetland Rules, 2017 and the order of the Hon'ble Supreme Court in M.K. Balakrishnan (supra).

19. It is therefore submitted that the averments regarding non-applicability of the Wetland Rules, 2017, and the order of the Hon'ble Supreme Court are untenable in law and liable to be rejected by this Hon'ble Tribunal. The AMC has attempted to mislead this Hon'ble Tribunal by citing the Government Resolution dated 8.03.2016, which was specifically intended for 'essential amenities/basic utilities' only.

20. That *arguendo*, even if it is accepted that the impugned project was sanctioned prior to the notification of the Wetland Rules, 2017, the impugned project would still be prohibited by virtue of the Wetland Rules, 2010, and the order of the Hon'ble High Court of Bombay in **PIL 87/2013 Vanashakti Public Trust and Ors. v. Union of India and Ors.** vide order dated 14.10.2013, wherein the Hon'ble High Court of Bombay had directed that there shall be no reclamation of lands and *no construction whatsoever* will be permitted in and on the areas which have been identified as Wetland areas as per the Wetland Atlas. That therefore, Chhatri Tank being included in the Wetland Atlas, is squarely protected by the said order of the Hon'ble High Court of Bombay, such being passed several years before the Government Resolution dated 8.03.2016. A copy of the order of the Hon'ble High Court of Bombay in **PIL 87/2013 Vanashakti Public Trust and Ors. v. Union of India and Ors.** is annexed and marked herewith as **ANNEXURE A-10.**

#### **PERMANENT CONSTRUCTION WITHIN WETLAND**

21. The Applicant has previously submitted that the impugned project is encroaching upon wetland area and undertaking permanent constructions which are in violation of Rule 4 of the Wetland Rules, 2017. In Response, as on **Para 7(5) Pg 66**, AMC states that "*Nothing of any kind like that of permanent construction is or was undertaken by the answering respondent in the premises under question*". However, the Applicant denies such statements as they are misleading and untrue. It is patently evident from the Administrative Approval granted to the impugned project that various constructions of a permanent nature will be undertaken. That it is not possible to have temporarily constructed Ghat and Chowpaty, Pathway and Parking, Fountain and lazer show, Skywalk/ jogging track, Multicable Suspension Bridge, Mirror Maze/ 7D Motion Ride, Adventure Park, etc. and

any stand to the contrary by the AMC is an attempt to mislead this Hon'ble Tribunal.

22. Furthermore, as is evident from photographs annexed by the Applicant at **ANNEXURE 6, Pgs 36-45**, it is clear that various permanent structures of concrete, brick, and other construction materials are being constructed along the periphery of Chhatri Tank. That such construction is not permitted as per the Rule 4(2)(vi) of Wetland Rules, 2017, which clearly state that all forms of construction which is permanent in nature are prohibited within 50 metres of the mean high flood level of the wetland.

23. That the photographs as annexed to the present Application as **ANNEXURE A-6 Pgs. 36-45**, clearly indicate that permanent construction is being carried out within the wetland area of the Chhatri Tank, and therefore, the submissions of the AMC are *prima facie* liable to be rejected as such are patently misleading this Hon'ble Tribunal. That no evidence, either in the form of photographic files or otherwise, has been submitted on record by the AMC in furtherance of their claims, and the attempt by AMC to deceive this Hon'ble Tribunal is patently evident.

24. It is therefore submitted that all the constructions carried out by the AMC under the garb of providing essential services are liable to be demolished at the earliest, as the AMC has provided no justification for the blatant violation of the Wetland Rules, 2017. That the Hon'ble Supreme Court in **Mantri Techzone Pvt. Ltd. v. Forward Foundation** reported in **2019 SCC OnLine SC 322** while directing for the demolition of illegally constructed structures within wetlands, have ordered for the restoration of the area to its original condition. The Hon'ble Supreme Court herein have held that this Hon'ble Tribunal is empowered to provide for restitution of property and environment under Section 15 of the National Green Tribunal Act, 2010, and have stated:

