

**BEFORE THE NATIONAL GREEN TRIBUNAL
(WESTERN ZONE BENCH) PUNE, AT PUNE
ORIGINAL APPLICATION NO. 103 of 2022**

IN THE MATTER OF:

Mr. Prakash Mishrimal Porwal

...Applicant

Versus

Ministry of Environment Forest and

Climate Change & Ors.

... Respondents

**REPLY ON BEHALF OF THE RESPONDENT NO. 12 TO
O.A NO. 103 OF 2022**

**PAPER BOOK
(KINDLY SEE INSIDE FOR INDEX)**

ADVOCATE FOR THE RESPONDENT NO.12

**BEFORE THE NATIONAL GREEN TRIBUNAL
(WESTERN ZONE BENCH) PUNE, AT PUNE
ORIGINAL APPLICATION NO. 103 of 2022**

IN THE MATTER OF:

Mr. Prakash Mishrimal Porwal

...Applicant

Versus

Ministry of Environment Forest and

Climate Change & Ors.

...Respondents

INDEX

SR. NO.	PARTICULARS	PG. NO.
1.	Reply on behalf of Respondent No. 12 along with an Affidavit.	667-686
2.	<u>ANNEXURE R-1:</u> A copy of the Show Cause Notice dated 10.02.2020 issued by the Tahsildar, Maval, District Pune.	687-690
3.	<u>ANNEXURE R-2:</u> A copy of the Order dated 14.04.2020 passed by the Office of Tahsildar, Maval u/s 48(7) of the Maharashtra Land Revenue Code, 1966.	691-696
4.	<u>ANNEXURE R-3:</u> A copy of the representation dated 30.06.2020 filed by the Respondent No.12.	697-703
5.	<u>ANNEXURE R-4:</u> A copy of Letter dated 31.07.2020 issued by the Office of Tahsildar, Maval.	704-709
6.	<u>ANNEXURE R-5:</u> A copy of the Appeal bearing RTS Appeal No. 483 of 2020 dated 19.11.2020 filed by the Respondent No.12 u/s 247 of the Maharashtra Land Revenue	710-721

	Code, 1966.	
7.	<u>ANNEXURE R-6:</u> A copy of the Order dated 07.01.2021 passed by the Sub Divisional Officer, Maval-Mulshi Sub Division, Pune in RTS Appeal No. 483 of 2020.	722-734
8.	<u>ANNEXURE R-7 (Colly):</u> The copy of the Order dated 14.07.2021 passed by the Ld. JMFC in Criminal Complaint No, 406 of 2021 along with the FIR No. 81 of 2021 and the copy of the Order dated 24.06.2021 passed by the Ld. JMFC along with the FIR No. 277 of 2021.	735-790
9.	Proof of Service	791

Filed By:



Samridhi S. Jain

Advocate

A10, LGF, Lajpat Nagar III,

New Delhi, 110024

Place: Pune.

Date: 23.04.2023

Email: samridhi12318@gmail.com

Contact No: +91 9890210579

**BEFORE THE NATIONAL GREEN TRIBUNAL
(WESTERN ZONE BENCH) PUNE, AT PUNE
ORIGINAL APPLICATION NO. 103 of 2022**

IN THE MATTER OF:

Mr. Prakash Mishrimal Porwal

...Applicant

Versus

Ministry of Environment Forest and

Climate Change & Ors.

... Respondents

**REPLY ON BEHALF OF THE RESPONDENT NO. 12 TO
O.A. NO. 103 OF 2022**

TO

THE HON'BLE CHAIRPERSON

AND HIS HON'BLE COMPANION MEMBERS

OF THE HON'BLE NATIONAL GREEN TRIBUNAL.

THE HUMBLE REPLY OF THE RESPONDENT NO.12.

MOST RESPECTFULLY SHOWETH:

1. The Applicant has invoked the jurisdiction of this Hon'ble Tribunal u/s Section 14 r/w Section 15 of the National Green Tribunal Act, 2010 alleging illegal mining at Village Kole Chafeshwar, Chavsar, Thakursai, Varu and Phagne at the behest of the Respondent No. 9 to 12 in collusion with the State Authorities being Respondent No.3 and 7.
2. This Hon'ble Court vide its Order dated 24.02.2023 admitted the OA No.103 of 2022 and was pleased to issue notice to the Respondents who were not

present before the Hon'ble Tribunal, returnable within 4 weeks. In pursuance thereof, the Respondent No.12 was served with the copy of the OA No. 103 of 2022 along with the Notice of this Hon'ble Tribunal. Vide the Order dated 24.02.2023, this Hon'ble Tribunal had directed the Respondents to file their replies within 4 weeks, in pursuance of which, the Respondent No.12 is filing the present Reply.

3. At the outset, on perusing the contents of the OA No. 103 of 2022, the Applicant has alleged that illegal mining of minor mineral has taken place at Villages bearing Gut No. 235, Kusgaon, Survey No.21, Kolechafeshwar, Survey No.81-103, Kolechafeshwar, Survey No.74, Chavsar, Thakursai, Varu, and Phagne by the Respondent No.9 to 12 in collusion with the Respondent No.3 to 7. In this context, it is most respectfully submitted on behalf of the Respondent No.12 that, admittedly, Respondent No.12 is a part owner of Gut No.235 at Village Kusgaon, Taluka Maval, District Pune (Hereinafter referred to as the "*said site*"). However, the contention of the Applicant that illegal mining of minor mineral is being undertaken at Gut No.235 of Village Kusgaon, Taluka Maval, is contrary to the records as enumerated herein below.

4. FACTS PERTAINING TO GUT NO.235 AT VILLAGE KUSGAON, TALUKA MAVAL, DISTRICT PUNE

- a. That on 10.02.2020, the office of the Ld. Tahsildar issued notice to Respondent No.12 in exercise of his powers u/s 48(7) of the Maharashtra Land Revenue Code, 1966. On perusing the said notice, it was contended that since the Talathi of Taluka Maval had visited the said site on 31.01.2020, the Talathi found that 3486 brass of murrum was excavated at the said site. Therefore, the Ld. Tahsildar was pleased to issue a Show Cause Notice dated 10.02.2020 granting

the Respondent No.12 a period of 7 days to reply to the said show cause notice. A copy of the Show Cause Notice dated 10.02.2020 issued by the Tahsildar, Maval, District Pune is enclosed herewith as **ANNEXURE R-1**.

- b. Surprisingly, on 14.04.2020 while the entire Nation was under a Lockdown as a consequence of the Covid-19 pandemic, the Ld. Tahsildar much contrary to the orders passed by the Hon'ble Supreme Court, that no adverse orders be passed against litigants, exercised his powers u/s 48(7) of the Maharashtra Land Revenue Code and directed the Respondent No.12 to deposit a penalty of Rs.83,66,400/- for the alleged illegal excavation undertaken at the said site. A copy of the Order dated 14.04.2020 passed by the Office of Tahsildar, Maval u/s 48(7) of the Maharashtra Land Revenue Code, 1966 is enclosed herewith as **ANNEXURE R-2**.
- c. Since the order dated 14.04.2020 passed by the Ld. Tahsildar was passed during the peak Covid 19 period and since the Respondent No.12 was not aware of the said order being passed, on becoming aware, the Respondent No.12 on 30.06.2020 filed a representation before the office of the Ld. Tahsildar. Vide the said representation, the Respondent No.12 contended that the total area of the said site was 1 Ha. 25 R. Out of the 1 Ha. 25 R, only an area of 0 Ha. 62.50 R was owned by the Respondent No.12. The balance area of 0 Ha. 62.50 R was in the ownership of Kumari Ramesh Kumar Wazir. The Respondent No.12 also stated that the alleged illegal excavation was undertaken by Shri Shankar Ramchandra Earthmovers Pvt. Ltd. (Through Avinash Dhamdere) in the area owned by Kumari Ramesh Kumar Wazir and the Respondent No.12 had no business of

whatsoever nature with the alleged excavation. Therefore, the Respondent No.12 had requested the Ld. Tahsildar to undertake re-examination and verify the facts in pursuance of the representation made by the Respondent No.12 on 30.06.2020. A copy of the representation dated 30.06.2020 filed by the Respondent No.12 is enclosed herewith as **ANNEXURE R-3**.

- d. Thereafter, the Ld. Tahsildar on 31.07.2020 undertook the inspection at the said site and vide his letter categorically found that the Respondent No.12 had not undertaken any illegal excavation at the site in the area of 0 Ha. 62.50 R owned by the Respondent No.12. Thus, the letter dated 31.07.2020 clearly establishes that the Respondent No.12 has no connection whatsoever with regards to the alleged illegal mining undertaken at Gut No. 235 and the Respondent No.12 reiterated that no illegal excavation was being undertaken at 0 Ha. 62.50 R which is owned by Respondent No.12. However, even though the Ld. Tahsildar had absolved Respondent No.12 in the letter dated 31.07.2020 and stated in unambiguous words that no illegal excavation had been carried out by the Respondent No.12, then also, the Applicant vide the present Original Application is trying to falsely implicate the Respondent No.12. A copy of the Letter dated 31.07.2020 issued by the Office of Tahsildar, Maval is enclosed herewith as **ANNEXURE R-4**.
- e. Being aggrieved by the order passed by the Ld. Tahsildar dated 14.04.2020, the Respondent No.12 on 19.11.2020 filed an Appeal bearing No. RTS/A/483/2020 u/s 247 of the Maharashtra Land revenue Code, 1966 before the Sub-Divisional Officer, Maval Mulshi in accordance with law. Vide the said Appeal, the Respondent No.12

reiterated the contention of the Respondent No.12 in the representation dated 30.06.2020 and the letter of the Tehsildar dated 31.07.2020, that the Respondent No.12 was the owner and in possession of only 0 Ha. 62.50 R at the site and that no illegal excavation was undertaken at 0 Ha. 62.50 R owned by the Respondent No.12 at the said site. Vide the said Appeal, the Respondent No.12 had sought to set aside the order dated 14.04.2020 passed by the Ld. Tahsildar by which a penalty of Rs. 83,66,400/- was imposed on the Respondent No.12. A copy of the Appeal bearing RTS Appeal No. 483 of 2020 dated 19.11.2020 filed by the Respondent No.12 u/s 247 of the Maharashtra Land Revenue Code, 1966 is enclosed herewith as **ANNEXURE R-5**.

- f. The office of the Ld. Sub-Divisional Officer vide its order dated 07.01.2021 set aside the order dated 14.04.2020 passed by the Ld. Tahsildar and has allowed the Appeal bearing No. RTS/A/483/2020 filed by the Respondent No.12. Vide the order dated 07.01.2021, the Ld. Sub-Divisional Officer has relied on the letter dated 31.07.2020 of the Ld. Tahsildar and has also found that the Respondent No.12 had not undertaken any illegal excavation at the portion of the land owned by the Respondent No.12 of the said site. Thus, the order dated 07.01.2021 of the Ld. Sub-Divisional Officer is a quasi judicial order passed by an Authority in exercise of its powers under the Statute and the same cannot be overlooked unless and until the same has been set-aside. In such circumstances, when the issue with regard to the Respondent No.12 regarding the undertaking illegal excavation in the portion of the land owned by Respondent No.12 at the said site having been adjudicated by a Competent Authority, any further

adjudication on the said issue, would be hit by the principles of Res Judicata. A copy of the Order dated 07.01.2021 passed by the Sub Divisional Officer, Maval-Mulshi Sub Division, Pune in RTS Appeal No. 483 of 2020 is enclosed herewith as **ANNEXURE R-6**.

- g. However, surprisingly on perusing the contents of the Reply filed by the Respondent No.4 and 5, more particularly at Paragraph 7, the Respondent No.4 and 5 have contended that the Order dated 07.01.2021 was challenged by the Applicant before the Additional District Collector, Pune and the Additional District Collector had directed the Sub-Divisional Officer to review its Order dated 07.01.2021. Furthermore, it is contended that the Sub-Divisional Officer is reviewing its own Order dated 07.01.2021 in terms of the directions of the Additional District Collector, Pune. In support of its contentions, the Respondent No.4 to 5 have annexed documents, more particularly exhibited as Exhibit R-4 Colly. On perusing the said documents, the said documents are nothing but the Order dated 07.01.2021 passed by the Sub-Divisional Officer in RTS Appeal No.483 of 2020. Thus, the statement made by the Respondent No.4 and 5 in Paragraph 7 of the reply dated 13.04.2023 is a false statement made on oath with an intention to mislead this Hon'ble Court and therefore, the Respondent No.4 and 5 be held liable for an act of perjury. Similar statement has been made by the Respondent No.4 and 5 in their Reply dated 13.04.2023 in Paragraph 11.
- h. In view of the submissions made by the Respondent No.12 hereinabove, the Respondent No.12 states that the allegation of illegal mining being undertaken by the Respondent No.12 at the said site is an issue which is already been decided previously by the Competent

Authorities. However, the Applicant is coercing the Hon'ble Tribunal and the Joint Committee to re-adjudicate the issue which is otherwise decided in the favor of Respondent No.12 in accordance with law.

