

HON'BLE NATIONAL GREEN TRIBUNAL
WESTERN ZONE, PUNE, PUNE

ORIGINAL APPLICATION NO. 24 OF 2023 (WZ)

Ajay Gulab Singh & Others Applicant

VERSUS

The Secretary, Environment Respondents
Department, Government of
Maharashtra & Others

REPLY BY RESPONDENT NO. 10
GRAMPANCHYAT AWALKHED

INDEX

Sr.	Particulars	Page
1.	Reply by Respondent No. 10 Grampanchayat Awalkhed	281
2.	<u>ANNEXURE – A</u> Copy of the Order dated 24/06/2009	289
3.	<u>ANNEXURE – B</u> Site Inspection Report 05/05/2009	291
4.	<u>ANNEXURE – C</u> Resolutions by Villagers opposing MSW site at Awalkhed, Colly.	295
5.	<u>ANNEXURE – D</u> Copy of the letter from Divisional Commissioner to the office of the Governor dated. 17/07/2012	310
6.	<u>ANNEXURE – E</u> High Court Daily Orders, Colly	312- 329

Date: **18-Sep-23**

Place: **Pune**

Filed by:



REJOINDER BY RESPONDENT NO. 10
GRAMPANCHYAT AWALKHED

1. We, are Respondent No. 10 Grampanchyat Awalkhed, added as Respondent by Daily Order dated 27/04/2023. (hereafter referred to as Respondent).

2. Respondent are Villagers of Awalkhed and the total population of Awalkhed and surrounding wadis is over 2000 Tribals.

3. Respondents are aware of the Hon'ble High Court's opinion on the land site at Survey No. 37 at Awalkhed. The Hon'ble High Court at Bombay in Writ Petition No. 4548/2010 has clearly mentioned that the Respondents shall not, in any case, use the land for the purpose of garbage dumping, without seeking leave of the Hon'ble High Court (See Order dated 08/12/2011). The Respondent are also aware of other Orders passed by the Hon'ble High Court dated 19/11/2015 etc. **Exhibit E** – Colly. ■

4. The Respondents have also filed a Writ Petition in the Hon'ble High Court, Writ Petition No. 10308/2011 opposing the selection of the site at Survey No.37 at Awalkhed.

5. The Respondents state that the **Divisional Commissioner, Nashik by his Order dated 24/06/2009** held that the proposed site at Awalkhed was not suitable because of its proximity to two wells, the village, the Zoiti

River, and the Aseema School. The Divisional Commissioner's findings were based on a detailed Site Inspection Report dated 05/05/2009 conducted by seven government officials. Copy of the said order dated 24/06/2009 and the Site Inspection Report dated 05/05/2009 are annexed as **Exhibits A and B.** ■

6. Hence the Order dated 06/05/2010 passed by the subsequent Divisional Commissioner, Nashik is clearly contrary to findings recorded. It is clearly illegal insofar as it seeks to overrule the factual observations recorded on 24/06/2009 passed by the earlier Divisional Commissioner. Further, the Order dated 06/05/2010 was passed without informing the villagers or any of the affected parties.

7. The Respondents state that the Awalkhed village site is not good and proper to be used as a garbage dumping site or for a solid waste management plan. The site selection parameters need to be applied to identify the suitability of any land space for solid waste management. It is humbly submitted that Survey No.37 at Awalkhed is not suitable for waste dumping or a Solid Waste Management Facility as it is extremely close to the schools attended by the children of the villagers, the village wells, the Awalkhed village and surrounding wadis and the Zoiti River. The leachate generated from this dumping site will cause immense damage to the environment, surrounding areas and its people. In view of this, and by applying the precautionary principle, it is in violation of various environmental laws in India.

8. It is submitted that setting up the said dumping ground would be illegal and contrary to the laws in India. As per the ‘Asim Barman Committee’s Report on Solid Waste Management’, the Central Government framed the ‘Municipal Solid Wastes (Management and Handling) Rules 2000’ under the provisions of the Environment (Protection) Act, 1986.

9. Now Solid Waste Management Rules, 2016 have been notified by MoEFCC on 08/04/2016. Under the said Rules, the Central Government has set out the criteria for establishing and regulating the management and handling of municipal solid wastes. Schedule-III to the said Rules provides for specifications for landfill sites. Clause 8 reads as follows:-

“8. The landfill site shall be away from habitation clusters, forest areas, water bodies, monuments, National Parks, Wetlands, and places of important cultural, historical or religious interest.”

Hence, the proposed dumping site is in direct violation of various laws in India.

10. These Rules have defined the Buffer Zone as follows.

“7. “buffer zone” means zone of no development to be maintained around solid waste processing and disposal facility, exceeding 5 TPD of installed capacity. This will be maintained WITHIN total

and area allotted for the solid waste processing and disposal facility.”

11. Aseema Charitable Trust runs a School in Awalkhed for tribal children from kindergarten to Standard-X called *Aseema Bal Shaikshanik Kendra* affiliated to the Maharashtra State Board. There are over 500 children studying in the school aged between 2.5 to 16 years. The children of the school would be extremely vulnerable to the pollution that will be caused by the proposed dumping ground. The proposed dumping ground will not only contaminate the groundwater table but also release harmful atmospheric gases that will cause problems in the health of young children at the school. Hence, it is extremely important to consider these factors as it directly impacts the Right to Life and Right to Education of children. The *‘precautionary principle’* will have to be applied while deciding in such issues and when there is any grey area of understanding and interpretation.

12. It is submitted that the said dumping ground will prove to be a health hazard for the local village at Awalkhed and the surrounding wadis of Jambulwadi, Karachiwadi, Rerewadi, Warachiwadi and Chandwadi comprising over 2000 tribals, who are engaged in agricultural activities. The dumping ground will also contaminate the water of the two wells, which are at a distance of only 70 metres and 110 metres, that are used by the villagers in the surrounding areas for drinking purposes. **In addition, it will also contaminate the Zoiti**

River which is situated merely 10 meters away from the proposed site. The topography of the village is such that all the runover water shall flow towards the villagers drinking water sources and also towards the Bhima River which connects to Vaitarna Dam and supplies water to Mumbai city. These are the same exact grounds on the basis of which, the applicant is seeking shifting of the MSW management facility.

13. It is submitted that the dumping and its leachate content would lead to groundwater and leachate contamination, air pollution, and water pollution in the nearby river and nallas of Awalkhed. In addition, the dumping will also lead to the contamination of the surrounding trees and forests that are rich in medicinal herbs. Hence, the damage by setting up of the said plant will be grave, irreversible and irreparable in nature.

14. The Respondent wish to oppose every intention of the Applicant who is suggesting the Awalkhed land space to be utilized for solid waste management. Applicants have impleaded everyone as Respondents, except the Grampanchayat Awalkhed who are the main people to be affected by such relocation. The order in the present OA will be directly and adversely affecting the Grampanchayat Awalkhed and the residents in it. As such it is of utmost importance that this intervention application be allowed and the Respondents are heard in this matter.

15. The Respondent Villagers and its Gram Sabha have passed ten resolutions to date vehemently opposing

the setting up of the Municipal Solid Waste Management Facility at Sr.37 at Awalkhed. The said Resolutions are annexed as **Exhibit C** – Colly. ■

16. They have also made representations on 17th and 21st May 2012 to the Divisional Commissioner, Nashik; the Collector, Nashik; the Tehsildar of Igatpuri; the Governor, Maharashtra; the Chief Minister, Maharashtra; the Minister of Tribal Affairs, Maharashtra; and the State Minister of Urban Development. **These are yet unheard, undecided.**

17. In reply to a letter dated 17/07/2012 sent by the Divisional Commissioner to the Office of the Governor, the Divisional Commissioner stated that there seems to be a violation of the provisions of the Bombay Gram Panchayat Act, 1958 and The Panchayats Extension to Scheduled Areas (PESA) Act, 1996. As per the provisions of these acts, the Gram Sabha is the competent authority to decide the land use of a revenue village under the concerned Gram Panchayat. Before the purchase of the land by the Igatpuri Municipal Council for setting up a Solid Waste Management Facility, there was no official correspondence between the Igatpuri Municipal and the Gram Panchayat, Awalkhed. **The letter of the Divisional Commissioner further states that the No Objection Certificate dated 06/01/2006 obtained from the Sarpanch was given in his individual capacity and without any Gram Panchayat or Gram Sabha resolution.** Neither the Gram Sabha nor the Gram Panchayat of Awalkhed were consulted before the

purchase of the land from a tribal family for a Solid Waste Management Facility of Igatpuri Municipal Council. The said letter of the Divisional Commissioner, Nashik is annexed as **Exhibit D** ■.

18. According to the Respondent, Paras. 2. (Cause of Action) and f. and Prayer a., are objectionable and the Respondent vehemently oppose the setting up of the Municipal Solid Waste Management Facility at Awalkhed. **The Awalkhed site is not suitable for the very same reasons and apprehensions raised by the applicants in the OA in respect of the Golibar Maidan site at Igatpuri. The reasons, topography, environmental, health risks and reasons and apprehensions are the same, relevant and valid here as well.**

19. Applicant may apply to MPCB to shift it from Golibar Maidan BUT they can't apply to shift it near Grampanchayat Awalkhed. Applicant has no authority, scientific basis, study report to make such baseless, wild and arbitrary suggestion.

20. The toxins produced by the dumping will cause air pollution dangerous to the health and safety of the people living in the nearby areas and the ecology on the whole.

21. Due to the site's proximity to water bodies and a School, it is likely to affect the Right to Health and the

Right to Education of the people and children of the surrounding villages.

22. The High Court Order dated 19 November 2015 required the Principal Secretary, Urban Development Department to call a meeting of all concerned parties including the representatives of Awalkhed Gram Panchayat. A meeting was held in the Chambers of the Principal Secretary on 20 January 2016 and all parties were heard by the Principal Secretary. **The High Court Order required the Principal Secretary to make a brief reasoned order after hearing all the parties. However, the Principal Secretary has not made any report and no such Report has been filed on the record of the High Court or been served on the Respondent. Exhibit E – Colly. ■**

23. The Applicants are aware that the site located at Survey No. 37 Awalkhed Village is not suitable for garbage dumping and are also aware of the High Court Orders that were passed pertaining to the same subject matter, are not yet fully complied. This matter is still pending before the Hon'ble High Court and hence it should be raised there only, considering the judicial propriety and discipline.



Place: Pune
Date: 18-Sep-23

Raghunath Mahabal
Advocates for Respondent No.
10 – Grampanchayat Awalkhed

क्र.नं.पा/१/४४३२०/जा.क्र.४४२७२७०९
विभागीय आयुक्त कार्यालय,
नाशिकरोड दिनांक २४/६/०९

प्रति,
जिल्हाधिकारी, नाशिक
(नगरपालिका शाखा)

विषय : इगतपुरी नगरपरिषदेने नागरी घनकचरा व्यवस्थापनांतर्गत भुभरणासाठी विकत घेतलेल्या खाजगी जागेबाबत असिमा शिक्षण संस्था मुंबई यांचेकडील तक्रार व त्या अनुषंगाने संबंधित जागेची दि.५.५.०९ रोजी करण्यात आलेली समक्ष पाहणी

उपरोक्त विषयास अनुसरून कळविण्यात येते की, इगतपुरी नगरपरिषदेने मौजे आंबळखेड ता.इगतपुरी येथील गट नं.३७ या जमिनीतून इगतपुरी नगरपरिषदेच्या नागरी घनकचरा व्यवस्थापन यासाठी १२ व्या वित्त आयोगातील अनुदानातून रक्कम रु.४ लाख १६ हजार खर्च करून खाजगी जमिन विकत घेतलेली आहे. सदर जमिनीमध्ये नगरपरिषदेने घनकचरा व्यवस्थापनांतर्गत प्रकल्प राबविणेच्या दृष्टीने कार्यवाही सुरु केलेली आहे. परंतु सदर जागेबाबत असिमा शिक्षण संस्था मुंबई यांचेकडून शासन स्तरावर तक्रार दाखल करण्यात आलेली आहे. व त्यानुसार संबंधित जागेची पाहणी करणेबाबत तत्कालीन विभागीय आयुक्त याचेकडील सुचनेनुसार दि.५.५.२००९ रोजी म.उपआयुक्त (सांप्रवि) नाशिक विभाग नाशिक यांचेसह संबंधित खात्याचे अधिकारी सदर जागेची पाहणी करणेकामी उपस्थित होते..

