

369
Entered in the Notary
Register with SL No. 751 | 2025
Date 27/7/2025

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH PUNE

ORIGINAL APPLICATION No. 69/2015

SAIPRASAD MANGESH KALYANKAR

APPLICANT

VS

THE SARPANCH GRAMPANCHAYAT,

RESPONDENT

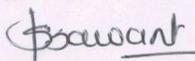
BANDA AND ORS.

The Reply on the Original Application of Applicant on behalf of Respondent No. 1 stated as follows.

1. The original application of Applicant is false, frivolous and illegal. Respondent No. 1 denied and refused all claims as well as content in the above said application of the Applicant. Respondent no.1 never violated any provisions of any laws. Respondent No. 1 or on behalf of the Respondent No. 1 no person is involved in any type of activity of cutting any tree in the landed property mentioned in the original application of the Applicant. In fact Respondent No. 1 never cutted any trees. Respondent no. 1 does not constructed or made any way, road or path in the said landed property. Respondent No. 1 does not given or dispatched any work order for making of roads in the said landed property to any person.

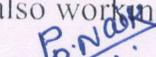
2. Respondent No. 1 is one local self Government organization (Sthanik swarajya sanshta) working for the public interest and of the welfare of the villagers of village Banda. Respondent No. 1 also working and providing good

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facilities for the villagers of village Banda. The Sarpanch of village Grampanchayat Banda and local all elected members of Grampanchayat working as per orders and directions given by all higher offices of Government and also follows order given by respected officers of government. Respondent No. 1 is having goodwill in all Sindhudurg District and remarkable work.

3. Respondent No. 1 has not given any permission to Respondent No. 2 Yugan Infra Pvt. Ltd. for any types of building construction or project of land plotting. In spite of this fact Applicant states false and frivolous sentence in the original application of the Applicant. Respondent no.1 never cutted any trees in the landed property of Survey No/Hissa No. 177/1B, 172/2, 174/1B, 174/2, 174/3, 237/1, 166/1A, 175/1, 166/3, 218/1, 218/2, 218/4 of village Banda Tal-Sawantwadi, Dist Sindhudurga. Respondent No. 1 never done work of any plotting in project of Respondent no. 2. The very important thing is that Respondent no. 1 never made any work of rough road in the project of Respondent no. 2 nor given any work order to anyone for making roads or for cutting of trees. The landed property mentioned in the original application has not been entirely in the ownership of Respondent no. 1 but in fact these all landed properties were in actual possession of Respondent no. 2 for project work and for demarcation of roads as well for making of roads. Thus Respondent no. 2 is in obligation to take all required permissions, orders, documents regarding the said project of Respondent no. 2. In the said project work of Respondent no. 2 Respondent no. 1 has only obligation to make entries of said public roads in the register no. 23 of Grampanchayat Banda as per order of Hon'ble District Collector of Sindhudurg (Project sanction order). The implementation of Hon'ble District Collector's project order entirely done by Respondent no. 2. Therefore Respondent no. 1 is not responsible for any project work of Respondent no 2. Thus Respondent no.1 never made any tree cutting in the said project of Respondent no.2.

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ADVOCATE & NOTARY

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4. The Respondent no. 2 has taken permission from Hon'ble District collector Sindhudurg (Res. No. 5) for their project work of village Banda, Tal. Sawantwadi, Dist. Sindhudurg. The Respondent no.5 had given the said permission for project work of Respondent no.2 with valid consent from town planning department of Sindhudurg. As per the Said order Respondent no.5 Respondent no.2 has obligation to mark actual plotting work on landed property, and to make rough roads in the said plotting work. Respondent no.2 has also obligation to take permission for any tree cutting from concern government department if it is necessary or required. Therefore any work of project of Respondent no.2 Respondent no. 1 should not be held responsible. Respondent no.1 has only obligation as self government organisations to take possession of land under roads in project work after complete road work done by Respondent no.2 and to make entries of roads in register no.23 of Banda Grampachayat. Therefore as a part of procedural work Respondent no. 1 made entries of roads in register no 23 of Banda Grampachayat after valid resolutions passed by monthly meeting of Banda Grampachayat. Therefore it is the duty and obligation of every Grampachayat office to make entries of roads in register no. 23 in any project of plotting sanction by authorised government authority. Thus Banda Grampachayat Respondent no.1 after following all legal procedure made entries of roads in register no. 23 of Grampachayat. Thus Respondent no. 1 has been added in the said original application by the applicant without any reason and falsely with the intension to harrash the local elected Body of Banda Grampachayat.

5. As per permission and sanction given by Hon'ble District Collector Sindhudurg it is the responsibility of Respondent no.2 to carried out project work. And being local self government organisations it is the duly of Respondent no. 1 to take permission of landed property under the roads as per procedure followed by order of Hon'ble District Collector. Therefore Respondent no.1 never made any roads in the project of Respondent no.2.

Respondent no. 1. Not spend any funds till today for any rough roads in the



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project of Respondent no 2. Therefore it there is any felling of trees in the project of Respondent no 2 for that Respondent no.1 is not responsible. Thus with intention to harrash Respondent no. 1 and without any reason Applicant made party to Respondent no. 1 in the said original application.