- i. Previously, the Respondent No.12 as a Power of Attorney Holder of one Pearl D'mello on 14.07.2021 had filed a Criminal Complaint No. 406 of 2021 against the Applicant and the Ld. JMFC vide its Order dated 14.07.2021 had directed the police to register an offence u/s 156(3) against the Applicant. In pursuance thereof, an FIR bearing No. 81 of 2021 had been registered against the Applicant at the behest of Respondent No.12. Similarly, the mother of Respondent No.12 had filed a Criminal Complaint No. 416 of 2021 against the Applicant, for which an FIR bearing No. 277 of 2021 has been registered against the Applicant on the directions issued by the Ld. JMFC vide its Order dated 24.06.2021. As a counterblast to all these complaints made by the Respondent No.12, the Applicant has filed the O.A. No. 103 of 2022 before the Hon'ble Tribunal with ulterior motives. A copy of the Order dated 14.07.2021 passed by the Ld. JMFC in Criminal Complaint No, 406 of 2021 along with the FIR No. 81 of 2021 and the copy of the Order dated 24.06.2021 passed by the Ld. JMFC along with the FIR No. 277 of 2021 is enclosed herewith as **ANNEXURE R-7 Colly**.

5. Para Wise Reply:

- a. At the outset all the contentions, averments, assertions and allegations made by the Applicant in O.A. No. 103 of 2022 are denied and nothing therein shall be deemed to be admitted by the Respondent No.12 for reasons of non-traverse unless specifically admitted herein:

- b. As far as the Synopsis of the O.A. No. 103 of 2022 are concerned the Synopsis are absolutely ambiguous and in no way brings out the case of the Applicant. Besides alleging that the Respondents are indulging in illegal mining in Village Kole Chafesar, Chavsar, Thakursai, Varu, Phagne Taluka Maval District Pune, the Applicant has failed to raise any contention as to the specifications of the mineral alleged to have been excavated and the location (Exact Survey No./ Gut No.) where the alleged illegal mining was undertaken by the Respondents. The Applicant having failed to assert specific facts with regards to the alleged illegal mining, the O.A. No. 103 of 2022 as filed by the Applicant is a generic attempt to mislead this Hon'ble Tribunal to exercise its power under Section 14 and 15 of the National Green Tribunal, 2010. Furthermore, the provisions of Section 14 of the NGT Act, stipulate that this Hon'ble Tribunal would have jurisdiction over all civil cases, where a substantial question relating to environment is involved. However, on perusing the contents of the Synopsis, the Applicant seems to be in a reverie, and has raised no substantial questions, relating to environment, which needs adjudication by this Hon'ble Tribunal, more particularly, within regards to the Respondent No. 12. Also, the question of claiming damages against the Respondent No. 12 would not arise as the Applicant has failed to prove the assertions made in the present Original Application.
- c. The contentions in Para 1 and 2 are a matter of record and as such need no reply.
- d. As far as the contentions in Para 3 are concerned, the Applicant be put to strict proof of the contention made by the Applicant that the Respondent No. 9 to 12 in collusion with the Officers viz, Respondent

No. 3 and 7 have undertaken illegal mining. In terms of the facts narrated herein above in Paragraph 4 in the present Reply, the Respondent No.12 contends that no illegal mining had been undertaken by the Respondent No.12. In legal parlance, it is for the Applicant to prove the assertion made by the Applicant in the Application, exist.

- e. The contentions of Para 4 is an attempt to paint the Applicant in noble colors so as to demonstrate that the Applicant is the Social Worker and working for a social cause. The contentions of Para 4 are nothing but masquerading the Applicant. On the contrary, as demonstrated herein above, the Respondent No.12 has shown how the Applicant is a busy body indulging in arm twisting respectable citizens and authorities so as to extort favors and money in return. Tersely to demonstrate, an FIR bearing No. 81 of 2021 dated 01.08.2021 for offences punishable under section 34, 406, 420, 504, 506(2) of IPC has been registered against the Applicant. Also, an FIR No.277 of 2021 dated 02.07.2021 has been registered against the Applicant. The afore-stated FIRs are just a glimpse of the culpability of the Applicant and there are several other proceedings against the Applicant which raise a serious suspicion on the credentials of the Applicant. Thus, it is apparent that the contents of Para 4 by no stretch of imagination can be considered as a gospel and therefore this Hon'ble Tribunal ought to gauge the veracity of the contentions raised by the Applicant with a microscopic lens.
- f. The contentions in Para 5 are a matter of record as the same describes the Respondent Authorities and as such need no reply.
- g. As far as the contentions in Para 6 are concerned, it is submitted that the Applicant vide the O.A. No.103 of 2022 had alleged illegal mining activity to have been undertaken at Village Kolechafesar, Chavsar,

Thakursai, Varu, Phagne of Taluka Maval, District Pune. Interestingly, in the Memo of Parties the Applicant has only arrayed the Police Patil of Village Chavsar as a Party Respondent in the O.A. No.103 of 2022 and has conveniently abstained from arraying the Police Patil of Village Kolechafesar, Thakursai, Varu, Phagne of Taluka Maval, District Pune as a party Respondent. This act of the Applicant to only array the Police Patil of Village Chavsar as Respondent No.8 clearly demonstrates the pick and choose approach of the Applicant in arraying the Respondents in the present O.A. As far as the allegations with regards to Respondent No.8 having been purchased by the Respondent No.9 to 14 are being concerned, the Applicant along with the Original Application has produced not a single document to support the contention of the Applicant. Furthermore, the contentions of the Applicant that the Respondent No.8 ought to have complete knowledge of the illegal mining activity are concerned, on perusing the Report dated 23.02.2023, barring Survey No.235 of Village Kusgaon, the alleged illegal excavation has been undertaken in Government Lands be it the Irrigation Department or the Forest Department. Also, the Irrigation Department has registered FIRs against unknown person. In such circumstances where the Irrigation Department and Forest Department were not aware of the illegal excavation previously taken, by no stretch of imagination can the Respondent No.8 be solely responsible for not having reported the alleged illegal mining. Also, it would not be prudent to assert culpability on the Respondent No.8 to say that the Respondent No.8 has vested interest with regards to illegal mining. Therefore, with regards to contention in Para 6, the Applicant be put to strict proof before making allegations against responsible Government

Authorities. Merely because the Applicant has the forum such as this Hon'ble Tribunal, which adjudicates environmental issues, the Applicant cannot make allegations against authorities without substantiating the same. This being contrary to the rationale of Law of Evidence, this Hon'ble Tribunal should take Judicial Notice for the same and impose exemplary cost on the Applicant.

- h. The contentions in Para 7 are the figment of the imagination of the Applicant and is nothing but an endeavor to sensationalize the O.A. No. 103 of 2022. The Applicant has filed the OA No. 103 of 2022 against the respondent No.12 only because the Respondent No. 12 was catalyst in registering the FIR No.81of 2021 for offence punishable under section 34, 406, 420, 504, 506(2) of IPC and FIR No.277 of 2021 for offences punishable u/s 404, 406, 420, 504 and 506 against the Applicant. Furthermore, the vengeance of the Applicant against the Respondent No.12 is writ large which can be ascertained by the fact that previously the Applicant had sought to initiate prosecution against the Respondent No.12 for an alleged illegal excavation of 3486 brass at the said site under the Maharashtra Land Revenue Code, 1966. However, since the Respondent No.12 had succeeded in setting aside the Order passed by the Tahsildar at the instance of the Applicant, it is more than apparent that the Applicant has filed the present OA No. 103 of 2022 simply with the intention to harass the Respondent No.12. The Applicant is wrongly enforcing the provisions of Section 14 and 15 of the National Green Tribunal Act vide the present O.A. No. 103 of 2022 more particularly when the Applicant has failed to prove the allegations made against the Respondent No.12 exist. The contentions raised by the Applicant in present Original Application against the Respondent

No.12 have already been decided by the competent Authority i.e. the office of the Ld. Sub-Divisional Officer, whereby the Sub- Divisional Officer vide its order dated 07.01.2021 has also found that the Respondent No.12 had not undertaken any illegal excavation at the portion of the land owned by the Respondent No.12 of the site. Thus, the order dated 07.01.2021 of the Ld. Sub-Divisional Officer is a quasi judicial order passed by an Authority in exercise of its powers under the Statute and the same cannot be overlooked unless and until the same has been set-aside.

- i. Para 8 of the Original Application is not concerned with the Respondent No.12, therefore needs no reply.
- j. As far as the contention of the Applicant in Para 9 with regard to complaints being made to Respondent No. 3 to 7 against the Respondent No. 9 to 12 are concerned, the Joint Committee Report of 23.02.2023 completely negates the contentions of the Applicant in the complaint alleged to have been made. The Respondent Authorities have acted on the directions of this Hon'ble Tribunal dated 05.12.2022, and have accordingly after conducting site inspection and after according an opportunity to the parties have submitted the Joint Committee Report dated 23.02.2023, which in no way corroborates the so called complaints that the Applicant has relied in Para 9.
- k. In Paragraph 10 of the Original Application, the Applicant has tabulated the quantity of alleged illegal excavation that has been undertaken at various villages. The quantities as specified by the Applicant are imaginary and an effort to exaggerate the gravity of the alleged illegal mining. However, the Applicant in Para 10 of the present Original Application has not been able to proof the alleged quantities of

illegal excavation. On the contrary, the Respondent No.4 and 5 in the Reply dated 13.04.2023 have averred that a total of 7151.81 brass of murrum has been mined. Out of the 7151.81 brass of excavation, 3468 brass has been excavated at Village Kusgaon in the land owned by the Respondent No.12. As far as the said excavation at the said site is concerned the same has been aptly replied by the Respondent No.12 in Para 4 herein above. Thus, the figures mentioned in Para 10 of the OA No. 103. Of 2022 are much contrary to the records and the findings of the Respondent Authorities.

1. The contentions of the Applicant in Para 11 that the Mamlatdar has drawn a spot panchnama and has concluded that the Respondent No. 9 to 12 have carried out illegal mining amounting to an approximate amount of Rs. 7, 72, 96, 095/- is absolutely erroneous. On perusing the contents of the alleged panchnama, nowhere have the authorities come to a conclusion of whatsoever nature that the alleged illegal excavation has been undertaken by the Respondent No. 9 to 12. Rather, the Authorities have only recorded the contentions of the Applicant and have not attributed any culpability on the Respondents. Furthermore, the Reply Affidavit dated 13.04.2023 filed by the Respondent No.4 and 5 calculates the amount of excavation to the sum of Rs.42,91,086/- for an excavation of 7151.81 brass. Out of the 7151.81 brass, the compensation on 3468 brass has already been set aside by the Order of the Sub-Divisional Officer dated 07.01.2021 in RTS Appeal No.483 of 2020. Thus, the contentions in Para 11 are completely misleading. Also, the contentions with regards to imposition of penalty of Rs.83,66,400/-, the Respondent No.9 has explained the true facts in Paragraph 4 herein above and same may be read as a part of the Reply to Paragraph 11.

6. Reply to the Grounds of the Application

- a. That the contentions raised by the Applicant in ground No. I are totally misconceived and the Applicant has not even been able to make out any case with regards to the contravention of the Forest Conservation Act as far as the Respondent No. 12 is concerned.
- b. As far as the contentions in ground no. II is concerned, the Respondent No.12 has clearly demonstrated herein above that no illegal excavation has been undertaken in the portion of the land owned by the Respondent No.12 at the said site. With regards to the excavation undertaken by the Respondent No.12 at the said site, the Respondent No.12 has already demonstrated the adjudication of the same in accordance with law in paragraph 4. In such circumstances, the question of payment of royalty or obtaining environment Clearance as sought does not arise.
- c. As far as the contentions in Ground No. III are concerned, the letter dated 31.07.2020 of the Tahsildar to the Sub-Divisional Officer of Maval, clearly establishes that no excavation has been undertaken by the Respondent No. 12 in that part of the Land owned by the Respondent No. 12 at the said site. Thus, in view of the evidence showing non-involvement of the Respondent No. 12, the contentions in Ground No. III hold no water.
- d. The contentions with regards to Ground No. IV have been dealt with while replying to Ground No. II in Paragraph No. 6(b) herein above and the same be read as a part of reply for Ground No. IV.
- e. The contentions in Ground No. V are contrary to the reply filed by the Respondent No. 4 and 5 dated 13.04.2023 wherein at Paragraph No. 10 and 11 of the said Affidavit, the Respondent No. 4 and 5 have come to

a conclusion that 7151.81 of brass amounting to Rs. 42,91,086/- has been excavated. However, out of the 7151.81 brass, 3468 brass has already been adjudicated by the Sub-Divisional Officer to be legal vide its order dated 07.01.2021 in RTS Appeal No. 483 of 2020. Thus, apparently, there is no evidence of serious environmental destruction or damage in Maval Taluka as alleged in Ground No. 5.