असिमा शिक्षण संस्था मुंबई यांचेकडील प्रतिनिधी सदर प्रसंगी हजर होते. संबंधित प्रतिनिधीने इगतपुरी नगरपरिषदेने घनकचरा व्यवस्थापनासाठी सद्यस्थितीत घेतलेल्या जागेमुळे त्यांचे शिक्षण संस्थेचे भविष्यात होणा-या शैक्षणिक उपक्रमाबाबत होणा-या त्रासाची कल्पनां सर्व संबंधित अधिकारी यांच्या निदर्शनास आणून दिली. तसेच इगतपुरी नगरपरिषदेने सध्या घेतलेल्या जागेव्यतिरिक्त इतर ५ जागा घनकचरा व्यवस्थापनासाठी कशा योग्य आहेत याबाबत सर्व माहिती पुरविली. सदरच्या जागा संबंधित अधिका-यांसमवेत दि.५.५.०९ रोजी पाहणी करण्यात आलेल्या आहेत. पाहणी करण्यात आलेल्या जागांपैकी योजने नोंदगांव सदी शिवारातील स नं.११८४ क्षेत्र १८ हे.२३ आर ही सरकारी गायरान जागा आहे. सदर जागेलागत लोकवस्ती नाही. तसेच नागरी घनकचरा व्यवस्थापन अधिनियम २००० मधील तरतुदीनुसार सर्व दृष्टीने सदरची जागा इगतपुरी नगरपरिषदेच्या भुभरण प्रस्तावासाठी योग्य आहे. याबाबत तपासणी प्रसंगी हजर असलेल्या सर्व संबंधित शासकीय खात्यांचे अधिकारी यांनी याबाबत सहमती दर्शविलेली आहे. सोबत पाहणी अहवालाची प्रत जोडली आहे. नव्याने प्रस्तावित जमीनीबाबत सर्व संबंधित खात्यांचे ना हरकत प्रमाणपत्र घेवून, जागा निर्गतीबाबत आपल्या स्तरावर योग्य ते आदेश करावेत अशा सुचना मा.विभागीय आयुक्तांनी दिलेल्या आहेत. तसेच या सर्व गोष्टींसाठी मुख्याधिकारी इगतपुरी नगरपरिषद यांना समन्वय करण्यासाठी सुचना द्याव्यात. घनकचरा व्यवस्थापनासाठी प्राप्त झालेल्या निधीचा चुकीच्या ठिकाणी वापर होणार नाही याची दक्षता घ्यावी.

तरी या प्रकरणी पुढील कार्यवाही करून पुर्तता अहवाल या कार्यालयास सादर करावा.

मा.विभागीय आयुक्त यांचे निर्देशावरून}

विभागीय आयुक्त
नाशिक विभाग नाशिक करिता

CERTIFIED TO BE A TRUE-COPY,

F:\Dandgaval\Letters.doc

MANEKSHIA & SETHIA
Advocates, Solicitors & Notary
8, Ambalal Doshi Marg,
(Hamam Street), Fort,
MUMBAI-400023.

T.C

EXHIBIT C

No. NPA/1/1/44320/
Outward No 44272/09
Office of Divisional Commissioner
Nashik Road

24.06.2009

To,

District Collector, Nashik
(Municipal Branch)

Sub: Aseema Education Centre's opposition to the Igatpuri Municipal Council regarding the private land purchased for solid waste management, and an inspection for the same conducted on 05.05.09.

With reference to the above subject, we wish to inform you that the Igatpuri Municipal Council has purchased private land for solid waste management from S. No. 37 Awalkheda by payment of Rs. 4,16,000/- out of grants received from the 12th Finance Commission for that purpose. Aseema Education Centre, Mumbai has, however, complained to higher authorities and as per instructions from the Divisional Commissioner (GAD) on 05.05.09, an inspection of the land was conducted by Hon. Dy. Commissioner, Nashik along with officers of other concerned departments.

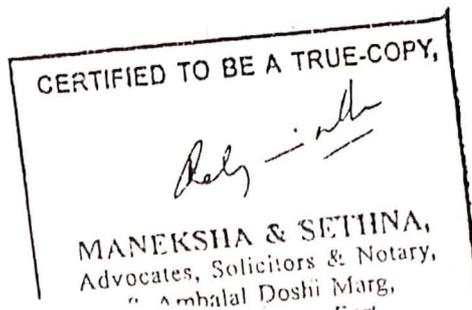
Aseema Education Centre's representatives were present at the time of this inspection. They pointed out that the garbage depot would be detrimental to their Education Centre and their future educational programmes. They also provided information on five alternative sites suitable for solid waste management. These sites were also visited on 05.05.09. Out of the places inspected, Nandgaon Sado S. No. 1184 Shetra 18 Hectare 23, is a government owned pasture. This land is not close to any habitation. As per the provisions of the Solid Waste Management Rules 2000, this land is ideal for the proposed garbage depot of the Igatpuri Municipal Council. In this regard, all officers of the concerned department have expressed their consent. The inspection report is attached. A NOC for the proposed site and approval to transfer the garbage depot has been given by the Hon. Divisional Commissioner. Kindly inform the Chief Officer, Igatpuri of the same and also caution that funds received for solid waste management are not misused.

Kindly take further action in this matter and submit a compliance report to this office.

Sd/-

For Divisional Commissioner, Nashik

(At directions of Hon. Divisional Commissioner)



*This D-D
was forwarded*

T.C

इगतपुरी नगरपरिषदेच्या प्रस्तावित भुभरण जागेची दि.५.५.२००९ रोजी केलेली समक्ष पाहणीचा अहवाल

दि.५.५.०९ रोजी दुपारी ४.०० वाजता इगतपुरी नगरपरिषदेच्या भुभरण जागेची समक्ष पाहणी प्रसंगी खालील अधिकारी उपस्थित होते.

१. उपआयुक्त (साप्रवि) नाशिक विभाग
२. उपविभागीय अधिकारी नाशिक विभाग जिल्हाधिकारी कार्यालय नाशिक
३. तहसिलदार इगतपुरी
४. मुख्याधिकारी इगतपुरी नगरपरिषद
५. भुयेशानिक भुजल सर्वेक्षण विकास यंत्रणा नाशिक
६. प्रादेशिक अधिकारी प्रदुषण नियंत्रण मंडळ, नाशिक
७. सहाय्यक संचालक नगररचना नाशिक

असिमा शिक्षण संस्था मुंबई यांनी त्यांच्या शिक्षण संस्थेची शाखा इगतपुरी येथे सुरु करण्याच्या दृष्टीने खाजगी जागा विकत घेतलेली आहे सदर जागा इगतपुरी तालुक्यातील अवळखेड गांवाच्या शिवारात आहे. सदर जागेच्या समोरील बाजुस इगतपुरी नगरपरिषदेने भुभरणासाठी खाजगी जागा विकत घेतलेली आहे. ह्या दोन्ही जागा समोरासमोर असून सदर जागांमध्ये अवळखेड / जांभुळवाडी या गावाकडे जाणारा छोटा रस्ता आहे. नगरपरिषदेला मिळालेली जागा रस्त्यालगत आहे. त्याशेजारीच पावसाळ्यात वाहनारा पाण्याचा ओढा आहे. सदर जागेच्या परिसरात दोन विहीरी असून सदर विहीरीवरून अवळखेड व जांभुळवाडी येथील ग्रामस्थ दैनंदिन वापरासाठी पाणी नेतात यापैकी एक विहीर उन्हाळ्यात कोरडी पडत असून दुसरी विहीर असिमा शिक्षण संस्थेची असून त्या विहीरीत बारामाही पाणी असते. सदरची विहीर ५० फुट खोल असून आज त्यामध्ये ३० फुट पाणी आहे. ह्या विहीरीवरून मागील वर्षात दुष्काळसदृश्य परिस्थिती असतांना अवळखेड व जांभुळवाडी ग्रामस्थांनी पाणी वापरलेले आहे. अवळखेड गांवात २०० घरे असून ९८१ लोकसंख्या आहे. इगतपुरी नगरपरिषदेच्या भुभरण जागेकडे जाण्यासाठी एकच रस्ता आहे. भुभरण जागेस प्रदुषण नियंत्रण मंडळाकडून दि.७/१/०६ रोजी कचरा डेपोसाठी सदरची जागा योग्य असलेबाबत प्रमाणपत्र मिळालेले आहे. सदर जागेला पूर्वेकडे व दक्षिणेकडे उतार असून सदरची जागा उंचावर आहे. पावसाळ्यात उंचावरूनच्या जागेवरून सतत पाणी वाहत राहते. सदरचे पाणी जवळच्याच ओढ्यातून वाहत पुढे जाते. इत्यादी बाबी सदर जागेच्या समक्ष पाहणी अंती निदर्शनास आलेल्या आहेत. सदरची जागा भुभरणासाठी अयोग्य आहे.

असिमा शिक्षण संस्था मुंबई यांचे प्रतिनिधी यांनी इगतपुरी नगरपरिषदेला मिळालेली भुभरणाची जागा संस्थेच्या शाळेसमोर येत असल्याने भविष्यात शाळा सुरु झालेनंतर विद्यार्थ्यांना त्याचा त्रास होईल याबाबतची माहिती दिली. तसेच संबंधीत प्रतिनिधी यांनी इगतपुरी नगरपरिषदेने विकत घेतलेल्या भुभरणाच्या जागेऐवजी दुसरी जागा याकामी शोधून काढावी यादृष्टीने सदर जागेच्या परिसरातच एकूण ५ जागा समक्ष पाहणी कामी आलेल्या संबंधीत अधिकाऱ्यांना समक्ष दाखविण्यात आलेल्या आहेत. सदर ५ जागांबाबतची माहिती खालीलप्रमाणे आहे.

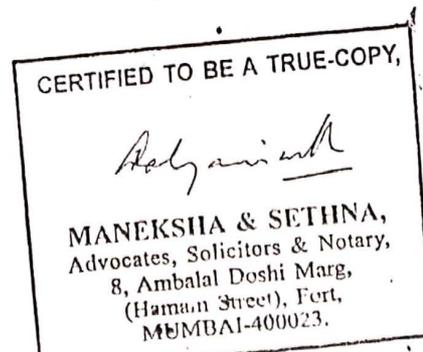
जागा क्र.१

ही जागा इगतपुरी शहरापासून ७.५ कि.मी. अंतरावर असून चिंचलेखैरे शिवारातील अधुरपाडा म्हणून भागातील गट नं.४९५४ क्षेत्र १९ एकर ३६ गुंठे अशी आहे. या जागेचे मालक श्री.अशोक चौधरी व इतर २ भाऊ हे आहेत. सदरची जागा छोट्या रस्त्यालगत आहे. ह्या जागेजवळ पाण्याची विहीर नाही. सदरची जागा खाजगी असून इगतपुरी नगरपरिषदेच्या भुभरण प्रस्तावासाठी घाट रस्त्यानंतर असल्याने अयोग्य आहे.

