



**BEFORE THE NATIONAL GREEN TRIBUNAL, WESTERN
ZONE BENCH, PUNE, AT PUNE**

ORIGINAL APPLICATION No.201 of 2023(WZ)

**IN THE MATTER OF
CHARAN BHATT**

... APPLICANT

Versus

**WETLAND DIVISION, MoEF & CC
& OTHERS**

... RESPONDENTS

Consolidated Reply Affidavit to the Respondents 16 to 23

MAY IT PLEASE THE HON'BLE TRIBUNAL

1. The Applicant in O.A. No. 201/2023 has filed the present application with the primary objective of protecting, preserving, and conserving the ecologically sensitive wetland and mangrove habitats, along with their dependent birdlife, wildlife, and associated ecological systems, located in the village of Sasunavghar. This application arises in response to the ongoing and large-scale environmental degradation being caused by systematic acts of eco-terrorism and anti-environmental activities. The wetlands in the area are being illegally converted into non-wetland land uses through the active collusion of certain officials and private actors. Due to the location's proximity to the highway, the area is being targeted for unlawful development, and



concerned officials appear to be deliberately misleading statutory authorities and the Hon'ble Courts to facilitate such environmental violations.

2. The Applicant respectfully submits that, in compliance with the order dated **15.01.2024** passed by the Hon'ble National Green Tribunal, Pune Bench, in O.A. No. 201/2023, a Joint Committee was duly constituted as per the directions in *para 13* of the said order, which states:

"13. We also deem it appropriate to constitute a Joint Committee comprising one member each of the Member Secretary, State Wetland Authority, the District Collector, Palghar, Member Secretary, State Wetland Conservation Committee, Additional Principal Chief Conservator, Forests and Maharashtra Coastal Zone Management Authority (MCZMA), the MCZMA being the nodal agency of the Committee, with a direction that the Committee shall visit the site in question in presence of the applicant after issuing notice to him about the date of visit and shall submit a report with respect to veracity of the averments made in the present Original Application, whether any dumping is being done in the area and whether illegal construction is being done there, if any and if yes, who are the persons who are doing these activities and any action taken by the Government Authorities in this regard, the measures to be suggested, compensation to be levied from the violators and the measures for restoration of the area."

3. In compliance with the said order, the Joint Committee conducted a site inspection on **04.04.2024**. The site visit was carried out in the presence of the Applicant and other officials, and the observations were recorded in the Committee report.



As mentioned in *para 2* of the report:

"The Joint Committee walked along most of the accessible portions of the stretch Starting from Kinara Dhaba having latitude 19°18'5.24"N and longitude 72°54'10.23"E as guided by the complainant. The stretch is around 2-3 km adjacent to the western express highway. Along the said stretch, the Joint Committee observed that mounds of construction debris/ soil are systematically dumped illegally. This has resulted in an increase in the land level at the said stretch. At certain locations, debris was observed on the existing dense/sparse mangrove vegetation dominated by Avicennia marina. At various locations, this debris is found to be disrupting the natural drainage system of the area which may cause flooding around the area.

Further, as recorded in *para 3* of the report:

"During the visit, Revenue and Mangrove Cell officials informed that most of the survey Nos. where illegal dumping of soil and debris observed are private lands. The Joint Committee observed that the confirmation of the ownership is the subject matter of the Revenue Authorities."

Additionally, the Committee in *para 4* of its report noted:

"The Joint Committee observed that Office of District Collector Palghar need to establish a mechanism to stop further dumping on priority basis in this site, further lifting of the construction debris / soil & other material from the site and dispose of scientifically as per the norms. It is observed that once the



construction debris is removed from the site, the natural process of restoration will take place which will also put in place the natural drainage system. After lifting of the debris, protection of the site is necessary in order to avoid further dumping."

Para 7 of the Joint Committee report :

Joint Committee referred the Wetland Atlas as per which, the said stretch is shown as Coastal Wetland – Natural – Intertidal Mudflats.