- f. The Applicant has not been able to substantiate the contentions in ground No.VI so as to justify the allegation that the Respondents are totally undertaking illegal excavation. Such allegations being contrary to record are of no substance.
- g. The Applicant in ground No.VII has failed to demonstrate any damage to the environment as a consequence of the alleged illegal excavation being undertaken by the Respondent No. 12. The office of the Ld. Sub-Divisional Officer vide its order dated 07.01.2021 set aside the order dated 14.04.2020 whereby the penalty of Rs.83,66,400/- was imposed upon the Respondent No.12 and has allowed the Appeal bearing No. RTS/A/483/2020 filed by the Respondent No.12 and therefore the contentions in Ground No. VII have no bearing on the Respondent No. 12.
- h. The issue raised by the Applicant in Ground No.VIII is not admitted by the Respondent No.12. The Applicant had produced nothing on record to prove the assertion that the Respondent No.12 have undertaken money laundering. Be that as it may, the Hon'ble Supreme Court vide its Order dated 27.04.2022 in Civil Appeal No. 2862 – 2863 of 2022 has stayed direction No. (vii) in the Order dated 24.01.2022 issued by the Principal Bench of this Hon'ble Tribunal directing the Enforcement Directorate to examine the matter under the Prevention of Money

Laundrying Act, 2002. Furthermore, the issue pertaining to money laundering under the Prevention of Money Laundering Act, 2002 does not form a part of the seven enactments specified in the Schedule I of the National Green Tribunal Act, 2010 and therefore, is beyond the jurisdiction of this Hon'ble Tribunal.

- i. The contentions in Ground No. IX by itself demonstrate the vengeance of the Applicant in filing the present Application before this Hon'ble Tribunal. In Ground No. IX, it is the case of the Applicant himself that the Applicant has revengefully filed the present Original Application against the Respondent No. 9 to 12 and Respondent No.14 due to the previous litigations between the Applicant and the said Respondents. In the present Reply, the Answering Respondent in the aforementioned paragraphs has enumerated the details of the previous litigation pending between the Applicant and the Respondent No.12. It is therefore submitted that the present Original Application is an attempt to misuse the Jurisdiction of this Hon'ble Tribunal to settle personal scores of the Applicant against the Respondent No.12.

7. Reply to the Limitation:

Any application under Section 14(3) of the National Green Tribunal Act, 2010 shall be made with this Hon'ble Tribunal within a period of six months from the date on which the cause of action for such dispute first arose and under Section 15(3) of the National Green Tribunal Act, 2010 within 5 years from the date on which the cause of action for compensation or relief first arose. The Hon'ble Supreme Court in (2011) 9 SCC 126 has interpreted the term "right to sue first accrues" to mean that if a suit is based on multiple causes of action, the period of limitation would begin to run from the date when the right to sue first accrues.

Successive violation of the right would not give rise to a fresh cause and the suit would be liable to be dismissed if it is beyond the period of limitation counted from the day when the right to sue first accrues. The Applicant in the limitation clause has contended that the cause of action for filing of the present Application arose on 26.08.2022, when the Applicant had preferred an application to the Respondent No.6. The Hon'ble Supreme Court in (2013) 12 SCC 179 has held that a representation relating to a stale claim or a dead grievance does not give rise to a fresh cause of action. Mere submission of a representation to a competent authority does not arrest time. Therefore, the contentions of the Applicant in the limitation clause that a representation to the Respondent No.6 on 26.08.2022 would give a cause of action to the Applicant to file the present Application is contrary to the law laid down by the Hon'ble Supreme Court as well as this Hon'ble Tribunal.

Also, the Respondent No. 4 and 5 in their Reply Affidavit dated 13.04.2023 has categorically stated, more particularly in Para 11 that the alleged illegal mining has been undertaken "*since past 10 to 12 years in parts and has not been undertaken currently*". Thus, it is the stand of the Respondent Authorities in the present OA that the illegal mining has been undertaken since past 10-12 years. In such circumstances, the OA No. 103/2022 in any case, is beyond the period of Limitation prescribed u/s 14(3) as well as 15(3) of the NGT Act, 2010 and ought to be dismissed solely on this ground.

8. Also, the Hon'ble Supreme Court in a recent Judgment dated 21.10.2022 reported in (2022) SCC Online SC 1469 has categorically held that before a litigant is permitted to knock the doors of justice and seek Orders from the Hon'ble Tribunal which have far reaching effects, the credentials and

bonafides of such an Applicant must be tested. The Hon'ble Supreme Court was therefore pleased to direct the Hon'ble Tribunal when objections with regards to bonafides and credentials of Applicants are seriously raised when entertaining the grievance of such Applicants, which is likely to adversely affect the rights of many, it should ensure the bonafides and credentials of such Litigants. In view of the Judgment passed by the Hon'ble Supreme Court, it is therefore now necessary to ensure the credentials and bonafides of the Applicant in the present case.

9. In view of the contentions raised herein above, no prayers as sought by the Applicant can be granted qua the Respondent No.12. As far as the prayer clause A) is concerned, the same has been complied with as this Hon'ble Tribunal has already constituted a Joint Committee vide its order dated 05.12.2022, which has submitted its Report dated 23.02.2023 and nothing incriminating has been found against the Respondents. As far as prayer clause B) is concerned, since the Report does not confirm illegal mining at the behest of Respondent No. 12, the same has no consequence. The relief sought in Prayer clause C) cannot be granted in terms of the contentions raised in Paragraph 6 (h) herein above. Since, no illegal excavation has been attributed to the Respondent No.12 in the Report dated 23.02.2023 as well as the Letter dated 31.07.2020 of the Tahsildar and the Order dated 07.01.2021 passed by the Ld. Sub Divisional Officer, no question of levying Environmental Compensation arises as sought in prayer clause D). Prayer clause E) being interim and ad-interim relief, the same does not survive as on date.
10. Even otherwise, the fact finding report dated 23.02.2023 of the Joint Committee constituted by this Hon'ble Tribunal in no way attributes any mining activity against the any of the Respondent. Also, on perusing the

present Original Application as it is, the Applicant has failed to even make out a case with regards to alleged illegal mining at the behest of any of the Respondent. In such circumstances, this Hon'ble Tribunal may be pleased to dismiss the present Original Application with exemplary costs.

Filed By:



Samridhi S. Jain
Advocate

A10, LGF, Lajpat Nagar III, New Delhi, 110024

Place: Pune

Email: samridhi12318@gmail.com

Date: 23.04.2023

Contact No: +91 9890210579

NOTARIAL REG.

ENTRY NO. 225

DATE. 21/04/23



BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE
ORIGINAL APPLICATION NO. 103 OF 2022

IN THE MATTER OF:
Prakash Mishrilal Porwal
Versus
Ministry of Environment, Forest
and Climate Changes and Ors.

...Applicant

...Respondents

AFFIDAVIT

I, Mr. Akhil Ashok Agarwal, Occupation: Business, Age: Adult, Residing at: Hanuman Vatika, near Pradhan Park Society, Lonavala-410401 Maharashtra, do hereby solemnly affirm and state as under:

1. That I am the Respondent No.12 in the above mentioned Original Application as such am conversant with the facts and circumstances of the case and am competent to swear to this affidavit.
2. That I have read the contents of the accompanying reply, the same being drafted by my counsel under my instructions and that the contents of Para 1 to 10 of the reply are facts in brief believed to be true on legal advice and that I have not suppressed any material fact.
3. That the annexures filed along with the reply are the true copies of their respective originals.

DEPONENT

VERIFICATION

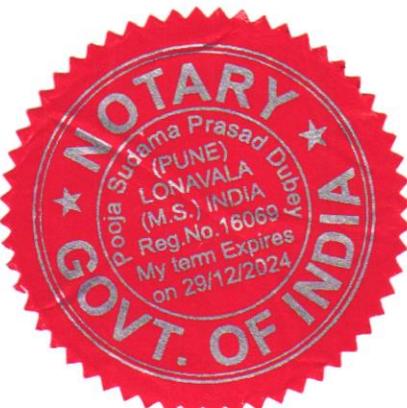
Verified at Lonavala on this 21st day of April, 2023 that the contents of the present affidavit are true and correct and nothing material has been concealed therefrom.

Sworn before me on this
day of 21/04/2023 at Pune (Lonavala) by
Shri/Smt./Ku. Akhil A. Agarwal
R/o.....who has been identified
by Shri/Smt. Adv. Pooja Dubey
Advocate, Pune (Lonavala).

DEPONENT

Adv. Pooja Dubey
21/04/23

NOTARY
Govt. of India
Pune (Lonavala) (M.S.) India



तहसिलदार तथा तालुका कार्यकारी दंडाधिकारी कार्यालय, मावळ.

दुरध्वनी क्र.-०२११४-२३५४४० E- Mail- tahsilmaaval@gmail.com फॅक्स क्र.-०२११४-२३५३००

नोटीस क्र. १ कलम ४८ (७) नुसार

क्र. गौण/कावी/१९८/२०२०

दिनांक- १०/०२/२०२०

प्रति,

श्री. अखिल अशोक आगरवाल

विषय:- मौजे- कुसगाव, ता.मावळ जि.पुणे येथील जमीन गट नंबर २३५
मध्ये अनाधिकृत उत्खननाबाबत.

संदर्भ:- गाव कामगार तलाठी कुसगाव यांचेकडील अहवाल
दिनांक- ३१/०१/२०२०

मौजे कुसगाव बु. ता.मावळ जि. पुणे येथील ग.नं २३५ मधून आपण बेकायदेशीर अनाधिकृत गौणखनिजाचे उत्खनन केले असल्याचे गाव कामगार तलाठी कुसगाव बु यांनी दिनांक ३१/०१/२०२० रोजी समक्ष स्थळपाहणी करून गौणखनिजाची प्रत्यक्ष वस्तुस्थितीबाबत पंचनामा नोंदवून आपण ३४८६ ब्रास इतके गौणखनिजाचे उत्खनन केलेबाबत इकडील कार्यालयाकडे अहवाल सादर केला आहे.

गाव कामगार तलाठी कुसगाव बु यांचेकडील अहवाल पाहता आपण वरील नमूद मिळकतीमध्ये ३४८६ ब्रास मुरूम या गौणखनिजाचे उत्खनन केलेचे दिसून येते, सदरचे जमिनीमध्ये उत्खनन करणेसाठी आपण सक्षम अधिकारी यांची / कार्यालयाची मुरूम उत्खनन करणेकामी पूर्व परवानगी घेतलेली नाही. त्यामुळे वरील नमूद मिळकतीमध्ये ३४८६ ब्रास मुरूम या गौणखनिजाचे अनाधिकृतपणे उत्खनन केल्याचे स्पष्ट होते. सदरचे उत्खनन श्री अखिल अशोक आगरवाल रा. कुसगाव बु ता.मावळ यांनी केले असे चौकशी अहवालानुसार दिसून येते आहे. सदर गौणखनिजाचे अनाधिकृत केलेल्या गौण खनिजाच्या उत्खननामुळे महाराष्ट्र जमिन महसूल अधिनियम १९६६नुसार अजातिपाशे कलम ४८ (७) नुसार दंडाचे कारवाईस पात्र ठरत असल्याची माझी धारणा झालेली आहे. याची खुलासा सदरची नोटिस मिळालेपासून ७ दिवसांत आपण अथवा आपले कायदेशीर प्रतिनिधी मार्फत समक्ष सादर करावा. सदरचा खुलासा मुदतीत प्राप्त न झालेस याबाबत आपले काहीही म्हणणे नाही असे समजून पुढील कार्यवाही करणेत येईल.

तहसिलदार मावळ

प्रत,

गाव कामगार तलाठी कुसगाव बु. ता.मावळ

२/- सदरची नोटीस संबंधीतास तात्काळ बजावून त्याची दिनांकित पोहच या कार्यालयास सादर करावी.

१४/०२/२०२०

OFFICE OF TEHSILDAR AND TALUKA EXECUTIVE
MAGISTRATE, MAVAL.

Telephone no. 02114-235440 E- Mail-
tahsilmaaval@gmail.com Fax no. 02114-235300

Notice no. 1 as per section 48 (7).

No. Minerals/Kavi/182/2020

Dated- 10/02/2020

To,

Mr. Akhil Ashok Agarwal

Sub:- Regarding unauthorized mining in Mauje
Kusgaon, Tal. Maval, District, Pune Land
Group No. 235

Ref:- Report from Village Worker Talathi
Kusgaon

Dated- 31/01/2020

Mauje Kusgaon Bu. Tal. Maval Dist. Pune village worker Talathi Kusgaon has submitted a report to the office regarding the mining of 3486 brass of minor mineral after conducting a site visit on 31/01/2020 and recording a panchnama regarding the actual fact of minor mineral.

By looking at the report from village workers Talathi Kusgaon and others, it is seen that we have mined 3486 grams of minor mineral Murum in the above mentioned property. We have not taken the prior permission of competent authority for Murum Excavation Office for mining the said land. Therefore, in the above mentioned property, it is clear that 3486 brass murums have been mined unofficially. Excavation of the said Mr. Akhil Ashok Agarwal Res. Kusgaon Bu Tal. Maval. According to the inquiry report conducted, I have come to the conclusion that the unauthorized mining of minor mineral is eligible under Section 48 (7) of the

Maharashtra Land Revenue Act 046. You or your legal representative should submit the notice within 7 days of receiving the notice. If the said disclosure is not received within the time limit, further action will be taken considering that you have nothing to say about it. Without disclosure, action will be taken as if it is not yours.

Tehsildara Maval

copy,

Village Worker Talathi Kusgaon Bu. Tal. Maval

2/- The said notice should be issued immediately to the concerned and its dated delivery should be submitted to this office.



