

BEFORE THE NATIONAL GREEN TRIBUNAL,
WESTERN ZONE BENCH, PUNE

(Under Section 14, 15 and 20 r/w Sections 17 & 18(1) of
The National Green Tribunal Act, 2010)

Application No.33/2018(WZ)

In the matter of :

Sanjay alias Bala Bhegade

APPLICANTS

V/s.

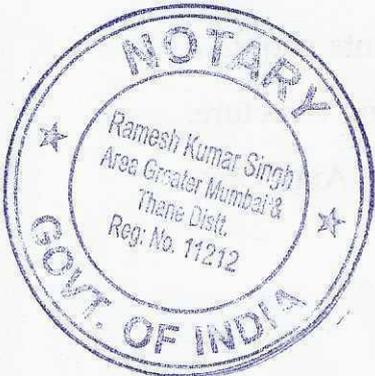
State of Maharashtra & others

RESPONDENTS

This Reply Affidavit of the Respondent No.5 is, as under:

I, Mr. Surendra Pandurang Naravekar, Age 65 years, Occ:
Business, R/at Gat No.148/1, Village Pale, Pama, at Pavananagar,
Taluka Maval, District Pune – 410 406, the Respondent No.5
herein, do hereby state on solemn affirmation, as under :

- 1) At the outset, these Respondents deny all the contentions, as are made by the Applicants in the application under reply, unless and until specifically admitted hereinafter.
- 2) These Respondents further submit that the application, as is filed by the Applicants, is not maintainable in law. The Applicant has absolutely no locus to file the present proceedings. In para 1, he himself has admitted that he



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belongs to a Political Party. He has filed the present application to further his political ambitions and nothing less. He is not directly affected by the properties owned by all the Respondents in any manner. Merely because he was the MLA from Maval Constituency, would not grant any proprietary to file the present application. He himself has not suffered any loss or damage, in any manner. Consequently, the application filed by the Applicants is required to be dismissed at threshold itself.

- 3) These Respondents further submit that the usage of the property by the Respondents is not violative of any of the statutory provisions, causing any environmental provisions or violations of any Environmental Laws, in any manner. Consequently, the Applicants have no cause of action to invoke the jurisdiction of this Hon'ble Tribunal.
- 4) These Respondents further submit that the application as filed is not maintainable, as per Section 14, 15 and 20 r/w Section 17 and 189 NGT Act, 2010. It is also barred by limitation. It is submitted that the present application has been filed in the month of March, 2018. These Respondents submit that the Respondent is using his house at Survey No.148/1, Village Pale, Taluka Maval for more than 15 years. It is further submitted that the Applicants acquired rights rights in the said land along with existing structure. These Respondents further submit that the Applicants



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constructed a residential structure thereat. The said structure is more than 25 years old. Consequently, the application, as is filed and the reliefs claimed by the Applicants, are barred by law. Apart from the same, the structure is a purely residential. It is used as a Farm House and is used merely for the purposes of agricultural practices and nothing else.

- 5) Without prejudice to the aforesaid, these Respondents submit, as under :
- 6) The contents of paras I and II do not require any comments at the hands of these Respondents. The contents of para III that there is any illegal anti-environment construction at and around Pavna Dam at Pavananagar, is incorrect and denied. There is no breach of Environment Protection Act, Biological Diversity Act or M.R.T.P. Act or MLRC Code. These Respondents submit that the Applicants cannot invoke the jurisdiction of this Hon'ble Tribunal under M.R.T.P. Act or MLRC Code. The contents of para IV that any substantial question, relating to environment or its restitution are involved, is absolutely incorrect and there is no necessity to impose any compensation for any alleged damage to ecology and society.
- 7) The brief facts stated by the Applicants are denied, unless and until specifically admitted hereinafter.

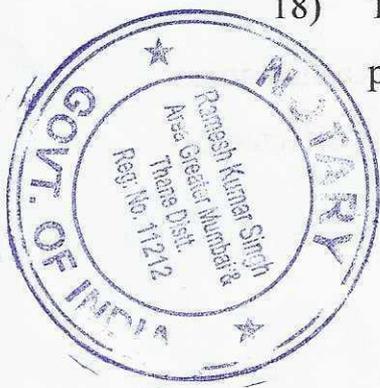


- 8) The contents of para 1 are only correct to state that the Applicant is an Ex-MLA from Maval Constituency, District Pune, belonging to a Political Party.
- 9) The contents of para 2 that Pavananagar is situate in Taluka Maval, is correct. However, it is incorrect that all the areas in Pavananagar are coming under the catchment area of Pavna Dam. The Pavananagar area is a Village habituated by human population since long.
- 10) The contents of paras 3, 4, 5, 6 and 7 are general statements made by the Applicants. However, there are various areas and pockets in the said area, which are habituated by human population since centuries. However, the same does not mention in the application as is made by him.
- 11) The contents of paras 8, 9, 10 and 11 are absolutely incorrect and denied. The Applicant is put to the strict proof of the construction, as is alleged by him.
- 12) The contents of para 12 that the Pavna Dam is situated in Maval Taluka, is correct. Already appropriate measures are taken for soil conservation, etc. in the said areas.
- 13) The contents of para 13 are absolutely incorrect and denied.