4. Accordingly, the Joint Committee has submitted its report based on direct site inspection, visual observations, verification through ISRO-SAC Wetland Atlas satellite data, and ground-level assessment, confirming ongoing and serious environmental violations, including illegal debris dumping, unauthorised constructions, obstruction of natural water bodies, destruction of mangrove habitats, and large-scale ecological degradation along the said stretch in Sasunavghar. The Committee's findings are further corroborated by the report submitted by the Office of the District Collector, Palghar, which also documents instances of illegal landfilling and dumping of construction debris in the area.



5. The Applicant submits that, as per the order of the Hon'ble National Green Tribunal, Pune Bench, dated: 23.10.2024 in the present Original Application, *para 4* of the said order states:

"The respondents are directed to submit their replies within three weeks. In the meantime, the State Pollution Control Board to act on each of the contents of the Joint Committee Report and to show the compliance of environmental rules and further ensure that there should not be any violation as recorded by the Joint Committee in its report."

- 5.1 In compliance with the said order, the Maharashtra Pollution Control Board (MPCB) has taken action by issuing *RMC closure directions* against Respondents 16 to 23, whose Ready-Mix Concrete (RMC) plants were found to be operating within the wetland stretch. This satellite-confirmed wetland area is also annexed to the present O.A., based on the Wetland Atlas prepared by ISRO SAC.

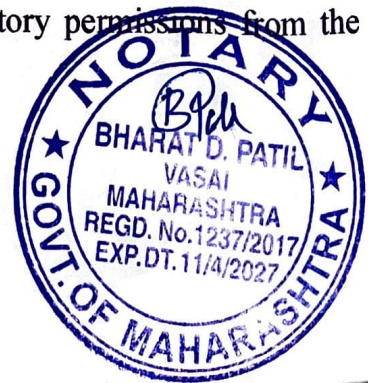
- 5.2 The construction and operation of these RMC plants constructed within a designated wetland area amounts to a direct violation of the **Wetlands (Conservation and Management) Rules, 2017** and the binding directions issued by the Hon'ble Supreme Court in *M.K. Balakrishnan & Ors. v. Union*



of India & Ors., Order dated 10.10.2023, wherein the Hon'ble Court recorded:

"Mr Gopal Sankaranarayanan, senior counsel submits that since the orders of this Court dated 8 February 2017 and 4 October 2017, there has been a material change in the extent of wetlands identified under the Indian Wetlands Atlas 2021 prepared by ISRO which has increased from 2.01 lakh hectares to 2.31 lakh hectares. Hence, it has been submitted that the protection which was granted by this Court may be extended to the expanded area as well."

6. The said RMC plants fall within the wetland stretch recorded in the ISRO-SAC Wetland Atlas 2021 and attached to the Joint Committee Report as *Annexure 5*. Therefore, the construction activity in this ecologically sensitive area not only contravenes **Rule 4** of the Wetlands Rules, 2017, which prohibits any permanent construction within wetlands, but also violates the Supreme Court's mandate to extend protection to the entire inventoried wetland area, including the expanded zones identified by ISRO ATLAS SAC.
7. The Applicant submits that Respondents 16 to 23 have obtained Consent to Establish from the Maharashtra Pollution Control Board (MPCB) for setting up Ready-Mix Concrete (RMC) plants under various environmental norms and MPCB guidelines. However, these RMC plants have not obtained any statutory permissions from the



concerned local planning authorities for undertaking construction or development, as required under the Development Control Regulations (DCR), Unified Development Control and Promotion Regulations (UDCPR), or the provisions of the Maharashtra Regional and Town Planning (MRTP) Act.