TRUE COPY

तहसिलदार मावळ यांचे कार्यालय , वडगाव - मावळ ता.मावळ
(गौणखनिज संकलन)

दुरध्वनी क्र.०२११४ २३५४४०

ई-मेल-tahsilmaaval@gmail.com



क्र/गौण खनिज एसआर/१७८/२०

दि. १४/०४/२०२०

विषय :- अनाधिकृत गौणखनिज वापर

मौजे कुसगाव बु. ता. मावळ, जि.पुणे. येथील जमिन ग.नं. २३५

गाव कामगार तलाठी कुसगाव बु यांनी दिनांक ३१/०१/२०२० रोजी मौजे कुसगाव बु ता. मावळ, जि.पुणे येथील जमिन ग.नं २३५ मधील जागेची पाहणी केली असता श्री. अखिल अशोक आगरवाल रा. कुसगाव यांनी अनाधिकृत रित्या मातीचे या गौणखनिजाचे उत्खनन केलेचे निदर्शनास आलेले आहे. सदर बाबत मोजमाप घेतलेले असून त्यावरून सदर जागेवर ३४८६ ब्रास इतके मुरूम अनाधिकृतपणे वापर केलेचे दिसून आलेले आहे. यानुसार श्री. अखिल अशोक आगरवाल रा. कुसगाव हे महाराष्ट्र जमिन महसूल अधिनियम १९६६ चे कलम ४८ (७) चे कारवाईस पात्र ठरत आहेत.

श्री. अखिल अशोक आगरवाल रा. कुसगाव बु ता.मावळ यांनी बिगारहुकमी मुरूम या खनिजाचा वापर केलेबाबत महाराष्ट्र जमिन महसूल अधिनियम १९६६ चे कलम ४८ (७) नुसार दंडात्मक कार्यवाही का करणेत येवु नये याबाबतचा खुलासा नोटीस मिळालेपासुन ०७ दिवसांचे आत करावा अन्यथा याकामी आपणास काही आपणास काही सांगावयाचे नाही असे गृहीत कायदेशीर कारवाई करणेत येईल अशी नोटीस इकडील कार्यालयाकडुन क्र.गौण/कावी/१७८/२०२० दि.१०/०२/२०२० अन्वये काढलेली होती. तथापि संबधीतांनी कोणताही लेखी खुलासा सादर केलेला नाही.

यावरून श्री. अखिल अशोक आगरवाल रा. कुसगाव बु ता.मावळ यांनी अनाधिकृत रित्या मुरूम या गौणखनिजाचे उत्खनन करून विक्री केलेचे सिध्द होते. त्यांनी ३४८६ ब्रास मुरूम उत्खनन करून वापर/विक्री केलेला आहे. सदर मालाची बाजार भावाप्रमाणे रॉयल्टी प्रती ब्रास ४०० रू प्रमाणे रक्कम रू. १३९४४००/- इतकी किंमत होत आहे. त्यांचे सदरचे कृत्य महाराष्ट्र जमिन महसूल अधिनियम १९६६ चे कलम ४८ (७) नुसार दंडाचे कारवाईस पात्र आहे अशी माझी खात्री झालेली आहे.

वरील विवेचनावरून मी तहसिलदार मावळ, महाराष्ट्र जमिन महसूल अधिनियम १९६६ चे कलम ४८ (७) अन्वये प्रदान केलेल्या अधिकारानुसार श्री. अखिल अशोक आगरवाल रा. कुसगाव बु ता.मावळ यांना खालीलप्रमाणे दंडाची रक्कम व राजशुल्क भरण्याचा आदेश देत आहे.

दि. २४/०४/२०२०
[Signature]

१. अधिकार शुल्क (रॉयल्टी) -	१२९४४००/-
२. पाच पट दंड -	६९७२०००/-
एकूण	८२६६४००/-

सबब सदरची रक्कम आदेश मिळालेपासून १५ दिवसांत भरणा करावी. सदरची रक्कम मूदतीत भरणा न केलेस सदरची रक्कम जमिन महसूलाची थकबाकी असे ग्राह्य धरून सक्तीचे उपायाने वसूल करणेत येईल याची नोंद घ्यावी.



तहसिलदार मावळ

प्रति,

१. श्री अखिल अशोक आगरवाल रा. कुसगाव बु. ता. मावळ जि. पुणे
२. मा. उपविभागीय अधिकारी मावळ - मुळशी, उपविभाग मावळ, पुणे यांचेकडे माहितीस्तव सविनय सादर.
३. गाव कामगार तलाठी कुसगाव बु. ता. मावळ जि. पुणे

२/- सदरचा आदेश संबंधितास बजावून त्याची दिनांकित पोहोच या कार्यालयास त्वरीत सादर करण्यात यावी.

तहसिलदार मावळ

Office of Tehsildar Maval, Vadgaon Maval Tal.Maval.

(Collection of Minor Minerals)

Email- tahsilmaaval@gmail.com

Telephone no. 02114 235440

O.N. Secondary Minerals/SR/178/20 dt. 14/04/2020

Sub: Unauthorized Secondary mineral uses

Mauje Kusgaon Bu. Tal Maval, Dist.

Pune, Land G.No. 235

ORDER

Village Worker Talathi Kusgaon Bu on 31/01/2020 at Mauje Kusgaon Bu. Tal. Maval, Dist. Pune, G.No. 235 Shri. Akhil Ashok Aggarwal Res. Kusgaon, It has been observed that it has illegally mined the soil for this minor mineral. Measurements have been taken in this regard and it has been seen that 3486 brass of Murum has been used unauthorizedly at the said place. According to

this Mr. Akhil Ashok Aggarwal Res. Kusangao under Section 48 (7) of the Maharashtra Land Revenue Act, 1966

Mr. Akhil Ashok Aggarwal Res. Kusgaon Bu Ta. According to Section 48 (7) of the Maharashtra Land Revenue Act, 1966, regarding the use of Vigarhukami Murum mineral by Maval, the disclosure should be made within 07 days of receiving the notice as to why penal action should not be taken. No. Goun Kavi/178/2020 dt. from this office. was drawn on 10/02/2020. However, the concerned shall submit any written disclosure.

From this Mr. Akhil Ashok Aggarwal Res. Kusgaon Bu Tal. Maval, Dist. Pune illegally mined and sold the minor mineral Murum. He has excavated and sold 3486 Brass Murums. As per the market price of the said goods royalty Rs.400/-per brass that is Rs. 1394400/-. I am satisfied that his said act is punishable under Section 48 (7) of the Maharashtra Land Revenue Act, 1966.

Based on the above reasoning, I hereby order the Tehsildar Maval, Maharashtra Land Revenue Act, 1966 under Section 48 (7) of Shri. Akhil Ashok Aggarwal Res. Kusgaon Bu Tal. Maval is ordered to pay the following amount of fine and royalties.

1. Right charges	1394400/-
2. Five level penalty	6972000/-
Total	8366400/-

The said amount should be paid within 15 days from the receipt of the order. Note that if the said amount is not paid within the time limit, the said amount will be treated as arrears of land revenue and will be recovered by compulsory measures.

Tehsildar Maval

Copy

1. Shri Akhil Ashok Aggarwal Res. Kusgaon Bu. Tal.
Maval Dist. Pune

2. Hon. Sub Divisional Officer Maval- Mulshi, Sub Division Maval, Pune submitted information.
3. Village Worker Talathi Kusgaon Bu. h Maval Dist. Pune

2/- Issue the said order to the concerned and submit its dated receipt to this office promptly

Tehsildar Maval



TRUE COPY

दि. ३०/०६/२०२०

प्रति,

मा. तहसिलदार तथा तालुका टंडाधिकारी सगे.

तहमिल कार्यालय, वडगाव,

ता.मावळ जि.पुणे.

अर्जदार - अखिल अशोक अगरवाल

पत्ता - हनुमान वाटीका, प्रधान पार्क जवळ,

वर्धमान सोसायटी, लोणावळा ता. मावळ जि.पुणे.

विषय - मौजे - कुसगाव बु॥ ता. मावळ जि.पुणे येथिल जमीन गट नंबर २३५ मध्ये अनाधिकृत उत्खनाच्या नोटीस व आदेश बाबत खुलासा.

संदर्भ - १. आपले कार्यालयीन दिनांक १०/०२/२०२० रोजीचे नोटीस क्रं.

गौण/कावी/१७८/२०२०.

२. आपले आदेश जा. क्रं. गौण खनिज/एसआर/१७८/२०२०

दि. १४/०४/२०२० प्राप्त दि. २४/०६/२०२०.

महोदय,

सद्यची माहिती, माहितीचा अधिपकार अधिनियम २००५ नुसार अर्जाप्रमाणे तहसिलदार कार्यालय देणेत झाली आहे.

उपरोक्त संदर्भिय नोटीस व आदेश प्राप्त झालेली असून सदर नोटीस अनुसरून कोरोना कोविड - १९ करीता लॉकडाउन असल्यामुळे खुलासा सादर करता आलेला नाही. परंतु आपले आदेश प्राप्त झालेनंतर मी आपण दिलेली नोटीस व आदेश बाबत खुलासा सादर करित आहे.

मौजे कुसगाव बु॥ ता.मावळ जि.पुणे येथिल जमीन गट नंबर २३५ एकणु

18264 क्षेत्र ०१ हे. २५ आर पैकी माझे हिश्याचे क्षेत्र ०० हे. ६२.५० आर असे आहे.

वकील कार्यालय बडगाव रमेशकुमार वजीर

वकील कार्यालय बडगाव रमेशकुमार वजीर ही अर्थात सदर मिळकतीमध्ये सायरस नल्लासेठ यांचे हिश्याचे क्षेत्र ०० हे.

६२.५० आर होते व कुमारी रमेशकुमार वजीर यांचे हिश्याचे क्षेत्र ०० हे. ६२.

५० आर होते.

सदर मिळकतपैकी सायरस नल्लासेठ यांचे हिश्याचे क्षेत्र ०० हे. ६२.५०

तहसिलदार मावळ आर हे मी नोंदणीकृत खरेदीखताने खरेदी केलेले आहे. सदरचे खरेदीखत दुययम

निबंधक लोणावळा यांचे कार्यालयामध्ये दि. २४/०९/२०१८ रोजी दाखल

वकील कार्यालय

केलेले असुन सदरचे खरेदीखत दि. ०४/१०/२०१८ रोजी अनु. क्रं. ३५१३/२०१८ ने नोदविलेले आहे व सदरचे खरेदीखत गावकामगार तलाठी यांनी दि. २०/१२/२०१९ रोजी अनु. क्रं. ३२३४ ने नोदविलेले असुन सदरचे खरेदीखत दि. २४/०२/२०२० रोजी मंजूर झालेला आहे. मी खरेदी केलेले क्षेत्र हे निविदां माझे मालकी व वहीवाटीचे आहे.

मला प्राप्त झालेल्या माहितीनुसार सदर मिळकतीमधील सहकब्जेदार मालक कुमारी रमेशकुमार वजीर यांनी त्यांचे हिश्याचे क्षेत्र ०० हे. ६२.५० आर करीता श्री. शंकर रामचंद्र अर्थमुव्हर्स प्रा. लि. तर्फे श्री. अविनाश ढमढेरे यांस माती मुरूम उत्खननासाठी दिलेले होते त्यानुसार श्री. शंकर रामचंद्र अर्थमुव्हर्स प्रा. लि. तर्फे श्री. अविनाश ढमढेरे यांनी आपणाकडुन रितसर परवानगी घेतलेली आहे आपणाकडुन परवानगी घेतल्यानंतर त्यांनी त्यांचे क्षेत्रामध्ये उत्खनन केलेले आहे. त्यांनी केलेले उत्खननाबाबत माझा कोणताही संबंध नाही.

माझे मते गावकामगार तलाठी व इतर अधिकारी यांनी आपणासमोर मी उत्खनन केले असल्याचे अहवाल सादर केले असावे व त्यामुळे आपणाकडुन मला चुकीची नोटीस दिलेली आहे तसेच माझेविरुद्ध चुकीचा आदेश दिला गेलेला आहे. सदर दिलेली चुकीची नोटीस व आदेशामुळे मला प्रचंड मानसिक त्रास झालेला असुन त्याचा माझे तब्येतीवर खोलवर परिणाम झालेला आहे.

तरी आपणास माझी नम्र विनंती कि,

१. सदर प्रकरणाचा पुर्नचौकशी व्हावी.
२. श्री. शंकर रामचंद्र अर्थमुव्हर्स प्रा. लि. तर्फे श्री. अविनाश ढमढेरे यांनी केलेले उत्खनन याची आपल्या स्तरावर चौकशी होवुन त्याबाबत आपण योग्य तो निर्णय घ्यावे.
३. मला दिलेली दिनांक १०/०२/२०२० रोजीचे नोटीस क्रं. गौण/कावी/१७८/२०२० ही रद्द करण्यात यावी.
४. माझे विरुद्ध दिलेले आदेश जा. क्रं. गौण खनिज/एसआर/१७८/२०२० दि. १४/०४/२०२० रद्द करण्यात यावे.
५. सदर विषयी मला माझे अतिरिक्त म्हणणे मांडण्याची संधी असावी.

कळावे,

अर्जदार

(Signature)

अखिल अशोक अगरवाल

सहकारी सहिदी, माहितीचा अधिकार
संविधान २००५ नुसार कर्जाप्रमाणे
सर्व माहिती देण्यात यावी असे.