6. Before this in past Applicant so many times given false applications to Respondent no.1 for so many foolish reason. Therefore Applicant has a habit to file such types of false and frivolous applications. In the present application Applicant made party to Respondent no.1 to ruin the goodwill of Banda Grampachayat in Sindhudurg District.

7. If we perused the documents filed by said Applicant the trees cutting permission was given in the name of Respondent no 2. In spite of this permission in the name of Respondent no. 2 Applicant had falsely made allegation on Respondent no 2 for cutting of trees. Therefore prima facisally it shows that present original application is false and misleading. The said project is in the ownership of Respondent no. 2 therefore to make internal roads in project is the duty and obligation of Respondent no 2. Thus Respondent no. 1 does not have any rights and obligation or duty to apply for any permissions for cutting of trees.

8. The Applicant falsely stated in the said application that the village Banda is falls under ecologically sensitive area as declared by Government of India. But recently Ministry of Environment, forest and climate change issued draft notification for ecologically sensitive area in Sawantwadi and Dodamarg, Taluka on 22/04/2025. The MOEF issued the said draft notification and given list of 25 villages along with map as Ecologically sensitive area. In the said notification the village Banda is dropped by MOEF. Therefore Village Banda is not the part of as Ecologically sensitive area as declared by MOEF.

9. Before filling of the said Application Applicant does not given or serve notice

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under section 180 of Maharashtra Village Panchyat act to Respondent no. 1.

Applicant also does not given Application to wave the said notice to this Hon'ble court. Therefore the present original application is barred by provisions of section 180 of Maharashtra Village Panchayat act. Hence the original applications of the Applicant is deserved to be rejected with cost.

Therefore Respondent no.1 Sarpanch Village Banda Grampanchayat humble prays before this Hon'ble court that the said original application of the Applicant is rejected with cost.

Date – 28/07/2025

Sawantwadi.

P. Naik

The Sarpanch Grampanchayat Banda

Respondent no.1

Verification

I Smt. Priyanka Parshura m Naik, Sarpanch of Village Panchayat Banda, Tal- Sawantwadi, Dist. Sindhudurg, age 50 years, Occu.- Sarpanch G.P. R/o Banda, Tal- Sawantwadi, Dist. – Sindhudurg State that what is stated herein above is true and correct to the best of my knowledge which is believed to be true and correct that I have not suppressed any material fact. I am signing this verification today at Sawantwadi.

Place – Sawantwadi

Date-27/07/2025

Smt. Priyanka Parshuram Naik
The Sarpanch Grampanchayat Banda
Respondent no.1

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S. S. Sawant

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AFFIDAVIT

I Smt. Priyanka Parshura m Naik, Sarpanch of Village Panchayat Banda, Tal- Sawantwadi, Dist. Sindhudurg, age 50 years, Occu.- Sarpanch G.P. R/o Banda, Tal- Sawantwadi, Dist. – Sindhudurg State that what is stated herein in reply/ say above is true and correct to the best of my knowledge which is believed to be true and correct that I have not suppressed any material fact. I am signing this affidavit today at Sawantwadi.

Place – Sawantwadi

Date - 27/07/2025

(Rajaram S. Sawant)
Bade



P. Naik

Smt. Priyanka Parshuram Naik
The Sarpanch Grampanchayat Banda
Respondent no.1

I know the deponent.

Shri. Rajaram Savlaram Sawant.

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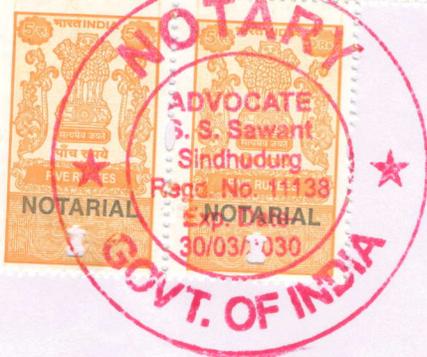
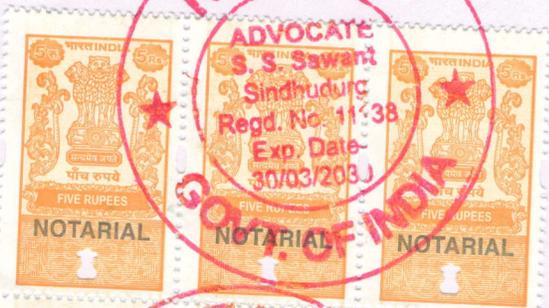
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B.A.L.L.B.

ADVOCATE & NOTARY

Shivaleela: C-242Q Near Govind
Chitra Mandir Bhatwadi Sawantwadi
Tel: Sawantwadi, Dist. Sindhudurg



This document has been personally presented & signed by Priyanka parshuram Naik's R/o Banda Tal. Sawantwadi who is identified by Rajaram savlaram Sawant to whom I personally know No. of pages 6 Notary Regd. No. 751 Dated 27/7/2025