8. Furthermore, the Consent Letter issued by MPCB explicitly states that the consent shall not be treated as an exemption from obtaining necessary No Objection Certificates (NOCs) or approvals from Government agencies or local bodies, as may be deemed necessary. Despite this, the said RMC plants have failed to obtain mandatory development permission from the Urban Local Body, i.e., Vasai Virar City Municipal Corporation (VVCMC).
9. The Applicant, in order to verify this, filed a Right to Information (RTI) application with the Town Planning Department of VVCMC, which is the competent authority for granting such permissions. In response to the RTI, the department categorically stated that they do not possess any approval records or permission files for the RMC plants located in the Sasunavghar wetland stretch. A copy of the RTI response is annexed herewith as **Exhibit 1**.
10. The Applicant respectfully submits that the Respondents are willfully misleading this Hon'ble Tribunal and misusing its valuable judicial time by suppressing the true status of approvals and sanctions required




for setting up for RMC plants and are engaging in anti-environmental activities in brazen violation of the **Environment (Protection) Act, 1986**, the **Wetlands (Conservation and Management) Rules, 2017**, and binding judicial directions of the Hon'ble Supreme Court. The Respondents have unlawfully constructed Ready-Mix Concrete (RMC) plants within the ecologically sensitive wetland stretch of Sasunavghar, without obtaining any statutory development permission from the competent Urban Local Body, namely the **Vasai Virar City Municipal Corporation (VVCMC)**, and are further disseminating misleading and false information in an attempt to justify these patently illegal acts.

11. Despite the said area being classified as a Coastal Wetland – Natural – Intertidal Mudflat in the ISRO-SAC Wetland Atlas, the concerned authorities have not yet prepared or publish the any Wetland Brief Document under the Wetlands (Conservation and Management) Rules, 2017. This respondent RMC plants in the wetland stretch is in direct violation of the binding judgment of the Hon'ble Supreme Court of India in *M.K. Balakrishnan & Ors. v. Union of India & Ors.*, wherein the Court explicitly held that all wetlands identified in the Wetland Atlas must be granted full protection in accordance with law, and that no activity in derogation of the Wetlands Rules shall be permitted. The said judgment is binding in nature by virtue of Article

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141 of the Constitution of India, which provides that the law declared by the Supreme Court shall be binding on all courts and authorities throughout the territory of India. Moreover, the failure to protect the said wetland and prevent from converting wetland into non-wetland is also in clear violation of the constitutional mandates. Article 48A, Article 51A(g), Article 21

12. The Applicant submits that Respondents 16 to 23 have acted in gross violation of the **Environment (Protection) Act, 1986**, the **Wetlands (Conservation and Management) Rules, 2017**, the **Water (Prevention and Control of Pollution) Act, 1974**, and the provisions of the **Maharashtra Regional and Town Planning (MRTP) Act, 1966** the plant operating without permission. The said Respondents have also willfully disobeyed the binding directions of the **Hon'ble Supreme Court of India**, engaged in anti-environmental activities, and blatantly disregarded the guidelines and conditions laid down by the **Maharashtra Pollution Control Board (MPCB)**. Their actions represent a serious breach of the **Precautionary Principle**, by permitting irreversible harm to sensitive wetland ecosystems in the absence of prior environmental safeguards, and a flagrant violation of the **Public Trust Doctrine**, as wetlands are held in trust by the State for the benefit of the public and future generations. The Respondents, being direct contributors to ecological destruction, fall within the legal



framework of **polluters**, and thus attract liability under the **Polluter Pays Principle**, mandating that they bear the full cost of environmental restoration and compensate for the harm caused. Therefore, the Applicant most respectfully prays that this Hon'ble Tribunal may be pleased to invoke the **principle of environmental restitution** and pass appropriate directions to ensure restoration of the **damaged wetland**, and either direct the Respondents to **voluntarily dismantle and remove the illegal RMC plants** established within the wetland area, or, in the alternative, issue necessary directions for the **forcible demolition and clearance of such illegal structures** by the competent authorities, in accordance with law and in the interest of environmental justice.