Dt. 30.6.2020

To,

Hon. Tehsildar and Taluka Magistrate

Tehsil Office, Vadgaon,

Tal. Maval Dist.Pune.

Applicant - Akhil Ashok Aggarwal

Address- Hanuman Watika, Near Pradhan Park,
Vardhaman Society, Lonavala Maval
Dist.Pune.

Subject – Disclosure regarding the notice and order
of unauthorized excavation in Mouje –
Kusgaon Bu.. Tal. Maval, Dist Pune land
group number 235

Ref:- 1. Your office notice dated
10/02/2020.

Secondary/Kavi/178/2020.

2. 'Natashas' as per application under
RTI 2005, O.N. Secondary
minerals/SR./

178/2020,Dt.14/04/2020 Received

24/06/2020

Sir,

The aforesaid reference notice and order was received as soon as possible. Accordingly, the disclosure could not be submitted due to the lockdown due to Covid Corona 19. But after receiving your order, I am submitting the clarification regarding your notice and order.

I am the owner of the Plot which is situated at Mauje Kusgaon, Plot No. 235, Area 00 Hec. 62.50 R out of Total Area 01 Hec. 25 R in Maval District Pune. The previous owners of the estate were Cyrus Nallaseth and Kumari Ramesh Kumar Wazir, i.e. Cyrus Nallaseth's share area in the said property was 00 ha.62.50 R and Kumari Rameshkumar Wazir's share area was 00 hec. 62.
Classification

Out of the said property of Cyrus Nallaseth's share area is 00. 62.50 and I have purchased it through Registered Purchaser. The said purchase deed in the office of the Deputy Registrar Lonawala filed on dt. 24/09/2018 and the said purchase deed dated registered on dt. 04/10/2018 vide its 3513/2018 and the said purchase deed was issued by village worker Talathi dated dt. 20.10.2019 through modification No. 3234 has been approved on 24/02/2020. The area purchased by me is indisputably my ownership and possession.

According to the information received by me, owner Kumari Ramesh Kumar Wazir, co-occupier of the said property, has his share area of 00. 62.50 for Shankar Ramchandra Earthmovers Pvt. Ltd. According to Shri. Shankar Ramchandra Earthmovers Pvt. Ltd. By Mr. Avinash Dhamdhere has duly taken permission from you and after taking permission from you he has excavated

them in the area. I have nothing to do with the excavations done by them.

According to me village worker Talathi and other officers must have submitted the report before you that I have done excavation and therefore wrong notice has been given to me by you and wrong order has been passed against me. Due to the said wrong notice and order, I have suffered a great deal of mental distress and it has deeply affected my health.

1. The matter should be reinvestigated.
2. We should inquire at our level about such excavations in made by Shri Avinash Dhamdhere of Mr. Shankar Ramchandra Earthmovers Pvt. Ltd. and take appropriate decision regarding it.
3. Notice dated 10/02/2020 issued to me vide its No. Mineral /Kawi/178/2020 should be cancelled.
4. Pass orders against me vide its No. Minor Minerals / SR// 178 / 2020 dt. 14/04/2020 be cancelled.

5. May I have an opportunity to make my additional comments on the matter.

Applicant

Akhil Ashok Agarwal



TRUE COPY

तहसिलदार तथा तालुका कार्यकारी दंडाधिकारी, मावळ यांचे कार्यालय,
(गौण खनिज संकलन)

कार्यालयदुरध्वणी-०२११४२३५४४०

EmailID-tahsilmaval@gmail.com

जा.क्र.गौण/कावि/१७८/२०२०
प्रति,

दिनांक- ३१/०७/२०२०

मा. उपविभागीय अधिकारी मावळ - मुळशी
उपविभाग पुणे

विषय:- मौजे कुसगाव बु ता. मावळ येथील जमिन ग.नं २३५ मधील अनाधिकृत गौण
खनिज उत्खननाबाबत.

- संदर्भ :- १. गाव कामगार तलाठी कुरवंडे यांचा दिनांक ३१/०१/२०२० रोजीचा अहवाल
२. या कार्यालयाकडील नोटिस क्र. गौण /कावि/१७८/२०२० दि. १०/०२/२०२०
३. या कार्यालयाकडील आदेश क्र. गौण /कावि/एसआर/१७८/ २० दि. १४/०४/२०२०
४. श्री अखिल अशोक अगरवाल यांचा दिनांक ३०/०६/२०२० रोजीचा लेखी खुलासा.

महोदय,

उपरोक्त विषयी मौजे कुसगाव बु येथील जमिन ग.नं २३५ मधील अनाधिकृत गौण खनिज उत्खननाबाबत
गाव कामगार तलाठी कुरवंडे यांनी वरील संदर्भ क्र. १ अन्वये या कार्यालयास अहवाल सादर केला आहे. सदर
अहवालानुसार मौजे कुसगाव बु येथील जमिन ग.नं २३५ मध्ये श्री अखिल अशोक अगरवाल यांनी ३४८६ ब्रास
अनाधिकृत गौण खनिज उत्खनन केले आहे. सदर अहवालानुसार वरील संदर्भ क्र. ३ अन्वये अनाधिकृत गौण खनिज
उत्खननाबाबत संबंधित जमिन धारक यांना दंडात्मक कारवाईचा आदेश देण्यात आलेला आहे. सदर आदेशाबाबत
आलेल्या प्रत्येक प्रकरण देण्यात आलेली असते.

तथापि वरील संदर्भ क्र. ४ अन्वये श्री अखिल अशोक अगरवाल यांनी या कार्यालयामध्ये लेखी अर्ज देवून
मौजे कुसगाव बु येथील जमिन ग.नं २३५ एकुण क्षेत्र १ हे २५ आर या क्षेत्रापैकी श्री अखिल अशोक अगरवाल
यांच्या मालकीचे ० हे ६२.५० आर व कुमारी रमेशकुमार वजीर यांच्या मालकीचे ० हे ६२.५० आर आहे. तथापि
सदर क्षेत्रामध्ये श्री अखिल अशोक अगरवाल यांनी कोणतेही उत्खनन केलेले नसून सदरचे उत्खनन कुमारी
रमेशकुमार वजीर यांचे मार्फत श्री अविनाश ढमढेरे यांनी केलेले आहे. सदर उत्खनन श्री अविनाश ढमढेरे यांनी केले
असलेबाबत श्री अखिल अशोक अगरवाल यांनी श्री अविनाश ढमढेरे यांना देण्यात आलेल्या गौण खनिज उत्खनन
परवाना छायांकित प्रत जोडलेली आहे.

सदर प्रकरणी वस्तुस्थितीची पडताळणी केली असता श्री अखिल अशोक अगरवाल यांनी सादर केलेला
लेखी खुलासा संयुक्तिक असलेचे दिसून येत आहे. त्यामुळे मौजे कुसगाव बु जमिन ग.नं २३५ मधील अनाधिकृत
गौण खनिज उत्खनन कुमारी रमेशकुमार वजीर यांचे मार्फत श्री अविनाश ढमढेरे यांनी केलेचे दिसून येत

मा.
5/10/2020

5/10/2020

त्यामुळे सदर बाबत या कार्यालयाकडून घरील संदर्भ क्र. ३ अन्वये देण्यात आलेला दंडात्मक कारवाईच्या आव
बदल करणे आवश्यक झाले आहे. तरी सदर बाबत आपले मार्फत योग्य ते आदेश व्हावेत हि विनंती.

आपला विश्वासू

तहसिलदार मावळ

प्रत :- श्री अखिल अशोक अगरवाल रा. कुसगाव बु. ता.मावळ यांचेकडे माहितीसाठी रवाना.

उपविभागीय अधिकारी, मावळ-मुळशी
उपविभाग पुणे शांके कार्यालय
क्र. जमा/कवि/ ५२५ /२०२०
पुणे-१ दिनांक- १०/११/२०२०

प्रति

कृष्णनोदणी सेकलम

वे. गोम्य या कार्यालयासाठी

राजकीय कार्यालय, माहितीचा अधिकार
अभिियम २००५ नुसार सर्जामाणे
संपलब्ध करून देणेत घाली अस.

श्री. अशोक अशोक अगरवाल

उपविभागीय अधिकारी
मावळ-मुळशी उपविभाग पुणे

**Office of Tehsildar and Taluka Executive Magistrate,
Maval,
(Minor Mineral Collection)**

EmailID-tahsilmaaval@gmail.com

Phone No. 02114235440

Dated- 31/07/2020

O.W.No. Mineral/Kavi/178/2020 Dated : 31.07.2020

To,

Hon. Sub Divisional Officer Maval - Mulshi

Subject:- Mauje Kusgaon, Budruk Tal. Maval,
Unauthorized subordination in land C. No.
235 at Maval Regarding mineral extraction.

Reference :- 1. Report of village worker Talathi
Kurwande dated 31/01/2020
2. Notice from this office no.
Secondary /Kavi/178/2020 dt.
10/02/2020
3. This office order no. Mineral Kavi
SR/178/ 20 d. 14/04/2020

4. Written Disclosure dated 30/06/2020
of Shri Akhil Ashok Agarwal.

Respected Sir,

Village Worker Talathi Kurwande regarding the unauthorized minor mineral mining in the aforesaid Bhoj Kusgaon land G.No.235, above reference no.1 A report has been submitted to this office under 1. According to the report, a penal action was ordered against the land holder concerned for mining 3486 brass by Mr. Akhil Ashok Agarwal in Land No. 235 of Mauje Kusgaon Unauthorized minor mineral mining has been carried out. According to the said report above reference

However the above reference no. 4 Mr. Akhil Ashok Agarwal has submitted a written application in this office for a plot of land at Mauje Kusgaon B. No. 235 total area

1 Hec. 25 R out of this area 0 Hec. 62.50 R owned by Shri Akhil Ashok Agarwal and 0 ha 62.50 Hec. owned by Kumari Ramesh Kumar Wazir. .50 is R. However, no excavation has been done by Mr. Akhil Ashok Agarwal in the said area but the said excavation has been done by Mr. Avinash Dhamdere through Kumari Ramesh Kumar Wazir. In the said area no excavation has been done by Mr. Akhil Ashok Agarwal but the said excavation has been done by Mr. Avinash Dhamdere through Kumari Ramesh Kumar Wazir. Regarding the said mining done by Mr. Avinash Dhamdere, enclosed is the shaded copy of Subordinate Mineral Mining License issued to Mr. Avinash Dhamdere by Mr. Akhil Ashok Agarwal.

When verifying the situation in the said case, it is seen that the written disclosure submitted by Mr. Akhil Ashok Agarwal is mixed. Therefore, it appears that the unauthorized minor mineral mining in Mauje Kusgaon and Land G.No.235 was done by Mr. Avinash Dhamdere

on behalf of Kumari Ramesh Kumar Wazir from the office above reference no 3. It has become necessary to modify the penal action provided u/s. However, it is requested that proper orders be made through you in this regard.

Your faithfully,

Tehsildar Maval

Copy :- Shri Akhil Ashok Aggarwal, residing at Kusgaon, Tal. Maval, for information.



TRUE COPY

RTS/07/4C2/20

उपविभागीय अधिकारी मावळ, मुळशी उपविभाग पुणे यांचे न्यायालयात
कं./आरटीएस/अपील//२०२०

अखिल अशोक अगरवाल

पत्ता — हनुमान वाटीका, प्रधान पार्क जवळ, — अर्जदार
वर्धमान सोसायटी, लोणावळा,
ता. मावळ जि. पुणे.

विरुद्ध

१. मा. तहसिलदार मावळ,
वडगाव, ता.मावळ जि. पुणे.
२. गावकामगार तलाठी कुसगाव बु॥
३. श्री.शंकर रामचंद्र अर्थमुक्त्स प्रा. लि.
तर्फे श्री. अविनाथ ढमढेरे
पत्ता — भांगरवाडी, लोणावळा ता. मावळ जि. पुणे.

उपविभागीय अधिकारी	
मावळ-मुळशी उपविभाग यांचे कार्यालय	
जाबिदगार	
RTS	
ना. दि. १९	NOV 2020
संकलन	उपविभागीय अधिकारी
ना. तहसिलदार	

अर्जदारतर्फे महाराष्ट्र जमीन महसुल अधिनियम १९६६ मधील कलम २४७ प्रमाणे मा. तहसिलदार मावळ, वडगाव-मावळ ता. मावळ, (गौणखनिज संकलन) यांच्याकडील जा. क्र./गौणखनिज/एसआर/१७८/२० दि. १४/०४/२०२० रोजी पारीत व अर्जदार यांस दि. २४/०६/२०२० रोजी प्राप्त झालेले आदेशावर नाराज होवुन प्रस्तुतचा अपिलअर्ज

अपिलदार मे. न्यायालयात नम्रपणे कळवितात ते येणेप्रमाणे.....

अ) मिळकतीचे वर्णन — मौजे कुसगाव बु॥ ता. मावळ जि. पुणे येथिल जमीन गट नंबर २३५ एकुण क्षेत्र हे. ०१ — २५ आर यापैकी अर्जदार यांचे मालकीचे क्षेत्र हे. ००—६२.५० आर सदर मिळकतीस यापुढे अपिल मिळकत असे संबोधण्यात येईल.