*"42. The Tribunal has also jurisdiction under Section 15(1)(a) of the Act to provide relief and compensation to the victims of*

*pollution and other environmental damage arising under the enactments specified in Schedule I. Further, under Section 15(1)(b) and 15(1)(c) the Tribunal can provide for restitution of property damaged and for restitution of the environment for such area or areas as the Tribunal may think fit. It is noteworthy that Section 15(1)(b) & (c) have not been made relatable to Schedule I enactments of the Act. Rightly so, this grants a glimpse into the wide range of powers that the Tribunal has been cloaked with respect to restoration of the environment.*

*43. Section 15(1)(c) of the Act is an entire island of power and jurisdiction read with Section 20 of the Act. The principles of sustainable development, precautionary principle and polluter pays, propounded by this Court by way of multiple judicial pronouncements, have now been embedded as a bedrock of environmental jurisprudence under the NGT Act. Therefore, wherever the environment and ecology are being compromised and jeopardized, the Tribunal can apply Section 20 for taking restorative measures in the interest of the environment.*

*44. The NGT Act being a beneficial legislation, the power bestowed upon the Tribunal would not be read narrowly. An interpretation which furthers the interests of environment must be given a broader reading. (See Kishore Lal v. Chairman, Employees' State Insurance Corpn. (2007) 4 SCC 579, para 17). The existence of the Tribunal without its broad restorative powers under Section 15(1)(c) read with Section 20 of the Act, would render it ineffective and toothless, and shall betray the legislative intent in setting up a specialized Tribunal specifically to address environmental concerns. The Tribunal, specially constituted with Judicial Members as well as with Experts in the field of environment, has a legal obligation to provide for preventive and restorative measures in the interest of the environment.*

...

*60... All the offending constructions raised by Respondents Nos. 9 and 10 of any kind including boundary wall shall be demolished which falls within such areas. Wherever necessary dredging operations are required, the same should be carried out to restore the original capacity of the water spread area and/or wetlands. Not only the existing construction would be removed but also none of these Respondents - Project Proponent would be permitted to raise any construction in this zone."*

### ***Impugned Project in Violation of Wetland Rules, 2017***

25. The Applicant has submitted that the impugned project is being executed in violation of the Wetland Rules, 2017, as AMC has undertaken permanent construction within 50 metres of the High Flood Line of Chhatri Tank.
26. That Rule 4(2)(vi) of the Wetlands (Conservation and Management) Rules, 2017 states that any construction of a permanent nature within 50 metres

of the high flood level is prohibited. It is submitted that there is absolute prohibition within wetland areas and no permission for construction of any kind can be given within 50 metres of the High Flood Level of Chhatri Tank as per Wetland Rules, 2017, with only construction of boat jetties permitted.

27. That the Hon'ble Supreme Court in **M.K. Balakrishnan and Ors v. Union of India and Ors** reported in **(2017) 7 SCC 810** has specifically directed for the application of the principles of Rule 4 of the Wetlands (Conservation and Management) Rules, 2010 for all 2,01,503 wetlands identified in the "National Wetland Inventory & Assessment". It is submitted that Chhatri Tank has been identified as a wetland by the Central and State Authorities, and accordingly, it is an uncontested fact that the said Chhatri Tank is an identified wetland and therefore is liable to be protected as per the Wetland Rules, 2017.

#### **THREAT TO WILDLIFE**

28. The Applicant had submitted that the impugned project is situated in an area that is rich in biodiversity, and that the impugned project is likely to adversely impact such biodiversity. It is submitted that the AMC has, as on **Para 7(3), Pg. No. 64**, refused to comment on the effect of the project on wildlife residing in the forests abutting the impugned project, and has merely stated that *"since the said area falls within the jurisdiction of the Forest Department it is not necessary for this respondent to comment more on that aspect"*. The Applicant denies this statement as being misleading and untrue.