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- 14) The contents of para 14 state about the report of Western Gat Ecology Expert Panel dated 31st August, 2011. The same has no bearing on the facts of the present case. Moreover, it is an admission that the Applicants are aware about the same since 2011.
- 15) The contents of para 15 are absolutely false, misleading and denied.
- 16) The contents of para 16 that the notices u/s 53 M.R.T.P. Act were issued by the PMRDA, is correct. However, the said notices per-se are illegal. The said constructions are in existence since they coming within the territorial jurisdiction of Pune Metropolitan Regional Development Authority.
- 17) The contents of para 17 and the notices mentioned are matter of record. It is further to be noticed that, since the notices were issued at the instance of interested persons like the Applicants, without any legal basis, no action has been taken. More so, the same cannot be a cause of action to initiate the present application at all. It seems that the Applicants have ulterior motive to demolish the structure.
- 18) The contents of para 18, as are made out, are not within the personal knowledge, vis-à-vis Sale Deeds of these

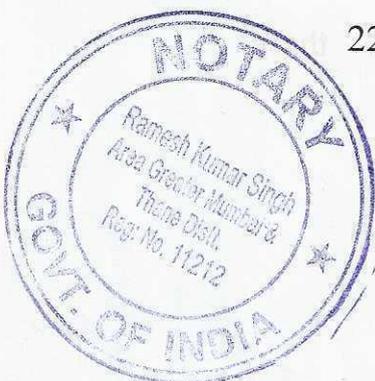


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Respondents, hence, are denied. The Google Maps shown are also vague and denied.

- 19) The contents of para 19, in respect of a judgment passed by the NGT Western Zone Bench, Pune, in the matter of Vikas Developers, is per-se not applicable. The said matter pertains to a layout sanctioned by the Lonavla Municipal Council in a residential area and, in the same, the open space of the layout was converted by the Developer Vikas Developers and they had also constructed unauthorized road by cutting the trees from the sanctioned layout. The same has no bearing on the facts involved in the present case.
- 20) The contents of para 20, regarding the case filed by NAB Lions Home for Aging Blinds, in which the Developer has not obtained prior permission under the Maharashtra Land Revenue Code for hill cutting and they were imposed with penalty under the MLRC Code. The case cited in para 21 is also not applicable to the facts involved in the present case.
- 21) The contents of paras 22, 23, 24, 25, 26, 27, 28 and 29 have absolutely no bearing on the facts involved in the present case.
- 22) The contents of para 30 is about Dr. Kasturiranjana Committee. The land of this Respondent is not affected by

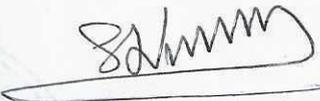
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the suggestions of the Kasturiranjana Committee, in any manner.

- 23) The contents of pars 31 and 32 are also vague and denied.
- 24) The grounds pleaded by the Applicants are absolutely based on incorrect facts and assumptions. They are per-se not based on any statutory or legal provisions and are denied in toto.
- 25) These Respondents submit that the Respondents had acquired rights, in respect of the land bearing 148/1, Village Pale, Taluka Mulshi, District Pune. As stated earlier, already there was a construction prior to the Respondents purchasing the same. Moreover, the same is purely a Farm House, which requires permission to construct. As such, the Applicants cannot invoke the jurisdiction of this Hon'ble Tribunal in the present matter.
- 26) It is, therefore, prayed that the present application may kindly be dismissed against the Applicants.

Pune,
Dated : 14.1.2023


(SURENDRA NARAVEKAR)
RESPONDENT No.5



VERIFICATION

Verified at Pune on this 14th day of January, 2023 that the contents of the above affidavit are correct to my knowledge and belief based on official records and nothing material has been concealed therefrom.

[Handwritten Signature]

DEPONENT
(SURENDRA NARAVEKAR)

DEFCRME

RK 14-1-23

RAMESH KUMAR SINGH
(Advocate & Notary Govt. of India)
Greater Mumbai & Thane Dist.
F-5, Sarvodaya Housing Society,
L.B.S. Nagar, 90 Feet Road,
Sakinaka, Mumbai-72.

Ajay/court/reply/ NARAVEKAR 13.1.2023

No.	587	2023
Date	14-1-23	

