

BEFORE THE NATIONAL GREEN TRIBUNAL

WESTERN ZONE BENCH, PUNE

Interim Application No.277 of 2024

In

Original Application NO.135 of 2024(WZ)

News Item Titled "7 Flamingos spotted near DPS Lake
Wetland Killed activist blame CIDCO'S development plan
" appearing in The Indian Express dated 28.04.2024.

... Applicant

VERSUS

Principle Chief Conservator of Forests & others

... Respondents

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Date: 09/01/2025/2024

Advocate for the Respondent No.1

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BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH AT PUNE

INTERIM APPLICATION No. ~~277~~ OF 2024

IN

ORIGINAL APPLICATION No. 135 OF 2024 (WZB)

Banda Nagaraj Kumar. APPLICANT

AFFIDAVIT ON BEHALF OF RESPONDENT No.1

[Principal Chief Conservator of Forests and Head of Forest Force,
M.S. at Nagpur]

I, Dr. Shailendra Jadhav, Deputy Conservator of Forests, currently posted
at the Mangrove Cell, having my office at Weikfield House, Ballard Estate,
Mumbai do hereby solemnly affirm and state as follows:



1] I have been duly authorized to file this affidavit on behalf of the Respondent no.1 to this *suo motu* O.A., viz. Principal Chief Conservator of Forests and Head of Forest Force, M.S. at Nagpur.

2] I have received and read a copy of the instant I.A. and in reply thereto I say and submit as follows:-

3] The Applicant Banda Nagaraj Kumar seeks to be impleaded in the present O.A. which was initiated by this Hon'ble Tribunal on its own motion based upon a newspaper report of deaths of 7 Lesser Flamingos near DPS Lake in Navi Mumbai as mentioned in para (6) of the I.A. I am confining this affidavit only to the incident of the death of 7 Lesser Flamingos which is the subject matter of the present O.A.

Although the IA is styled as an application for impleading the Applicant, several other issues have been raised in this I.A., such as dumping of earth and soil causing obstruction to free flow of tidal sea water, disturbance to Flamingo habitat, non-compliance with conditions imposed by the MoEF and CC in construction of a jetty, handing over the "satellite wetlands" to the Forest Department, etc. I respectfully say and submit that all of those issues can and ought to be raised in a separate O.A. I further say and submit that the issue of handing over mangrove bearing areas currently owned by and in possession of CIDCO Ltd. (and other authorities) is presently under consideration of the Hon'ble High Court at Bombay in PIL No. 14 of 2021 filed by a NGO, Vanashakti. Similarly, the issue of declaration of the wetlands at Panje-Dongri to be a Protected Area under the Wildlife (Protection) Act 1972 is also pending in another PIL filed by NGO Vanashakti. I have therefore not addressed any of those issues.



4] As stated by the Applicant at para (42) of this IA, the State Government has by a GR dated 5.7 2024 (a copy is at ANNEXURE-I hereto) constituted a Committee for protection of flamingos and their habitat in the DPS Lake area in Navi Mumbai. The Principal Secretary, Forests is the Chairperson and the Additional Principal Chief Conservator of Forests Mangrove Cell is the Member Secretary of this Committee.

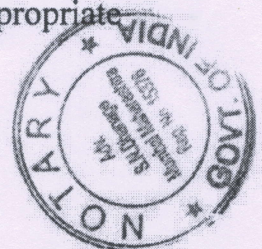
At the second meeting of this Committee held on 23.09.2024 the various measures necessary for protection of the Flamingos and their habitat at DPS Lake were outlined. Those measures would be implemented by the authorities having exclusive jurisdiction and control over that habitat viz. CIDCO Ltd . and the Navi Mumbai Municipal Corporation.

The report of the said Committee has been submitted to this Hon'ble Tribunal in January 2025. I shall refer to and rely on the contents of the said report when necessary.

5] I have to draw attention to the aspect that the Forest Department / Mangrove Cell can lawfully exercise jurisdiction under the relevant statutes [Indian Forest Act 1927, Wildlife (Protection) Act 1972] only in areas which have been notified as Reserved / Protected Forest or declared to be a Sanctuary or a National Park or other Protected Area (i.e. Conservation or Community Reserve) under the control of the Forest Department.

The area in which the Flamingo deaths occurred is not notified as 'forest' nor declared to be any kind of Protected Area and that area is under the exclusive control of CIDCO Ltd and Navi Mumbai Municipal Corporation.

In the aforesaid circumstances I say and submit that any appropriate order may be made on the IA.

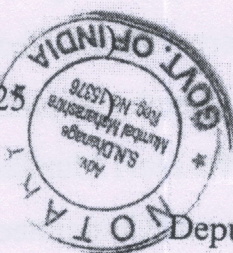


AFFIDAVIT

I, Dr. Shailendra Jadhav, Deputy Conservator of Forests, currently posted at the Mangrove Cell, having my office at Weikfield House, Ballard Estate, Mumbai do hereby solemnly affirm and state on behalf of the Respondent no.1 Principal Chief Conservator of Forests and Head of Forest Force, M.S. at Nagpur that the contents of the foregoing affidavit are based on the Office records maintained in the Mangrove Cell and which I believe to be true and correct.

Solemnly affirmed at Mumbai

On this 5th day of January 2025



Dr. Shailendra Jadhav
(Dr. Shailendra Jadhav)
Deputy Conservator of Forests

Mangrove Cell

For Respondent no.1



BEFORE ME

S.N. Dhanage 5/1/2025

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Notary Govt Of India
Regd. No. 15376 MUMBAI (MS)
404-405, 4th Floor, Daver House,
197/199, Near Central Camera Bldg,
D.N. Road, Fort, Mumbai - 400001



NOTED & REGISTERED

Page No. 166 Sr. No. 11348

Dated 9 JAN 2025

BEFORE THE NATIONAL GREEN
TRIBUNAL, WESTERN ZONE, PUNE

Interim Application No.277 of 2024

IN

Original Application No.135 of 2024

In the matter of :

News item titled "7 Flamingo spotted"
Applicant

Versus

Principle Chief Conservator of Forests.

& others

Respondents

Reply by Respondent No.1

DATED 9th January, 2025

D.M.GUPTA

ADVOCATE FOR RESPONDENT
NO.1

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