29. As per **Para 7(4) Pgs 65-66**, AMC suggests that *"the said work is undertaken on the Northern side of the tank, which would not affect the tank in any respect on the contrary, on account of the development work, there will be strengthening to the existing tank."* However, no further explanation or analysis is provided on this issue, and no clarity exists on how construction of walls will be beneficial to the Chhatri Tank, or the

wildlife that frequent the area for drinking water purposes. Therefore, it is clear that the AMC are not serious about conservation of biodiversity and protection of the environment.

30. That the Applicant herein has contended that the Chhatri Tank is one of the few water spots in the area which is accessed by wildlife for drinking purposes. That such has also been accepted by the office of Respondent No. 4 Deputy Conservator of Forests, Amravati, as has been annexed in the present application as **ANNEXURE A-7, Pgs 46-49**, which states that *"the Chhatri Talao wetland is extremely important from biodiversity and ecological point of view. Chhatri Talao is surrounded by forest on three sides. The wildlife residing in the forest such as leopard, black bucks, spotted deer, hyena etc. depend upon Chhatri talao for drinking water. **There is no other water source in an area of 10 sq. km. available for wildlife.** It is an critical habitat to more than 40 species of migrant birds and around 200 species of local birds."*

31. The Deputy Conservator of Forests, Amravati, further goes on to state that the impugned project will lead to route of animals being blocked due to construction of wall fencing and elevated pathway, disturb the bird biodiversity and result in its reduction, and also may lead to water pollution in the tank affecting aquatic biodiversity.

32. That the construction activities planned on the Chhatri Tank are likely to have a deleterious impact on the wildlife residing in that area, as increased human intervention is likely to drive the wildlife away from the area, in addition to plastic and demolition waste likely to be generated during the construction and operation of the impugned project, being a serious risk to environment.

33. As on **Para 9, Pg. 67**, AMC has agreed that there is a wide variety of biodiversity in and around the Chhatri Tank. AMC further goes on to state that owing to the wildlife in the area, there is a chance to boost tourism in Amravati city. It is submitted that while the Applicant is not against

boosting tourism opportunities in Amravati city, such cannot be done at the cost of vulnerable wildlife and eco-sensitive biodiversity hotspots, in violation of existing statutory rules and orders of the Hon'ble Supreme Court and Hon'ble High Court of Bombay.

34. That therefore, it is submitted that the AMC may be directed to be permanently restrained from carrying out the impugned project in and around the prohibited area of Chhatri Tank, and that they may be directed to ensure restoration of the area in a time-bound manner without causing damage to the local ecology.

**ON JOINDER OF PARTIES**

35. AMC has contended on **Para 1(d) Pg 57**, that the Applicant has not joined proper parties to the proceedings. The Applicant denies that there non-joinder of proper parties. It is submitted that as is evident per order dated 19.02.2020, this Hon'ble Tribunal has deemed joinder of Respondent No. 4 Deputy Conservator of Forest, Amravati District, bearing in mind the facts and circumstances of the present Application.

36. The AMC's submits that there is non-joinder of 'Collector of District' which, according to the AMC itself, is the 'agency which is executing the work of beautification'. However, such is in contradiction to AMC's submissions itself as on **Para 4, Pg. 60**, wherein the AMC clearly states that "*...the answering respondent is the executing agency*". That the Amravati Municipal Corporation is clearly the authority responsible for execution of the said beautification project.

37. It is therefore prayed that in light of the above mentioned, this Hon'ble Tribunal may grant a permanent injunction against the impugned project, as well as order AMC to pay compensation for damage to wetland area and restitution thereof and grant the prayer mentioned in the Original Application.

20

N. R. S. No. 1837/2021  
Dt. 21.09.2021

Pass any such Order deemed fit by this Hon'ble Tribunal in the facts and circumstances of the case.