मौजे कुसगाव बु॥ ता.मावळ जि.पुणे येथिल जमीन गट नंबर २३५ एकुण क्षेत्र हे. ०१—२५ आर या मिळकतीचे पुर्वीचे मालक १) सायरस नल्लासेठ २) कुमारी रमेशकुमारी वजीर हे होते व त्यांचे हिश्याचे प्रत्येकी क्षेत्र हे. ००—६२.५० आर मालकीचे होते.

दि.२४/०९/२०१८ रोजी अर्जदार यांनी अपिल मिळकत क्षेत्र हे.००—६२.५० आर सायरस नल्लासेठ यांजकडुन अधिकृत खरेदीखताद्वारे योग्य तो मोबदला देवुन खरेदी केलेले आहे. सदरचे खरेदीखत दुय्यम निबंधक लोणावळा यांचे कार्यालयामध्ये रजि. नं. ३५१३/२०१८ दि. ०४/१०/२०१८ रोजी नोंदविलेले आहे. सदरचे खरेदीखताची नोंद गावकामगार तलाठी कुसगाव बु॥ यांनी दि. २०/१२/२०१९ रोजी फेरफार क्रं. ३२३४ ने दाखल केलेली असुन सदरची नोंद दि. २४/०२/२०२० रोजी मंजुर झालेली आहे व ७/१२ सदरी सायरस नल्लासेठ यांचे नाव कमी होवुन अर्जदार अखिल अशोक अगरवाल असे नाव दाखल झालेले आहे. अर्थात अर्जदार हे अपिल मिळकत क्षेत्र हे. ००—६२.५० आर चे निर्विवाद मालक आहेत.

राज्याची माहिती, माहितीचा अधिकार
अधिनियम २००५ नुसार अर्जदारांचे
जमीन मालकीचे क्षेत्र
संबंधित प्रश्न देणेत आली असो.

अपिल मिळकतपैकी कुमारी रमेशकुमारी वजीर यांनी त्यांच्या मालकी वहीवाटीचे क्षेत्र हे.००- ६२.५० आर मध्ये श्री. शंकर रामचंद्र अर्थमुव्हर्स प्रा. लि. तर्फे श्री. अविनाथ ढमढेरे पत्ता - भांगरवाडी, लोणावळा ता. मावळ जि. पुणे यांस उत्खनन करण्याकरीता परवानगी दिलेली होती त्याकरीता श्री. शंकर रामचंद्र अर्थमुव्हर्स प्रा. लि. तर्फे श्री. अविनाथ ढमढेरे यांनी मा. तहसिलदार जाबदेणार क्रं. १ यांस दि. ०७/१२/२०१९ रोजी मौजे कुसगाव बु।। ता. मावळ जि. पुणे येथिल जमीन गट नंबर २३५ मधुन कुमारी रमेशकुमार वजीर यांच्या मालकी क्षेत्रातुन गौण खनिज उत्खनन करण्यासाठी परवानगी मागितलेली होती त्यासअनुसरून तहसिलदार कार्यालयाने क्रं.गौण/एसआर/८३/२०१९ वडगाव दि. २०/१२/२०१९ रोजीच्या पत्रान्वये ५०० ब्रास मुरूम उत्खनन करण्याची परवानगी दिलेली होती तद्नंतर पुढील उत्खननाचा प्रस्ताव दि. १४/०१/२०२० रोजी दिलेला होता त्यास अनुसरून तहसिलदार कार्यालयाने क्रं. गौण/एसआर/१४/२०२० वडगाव दि.२२/०१/२०२० रोजीच्या पत्रान्वये दुस-यांदा ५०० ब्रास मुरूम उत्खनन करण्याची परवानगी दिलेली होती.

जाबदेणार क्रं. २ गावकामगार तलाठी व इतर अधिकारी यांनी अर्जदाराने उत्खनन केले असल्याचे अहवाल सादर केलेले आहे व त्यामुळे जाबदेणार क्रं. १ यांनी अर्जदार यांस चुकीची नोटीस दिलेली आहे तसेच अर्जदारांविरूद्ध चुकीचा आदेश दिला गेलेला आहे. सदर दिलेली चुकीची नोटीस व आदेशामुळे अर्जदारास प्रचंड मानसिक त्रास झालेला असुन त्याचा अर्जदार यांच्या तब्येतीवर खोलवर परिणाम झालेला आहे. त्यामुळे जाबदेणार क्रं. १ यांनी दिलेला आदेश रद्द होण्यास पात्र आहे.

अर्जदार यांस प्राप्त झालेल्या माहीतीनुसार सदर मिळकतीमधील सततची माहिती, माहितीचा अधिकार मालक कुमारी रमेशकुमार वजीर यांनी त्यांचे हिश्याचे क्षेत्र ०० हे. ६२.५० हे क्षेत्र २००५ नुसार अर्जदाराचे करीता जाबदेणार क्रं ३ श्री. शंकर रामचंद्र अर्थमुव्हर्स प्रा. लि. तर्फे श्री. अविनाथ ढमढेरे यांस माती मुरूम उत्खननासाठी दिलेले होते त्यानुसार जाबदेणार क्रं ३ श्री. शंकर रामचंद्र अर्थमुव्हर्स प्रा. लि. तर्फे श्री. अविनाथ ढमढेरे यांनी जाबदेणार क्रं. १ यांजकडुन रितसर परवानगी घेतलेली आहे व परवानगी घेतल्यानंतर त्यांनी त्यांचे क्षेत्रामध्ये उत्खनन केलेले आहे. त्यांनी केलेले उत्खननाबाबत अर्जदार यांचा कोणताही संबध नाही.

जाबदेणार क्रं १ मा. तहसिलदार यांनी दोन वेळा ५०० + ५०० असे १००० ब्रास उत्खननाची परवानगी दिलेली आहे. त्याबाबत जाबदेणार क्रं.२ यांना पुर्णपणे माहिती असताना सुध्दा त्यांनी जाबदेणार क्रं. ३ हयांची चौकशी करण्याऐवजी जाणीवपूर्वक अर्जदार यांनी बेकादेशीर उत्खनन केलेबद्दल अहवाल तयार केलेला आहे व त्यांनी दिलेल्या अहवालाची कार्यालयीन शहानिशा न करता जाबदेणार क्रं. १ यांनी अर्जदाराविरूद्ध आदेश पारीत केलेला आहे ते पुर्णपणे चुकीचे आहे. त्यामुळे जाबदेणार क्रं. १ यांनी दिलेला आदेश रद्द होण्यास पात्र आहे.

जाबदेणार क्रं. १ यांनी अपिल मिळकतीमध्ये जाबदेणार क्रं. ३ यांना दिलेली उत्खननाची परवानगीबाबत त्यांचेकडील उपलब्ध कार्यालयीन कागदपत्रांबरोबर छाननी केली असती तर त्यांच्या त्वरीत लक्षात आले असते की, जाबदेणार क्रं. २ यांनी

चुकीचा अहवाल दाखल केलेला आहे. परंतु सदर बाबतीत जाबदेणार क्रं. १ यांनी पुर्णपणे दुर्लक्ष केल्यामुळे त्यांचेकडून अर्जदारांविरुद्ध चुकीचा आदेश दिला गेलेला आहे. त्यामुळे जाबदेणार क्रं. १ यांनी दिलेला आदेश रद्द होण्यास पात्र आहे.

अर्जदार यांचे विरुद्ध दिलेला आदेश हा चुकीचा असलेबाबत दि. ३०/०६/२०२० रोजी अर्जदार यांनी जाबदेणार क्रं. १ यांना खुलासेवार लेखी वस्तुस्थिती सादर केलेली आहे.

त्यानंतर जाबदेणार क्रं. १ यांनी दि. १५/१०/२०२० रोजी आपले कार्यालय मा. उपविभागीय अधिकारी मावळ - मुळशी उपविभाग पुणे मध्ये त्यांनी दिलेले आदेश बदल करणेकरीता आपणाकडून आदेश होण्यास विनंती केलेली आहे.

सदर प्रकरणी जाबदेणार क्रं. १ यांनी दिलेले चुकीचे आदेश दुरूस्त होणेकरीता कोणत्याही प्रकारे आजतगायत निर्णय न झालेमुळे अर्जदार यांस सदरचे अपिल करण्यास भाग पडले आहे.

सदरचे अपिल हे सदर मा. न्यायालयाच्या कार्यक्षेत्रात असल्यामुळे मा. न्यायालयामध्ये हे अपिल दाखल केलेले आहे.

सदर प्रकरणी जाबदेणार क्रं. १ यांचेकडे व त्यांचे कार्यालयामध्ये सतत पाठपुरावा करित असताना दिलेला आदेश दुरूस्त केला जाईल याबाबत तोंडी आश्वासन दिले जात होते त्यामुळे सदरचे अपिल विहित मुदतीमध्ये दाखल करता आले नाही याकरीता झालेला विलंब माफ करण्यात यावे हि नम्र विनंती.

मा.न्यायालयास नम्र विनंती की,

१. अर्जदार यांचे अपिल मान्य करण्यात यावे.
२. जाबदेणार क्रं. १ यांनी अर्जदार यांस दिलेली दि. १०/०२/२०२० रोजीचे नोटीस क्रं. गौण/कावी/१७८/२०२० ही रद्द करण्यात यावी.
३. जाबदेणार क्रं. १ यांनी अर्जदार यांचे विरुद्ध दिलेले आदेश जा. क्रं. गौण खनिज/एसआर/१७८/२०२० दि. १४/०४/२०२० रद्द करण्यात यावे.
४. श्री. शंकर रामचंद्र अर्थमुव्हर्स प्रा. लि. तर्फे श्री. अविनाश ढमढेरे यांनी केलेले उत्खनन याची आवश्यक असल्यास आपल्या स्तरावर चौकशी होवुन त्याबाबत आपण योग्य तो निर्णय घ्यावे.
५. सदर विषयी अर्जदार यांस त्यांचे अतिरिक्त म्हणणे मांडण्याची संधी असावी.

ठिकाण :-

दिनांक :- १९.११.२०२०

A.M. Shingavi
अर्जदार तर्फे

वकील

(Signature)
अर्जदार

सदरची माहिती, माहितीचा अधिकार
अधिनियम २००५ नुसार अर्जदारांचे
उपस्थित करणे देणेत आली आहे.

RTS/OP/483/20

In the court of Sub Divisional Officer Maval, Mulshi Sub
Division Pune

Co./RTS/Appeal/.483/2020

Akhil Ashok Agarwal

Address : Hanuman Watika,

Near Pradhan Park,

Vardhaman Society,

Lonawala, Tal. Maval Dist. Pune

.... Applicant

Versus

1. Hon. Tehsildar Mawal, Wadgaon, Dist. Pune.
2. Village Worker Talathi Kusgaon Budruk
3. Shri. Shankar Ramachandra Earthmovers Pvt. LTD.
On behalf of Shri. Avinath Dhamdhere

Address - Bhangarwadi, Lonavala Tal. Maval Dist.
Pune.

According to the section 247 of the Maharashtra
Land Revenue Act 1966 by the applicant filed appeal
application against the order received on 24/06/2020
from the Hon. Tehsildar Maval, Vadgaon Maval, Tal.
Maval (Mineral Collection) O.N. Minor Minerals /

SR/178/20 dt. 14/04/2020 and the applicant.

Abvoesaid appeal application.....

Appellant humbly reported to the court as it comes.....

- a) **Description of property** - Mauje Kusgaon Bu. Tal. Maval Dist. Pune Land group number 235 total area 01.25 R, out of which ownership area of application is H 00 - 62.50 R. The said property shall henceforth be referred to as the appeal property.

Mouje Kusgaon, Tal. Maval District Pune Land group number 235 total area 01-25 R. The previous owners of this property were 1) Cyrus Nallaseth 2) Kumari Ramesh Kumari Wazir and each of their holdings 00-62.50 were owned.

On 24/09/2018, the applicant filed an appeal against Property Sector 00-62. 50R has been purchased from Cyrus Nallaseth on payment of due consideration through authorized purchase agency. The said purchase deed in the office of Second Registrar Lonawala Reg. No. 3513/2018 Registered on 04/10/2018. Record of purchase of the said village worker Talathi Kusgaon Bu by amendment No. 3234 on 20/12/2019 has been filed and the said entry has been approved on 24/02/2020 and on 7/12 the name of Cyrus Nallaseth has been dropped and the name of applicant Akhil Ashok Agarwal has been filed. Of course, the applicant is the property sector of the appeal. 00-62.50 is the undisputed owner.

Out of the appellant property Kumari Ramesh Kumari Wazir claimed that the area of his ownership in Rs.00- 62.50 R. Shankar Ramchandra Earthmovers Pvt. Ltd. by Mr. Avinath Dhamdhare Address - Bhangarwadi, Lonavala Maval Dist. Pune was given permission to excavate for that Shri. Shankar Ramchandra Earthmovers Pvt. Ltd. by Mr. Avinath Dhamdhare Mr. Tehsildar, on 07/12/2011 Respondent No. 1 Mauje Kusgaon Tal. Maval District Pune permission was sought for secondary mineral extraction from land group number 235 owned by Kumari Ramesh Kumar Wazir, accordingly, the Tehsildar office issued a letter No. SR / 83/2019 Vadgaon dt. 20/12/2019, permission was given for excavation of 500 Brass Murum after which further excavation was proposed. Pursuant to what was given on

14/01/2020, Tehsildar Office Co. Secondary / SR/14/2020 Vadgaon vide letter dated 22/01/2020 permission to mine 500 Brass Murum for the second time.