जागा क्र.२

ही जागा इगतपुरी शहरापासून ९.५ कि.मी.अंतरावर असून चिंचलेखैरे शिवारात आहे. या जागेचा स.नं.२०९,२१० असून या जागेचे क्षेत्र ६ एकर २१ गुंठे इतके आहे. सदरची जागा मुख्य गांव रस्त्यापासून बरेच आत आहे. सदर जागेच्या पूर्वेस उंचावर गांव आहे. सदर जागेचे मालक लच्चा व

③



49

बच्चुभाई उघडे हे आहेत सदरची जागा घाट रस्त्यानंतर असून गांव रस्त्यापासून बरेच मध्ये असल्याने भुभरण कार्यवाही अमलात आणनेकामी रस्त्याचे बांधकाम इगतपुरी नगरपरिषदेला करावे लागेल त्यामुळे सदरची जागा अयोग्य आहे.

जागा क्र.३

ही जागा इगतपुरी शहरापासून १० कि.मी. अंतरावर असून चिंचलेखेरे शिवारात आहे या जागेचा स.नं.२०१ असून या जागेचे मालक श्री. आनंदा तोटे हे आहेत हया जागेचे क्षेत्र २४ एकर २७ गुंठे आहे. परंतु ही जागा मुख्य गांव रस्त्यापासून २ कि.मी. आत आहे. तसेच घाट रस्त्यानंतर आहे. त्यामुळे कचरा वाहतुकीसाठी रस्त्याचे बांधकाम नगरपरिषदेला करावे लागेल त्यामुळे सदची जागा भुभरण प्रस्तावासाठी अयोग्य आहे.

जागा क्र.४

ही जागा इगतपुरी शहरापासून ९.५ कि.मी.अंतरावर असून चिंचलेखेरे शिवारात आहे. या जागेचा स.नं.२०० असून या जागेचे मालक श्री.बच्चु गोहेरा हे आहेत हया जागेचे क्षेत्र १ एकर ३४ गुंठे आहे. परंतु ही जागा इगतपुरी नगरपरिषदेच्या भुभरणसाठी कमी पडेल त्यामुळे सदची जागा भुभरण प्रस्तावासाठी अयोग्य आहे.

जागा क्र.५

ही जागा इगतपुरी शहरापासून ७ कि.मी. अंतरावर असून नांदगाव सदा शिवारात आहे. या जागेचा स.नं.११८४ असा असून क्षेत्र १८ हेक्टर २३ आर आहे. सदरची जागा सरकारी असून गायरान जमीन आहे. सदर जागेलागत लोकवस्ती नाही. परंतु सदर जागेलागत ७०० ते ८०० मीटर अंतरावर एक शेतातील झाप वजा घर आहे. सदरची जागा इगतपुरी नगरपरिषदेने भुभरण कामकाजासाठी घेण्याचे दृष्टीने पाहणी केली होती. तरी सदरची जागा भुभरण प्रस्तावासाठी योग्य आहे.

असिमा शिक्षण संस्था मुंबई यांचे प्रतिनिधी व वर नमुद असलेले शासकिय अधिकारी यांनी एकत्रितपणे दि.५.५.०९ रोजी नगरपरिषदेने घनकचरा व्यवस्थापनासाठी विकत घेतलेली खाजगी जागा पाहणी केली तसेच असिमा शिक्षण संस्था मुंबई यांचे प्रतिनिधी यांनी पर्यायी सूचविलेल्या इतर पाच जागा यांची समक्ष पाहणी करण्यात आलेली असून याबाबतचा जागा निहाय अहवाल वरीलप्रमाणे आहे.

उपआयुक्ता (साप्रवि),
नगरिक विभाग नाशिक

१.उपविभागीय अधिकारी,नगरिक विभाग नाशिक

२.तहसिलदार इगतपुरी

३.मुख्याधिकारी इगतपुरी नगरपरिषद

SENIOR OFFICER
Ground Water
आयुक्त/मुख्याधिकारी भुजल सर्वेक्षण विकास
यंत्रणा नाशिक

४.प्रादेशिक अधिकारी प्रदूषण नियंत्रण मंडळ नाशिक

६.सहाय्यक संचालक नगररचना नाशिक
(याबाबत या कार्यालयाचा अहवाल स्विकारून
पणे इगतपुरी नगर परिषद आहे.
प्रत सोबत जोडली आहे.)

REPORT ON INSPECTION OF PROPOSED GARBAGE DEPOT SITE OF THE
IGATPURI MUNICIPAL COUNCIL ON 05.05.2009

The following officials were present for the inspection of the proposed garbage depot site of the Igatpuri Municipal Council on 5.5.2009 at 4 p.m.:

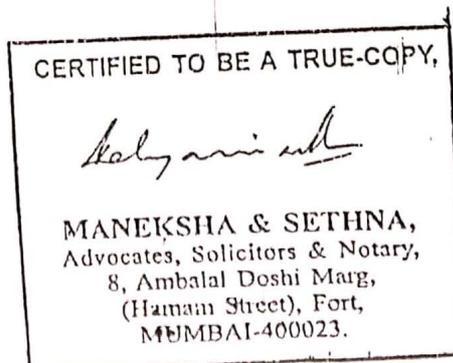
1. Dy. Commissioner (GAD) Nashik
2. S.D.O. Nashik Collector's Office
3. Tehsildar, Igatpuri
4. Chief Officer, Igatpuri Municipal Council
5. Ground Water Development Administration, Nashik
6. Divisional Officer, Pollution Control Board, Nashik
7. Asst. Director Town Planning, Nashik

Aseema Education Centre has purchased private land with a view to open a branch of their education centre in Igatpuri. This land is within limits of Awalkheda village. The Igatpuri Municipal Council has purchased private land for a garbage depot opposite the land purchased by Aseema. Both properties face each other and there is a small road in between them which leads to Awalkheda / Jambulwadi village. The Igatpuri Municipal Council's land adjoins the road and a rivulet which flows in the monsoon. In the vicinity, there are two wells which are accessed by the residents of Awalkheda and Jambulwadi to fetch water for their daily use. One of these wells dries during the summer and the other, belonging to Aseema Education Centre, has water throughout the year. This well is 50 ft deep with water up to the 30 ft level. In the previous year, when there was a drought-like situation, villagers from Awalkheda / Jambulwadi used the well. There are 200 houses in Awalkheda and the population is 981. There is only one road leading to the garbage depot of the Igatpuri Municipal Council. The depot has received an approval from the Pollution Control Board on 07.01.2006. This land is at a height with a slope towards the East and the South. During the monsoon, there is a continuous flow of water from a height into a nearby rivulet. These matters emerged at the time of inspection and such land is unfit for the garbage depot.

Aseema Education Centre has informed the Igatpuri Municipal Council that as the depot faces their school, it would be detrimental to their students in the future. In order to find an alternative site, five places in the vicinity were shown to the officers. Information on these places is as below -

Place No. 1: It is at a distance of 7.5 kms from Igatpuri city in Chinklekhare Shiwar in an area known as Adharpada, in Gat. No. 4954 measuring 19 acres and 36 gunthas. It belongs to Mr. Ashok Chaudhari and two brothers. It adjoins a small road. There is no well nearby. This land is private land and as it is beyond the ghat road it is unfit for the garbage depot of the Igatpuri Municipal Council.

Place No. 2: It is at a distance of 9.5 kms from Igatpuri city in Chinklekhare Shiwar S. No. 209/210 and measures 6 acres and 21 gunthas. It is far away from the main village and road. There is a village on the east side of this land. It belongs to Laccha and Bachchubhai Ughade. It



is unfit for the garbage depot of the Igatpuri Municipal Council as it is beyond the *ghat* road and the Igatpuri Municipal Council would be required to build a new road for the same.

Place No. 3: It is at a distance of 10 kms from Igatpuri city in Chinkleklare Shiwar S. No. 201 and measures 24 acres and 28 gunthas. It belongs to Mr. Ananda Tete. It is 2 kms away from the main road. It is unfit for the garbage depot of the Igatpuri Municipal Council as it is beyond the *ghat* road and the Igatpuri Municipal Council would be required to build a new road for the same.

Place No. 4: It is at a distance of 9.5 kms from Igatpuri city in Chinklekhare Shiwar S. No. 200 and measures 1 acre and 34 gunthas. It belongs to Mr. Bacchu Gohra. The land is insufficient for the garbage depot of the Igatpuri Municipal Council and is therefore unfit for the same.

Place No. 5: It is at a distance of 7 kms from Igatpuri city and is at Nandgaon Sado Shiwar. S. No. of the land is 1184 and it measures 18 acres 23 gunthas. This land belongs to the government and is used as a pasture. There is no habitation nearby. However, there is a hut-like structure at a distance of 700-800 metres in a nearby field. This land was initially identified for the site of the garbage depot by the Igatpuri Municipal Council and is suitable for the same.

is - 1/2
1/2
1/2
1/2
1/2
1/2

On 05.05.2009, representatives of Aseema Education Centre and the above mentioned government officers jointly inspected the land purchased by the Igatpuri Municipal Council for solid waste management as well as five alternative sites suggested by Aseema. The report is as mentioned above.

Sd/-

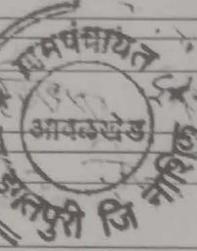
Dy. Comissioner (GAD)
Nashik

1. Sd/-
S.D.O. Nashik
2. Sd/-
Tehsildar, Igatpuri
3. Sd/-
Chief Officer, Igatpuri Municipal Council
4. Sd/-
Ground Water Development Administration, Nashik
5. Sd/-
Divisional Officer, Pollution Control Board, Nashik
6. Sd/-
Asst. Director, Town Planning, Nashik

ग्रामपंचायत कार्यालय

क्रमांक ३१

तालुका



इनातपुरी

जिल्हा

नाशिक

स्थापना

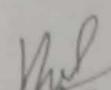


जावक क्र.