Date: 03/07/2025

Nallasopara



Charan Bhatt
(Applicant-In-Person)



BEFORE ME


BHARAT D. PATIL
ADVOCATE & NOTARY
Aaradhana Co-op. Hsg. Soc. Ltd.
Flat No. B-10, Dindayal Nagar,
Vasai (W), Dist. Palghar-401201.

Notary Register Sr. No.	146/2025
Date:	3 JUL 2025

Solemnly Affirmed
and Executed before
me at Vasai on **3 JUL 2025**

Verification

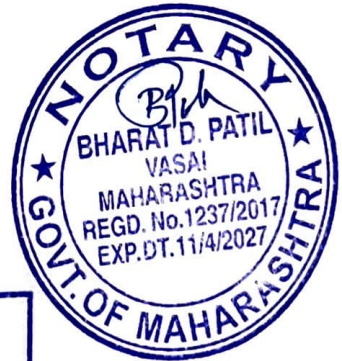
I, Charan Bhatt, do hereby state on solemn affirmation that the contents of the aforesaid paragraphs are true and correct to the best of knowledge, belief and information, thus I verify the same and sign over the present petition application on this day of July ,2025



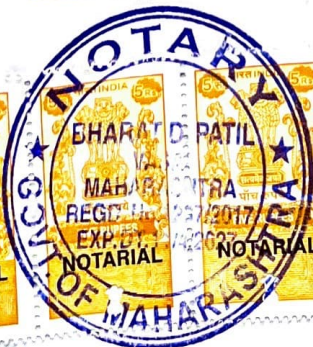
Verified at Vasai this 3rd day of July, 2025

BEFORE ME

Bh
BHARAT D. PATIL
ADVOCATE & NOTARY
Aaradhana Co-op.Hsg.Soc.Ltd.
Flat No. B-10, Dindayal Nagar,
Vasai (W), Dist. Palghar-401201.



Notary Register Sr. No.	146/2025
Date:	3 JUL 2025



मुख्य कार्यालय विरार
विरार (प),

ता. वसई, जि. पालघर, पिन ४०१ ३०३.



दूरध्वनी : ०२५०-२५२५१०१/०२/०३/०४/०५/०६
०२५०-२५२५१०
ई-मेल vasaivirarcorporation@yahoo.com

जा.क्र.: वविशम/नर/माअ/ ६००/०२५
दिनांक :- ११/३/२०२५

प्रति,

✓ श्री. चरण भट
रु नं. २, वर्तक कंपाऊंड,
आकांक्षा टॉवर जवळ,
नालासोपारा (पूर्व).

विषय:- माहितीचा अधिकार अधिनियम २००५ अंतर्गत माहिती
मिळणेबाबत.

संदर्भ:- आपला वसई विरार शहर महानगरपालिका, नगररचना विभाग (मु)
येथे प्राप्त दि. ०४/०३/२०२५ (आ.क्र.८७४५/२०२५)