Respondent No. 2 village workers Talathi and other officers have submitted a report that the applicant has done excavation and therefore Respondent No. 1 has given wrong notice to the applicant and wrong order has been passed against the applicant. Due to the said wrong notice and order, the applicant has suffered immense mental suffering and it has deeply affected the health of the applicant. Therefore, Respondent No. 1 is liable to be quashed.

According to the information received by the applicant, Kumari Ramesh Kumar Wazir, the owner of the material information in the said property, has his area of 00. 623005

Respondent No. 3 Shri. Shankar Ramchandra Earthmovers Pvt. Ltd. was not given. Dhamdhere was given for excavation of soil Murum according to Respondent No. 3 Shri. Shankar Ramchandra Earthmovers Pvt. Ltd. by Avinash Dhamdhere. have obtained permission from Respondent No.1 and after taking permission they have excavated them in the area. The applicant has nothing to do with the excavation done by him.

Respondent No. 1 Hon. Tahsildar has given permission for mining 1000 brass as 500 + 500 twice. Even though Respondent No. 2 was fully aware of it, instead of investigating Respondent No. 3, he prepared a report accordingly. Instead of investigating the above, a report has been prepared about illegal mining by the applicant knowingly and without official verification of the report given

by him, Respondent No. 1 has passed the order against the applicants is totally wrong. Therefore Respondent No.1 order passed deserves to be set aside.

Respondent No. 1 in the appeal proceeds Respondent No. 3 had been scrutinized with the office documents available with them, they would have quickly realized that Respondent No. 2 by incorrect report has been filed. But in this case Respondent No. 1 has been wrongly passed an order against the applicants due to their complete neglect. Therefore Respondent No. 1 is liable to be quashed.

Regarding the order passed against the applicant being wrong, on 30/06/2020 the applicant Respondent No. 1 has been presented with written facts on disclosure.

After that Respondent No. 1 on 15/10/2020 your office Hon. Sub Divisional Officer Maval Mulshi sub division Pune has been requested to get an order to change the order given by him.

In the said case Respondent no. 1 has not been decided till date in any way to rectify the wrong order, the applicant has been forced to appeal the same.

The said appeal is the said Hon. Being in the jurisdiction of the court, Mr. This appeal has been filed in the court.

Respondent Co. 1 in the said case and during continuous follow-up in his office, assurances were being given that the order given would be rectified, therefore it is a humble request that the delay caused by the said appeal could not be filed within the prescribed time limit be waived.

I humbly request the Hon'ble Justice
that,

1. The appeal of the applicant should be allowed. It used to be made available.
2. Respondent No. 1 issued to the applicant Notice Co. Mineral / Kavi / 178 / 2020, dated 10/02/2020 should be cancelled.
3. Respondent No. 1 passed the order O.N. Mineral / SR / 178/2020 dt. 14/04/2020 against the applicant be cancelled.
4. Mr. Shankar Ramchandra Earthmovers Pvt. Ltd. by Excavation done by Avinash Dhamdere If necessary, we should inquire at our level and take appropriate decision regarding it..
5. Applicants should have an opportunity to make their additional submissions in this regard.

place

Date :- 19/11/2020

towards the applicant

applicant



मंदिर शिके उपविभागीय अधिकारी, मावळ-मुळशी उपविभाग पुणे यांचे न्यायालयाने
आरटीएस/अ/४८३/२०२०

१. अखिल अशोक अगरवाल
रा. हनुमान वाटीका, प्रधान पार्क जवळ
वर्धमान सोसा., लोणावळा
ता. मावळ, जि. पुणे ... वादी

विरुद्ध

१. तहसिलदार, मावळ
२. कामगार तलाठी कुसगाव बु.
३. शंकर रामचंद्र अर्थमुहूर्स प्रा. लि.
तर्फे श्री. अचिनाश ढमढेरे
पत्ता, भांगरवाडी, लोणावळा, ता. मावळ, जि. पुणे ... प्रतिवादी



महाराष्ट्र जमिन महसूल अधिनियम १९६६ चे कलम २४७ अन्वये अपिल,

दावा जमिनीचा तपशिलः

गावाचे नाव	स.नं./ ग.नं.	तपशिल/तपशिल
कुसगाव बु. ता. मावळ	२३५	गौणखनिज / एस आर / १७८ / २०२०

निकालपत्र

अपिलार्थी यांनी दावा जमिनीतून अनाधिकृतपणे ३४८ रु. रकम जमली बेगीत सादरी आहे.
गौणखनिजाचे उत्खनन विना परवाना केल्याने तहसिलदार मावळ यांनी त्याबाबत अपिलार्थी यांना दि. १०/०२/२०२० अन्वये रिटसर नोटिस दिलेली आहे. तदनंतर अपिलार्थी यांनी ३४८६ ब्रास गौणखनिजाचे उत्खनन केल्याचे नमुद करून महाराष्ट्र जमिन महसूल अधिनियम १९६६ चे कलम ४८(७) अन्वये पाच पट दंड रकम रुपये ६९,७२,०००/- व अधिकार शुल्क (सॅयल्टी) रकम रु. १३,९४,४००/- अशी एकूण रु ८३,६६,४००/- ही रकम १५ दिवसाचे आत शासकीय खजिन्यात जमा करावी अन्यथा मुदतीत रकम जमा न केल्यास महसुलाची थकवाकी म्हणून उपरोक्त अधिनियमाचे कलम १७६ मध्ये नमुद केलेल्या तरतुदीनुसार सक्तीच्या मार्गाने वसूल करण्यात येईल असा आदेश तहसिलदार मावळ यांनी क्र. गौण/एसआर/१७८/२०२० दि. १४/०४/२०२० रोजी दिलेला आहे. सदर निर्णयावर व्यथित होवुन अपिलार्थी यांनी प्रस्तुतचा अपिल अर्ज दाखल केले आहे.

प्रस्तुत अपिल अर्जाकामी अपिलार्थी व प्रतिवादी यांना नोटिसा काढुन म्हणणे मांडण्यास संधी देण्यात आली आहे. सुनावणी तारखेदिवशी अपिलार्थी यांचे विधिज्ञ यांचा

गोंडी युक्तीबाद गेवुन घेवुन व अतिल अजांमध्ये गुनावणी कामी दिलेल्या सध्याचा विचार वरून अतिल निर्णयामाठी राष्ट्रीय देवण्यात आले असून त्यामध्ये गुनावलेवर निर्णय घेण्यात येत आहे.

तहसिलदार मावळ यांनी त्यांचेकडील जावक क्र.गौणखनिज/कावि/१७८/२०२० दि.३१/०७/२०२० अन्वये अपिलार्थी यांनी अनाधिकृत उत्खनन केलेले नसून सदचे उत्खनन कु.रमेश कुमार वजीर यांचेमार्फत श्री.अविनाश ढमढें यांनी केलेले आहे.

अपिल अर्ज व त्यासोबतची कागदपत्रे, अपिलार्थी यांचे विधिज्ञ यांचा तोंडी युक्तीबाद तसेच तहसिलदार मावळ यांचेकडील दि.३१/७/२०२० रोजीचे पत्र विचारात घेता असे दिसून येते की,

गाव मौजे कुसगांव बु., ता.मावळ जि.पुणे येथील स.नं./ग.नं. २३५ या मिळकतीमध्ये अनाधिकृत उत्खनन केलेबाबत दंडासह स्वामीत्वधन रक्कम रु. ८३,६६,४००/- भरणा करणेबाबत तहसिलदार, मावळ यांनी त्यांचेकडील आदेश क्र.गौण/एसआर/१७८/२०२० दि.१४/०४/२०२० अन्वये आदेशीत केलेले आहे. तरी अपिलार्थी यांनी अनाधिकृत उत्खनन केलेबाबत आदेशाविरुद्ध प्रस्तुतचे अपिल दाखल केलेले आहे.

अपिलार्थी यांनी सदर प्रकरणी नमूद केलेनुसार स.नं./ग.नं. २३५ या मिळकतीमधील ००हे.६२.५० आर क्षेत्र ही मिळकत त्यांचे मालकीची असून उर्वरित ००हे.६२.५० आर क्षेत्र हे कुमारी रमेश कुमारी वजीर यांचे मालकीचे आहे. प्रतिवादी क्र.३ यांनी तहसिलदार मावळ यांचेकडून दावा मिळकतीमधील उत्खनन करणेकामी

दि.७/१२/२०१९ रोजी परवानगी मागीतलेली असून तहसिलदार मावळ यांनी त्यांचेकडील आदेश क्र.गौण/एसआर/८३/२०१९ दि.२०/१२/२०१९ अन्वये ५०० ब्रास तसेच तहसिलदार यांचेकडील आदेश क्र.गौण/एसआर/१४/२०२० दि.२२/०१/२०२० अन्वये ५०० ब्रास मुद्दम उत्खनन करण्याची परवानगी दिलेली आहे.

जावदेणार क्र.३ यांनी लोणावळा नगरपरिषदेकरिता भारत साँ मील ते हनुमान टेकडी पर्यंतचा रस्ता तसेच हनुमान टेकडी ते कुसगाव हददीपर्यंतचा रस्ता असे दोन रस्त्याचे काम घेतलेले असून त्याकरिता सदर मुद्दम वापरलेला आहे. भारत साँ मील ते हनुमान टेकडी पर्यंतचा रस्ता याकामापोटी लोणावळा नगरपरिषदेकडून प्रतिवादी क्र.३ यांना दि.२१/०१/२०२१ रोजी वील मंजूर झालेले असून त्या बिलामध्ये रक्कम रु. ६,१४,७७४/- रॉयल्टीची कपात केलेली आहे. तसेच हनुमान टेकडी ते कुसगाव हददीपर्यंतचा रस्ता या कामा पोटी दि.२१/०१/२०२१ रोजी वील मंजूर झालेले असून त्या बिलामध्ये रक्कम रु. ६,२२,९२८/- रॉयल्टीची कपात केलेली आहे. दि.२८/०२/२०२० रोजी सदची रक्कम



नगरपालिकेमार्फत तहसिलदार मावळ यांना दि. २८/२/२०२० रोजी चलनाद्वारे मिळालेली आहे. जावदेणार यांनी १००० ब्रास उत्खनन केलेले असून पुढील उत्खननासाठी लोणावळा नगरपरिषदेने तहसिलदार मावळ यांना रॉयल्टी पोटी एकूण रक्कम रु. १२,३७,७०२/- ही चलनाद्वारे दिलेली आहे. अशा प्रकारे तहसिलदार मावळ यांना रक्कम रु. १७,०३,९०२/- ही रॉयल्टी पोटी मिळालेली आहे. त्यापैकी ३४६८/- ब्रास उत्खननाकरिता होणारी रॉयल्टीची रक्कम रु. १३,९४,४००/- वजा जाता उर्वरित रक्कम रु. ३,०९,५०५/- ही तहसिलदार मावळ यांचेकडे उत्खननापोटी जमा आहे. असे असतानाही तहसिलदार मावळ यांनी दंडात्मक आदेश पारित केलेला आहे.

महाराष्ट्र शासनाच्या अधिसूचना क्र. गौणखनिज १०/०४१६ प्र. क्र. ३०२/ख दि. १४/०६/२०१७ च्या नुसार जर कंत्राटदार हे शासनाच्या रत्याचे काम करत असल्यास आणि त्यांनी नोटीस बजावल्याच्या ३० दिवसांच्या आत स्वामित्वधन भरलेले असल्यास त्यावर कुठलीही दंडात्मक कारवाई करण्यात येवू नये असे आदेश दिलेले आहे.

त्याअनुषंगाने अवतोकन केले असता, प्रतिवादी क्र. ३ यांनी उत्खननापोटी तहसिलदार मावळ यांना रॉयल्टी म्हणून रक्कम आदेशापूर्वीच दिलेली असल्यामुळे तहसिलदार मावळ यांनी त्यांचेकडील आदेश क्र. गौण/एसआर/१७८/२०२० दि. १४/०४/२०२० अन्वये उत्खननापोटी पारित केलेला दंडाचा आदेश हा सकृतदर्शनीच सदोष असून सदरचा आदेश रद्द करणे योग्य ठरेल अशा निष्कर्षाप्रत मी आलेलो असलेने मी उपविभागीय अधिकारी मावळ-मुळशी, उपविभाग पुणे खालीलप्रमाणे आदेश देत आहे.

आदेश

- १) अपिल मंजूर करणेत येत आहे.
- २) तहसिलदार मावळ यांनी क्र. गौण/एसआर/१७८/२०२० मध्ये दि. १४/०४/२०२० रोजी दिलेला आदेश रद्द करणेत येत आहे.
- ३) सदर आदेशाची लेखी समज सर्व संबंधितांना देणेत यावी.

पुणे

दि. ७/९/२०२१



सबन्धी माहिती, माहितीचा अधिकार अधिनियम २००५ नुसार अर्जाप्रमाणे उपलब्ध करून देणेत यासी असे.