दिनांक : १५ / ८ / २००८

श्री. राय नरकरुण

विषय नं. ६ हेतु वेळी येणाऱ्या विद्यार्थ्यांचे परीक्षा करणे
 शि. नं. १५ आगच्या शाळासकट हेतु वेळी येणाऱ्या
 विद्यार्थ्यांचे परीक्षा करणाऱ्या शाळा वी, मोठे
 कायदेशीर प्रमाणित इनातपुरी नगर पंचायतेच्या
 विद्यार्थ्यांच्या संख्या अगुज्या प्रकल्प आगच्या
 शाळासकट आहे. तसे शाळासकट प्रकल्प
 आगच्या शाळासकट शाळासकट परीक्षा करणे.
 तसेच शाळासकट विद्यार्थ्यांच्या पाठ्यास
 विद्यार्थ्यांच्या प्रकल्प आहे. शाळासकट प्रकल्प
 आगच्या शाळासकट शाळासकट शाळासकट
 शाळासकट शाळासकट शाळासकट शाळासकट
 शाळासकट शाळासकट शाळासकट शाळासकट


 ग्रामसचिव
 ग्रामपंचायत आवळखेड
 ता. इनातपुरी

श्री. राय नरकरुण
 मुंबई - वडि गंगारुण पंचायत
 ता. इनातपुरी
 सरपंच
 ग्रामपंचायत आवळखेड
 ता. इनातपुरी

T.C


२१/११/१९९७ तारीखे व. २०/११/९७
 दि. १५/११/२००८ री
 यंत्रे -



यंत्रे
 १५/११/२००८

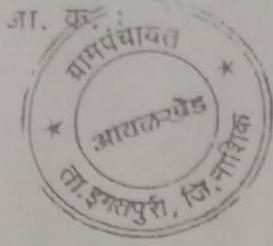
Page no. 20 to 31 are in Marathi letters and they are part of the submission. At this stage, Intervenor is not going to rely on this letter. If require Intervenor can submit the translated copy of the same at the time of the argument related to this letter.

ग्रामपंचायत आवळखेड
ता. इगतपुरी, जि. नाशिक.

श्री. बाळू गंगाधर पवार
उपसरपंच

श्री. सुरेश सोमा केवारी
सरपंच

दिनांक : / / 200



ठराव नक्कल

ग्रामपंचायत आवळखेड ता. इगतपुरी जि. नाशिक येथील ग्रामसभा दि. १५/८/२०११ विषया ची नक्कल असे.

विषय क्र.७ :- ग्रामपंचायत हद्दीत नियोजित कचरा डेपो बाबत चर्चा करणे.

ठराव :- आजच्या ग्रामसभेत वरील विषयावर चर्चा करण्यात आली की आपल्या गावजवळ पिण्याच्या पाण्याच्या विहीरी शेजारी नगर पालिका इगतपुरी यांनी कचरा डेपोचे नियोजन केले आहे. सदरचा कचरा डेपो झाल्यास गावाला धोका होऊ शकतो. सदर विषयावर खालील मुद्द्यांवर चर्चा करण्यात आली.

१. हया गावामध्ये दोन विहीरा असून आजुबाजुला असलेल्या वाड्यांमधील लोक याच विहीरीमधील पाणी पिण्यासाठी वापरतात. आणि त्याच्याच बाजुला इगतपुरी नगर परिषद कचरा डेपो सुरु करीत आहे.
२. ज्या ठिकाणी कचरा डेपो होणार आहे त्याच्या जवळील जमिनीवर शेती केली जाते आणि शेती हेच त्यांचे उदरनिर्वाहाचे मुख्य साधन आहे. त्यावरच ते अवलंबून आहेत. तसेच त्या दोन्ही विहीरचे पाणी आणि बाजुला असलेले नदीचे पाणी शेतीसाठी वापरले जाते. आणि तेथे कचरा डेपो झाला तर प्रदुषण निर्माण होईल आणि पाणी सुध्दा प्रदुषित होईल. आणि ते प्रदुषित पाणी शेती साठी अयोग्य आहे.

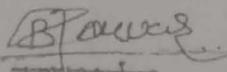


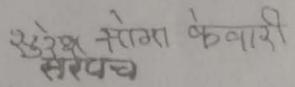


३. तिथे कचारा टाकल्यामुळे तो पाण्यामध्ये ओला होवुन जमिनीखाली मुरेल आणि दुषित झालेले पाणी लोक पितील आणि त्यामुळे वेगवेगळ्या रोगांना त्यांना तोंड द्यावे लागेल.
 ४. हया जागेवर असलेले नदीचे पाणी पिण्यासाठी वापरतात परंतु ते पाणी वैतरणा धरणामध्ये सुध्दा जाते. त्यामुळे कचरा डेपो तेथे योग्य नाही.
 ५. हया जागेच्या जवळ असलेल्या खेडयामधील लोकांवर व मुलांवर हयाचा फार वाईट परीणाम होईल.
 ६. कचरा डेपो तयार करण्यासाठी तेथे असणाऱ्या आयुर्वेदीक औषधी वनस्पती आणि झाडे हयांची तोड करण्यात आली आहे. त्यामुळे वातावरण प्रदुषित होण्यास हे सर्वात मोठे कारण आहे.
 ७. वायु प्रदुषित झाल्यामुळे मुलांवर, वृद्ध लोकांवर आणि खेडयामध्ये राहणाऱ्या सर्वांवरच त्याचा दुष्परिणाम होईल.
- सदरच्या विषयांवर चर्चा करण्यात आल्यानंतर ग्रामस्थांनी एक मताने ठरविले की, कोणत्याही परीस्थीत कचरा डेपो होता कामा नये.
ठराव सर्वानुमते मुजुर.

सुचक :- सोनु भाऊ शिंदे
अनुमोदक :- राजाराम लक्ष्मण
जगताप


ग्रामसेवक
ग्रा. पं. आवळखेड
ता. इगतपुरी (नाशिक)


उपसरपंच
ग्रामपंचायत, आवळखेड
ता. इगतपुरी, जि. नाशिक.


सरपंच
ग्रामपंचायत, आवळखेड
ता. इगतपुरी, जि. नाशिक

ग्रामपंचायत कार्यालय

ता. इगतपुरी, जि. नाशिक

सरपंच

उपसरपंच

ग्रामसभा ठराव खरी नक्कल असे

दि.

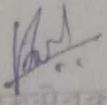
ग्रामपंचायत आवळखेड ता. इगतपुरी जि. नाशिक येथील विशेष ग्रामसभा रविवार दि. 6/5/2012 रोजी आवळखेड (गावठा) येथील समाजमंदिरात मा. सरपंच यांच्या अध्यक्षतेखाली घेण्यात आली. हजर ग्रामस्थ 232.

विषय -07- ग्रामपंचायत आवळखेड हद्दीतील नगरपरिषद इगतपुरी यांचा प्रस्तावित घनकचरा व्यवस्थापन प्रकल्प हटविण्याबाबत.

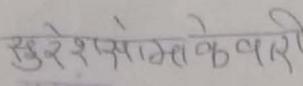
ठराव -07- वरिल विषयावर खालीलप्रमाणे बाबवार चर्चा करण्यात आली कि, ग्रामपंचायत आवळखेड हद्दीत नगरपरिषद इगतपुरी यांचे सदर प्रस्तावित घनकचरा व्यवस्थापन प्रकल्पाचे (कचराकुंडीचे) काम चालू आहे. हे काम चालू करतांनी नगरपरिषद इगतपुरी यांनी ग्रामपंचायत आवळखेडची परवानगी, सल्ला-मसलत अथवा कोणताही ठराव केलेला नसून या प्रकारे अनुसूचित क्षेत्रामध्ये या प्रकारचा प्रकल्प प्रस्तावित करणे घटनाबाह्य ठरते. आमची ग्रामपंचायत 1996च्या कायद्या नुसार अनुसूचित क्षेत्रात येते. सदरचा घनकचरा व्यवस्थापन प्रकल्प (कचराकुंडी) हा गावाच्या पिण्याच्या पाण्याच्या स्रोतापासून 70 ते 110 मिटर अंतरावर आहे प्रकल्पामुळे (कचराकुंडी) पिण्याचे पाणी दुषित होऊ शकते. व गावात रोगराई पसरू शकते तसेच सदरच्या घनकचरा व्यवस्थापन प्रकल्प (कचराकुंडी) हा गावातील दळणवळणाच्या रस्त्यावर आहे. त्यामुळे घनकचरा व्यवस्थापन प्रकल्पा (कचराकुंडी) पासून तयार होणाऱ्या दुषित वासामुळे ग्रामस्थांचे आरोग्य धोक्यात येऊ शकते. प्रस्तावित प्रकल्पाचा भविष्यात होणारा परिणाम लक्षात घेता ग्रामस्थांनी बाबवार चर्चा केली व कोणत्याही परिस्थितीत घनकचरा व्यवस्थापन प्रकल्प (कचराकुंडी) आवळखेडच्या हद्दीत होऊ नये असे ठरविण्यात आले. आजची सभा सर्वानुमते ठरावास मंजूरी देत आहे व वरिष्ठ कार्यालयास पाठपुरावा करण्याकरीता परवानगी देत आहे. ठराव सर्वानुमते मंजूर.

सुचक- सोनु भाऊ शिंदे.

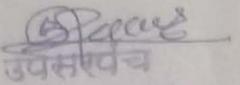
अनुमोदक- हिरालाल पवार.


ग्रामपंचायत

ग्रामपंचायत आवळखेड
ता. इगतपुरी, जि. नाशिक


सरपंच

ग्रामपंचायत आवळखेड
ता. इगतपुरी, जि. नाशिक


उपसरपंच

ग्रामपंचायत आवळखेड
ता. इगतपुरी, जि. नाशिक

ग्रामपंचायत कार्यालय

आवळखेड

तालुका इगतपुरी

जिल्हा

नाशिक

स्थापना

४

जावक क्र. : २६ जाने. २०१५ च्या ग्रामसमा ठरावाची नक्कल दिनांक: १२/०५/२०१५

विषय क्र- ७ मोजे आवळखेड येथे गट नं ३७ (पें) या जागेस संरक्षण भितं बांधणेबाबत

दर क्र- ७ इगतपुरी नगरपरिषद यांच्याकडील पत्र क्र- : इनप/बांध-०४/५५८/२०१५

दि. १६/१२/२०१४ बसून इगतपुरी नगरपरिषदेने मोजे आवळखेड येथे

गट नं. ३७ (पें) हि जागा मा. जिल्हाधिकारी सा. नाशिक यांचे

मंजुरीने खरेदी केलेली आहे सदर ठिकाणी संरक्षण भितीचे

काम व पोच रस्त्याचे काम तेशवा वित्त बांधागान्तर्गत मा.

जिल्हाधिकारी यांची प्रशासकिय मान्यता घेवून सुरु केले आहे.

सदर चे काम मा. उच्च न्यायालय मुंबई यांच्याकडील रिट पिटीशन

क्र- ४५४८ /२०१० या मध्ये दिलेल्या अंतरिम निर्देशानुसार

संरक्षण भितं व पोच रस्ता हि कामे करणे आवश्यक आहे. सदर

बाबीचे स्पष्टीकरणासाठी मा. उपायुक्त (विकास) नाशिक विभाग

यांच्या सुचने नुसार गा.प. आवळखेड चे ग्रामसभेत सदर पत्राचे

वाचन करण्यात आले या पत्रावर अविस्तर चर्चा करण्यात आली

बात भागुबाई सद्गु पवार यांनी प्रश्न उपस्थित केला की, सदर

जागेवर संरक्षण भितं बांधकाम झालेनंतर लवकरच येथे

कचरा डेपो होईल. व त्यामुळे सर्व ग्रामस्थांच्या आरोग्याची

धनी होवून वातावरण प्रदुषण युक्त होईल तसेच

॥ स्वच्छतेकडून समृद्धीकडे संत गाडगेबाबा ग्रामविकास हेच आमचे ध्येय. ॥

ग्रामपंचायत कार्यालय

तालुका _____

जिल्हा _____

स्थापना _____

☎ _____

जावक क्र. :

दिनांक :

/

/ २०१

श्री. सोनु भाऊ शिंदे यांनी म्हटले की, सदर जागेवर संरक्षण भिंत बांधका सासाठी गावकऱ्यांना विश्वासात न देता नगरपरिषद काम करू पाहते त्यामुळे आम्ही क गावकरी ते बांधकाम होवू देणार नाही केल्यास पवार यांनी ही संरक्षण भिंतीचे काम पूर्ण झाले नंतर तिये नगरपालिका क्यरा भावून शकेल. अशी भिंती व्यक्त केली सदर बाबीवर चर्चा होवून मोकळे भावळखेड येथे गर नं. ३७८६ च्या जागेवर संरक्षण भिंत व पोच रस्ता होवू देणार नाही असा ठराव ग्रामसभेत बहुमताने मंजूर झाला

सुचक - भागुबाई सद्दु पवार

अनुमोदक - सोनु भाऊ शिंदे

" ठराव अंतिमते मंजूर "

भागुबाई पवार

उप सरपंच

ग्रामपंचायत आवळखेड
ता. इगतपुरी, जि. नाशिक

[Signature]

ग्रामसेवक

ग्रामपंचायत आवळखेड



सरपंच

ग्रामपंचायत आवळखेड
ता. इगतपुरी, जि. नाशिक.