महोदय,

उपरोक्त संदर्भित विषयान्वये आपणांस कळविणेत येते की, माहितीचा अधिकार अधिनियम-२००५ अंतर्गत, आपला अर्ज नगररचना विभागात संदर्भित नुसार प्राप्त असून आपल्या अर्जाच्या अनुषंगाने नगररचना विभागामधील उपलब्ध अभिलेख्यांची पडताळणी केली असता गाव मांजे ससुनवघर येथे सर्व नंबर ८९, ९०, ९१, ९२, ९३, ९४, ९५, ९६, ९७, ९८, ९९, १००, १०१, १०२, १०३, १०४, १०५, १०६, १०७, १०८, १०९, ११०, १११, ११२, ११३, ११४, ११५, ११६, ११७, ११८, ११९, १२०, १२१, १२२, १२३, १२४, १२५, १२६, १२७, १२८, १२९, १३०, १३१, १३२, १३३, १३४, १३५, १३६, १३७, १३८, १३९, १४०, १४१, १४२, १४३, १४४, १४५, १४६, १४७, १४८, १४९, १५०, १५१, १५२, १५३, १५४, १५५, १५६, १५७, १५८, १५९, १६०, १६१, १६२, १६३, १६४, १६५, १६६, १६७, १६८, १६९, १७०, १७१, १७२, १७३, १७४, १७५, १७६, १७७, १७८, १७९, १८०, १८१, १८२, १८३, १८४, १८५, १८६, १८६A, १८७, १८८, १८९, १९०, १९१, १९२, १९३, १९४, १९५, १९६, १९७, १९८, १९९, २००, २०१, २०२, २०३, २०४, २०५, २०६, २०७, २०८, २०९, २१०, २११, २१२, २१३, २१४, २१५, २१६, २१७, २१८, २१९, २२०, २२१, २२२, २२३, २२४, २२५, २२६, २२७, २२८, २२९, २३०, २३१, २३२, २३३, २३४, २३५, २३६, २३७, २३८, २३९, २४० या मिळकतीवर वसई विरार शहर महानगरपालिकेने कोणतीही आरएमसी प्लॅटची परवानगी दिल्याचे संगणकिय नोंदीमध्ये आढळून येत नाही. सबब आपणांस अपेक्षित माहिती पुरविता येत नाही. (सिध्द ०१ प्र०)

तथापि, सदर माहितीने आपले समाधान न झाल्यास व आपणांस प्रथम अपिल दाखल करावयाचे असल्यास प्रथम अपिल आपणांस सदर माहिती मिळाल्यापासून ३० दिवसांत खालील पत्त्यावर करता येईल.

पत्ता :- मा.श्रीमती अर्चना दिवे, उप-आयुक्त तथा प्रथम अपिलीय अधिकारी, नगररचना विभाग, वसई विरार शहर महानगरपालिका, ५ वा मजला, विरार (प), ता. वसई, जि. पालघर, पिन नं- ४०१ ३०३.

(Signature)
(शितल जयंत चव्हाण)

वरिष्ठ लिपिक/प्र.अधिक्षक/ जनमाहिती अधिकारी
नगररचना विभाग
वसई विरार शहर महानगरपालिका

1433

VASAI- VIRAR CITY
MUNICIPAL CORPORATION

ESTABLISHED ON
DATE:03/07/2009

Head Office Virar,

Virar (West),

Taluka Vasai, District Palghar, Pin 401 303.

Phone:0250 2525101/02/03/04/05/06

0250-252510

Email:

vasaivirarcorporation@yahoo.com

Outward No.: VVCMC/TP/RI/600/025

Date: March 11, 2025

To,

Mr. Charan Bhat

Room No. 2, Vartak Compound,

Near Akanksha Tower, Nalasopara (East).

Subject: Regarding information sought under the Right to Information Act, 2005.

Reference: Your application received at Vasai Virar City Municipal Corporation, Town Planning Department (HQ) on 04/03/2025 (Inward No. 8745/2025).

Dear Sir,

With reference to the above-mentioned subject, this is to inform you that your application under the Right to Information Act, 2005, was received by the Town Planning Department as per the aforementioned reference. Upon verifying the available records in the Town Planning Department in connection with your application, it has been found that the Vasai Virar City Municipal Corporation has not granted any RMC plant permission for the following survey numbers in Mauje Sasunavghar village:

89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167,

168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 186A, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240.

Therefore, the requested information cannot be provided to you. (Enclosed: 01 copy)

However, if you are not satisfied with this information and wish to file a First Appeal, you may do so within 30 days from the date of receiving this information at the following address.

Address: Honorable Smt. Archana Dive, Deputy Commissioner and First Appellate Authority, Town Planning Department, Vasai Virar City Municipal Corporation, 5th Floor, Virar (West), Taluka Vasai, District Palghar, Pin No. 401 303.

Signed

(Sheetal Jayant Chavan)

Senior Clerk / Superintendent / Public Information Officer

Town Planning Department

Vasai Virar City Municipal Corporation.