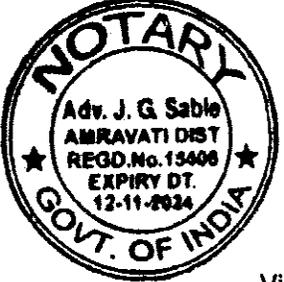
  
APPLICANT

THROUGH:  


RITWICK DUTTA      RAHUL CHOUDHARY      MAITREYA GHORPADE

COUNSEL FOR THE APPLICANT  
N-71, Lower Ground Floor,  
Greater Kailash-I, New Delhi - 110048  
Email: litigation.life@gmail.com  
Ph: 93124 07881

# Notary



## VERIFICATION

I, Sagar Ashokrao Maidankar, Age- 34 yrs. Occu.- Service R/o- 40/1 Vijay Colony, Tower Line, VMV Road, Amravati – 444604 hereby solemnly affirm and state as under:

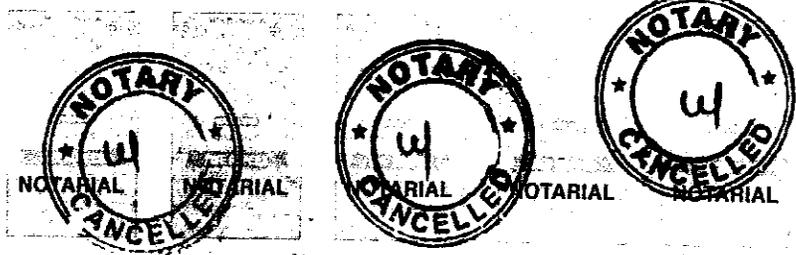
1. That I am the authorized representative of the Applicant organization in the above titled Application and I am conversant with the facts and the circumstances of the case and competent to swear this affidavit.
2. That that the contents of the present ~~Rejoinder~~ are true to my knowledge and/ or based on information, and/or the contents are based on the legal submission and/or inferences of facts, which I believe to be true.

Date:21/09/2021  
Place:Amravati



  
APPLICANT

ATTESTED BY ME  
*Jayant Sable, 21/09/2021*  
Adv. Jayant G. Sable  
NOTARY- GOVT. OF INDIA  
AMRAVATI DISTRICT



N. R. S. No. 1838/2021

Dt. 21.09.2021

121

**BEFORE THE NATIONAL GREEN TRIBUNAL  
WESTERN ZONAL BENCH AT PUNE  
ORIGINAL APPLICATION NO. 91 OF 2019**

**IN THE MATTER OF:**

POHRA BACHAV SAMITI

... APPLICANT

VERSUS

AMRAVATI MUNICIPAL  
CORPORATION & ORS.

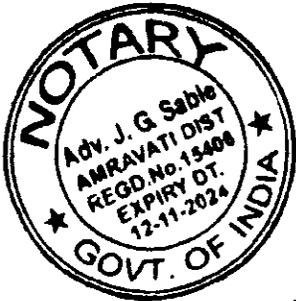
... RESPONDENTS

**AFFIDAVIT**

I, Sagar Maidankar, r/o 40/1 Vijay Colony, Tower Line, VMV Road, Amravati – 444604 hereby solemnly affirm and state as under:

1. That I am the authorized representative of the Applicant organization in the above titled Application and I am conversant with the facts and the circumstances of the case and competent to swear this affidavit.
2. That the contents of the accompanying Rejoinder are true and correct and nothing material has been concealed therefrom.

**Notary**



**DEPONENT**

**VERIFICATION**

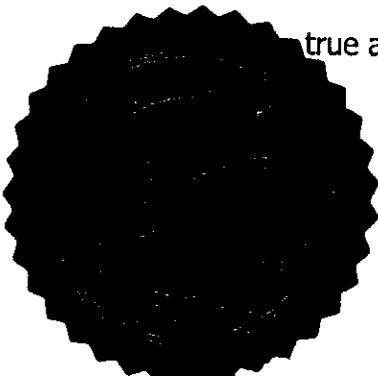
I, Sagar Ashokrao Maidankar, Age- 34 yrs. Occu.- Service R/o 40/1 Vijay Colony, Tower Line, VMV Road, Amravati – 444604 Verified on this 21 of September 2021 that the contents of the above mentioned affidavit are true and correct and nothing material has been concealed therefrom.