॥ स्वच्छतेकडून समृद्धीकडे संत गाडगेबाबा इगतपुरी ग्रामविकास द्वारे आमचे ध्येय. ॥



ग्रामपंचायत आवळखेड

ता. इगतपुरी, जि. नाशिक

॥ स्वयंसेवक समुदाय ॥

स्थापना १९५८

सरपंच
सौ. मंगीबाई सोनु शिंदे
 मो. ७५०७८९४०९५

उप सरपंच
सौ. भागुबाई सद्दु पवार
 मो. ८९८३९२६६४०

ग्रामसेवक
श्रीमती आर. एन. जाधव
 मो. ८००७४७५२८२

ज. क्र. नाशिक/२०१

दि. / /२०१

१५ ऑगस्ट २०१८ रोजी झालेल्या ग्रामसभेचा ठरावाची नक्कल

विषयक- १४] सौजे आवळखेड येथे होणाऱ्या कचराडेपोबाध...
 ठराव-कृ- १४] आजच्या सभेत वरील विषयावर चर्चा करण्यात आली असता
 इगतपुरी नगरपरिषदेचा कचरा डपो आवळखेड येथे होणे
 प्रभावित आहे. असे विषयावर साक्षक-बाधक चर्चा घडून
 आली असता लोकजी कचरा डपो मूळ होणाऱ्या आरोग्यविषयक
 समस्या सांगितल्या तसेच कचरा डपोमुळे गावातील
 पाण्याचे शौच दूषित होऊन गावात विविध साधीय रोग
 उद्भवतील यामुळे ग्रामस्थांचे आरोग्य बिघडेल त्यामुळे
 गावात कचरा डपो नको अशा निश्चय ग्रामस्थांनी
 आजच्या ग्रामसभेत केला. कचरा डपो मुळे परिसरात
 दुर्गंधी पसरून तसेच आवळखेड गाव हे संपूर्ण मांदिपाशी
 गाव असल्याने येथे कचराडेपो होऊ देणार नाही असा
 ठराव आजच्या ग्रामसभेत सर्व ग्रामस्थांनी एकमताने
 मंजूर केला.

झुयक - भागुबाई सद्दु पवार
 अनुमोदक - भागुबाई वाळी वींबरे

ठराव संपूर्ण मंजूर

भागुबाई पवार

मंगीबाई सोनु शिंदे
 सरपंच

ग्रामसेवक
 ग्रामपंचायत आवळखेड
 ता. इगतपुरी, जि. नाशिक.

उपसरपंच
 ग्रामपंचायत आवळखेड
 ता. इगतपुरी, जि. नाशिक.

ग्रामपंचायत आवळखेड
 ता. इगतपुरी, जि. नाशिक.

"हामपदारी मुक्त गांव म्हणजे आरोग्य, सुख व सिसाठी वाव" ग्रामपंचायत कर भरा-सहकार्यकरी
 ॥ ग्रामविकास हेच ग्रामाचे ध्येय ॥ तंटामुक्त गांव करू या ॥ दूध लागवड करून गांव पर्यावरण समृद्ध करू या ॥
 ॥ पाणी वाचवा, देश वाचवा ॥

304



ग्रामपंचायत आवळखेड

ता. इगतपुरी, जि. नासिक

॥ स्वच्छतेतून समृद्धीकडे ॥

स्थापना १९५८

सरपंच
सौ. मंगीबाई सोनु शिंदे

मो. ७५०७८९४०१५

उप सरपंच
सौ. भागुबाई सद्दु पवार

मो. ८९८३१२६६४०

ग्रामसेवक
श्रीमती आर. एन. जाधव

मो. ८००७४७५२८२

ज. क्र. ग्रामपंच.

/२०१९

दि. १९/१०/२०१९ रोजीच्या ग्रामसभेचा ठराव नं. १२०१९

विषयक- ४] सौ. मंगीबाई आवळखेड येथील कुचरा डेपो बाबत
 ठरावक- ४] वरील विषय बाबतच्या ग्रामसभेत चर्चेत आणतामसता सौ. मंगीबाई आवळखेड येथे नगरपरिषद इगतपुरी यांनी कुचरा डेपोसाठी जागा प्रस्तावित केलेली आहे अशी माहिती ग्रामसभेत सौ. भागुबाई सद्दु पवार यांनी दिली. यावर ग्रामसभेत ग्रामस्थांमध्ये विविध बाजूंची चर्चा साली असता सदर जागा ही गावाच्या व जांबूळवाडीच्या खूप जवळ आहे. त्यामुळे लोकांचे जीवनमान धोक्यात येईल अशी चर्चा ग्रामस्थामध्ये साली. तसेच सदर जागेपासून पिण्याच्या पाणीची विहीर व सिमेंट प्लग बंधारा आहेत. जवळच आहे त्यामुळे पाणी प्रदूषण होऊन लोकांना विविध साथीचे व दूषित पाण्याचे रोग होऊ शकतात तसेच गावातील धुणाशी, लोक हे आदिवासी असून अज्ञान आहे. त्यामुळे लोकांचे जीवनमान खालवेल व आरोग्याची हानी होईल अशी च. विविधांगी चर्चा ग्रामसभेत साली. यावर गावातील गावकरी एकत्र होऊन आम्ही सदर कुचरा डेपो होऊ देणार नाही असा ठार निश्चय केला व सदर जागेवर कुचरा डेपो होऊ देणार नाही असा ठराव सर्वानुमते मंजूर केला.

सुचक- रमेश सद्दु पवार
 अनुमोदक- भागुबाई सद्दु पवार

ठराव सर्वानुमते मंजूर

ग्रामसेवक
 ग्रामपंचायत आवळखेड
 ता. इगतपुरी, जि. नासिक.

भागुबाई पवार
 उपसरपंच
 ग्रामपंचायत आवळखेड
 ता. इगतपुरी, जि. नासिक.

सरपंच
 ग्रामपंचायत आवळखेड
 ता. इगतपुरी, जि. नासिक.



ग्रामपंचायत आवळखेड

ता. हंगतपुरी, जि. नाशिक

॥ स्वच्छतेन समृद्धीकडे ॥

स्थापना १९५८

सरपंच
सौ. मंगीबाई सोनु शिंदे
 मो. ७५०७८९४०१५

उप सरपंच
सौ. भागुबाई सद्दु पवार
 मो. ८९८३९२६६४०

ग्रामसेवक
श्रीमती आर. एन. जाधव
 मो. ८००७४७५२८२

जा. क्र. ग्रामपंच. /२०१६ दि. २६/०९/२०१६ च्या ग्रामसभेचा ठरावची नोंद /२०१६

विषय क्र- १० (१) सौ. आवळखेड येथील प्रस्तावित कुचरा डेपो विषयी...
 ठराव क्र- १० (१) वरील विषय आजच्या ग्रामसभेत चर्चेला आला असता सौ. आवळखेड येथे गट नं. ७७ मध्ये नगरपरिषद हंगतपुरी यांनी कुचरा डेपो साठी जागा प्रस्तावित केली आहे. तसेच हंगतपुरी तालुक्यातील एकूण ६ जागांची पाहणी विविध समित्यांमार्फत करून आवळखेड येथील जागा हंगतपुरी नगरपरिषदेने कुचरा डेपो साठी प्रस्तावित केली आहे अशी साहिली गावातील उपसरपंच सौ. भागुबाई सद्दु पवार यांनी ग्रामसभेत दिली असता या विषयावर विविध बाजू ने चर्चा होऊन सौ. सोनु भाडु शिंदे यांनी आवळखेड येथील जागेवरच का कुचरा डेपो? असा प्रश्न ग्रामसभे पुढे ठपस्थित केला. सदर जागा गावापासून जवळ असून मात्र बाजूला लोकवस्ती आहे तसेच पिण्याचे पाणी व वापराचे पाणी जवळ असून त्यात कुचरा डेपोमुळे जिवे जंतू पडून पाणी प्रदूषित होईल व त्याचा लोकांच्या आरोग्यास धोका निर्माण होईल व साथीचे रोग अशी चर्चा सभेत होऊन सौ. भाडु शिंदे यांनी आवळखेड येथील जागेवरच कुचरा डेपो हा सौ. आवळखेड येथील सद्दु प्रस्तावित जागेवर होऊ नये देणार नाही असा ठराव आजच्या ग्रामसभेत मंजूर झाला.
 श्रुत - सौ. भागुबाई सद्दु पवार
 अनुमोदक - सोनु भाडु शिंदे
 ठराव सर्वांमार्फत पास

ग्रामसेवक

भागुबाई सद्दु पवार

सरपंच

ग्रामपंचायत आवळखेड
 ता. हंगतपुरी, जि. नाशिक.

उपसरपंच
 ग्रामपंचायत आवळखेड
 ता. हंगतपुरी, जि. नाशिक.

ग्रामपंचायत आवळखेड
 ता. हंगतपुरी, जि. नाशिक.



संदीप बेचर पवार
उपसरपंच

ग्रामपंचायत कार्यालय आवळखेड



कृष्णा बबन केवारी
सरपंच



दि : १५/०८/२०२२ च्या ग्रामसभा ठरवाची नक्कल

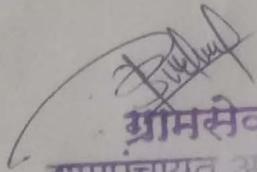
विषय क्र : १० (१) मौजे आवळखेड येथील प्रस्तावित कचरा डेपो विषयी

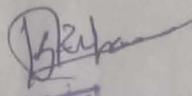
ठराव क्र : १० (१) वरील विषय आजच्या ग्रामसभेत चर्चला आला असता मौजे आवळखेड येथे गट नं. ३७ मध्ये नगरपरिषद इगतपुरी यांनी कचरा डेपोसाठी जागा प्रस्तावित केली आहे. तसेच इगतपुरी तालुक्यातील एकूण ६ जगाची पाहणी विविध समित्यामार्फत करून आवळखेड येथील जागा इगतपुरी नगरपरिषदेने कचरा डेपो साठी प्रस्तावित केली आहे. अशी माहिती गावातील मा.उपसरपंच सौ. भागुबाई सदू पवार यांनी ग्रामसभेत दिली असता या विषयावर विविध बाजू ने चर्चा होवून मा.सरपंच श्री. सोनू भाऊ शिंदे यांनी आवळखेड येथील जागेवरच का कचरा डेपो ? असा प्रश्न ग्रामसभेपुढे उपस्थित केला.सदर जागा गावापासून जवळ असून आजूबाजूला लोकवस्ती आहे तसेच पिण्याचे पाणी व वापराचे पाणी जवळ असून त्यात कचरा डेपोमुळे जिव जंतु पासून पाणी प्रदूषित होवून व त्याचा लोकांच्या आरोग्यास धोका निर्माण होईल व साथीचे रोग अशी चर्चा सभेत घडून आली असता सदर कचरा डेपो हा मौजे आवळखेड येथील सदर प्रस्तावित जागेवर होवू देणार नाही असा ठराव आजच्या ग्रामसभेत मंजूर झाला.

सूचक : भोराबाई भागा रेरे

अनुमोदक : बबन गोविंद गावंडे

ठराव सर्वानुमते मंजूर.


ग्रामसेवक
ग्रामपंचायत आवळखेड
ता.इगतपुरी, जि.नाशिक


सरपंच
ग्रामपंचायत आवळखेड
ता.इगतपुरी जि.नाशिक

[Type text]



ग्रामपंचायत कार्यालय आवळखेड



ता. इगतपुरी, जि. नाशिक

* ग्रामपंचायत करीची रकम मुदतीत भरून सहकार्य करा. * आपले सांडपाणी शोध त्रुट्यांमध्ये सोडा.
* आपले गांव महान करून तंटामुक्त करा या ! वृक्ष लागवड करून गांव पर्यावरण समृद्ध करा या !

सरपंच : श्री. कृष्णा बबन केवारी
मो.: ८३२९३ २८७०७

उपसरपंच : श्री. संदीप बेचर पवार
मो.: ९९६८५ ७२२६८

जा.क्र.ग्रा.पं.आ.....२०

दिनांक २९-०३-२०२३

मासिक सभा ठराव

विषय ६- सौजे आवळखेड येथील प्रस्तावित कचरा डेपोच्या विरोधात ठराव.

ठराव क्र. ६ -

इगतपुरी नगर परिषदेने सौजे आवळखेड येथील गेट क्रमांक ३७ मध्ये कचरा डेपोसाठी जागा प्रस्तावित केली आहे परंतु इगतपुरी नगर परिषदेने आवळखेड येथील शहीदासा श्रमिती लक्ष्मीबाई वारधडे यांच्या गेट क्रमांक ३७ मधील जमीन आवळखेड ग्रामसभा व ग्रामपंचायतीची एनओसी न घेता फसवणूक करून खरेदी केली आहे.

हा कचरा डेपो स्थाना तर त्या ठिकाणी असलेले दोन विहीर व एक धरण जे पावसाळ्या नंतर पिण्याच्या पाण्याचे एकमेव स्रोत आहेत ते दूषित होतील व रोगाबाई प्रसरेल त्यामुळे सर्व नागरिकांचा व ग्राम पंचायत व्यक्तींच्या ह्या कामासाठी तीव्रविरोध आहे.

पावसाळ्यात नदी जगलातून आणि शिंगराच्या माथ्यावरून वाहते आणि प्रस्तावित कचरा डेपोच्या जागेच्या जवळून जाते ते वेतरणा नदी आणि धरणाना मिळते, जे सुषईतील लोकांसाठी पाण्याचे स्रोत आहे.

इगतपुरी शहराच्या कचऱ्याचे व्यवस्थापन हे इगतपुरी शहरात न करता इगतपुरी नगर परिषद आवळखेड ग्राम पंचायत भागा मध्ये करत आहे जो एक आदिवासी भाग आहे त्याचा अर्ध्या व्यक्त विरोध करत आहेत.



ग्रामपंचायत कार्यालय आवळखेड

ता. इगतपुरी, जि. नाशिक



• ग्रामपंचायत कक्षाची कामे मुदतीत मरुन सहाकार्य करा. • आपले सांठ्याणी शीव खट्ट्यांमट्टे सोडा.
• जायते गांव म्हाडान करुन तंटासुक्त करु या। • पुन टाणवट करुन गांव पर्याप्त संसुद्ध करु या।

सरपंच : श्री. कृष्णा बबन वेवारी
मो.: ८३२९३ २८७७७

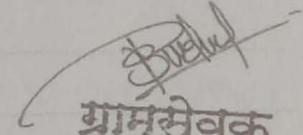
उपसरपंच : श्री. संदीप बेचर पवार
मो.: ९९६८५ ७२२६८

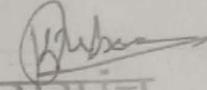
जा.क्र.ग्रा.पं.आ.....२०

दिनांक

□ □ □ □ २ ० □ □

तरी कोवत्याही परिस्थिती मध्ये आवळखेड ग्राम पंचायत मध्ये खदर कचरा डेपो हा आलाच नाही पाहिजे. या प्रस्तावित कचरा डेपो ला विरोध करव्यासाठी व ह्यासाठी योग्य त्या न्यायालयान्त दाद मागण्यासाठी किंवा खालने दाखल करव्यासाठी ग्राम पंचायत एक मुखाने माननीय सरपंच महोदयांना, या ठरावाद्वारे सर्वाधिकार देत आहे. या ठरावाची नोंद म्हासुद्ध ७६ आज रोजी दिनांक २९ मार्च २०२३ या तारखेस केलेली आहे.


ग्रामसेवक
ग्रामपंचायत आवळखेड
ता.इगतपुरी, जि.नाशिक


सरपंच
ग्रामपंचायत आवळखेड
ता.इगतपुरी, जि.नाशिक.



ग्रामपंचायत कार्यालय आवळखेड



ता. इगतपुरी, जि. नाशिक

* ग्रामपंचायत करची रकम मुदतीत भरून सहकार्य करा. * आपले सांडपाणी शोध खड्ड्यांमध्ये सोडा.
* आपले गांव महान करून तंटामुक्त करा या ! वृक्ष लागवड करून गांव पर्यावरण समृद्ध करा या !

सरपंच : श्री. कृष्णा बबन केवारी
मो.: ८३२९३ २८७०७



उपसरपंच : श्री. संदीप बेचर पवार
मो.: ९९६८५ ७२२६८

जा.क्र.ग्रा.पं.आ.....२०

दिनांक

21-03-2023

Monthly Meeting

Resolution

Subject:- Resolution against the proposed Garbage Depot at Mauje Awalkhed.

Igatpuri Nagar Parishad has proposed a site for a garbage depot in gat No. 37 at Mauje Awalkhed. But Igatpuri Nagar Parishad has fraudulently bought the land in gat No. 37 of Smt. Laxmibai Warghade, a resident of Awalkhed, without obtaining an NOC from Awalkhed Gram Sabha and Gram Panchayat.

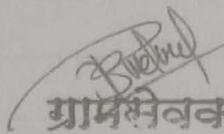
If this garbage depot is made, the two wells and a dam at the site, which are the only source of drinking water after the monsoon, will become contaminated and spread disease. Therefore, all the villagers and Gram Panchayat members are strongly opposed to this work.

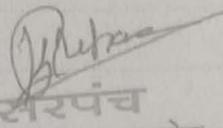
During monsoon a river flows from the forest and top of the hills and passes close proximity of the proposed garbage depot site. It meets the Vaitarna river and the dam, which is the source of water for people in Mumbai.

The waste management of Igatpuri town is not done in Igatpuri town but Igatpuri Nagar Parishad wants to dump in Awalkhed Gram Panchayat region which is a tribal area. We are strongly opposed to it.

However, under no circumstances should the said Garbage depot be started in Awalkhed Gram Panchayat.

The Gram Panchayat through this resolution empowers the Hon'ble Sarpanch to object to the proposed garbage depot and to appeal or file suits in appropriate courts. This resolution has been entered into record number 16 this day of 21st Mar 2023.


ग्रामसेवक
ग्रामपंचायत आवळखेड
ता.इगतपुरी, जि.नाशिक


सरपंच
ग्रामपंचायत आवळखेड
ता.इगतपुरी, जि.नाशिक.

T.C



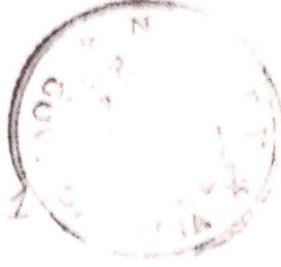


सत्यमेव जयते

जयंत माधवराव्ह का. व. से.
विभागीय आयुक्त नाशिक

Ex. 5

EXHIBIT 1



362

(9)

विभागीय आयुक्तांचे कार्यालय, नाशिक विभाग, नाशिक
अ.शा.पत्र क्र.विकास1/का-TSC/32552/112
दि. 17/06/2012 87242

Subject:-Opposition of Gramsabha against proposed Solid Waste Management site of Igatpuri Nagarparishad.

Ref.: Your D.O.LetterNo.No.Rajbhavan-1012/CR-4324/DB/2012
Dated 16th June 2012.

Dear Sir,

I have gone through your D.O. letter No.Rajbhavan-1012/CR-4324/DB/2012, Dated 16th June 2012. The issue is related to Solid Waste Management Project of Igatpuri Municipal Council . After discussion with Chief Officer, Municipal Council , Igatpuri and Sarpanch and Gramsevak of Awalkhed Grampanchayat prime-facie there seems to be violation of Bombay Gram Panchayat Act 1958 and PESA Act 1996.

1) As per Section 8AA and 54(A)(L) of Bombay Gram Panchayat Act 1958, Gram sabha is the Competent authority to decide land use of revenue village under concerned Gram Panchayat. Municipal Council Igatpuri purchased 1.60 Hectre land from Smt. Laxmibai Deoram Warghade and her family, by following procedure and written order of Collector Nashik dated 15-3-2008. Before purchase of such land, there was no official correspondance between Municipal Council Igatpuri and Gram Panchayat Awalkhed. No objection Certificate dated 6-1-2006 taken from Sarpanch in individual capacity, and without any GramPanchayat resolution or Gram Sabha resolution. (Page No. 1 To 4)

2) As per provision 4(i) of PESA Act 1996, the Gram Sabha or the Panchayats at the appropriate level shall be consulted before making the acquisition of land in the Scheduled Areas for development projects and before re-settling or rehabilitating persons affected by such projects in the Scheduled Areas; the actual planning and implementation of the projects in the scheduled Areas shall be co-ordinated at the State level. Neither Gram Sabha nor Gram Panchayat Awalkhed was consulted before purchase of land from Tribal family for Solid Waste Management Project of Igatpuri Municipal Council and there was no official correspondance between Municipal Council Igatpuri and Gram Panchayat Awalkhed. (Page No. 5 To 7)

T.C

[Handwritten signature]

363

3) There are two Writ Petitions No. WP 4548 of 2010 and WP 10308 of 2011 (e) are pending in the High Court of Judicature Bombay bench at Mumbai. First Writ Petition No. 4548 of 2010 was filed by Dilbur Parakh and others and second Writ Petition No. WP 10308/2011 was filed by Suresh Soma Kevari and others. Hon'ble High Court clubbed both these Petitions and will be decided in the due course of time.

4) We have instructed Municipal Council Igatpuri to consult Gram Sabha of Awalkhed Gram Panchayat for obtaining NOC of Gram Sabha and try to execute Solid Waste Management project for mutual benefits of both Municipal Council and Gram Panchayat.

This brief report is submitted for your kind perusal.