**DEPONENT**

I do Swear in the name of God solemnly affirm  
That, This is my Name and signature (or Mark) and that the Contents of this my Affidavit are true

Signature of Deponent

*Joyant Sable*  
21/09/2021  
Signature of Notary



NOTARIAL

NOTARIAL

NOTARIAL

122  
ANNEXURE A 9



# POHARA BACHAO SAMITI

Vijay Colony, Amravati.

Ref. No. - 246/21

Date : 21/09/2021

CERTIFIED TRUE COPY OF THE RESOLUTION PASSED AT THE MEETING OF THE Pohra Bachao Samiti, HELD ON 15/09/2021:

**RESOLVED THAT** Shri Sagar Mahirkar be authorized to sign, make application, file appear, provide explanation, submit, authenticate documents to be filed with National Green Tribunal and other statutory authorities pertaining to the legal matters of the organization.

**RESOLVED FURTHER THAT** the above mentioned signatory be and is hereby authorized to do all acts, deeds, things as may be required to give effect to the above-mentioned resolution.

The signature of SAGAR MAIDANKAR as appearing below is duly attested.

Signature of Chairperson/Secretary

Signature Attested

For Pohra Bachav Samiti

Pohra Bachav Samiti

Amravati

(STAMPED)

123

ANNEXURE A-10



- 1 -

(PIL 87 of 2013)

VAT

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION  
PUBLIC INTEREST LITIGATION NO.87 OF 2013**

Vanshakti & Ors. ...Petitioners  
Vs.  
Union of India,  
through the Secretary MOEF &  
Ors. ...Respondents

\*\*\*\*\*

Ms. Gayatri Singh for Petitioners  
Mr. D.A. Dubey for Respondent No.1  
Mr. G.W. Mattos -AGP for Respondent No.2  
Ms. Sharmila Deshmukh for Respondent No.3  
Mr. N.R. Bubna for Respondent No.4

\*\*\*\*\*

**CORAM : V. M. KANADE &  
S.C. GUPTA, JJ.**

**DATE : OCTOBER 14, 2013**

P.C.

1. By order dated 16<sup>th</sup> September, 2013, we had directed the State Government to take a decision whether they propose to adopt the Wetland Atlas prepared by the Central Government, and whether they would like to prepare a brief document in respect of Wetland Atlas for the State of Maharashtra as envisaged under Rules 6(2) and 6(3) of the Wetland Rules, 2010. Unfortunately, the said direction does not appear to have been incorporated in our order dated 16<sup>th</sup> September, 2013. We, therefore, now direct the Secretary, Department of Environment and the Secretary of Forest Department, State of Maharashtra to take a decision whether they

1/2

124



- 2 -

(PIL 87 of 2013)

propose to adopt Wetland Atlas, prepared by the Central Government under the said Rules and whether they would like to prepare their own brief document in respect of Wetland Atlas for the State of Maharashtra. If the State of Maharashtra does not propose to adopt the Wetland Atlas prepared by the Central Government, the Secretary, Department of Environment and the Secretary of Forest Department, State of Maharashtra to inform this Court the time frame within which the said brief document shall be prepared for the State of Maharashtra.

2. In the meantime, however, we deem it fit and proper to give a direction, in respect of the areas which have been identified as Wetland Areas in the Wetland Atlas by the Central Government, that no reclamation of land and any kind of construction shall be permitted without leave of this Court. The Secretary, Urban Development Department, State of Maharashtra is directed to issue a circular, informing the direction given by this Court to all the Corporations and the Zilha Parishads. Stand over to 29<sup>th</sup> October, 2013.

Parties to act on the copy of this order duly authenticated by the Registry of this Court.

**[S.C.GUPTA, J.]**

**[V. M. KANADE, J.]**