Yours Sincerely,


(Jayant Gaikwad)

To,
Shri. Vikas Chandra Rastogi
Secretary to Governor
Raj Bhavanm, Malbar Hills,
Mumbai- 400035

Two Copy
For Rastogi & Gaikwad

Harshal Menit
For Proprietor
Advocates & Solicitors

Civil Application No. 396 of 2015

Kamal Mehta v. Igatpuri Municipal Council

2015 SCC OnLine Bom 6995

In the High Court of Bombay
(BEFORE NARESH H. PATIL AND S.B. SHUKRE, JJ.)

Civil Application No. 396 of 2015

Mr. Kamal Mehta & others Applicants

v.

The Chief Officer, Igatpuri Municipal Council & others
Respondents

With

Civil Application No. 394 of 2015

Dilbur Parakh & others Applicants

v.

Mr. Kamal Mehta & ors. Respondents

With

Civil Application No. 395 of 2015

Mr. Suresh Soma Kewari & others Applicants

v.

Mr. Kamal Mehta & ors. Respondents

In

Writ Petition No. 9919 of 2012

Mr. Kamal Mehta & others Petitioners

v.

The Chief Officer, Igatpuri Municipal Council & others
Respondents

With

Writ Petition No. 4548 of 2010

Dilbur Parakh & others Applicants

v.

The State of Maharashtra & ors. Respondents

With

Writ Petition No. 10308 of 2011

Mr. Soma Suresh Kewari & ors. Petitioners

v.

The State of Maharashtra & ors. Respondents

Mr. Aditya Bapat a/w. Nikita i/b. Ranchoddas & co. for the applicant in caw 396/15.

Mr. Ranbir Singh a/w. Nikita i/b. Malvi Ranchoddas & co. for the petitioner in wp 9919/12.

Mr. Fredun D'vitre, Sr. Counsel a/w. N.R. Modi i/b. Rustamji & Ginwala for the petitioner in wp 10308/2011.

Mr. Percy Gandhi a/w. Mr. Punthy Shah i/b. Maneksha & Sethna for petitioner in wp

4548/2010.

Mr. Arvind Aswani i/b. Mr. J.G. Reddy for respondent no. 2 in PIL 41/2011 and respondent no. 6 in CP 33/12 and respondent no. 2 in CP 230/12.

Mr. A.B. Vagyani, Government Pleader a/w. Mr. P.G. Sawant, AGP for the State.

Mr. H.V. Mehta a/w. Parag Vyas, advocates for Union of India for respondent no. 6.

Ms. Sharmila U. Deshmukh for respondent no. 5 Pollution Control Board.

Mr. S.S. Pakale i/b. Mr. A.R. Belge for respondent no. 1 for Municipal Council.

Civil Application No. 396 of 2015; Civil Application No. 394 of 2015; Civil Application No. 395 of 2015; Writ Petition No. 9919 of 2012; Writ Petition No. 4548 of 2010; and Writ Petition No. 10308 of 2011

Decided on December 10, 2015

P.C.

1. Learned Counsel for the petitioners has moved for speaking to minutes of order dated 19th November, 2015 to correct the appearance clause of the order.

2. In clause (ii) of appearances, "Mr. Fredun D'vitre Senior Counsel a/w. Mr. N.R. Modi i/b. Rustamji & Ginwala for the petitioners in WP No. 10308/2011" be shown and "Mr. Percy Gandhi a/w. Ms. Punthy Shah i/b. Maneksha & Sethna for petitioners in WP 4548/2010" be shown.

3. In the last sentence of last paragraph the date "25th January, 2015" be corrected as "25th January, 2016".

4. The order stands corrected accordingly.

Disclaimer: While every effort is made to avoid any mistake or omission, this casenote/ headnote/ judgment/ act/ rule/ regulation/ circular/ notification is being circulated on the condition and understanding that the publisher would not be liable in any manner by reason of any mistake or omission or for any action taken or omitted to be taken or advice rendered or accepted on the basis of this casenote/ headnote/ judgment/ act/ rule/ regulation/ circular/ notification. All disputes will be subject exclusively to jurisdiction of courts, tribunals and forums at Lucknow only. The authenticity of this text must be verified from the original source.

Civil Application No. 396 of 2015

Kamal Mehta v. Chief Officer, Igatpuri Municipal Council

2015 SCC OnLine Bom 8174

In the High Court of Bombay
(BEFORE NARESH H. PATIL AND S.B. SHUKRE, JJ.)

Civil Application No. 396 of 2015

Mr. Kamal Mehta & others Applicants

v.

The Chief Officer, Igatpuri Municipal Council & others
Respondents

With

Civil Application No. 394 of 2015

Dilbur Parakh & others Applicants

v.

Mr. Kamal Mehta & Ors. Respondents

With

Civil Application No. 395 of 2015

Mr. Suresh Soma Kewari & others Applicants

v.

Mr. Kamal Mehta & Ors. Respondents

In

Writ Petition No. 9919 of 2012

Mr. Kamal Mehta & others Petitioners

v.

The Chief Officer, Igatpuri Municipal Council & others
Respondents

With

Writ Petition No. 4548 of 2010

Dilbur Parakh & others Applicants

v.

The State of Maharashtra & Ors. Respondents

With

Writ Petition No. 10308 of 2011

Mr. Soma Suresh Kewari & Ors. Petitioners

v.

The State of Maharashtra & Ors. Respondents

Mr. Aditya Bapat with Nikita i/b. Malvi Ranchoddas & co. for the applicant in CAW 396/15.

Mr. Fredun D'vitre Senior Counsel a/w. Percy Gandhi a/w. Punthy Shah i/b. Maneksho & Sethna for petitioners in WP No. 4548/2010.

Mr. S.S. Pakale i/b. Mr. A.R. Belge for respondent no. 1 Municipal Council.

Mr. A.B. Vagyani, GP a/w. Mr. P.G. Sawant, AGP for the State.

Mr. H.V. Mehta & Parag Vyas for Union of India.

Ms. Sharmila U. Deshmukh for Pollution Control Board.

Civil Application No. 396 of 2015; Civil Application No. 394 of 2015; Civil Application No. 395 of 2015; Writ Petition No. 9919 of 2012; Writ Petition No. 4548 of 2010; and Writ Petition No. 10308 of 2011

Decided on November 19, 2015

P.C.

1. The Chief Officer of Respondent no. 1 Council is present in the Court. The learned Counsel appearing for the Municipal Council on instructions submits that a tender was floated for Bio Sanitization process for treating disposal of garbage dumped on the existing dumping site. Learned Counsel submits that within a week appropriate orders would be issued in favour of the successful bidders and process of sanitization of the garbage dumped on the existing dumping ground would thereafter start.

2. The learned Government Pleader Shri Vagyani has placed on record minutes of the meeting held under the Chairmanship of the Principal Secretary, Urban Development Department on 4th September, 2015 consequent to our order passed on 3rd August, 2015. The copy of these minutes was served on the other side today itself. The same is taken on record and marked 'X-1' for identification. Learned Counsel appearing for the petitioner in Writ Petition No. 4548/2010 and 9919/12 submits that they were not invited to attend the meeting. If opportunity was provided then they would have put substantial issues before the Principal Secretary, according to learned Counsel. It was submitted that Awalkhed Gram Panchayat was also not represented in the meeting.

3. We have perused the minutes drawn. We find it appropriate that the Principal Secretary calls for a meeting to be attended by authorised representatives of the petitioners in Writ Petition No. 4548/2010 and 9919/2012. The notice of meeting shall be served through the learned Counsel appearing for the petitioners before this Court. The authorised representative of Awalkhed Gram Panchayat shall also be invited to attend the meeting. The representatives of Municipal Council, Maharashtra Pollution Control Board and any other technical experts/Government Officers as the Principal Secretary desires, shall also be invited for the meeting.

4. Learned Government Pleader submits that winter session of State Assembly is likely to commence from 7th December, 2015. Therefore, he seeks some more time.

5. We expect the Principal Secretary to complete this exercise by 2nd week of January, 2016. A brief reasoned report be placed on record by the Principal Secretary after hearing the concerned parties. All issues on merits are kept open. Stand over to 25th January, 2015, to be listed under caption 'fresh matters'.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE CIVIL JURISDICTION

WRIT PETITION NO. 4548 OF 2010

Ms. Dilbur Parakh & Ors.Petitioners.
Vs.
The State of Maharashtra & Ors.Respondents.

WITH

WRIT PETITION NO. 10308 OF 2011

Suresh Soma Kewari & Ors.Petitioners.
Vs.
The State of Maharashtra & Ors.Respondents.

WITH

WRIT PETITION NO. 9919 OF 2012

Mr. Kamal Mehta & Ors.Petitioners.
Vs.
The State of Maharashtra & Ors.Respondents.

Mr. Rafiq Dada, Senior Advocate a/w Mr. P.D. Ghandy a/w Mr. S.A.K. Najam Sani i/by Maneksha and Sethna for the Petitioners in Writ Petition No. 4548 of 2010.

Mr. S.S. Pakale i/by Mr.Kirankumar Phakade for Respondent No.3.

Ms. Sharmila Deshmukh for Respondent No.4 in Writ Petition No. 4548 of 2010 and for Respondent No.5 in Writ Petition No. 9919 of 2012 and for Respondent No. 4 in Writ Petition No. 10308 of 2011.

Mr. M.S. Bharadwaj for Respondent No. 6 in Writ Petition No. 4548 of 2010 and for Respondent No.6 in Writ Petition No. 10308 of 2011.

Mr. Gautam Patel, Senior Advocate a/w Mr. Amin Raichur i/by Malvi Ranchoddas and Co. for the Petitioners in Writ Petition No. 9919 of 2012.

Mr. A.B. Vagyani, AGP for the Respondent-State.

Mr. Fedrick D'vitre, Senior Advocate a/w Mr. Vivek Menon a/w Ms. Chhaya Asher i/by Rustamji and Ginwala for the Petitioners in Writ Petition No. 10308 of 2011.

CORAM: MOHIT S. SHAH, C.J. AND
ANOOP V. MOHTA, J.

DATE : 10 JANUARY 2013

P.C.:-

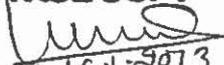
The subject matter of all these petitions is a dispute about the dumping site for dumping Municipal Solid Waste of the Igatpuri Municipal Council. All the three petitions are, therefore, inter-connected. Therefore, the Petitioners in each Petition shall supply complete set of petition along with the other pleadings to the Petitioners in the other two petitions. This shall be done on or before 14 January 2013.

2 All the three Petitions now, be listed for hearing on 30 January 2013.

CHIEF JUSTICE

(ANOOP V. MOHTA, J.)

TRUE COPY


16.1.2013
Section Officer
High Court, Appellate Side,
Bombay

2/2

(U)

318
HIGH COURT, BOMBAY

0119504

1

wp-4548-10.sxw

dgm

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4548 OF 2010

Ms. Dilbur Parakh and ors. Petitioners
vs
The State of Maharashtra & ors. Respondents

Mr. Rafiq Dada, Senior Advocate with Mr. P.D. Gordhy i/by
M/s.Maneksha and Sethna for the petitioners.

Mr. S.N. Patil, AGP for respondent nos. 1 and 2.

Mr. S.S. Pakale i/by Kiran Kumar Phakade for respondent no.3.

Ms. Mansi Joshi for respondent no.4.



CORAM: D. K. DESHMUKH &
ANOOP V. MOHTA, JJ.

DATE : December 08, 2011

PC.:

Rule. Leave to amend. Amendment to be carried out within two weeks. Interim order which is presently operating shall continue to operate. It is clarified that the Respondents shall not in any case use the land for the purposes of dumping without seeking leave of this Court.

"Disclaimer Clause : Authenticated copy is not a Certified Copy"

319
HIGH COURT, BOMBAY

0119503

2

wp-4548-10.sxw

2 Place the matter for final hearing on 30 January 2012.

Respondents to file affidavit if they so desire well in advance.

(ANOOP V. MOHTA, J.)

(D. K. DESHMUKH, J.)

AUTHENTICATED COPY

TRUE COPY


11/12/11
Section Officer
High Court, Appellate Side
Bombay



"Disclaimer Clause : Authenticated copy is not a Certified Copy"

4. The Municipal Solid Waste (Management & Handling) Rules, 2000 have been made by the Central Government in exercise of the powers conferred by Sections 3, 6 and 25 of the Environment (Protection) Act, 1986. Rule 5(2) of the Rules provides that the District Magistrate or the Deputy Commissioner of the concerned district shall have the overall responsibility for the enforcement of the provisions of these Rules within the territorial limits of their jurisdiction. As per Rule 6(2) of the said Rules, the State Pollution Control Board after the receipt of application from the municipal authority for grant of authorisation for setting up waste processing and disposal facility including landfills, shall examine the proposal taking into consideration the views of other agencies prior to issuing the authorisation. When the State Board decides to issue authorisation, it is to be issued in Form III to the municipal authority and the authorisation is to be valid for a given period and after expiry of the validity period, a fresh authorisation is required to be issued. Rule 7 provides that any municipal solid waste generated in a city or a town, shall be managed and handled in accordance with the compliance criteria and the procedure laid down in Schedule II to the Rules. Rule 7 further provides that the waste processing and disposal facilities to be set up by the municipal authority on their own or through an operator of a facility shall meet the specifications and standards as specified in Schedules III and IV. Schedule I to the Rules even provides for time limits within which the municipal authority must provide for such facilities for waste processing and disposal of the municipal waste. The date stipulated for this purpose was 31st December, 2003.

application
from
Muni. authority

5. When the Igatpuri Municipal Council applied for authorisation

under Rule 6, by communication dated 16 January, 2006 (Annexure R-8) the Maharashtra Pollution Control Board issued the authorisation in the following terms:-

"To:

Date: 16.1.06.

The Chief Officer,
Igatpuri Municipal Council,
Igatpuri,
Tal.Igatpuri,
Dist. Nashik.

Sub: Proposal regarding arrangement of Solid Waste Land Filling Site Authorization.

Ref: 1.Municipal Solid Waste (Management and Handling) Rules, 2000.

2.Your Letter No.INP/Health/GL/S/4047/06 dated 15.1.2006.

3.Visit to the Aavalkhed village site dated 07.01.2006.

Sir,

With reference to the above mentioned subject it is hereby informed to you that this office has inspected the proposed premises of village Aavalkhed Boundary, Tal. Igatpuri, Dist. Nashik bearing Gat No.37 on 07.01.2006. The said premises is suitable for the Solid Waste Project. But, it is necessary to implement the proper remedies so that due to this proposed project, mainly in the rainy season no water pollution of cannal dam and lake will be caused and nuisance of rotten smell will not be spread in the surrounding areas. Also it is binding to obtain No Objection Certificate in respect of the said concerned premises from the Ground Water Survey Department, Health Department, Municipal Council Department, Planning Department and Revenue Department.

Yours faithfully,

Sd/-

(P.K. Mirashe)
Regional Officer, Nashik."

6. The Igatpuri Municipal Council thereafter purchased the said land and started the work for proceeding to construct compound wall surrounding the land in question and also construct a road leading to the said land. The petitioners moved this Court by filing the present Writ Petition contending that since the educational centre being run by the petitioners' trust is in the vicinity of 500 meters of the land in question, the land in question is not suitable for municipal waste processing and disposal. Reference is made to the report prepared by the Deputy Commissioner (GAD) Nashik pursuant to the visit of the site on 5 May 2009 and the subsequent order dated 6 May 2010 rejecting the petitioners' complaint. In the affidavit in reply filed on behalf of the Igatpuri Municipal Council as well as on behalf of the Maharashtra Pollution Control Board, it is contended that the land in question is suitable for municipal waste processing and disposal facilities.

7. It is necessary to refer to the note submitted by the Pollution Control Board along with their affidavit in which the following statements are made:-

"Igatpuri Municipal Council is C Class local body and as per the 2001 census the population is 31539, presently about 5 to 6 MT Municipal Solid Waste is generated everyday in the city area and as per the MSW rules, Municipal Council has to set up plant for processing of the same waste. Although the rules notified in the year 2000 and time period specified for identification of landfill site for future use and making site ready for operation was upto 31.12.2002 or earlier and for setting up the facility was upto 31/12/2003 or earlier, due to non availability of required land in the municipal council area, the facility is not yet developed and the practice of the dumping of the waste in the area is still continue.

Now as per the provisions of the notification, Municipal Council was trying to get the land available for the project since 2002, however, as the city is located in the hilly area and no suitable land/options available in council area, they have selected site at Gat No.37, village Awalkhed, Tal. Igatpuri, Dist. Nashik which is a private land and obtained NOCs from the concerned departments, such as, Ground Water Survey Development Authority, Maharashtra Pollution Control Board, Forest Deptt., Grampanchayat Awalkhed, District Collector Nashik etc. and after following laid down procedure it is purchased for the MSW project site”.

“Environmental issues:

1. Location:

Proposed site is located at Gat No.37, village Awalkhed, Tal. Igatpuri, Dist. Nashik, at a distance more than 350 mtrs. from the village Awalkhed (population below 1000 souls as per the 2001 census). The village is located on the top of the slope of the area towards West side. The complainant’s educational trust is also located at village Awalkhed towards North – West side from the proposed site. It is also located on the top of the slope of the area.

The Municipal council Igatpuri has purchased 1.6 hectores of land in the low lying/hilly area at the bottom of the slope of the area. The municipal authority has proposed to set up a plant at the middle of the site. They have also proposed to provide following facilities at site:-

- a. The waste processing & disposal site will be fenced and provided with gate to prevent unauthorised entry.
- b. The approached roads to the site will be made and maintained regularly.

- c. The internal roads will be made to facilitate easy movement of the vehicles and tipping up of waste at site during monsoon.
- d. The toilets will be constructed for the employees working at site.
- e. The necessary green belt will be developed to control dust and fine waste.
- f. The necessary arrangements for leachate collection will be provided.
- g. The arrangements for safe drinking water and adequate water will also be made available for control of accidental fire if any.

2. Ground water – Open wells near proposed site:

Two open wells are in existence near the proposed site. One well, which is near to the site about 70 to 80 mtrs. is not used for drinking purpose but used for the other domestic purpose such as cloth washing, bathing etc. Other well is located about 100 mtrs. from the site is used as a drinking water source for villagers in the area. Both the wells are located on upstream side of the proposed site. The natural drain of the area flow is towards East side of the proposed site and Zoiti river flows towards South East side. The natural drain of the area is opposite and towards downstream side of the open wells hence there is no chance of any contamination/percolation of leachate from the proposed facility which will affect the quality of the existing well water.

3. Village Location:

Village Awalkhed and the complainant's school premises is located on the top of the slope of the area."

8. The Maharashtra Pollution Control Board has also submitted note (Exhibit "E" page 217) indicating that waste processing facility will not result into any ground water contamination. It is also provided that proper leachate collection and treatment arrangement will be provided.

9. It is not necessary to make further detailed reference to the said note annexed to the affidavit in reply, because in our view the State Pollution Board ought to consider imposition of terms and conditions as part of the authorisation. Rule 6(3) provides that the authorisation is to be issued in Form III. Form III reads as under:-

"FORM III

(See rule 6(2)

FORMAT FOR ISSUE OF AUTHORISATION

File No.....

Date:.....

To:

.....
.....
.....

Ref: Your application number dated

The State Pollution Control Board/Pollution Control Committee after examining the proposal hereby authorises having their administrative office at to set up and operate waste processing/waste disposal facility at on the terms and conditions (including the standards to comply) attached to this authorization letter.

1. The validity of this authorization is till After the validity, renewal of authorisation is to be sought.

2. The State Pollution Control Board/Pollution Control Committee may, at any time, revoke any of the conditions applicable under the authorisation and shall communicate the same in writing and shall communicate the same in writing.
3. Any violation of the provision of the Municipal Solid Wastes (Management and Handling) Rules, 2000 will attract the penal provision of the Environment (Protection) Act, 1986 (29 of 1986).

Date:.....

.....

Place

(Member-Secretary)
State Pollution Control Board/
Pollution Control Committee.”

It is thus clear that the terms and conditions subject to which the authorisation is to be granted by the Pollution Control Board ought to be attached to the authorisation letter. The observations made by the Maharashtra Pollution Control Board in their affidavit or in the notes to the affidavit cannot be treated as terms and conditions which would form part of the authorisation letter.

10. As regards the petitioners' contention that the Municipal Council is required to obtain environment clearance under the Notification dated 14 September 2006, the contention is not well founded. All that the Notification requires is prior environment clearance for "common Municipal Solid Waste Management facility". It is only when more than one Municipal Corporation or Municipal Council propose to have common solid waste management facility that the requirement to obtain environment clearance under the Notification dated 14 September 2006 will arise. In the instant case it is Igatpuri Municipal Council which proposes to have its own solid waste management facility and, therefore, there is no requirement of prior environment clearance.

11. In view of the above, we issue the following directions:-

(i) The Maharashtra Pollution Control Board shall, after giving notice to the officers and office bearers of the Igatpuri Municipal Council and the petitioners, consider as to which terms and conditions ought to be attached to the authorisation letter. This shall be done within a period of two months from today.

(ii) It is clarified that till the above exercise is carried out by the Maharashtra Pollution Control Board there is no stay against the construction of the compound wall or construction of the road leading to the site in question.

(iii) The learned Counsel for the Municipal Council states that it was after the Municipal Council had granted authorisation as far back as in 2006 that the petitioners purchased the land in question in the year 2009 and constructed the educational centre in the year 2010. We express no opinion on this issue.

(iv) The ad-interim order dated 21 June 2010 requiring the parties to maintain status quo is hereby modified in the aforesaid terms.

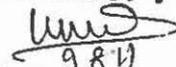
Stand over to 17 October 2011.

Parties to act on an ordinary copy of this order duly authenticated by the Associate of this Court.

CHIEF JUSTICE

GIRISH S. GODBOLE, J.

TRUE COPY


9 8 11
Section Officer
High Court of Bombay
Bombay

"Disclaimer Clause : Authenticated copy is not a Certified Copy"

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO. 4548 OF 2010

Office Notes, Office Memoranda of
Coram, appearances; Court's Orders
or directions and Registrar's orders.

Court's or Judge's Orders

Mr. R. Dada - Sr. Advocate i/b. Maneksha &
Sethna for Petitioners.

Mr. S. R. Nargolkar - AGP for the State.

CORAM : D. D. SINHA AND
MRS. MRIDULA BHATKAR, JJ.

DATED : JUNE 21, 2010.

P.C. :

1. Heard the learned senior counsel for the petitioners. Issue notice, returnable on 19th July, 2010.
2. Parties to maintain status quo in the meantime.

(D. D. SINHA, J.)

(MRS. MRIDULA BHATKAR, J.)

TRUE COPY

M. R. Dada
Section Officer
High Court, Appellate Side
Bombay

"Disclaimer Clause : Authenticated copy is not a Certified Copy"