दि. १४/०४/२०२०

(सिदेश शिर्के)

उपविभागीय अधिकारी

मावळ-मुळशी उपविभाग पुणे

प्रत : तहसिलदार मावळ यांचेकडे माहितीसाठी व पुढील कार्यवाहीसाठी रवाना.

IN THE COURT OF SANDESH SHIRKE SUB
DIVISIONAL OFFICER, MAVAL-MULSHI SUB
DIVISION PUNE

RTS/A/483/2020

1. Akhil Ashok Aggarwal
Res. Hanuman Watika, Near Pradhan Park
Vardhaman Sosa., Lonavala
Tal. Maval, Dist. Pune ...Complainant
V/s
1. Tehsildar, Maval
2. Worker Talathi Kusgaon Bu.
3. Shankar Ramchandra Earthmovers Pvt. Ltd.
Mr. Avinash Dhamdhare
Address Bhangarwadi,
Lonavala, Maval, Dist. Pune ...Respondent

**Appeal under Section 247 of the Maharashtra
Land Revenue Act, 1966.**

DETAILS OF CLAIM LAND

Name of village	S.N./G.N.	Detail
Kusgaon, Tal. Maval	235	Secondary Minerals / SR/ 178/ 2020

JUDGMENT

Tehsildar Maval has duly issued a notice to the appellant on 10/02/2020 as the appellant has illegally mined 3486 of secondary minerals from the claimed land without permission. After that, the appellant was fined Rs. 69,72,000/- and the right amount (royalty) was such total amount of Rs.83,66,400/- should be deposited in the government treasury within 15 days, otherwise, if the amount is not deposited within the time limit, as arrears of revenue, it will be recovered through compulsory means as per the

provisions mentioned in section 176 of the above Act. Order of Tehsildar Maval no. Secondary / SR/ 178/2020 dt. Given on 14/04/2020. Aggrieved by the said decision, the appellant has filed the present appeal.

An opportunity has been given to the appellant and the respondent who have filed the present appeal by issuing notices. Counsel for the appellant on the date of hearing the oral arguments and considering the opportunity provided for hearing in the appeal application, the appeal is reserved for decision and is being decided on merits.

According to Tehsildar Maval issued his outgoing no. Secondary Minerals/Kavi/178/2020

dated 31/07/2020, the appellant has not carried out any unauthorized mining but the said mining Through Ramesh Kumar Bajeer Shri. Done by Avinash Dhamdhere.

The appeal application and accompanying documents, the oral argument of the appellant's lawyer and the letter from TehsildarMaval. Considering the letter dated 31/7/2020 it appears that,

Gaon Mauje Kusgaon Bu., Tal. Maval Dist. Pune S.No./G.No. 235 Ordered vide Order no. SM/SR/178/2020 dated 14/04/2020. However, the present appeal has been filed against the border order under Section 204 of the Information Act.

As stated by the appellant in the said case S.No./G.No. 235 out of property 00.62.50 R area belongs to him and remaining area belongs to Kumari Ramesh Kumari Wazir. Respondent no. 3 Permission has been sought from Tal. Maval to carry out excavation in the claim area on 20/12/2019 and Tehsildar Maval has asked him for permission.

Kusgaon Bu., Tal. Maval Dist. Pune. S.No /G.No. 235 in respect of unauthorized mining in this income with penalty amounting to Rs. 83,66,400/- regarding payment of Tehsildar, Maval vide his order No. SM/SR/178/2020 dt. 14/04/2020. However, the present appeal has

been filed against the order of the Member Information.

He said that as mentioned by the appellant in the said case S.No./G.No. 235 come00.62.50 R area in Milsa belongs to him and the rest belongs to Kumari Ramesh Kumari Wazir. Respondent no. 3 Permission has been sought from Liver Naval to carry out excavation in the claim area on 7/12/2019 and Tehsildar Maval issued his order No. Secondary Minerals/ SR/83/2019, dt. 20/12/2019 from Tehsildar Order No. Secondary Minerals/ SR/14/2020 dt. 22/01/2020 another 500 Brass Murums have been granted permission to mine.

Respondent no. 3 has taken up two roads for the Lonavla Municipal Council i.e. the road from Bharat Saw Mill to Hanuman tekdi and the road from Hanuman tekdi to Kusgaon boundary and the said Murum has been used for that. The road from Bharat Saw Mile to Hanuman Hill has been approved by the respondent no.3 on 21/09/2021 bill from Lonavala Municipal Council and the royalty has been deducted 6,14,774/-. Also, the road from Hanuman hill to Kusgaon border is under construction. Bill has been approved on 21/01/2011 and in that bill 6,22,128/- has been deducted as royalty on 28/02/2020 Tahsildar Maval through municipality, receipt received on 28/2/2020. Respondent has excavated 1000 brasses and for

further excavation, Lonavla Municipal Council has given Tehsildar Maval a total amount of Rs. 12,37,702/- is paid by currency. Thus, Tehsildar Maval received an amount of Rs. 17,03,202/- has been received as royalty Rs. 3468/- out of which royalty amount for brass mining is Rs. 13,94,400/- after deducting the remaining amount of Rs. 3,09,505/- is deposited with Tehsildar Maval for excavation. Despite this, Tehsildar Maval has passed a penal order.

Government of Maharashtra Notification No. Minor Minerals 10/0416 P. No. 302/B dt. 14/06/2017, no penal action shall be taken against the contractor if he is doing the work of

the Government and if he has paid the dues within 30 days of the notice.

Accordingly, as the respondent No. 3 had already paid the amount as royalty to TehsildarMaval for excavation before the order, TehsildarMaval passed his order no. Secondary / SR/ 178/2020 dated 14/04/2020 - As I have come to the conclusion that the order of penalty passed for mining is prima facie defective and it is appropriate to cancel the said order, I am giving the following order to the Principal Sub-Divisional Officer Maval, Sub-Division Pune.

ORDER

- 1) The appeal is allowed.

- 2) Tehsildar Maval no. Minor Minerals/
SR/178/2020 dt. 14/04/2020, the order
given on is being cancelled.
- 3) A written understanding of the said order
should be given to all concerned.

Pune

dt. 7/1/2021

(Sandesh Shirke)

Sub Division Officer

Maval- Mulshi Sub Division, Pune

Copy: Tehsildar Maval for information and
further action.



TRUE COPY

MHPU260023522021

Cri.M.A. No. 406/2021
MHPU260023522021



Pearl Harman Demelo @ Pearl ... Complainant,
Rahul Panchal
Through P.O.A. Akhil Ashok
Agarwal.

Versus

Prakash Mishrimal Porwal ... **Accused.**

Order Below Exh. 1. in Cri.M.A. No.406/2021.

Perused the complaint and documents filed alongwith the complaint. Heard Learned Advocate Shri P.B.Bhutada for the complainant. The offences alleged are cognizable. The complainant submitted that, her father Herman Demelo has purchased the land at Mauje Tung, Tal. Maval, Dist. Pune Gat No. 234/1 admeasuring 02 H. 04 R old Gat No. 234 admeasuring area 03 H 06 R from No.1. Ganapati Janku Kumbhar, No.2. Kisan Janku Kumbhar and No.3 Vishnu Janku Kumbhar through sale deed dated 06/05/1988 vide document No.395/1988. It is submitted that, her father died on 15/07/1991, thereafter, name of the complainant and her mother was recorded on the document of the said land as a legal heirs. The accused Prakash Mishrimal Porwal fraudulently executed power of attorney in the name of complainant vide document No.7354/2006, dated 30/10/2006 by mentioning the complaint as minor. But on that day complainant was major. By preparing fraud power of attorney the accused executed sale deed dated 04/06/2008 vide document No.3011/2011. The complainant has not received any consideration amount for that purpose. The complainant submitted that the accused prepared false document. The accused threatened the complainant. The complainant filed report in the police station. However, police did not take action. Hence, she has filed present complaint. Therefore, she has prayed order of investigation u/s 156 (3) of Cr.P.C. The complaint has been supported with affidavit of complainant.

2. The allegations made by the complaint discloses serious allegations against the accused. The present complaint is filed u/s 420, 406, 504, 506 of IPC. The complainant has filed various documents in respect of the said compliant.

The complainant has relied on the following case laws:-

1. **Suresh Chand Jain Vs. State of M.P. (SC) 2001(1)BCr C567.**
2. **Gurusharan Singh Vs. State of Maharashtra 2020 BHCCO 343.**
3. **Lalit Kumar Vs. State of UP(SC) Cri. L.J.(Bom) 470.**

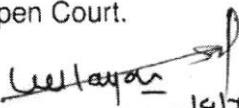
3. In the above mentioned case laws the Hon'ble Supreme Court and the Hon'ble Bombay High Court stated that, any Judicial Magistrate before taking cognizance of the offence can order investigation under section 156(3) of the Cr.P.C. For the purpose of enabling the police to start investigation, it is open to the Magistrate to direct the police to register an F.I.R.

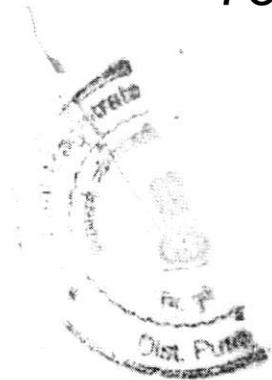
4. Considering the nature of offences and averments made in the complaint and documents filed on record, I am of the opinion that, in this case detailed investigation is necessary through the Police machinery. Hence, it is just and proper to sent the complaint for the investigation under section 156(3) of the Cr.P.C.. Hence, I pass the following order.

ORDER

1. Complaint be sent for investigation under section 156(3) of the Cr.P.C. to the Police Inspector of Lonavala City Police Station.
2. Order Pronounced in open Court.

Date: 14.07.2021
Vadgaon Maval


(C.R. Umredkar) 14/7/2021
Judicial Magistrate First Class,
Vadgaon Maval, Dist: Pune



Order Below Exh. 1. in Cri.M.A. No.406/2021.

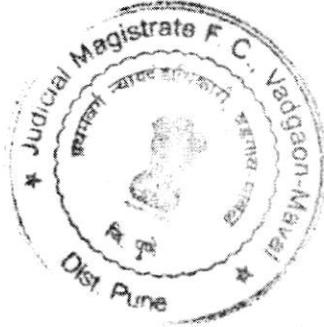
The complaint has been sent for investigation under section 156(3) of Code of Criminal Procedure. In view of the judgment of Hon'ble Apex Court, in the case of Madhubala Vs. Suresh Kumar, reported in AIR 1997 Supreme Court, 3104, it is not necessary to keep the proceeding pending. Hence, the proceeding stands disposed of.

Date: 14.07.2021
Vadgaon Maval

Uttamdas 14/7/2021
(C.R. Umredkar)
Judicial Magistrate First Class,
Vadgaon Maval, Dist: Pune

नक्कल करणारः
रुजु करणारः-

[Signature]



खरी नक्कल

[Signature]
सहाय्यक अधिकांक
दिवाणी व फौजदारी न्यायालय
वडगांव मावल, जि.पुणे

16 JUL 2021

I.I.F.-I (एकीकृत अन् वेषणफॉर्म - १)

FIRST INFORMATION REPORT

(Under Section 154 Cr.P.C.)

प्रथम खबर अहवाल

(फौजदारी प्रक्रिया संहिताच्या कलम १५४
अन्वये)

1. District (जिल्हा): पुणे ग्रामीण P.S. (पोलीस ठाणे): लोणावळा Year (वर्ष): 2021
शहर

FIR No. (प्रथम खबर क्र.): 0081 Date and Time of FIR (प्र. ख. दिनांक आणि वेळ):
01/08/2021 00:00 वाजता

S.No. (अ.क्र.)	Acts (अधिनियम)	Sections (कलम)
1	भारतीय दंड संहिता १८६०	३४
2	भारतीय दंड संहिता १८६०	४०६
3	भारतीय दंड संहिता १८६०	४२०
4	भारतीय दंड संहिता १८६०	५०४
5	भारतीय दंड संहिता १८६०	506(2)

3. (a) Occurrence of offence (गुन्ह्याची घटना):

1 Day (दिवस): मधले दिवस Date from (दिनांक पासून): 30/10/2006 Date To (दिनांक पर्यंत): 13/08/2009
Time Period (कालावधी): Time From (वेळेपासून): 00:00 तास Time To (वेळेपर्यंत): 00:00 तास

(b) Information received at P.S. (पोलीस ठाण्यावर माहिती मिळाल्याचा): Date (दिनांक): 01/08/2021 Time (वेळ): 00:00 तास

(c) General Diary Reference (ठाणे दैनंदिनी संदर्भ): Entry No. (नोंद क्र.): 017 Date and Time (दिनांक आणि वेळ): 01/08/2021 21:25 तास

4. Type of Information (माहितीचा प्रकार): लेखी

5. Place of Occurrence (घटनास्थळ):

1. (a) Direction and distance from P.S. (पोलीस ठाण्या पासून दिशा आणि अंतर): पश्चिम, 1 कि.मी. Beat No. (बीट क्र.):

I.I.F.-I (एकीकृत अन् वेषणफॉर्म - १)

(b) Address (पत्ता): लोणावळा,

(c) In case, outside the limit of this Police Station, then Name of P.S. (पोलीस ठाण्याच्या हद्दी बाहेर असल्यास, पोलीस ठाण्याचे नाव): लोणावळा शहर

District (State) (जिल्हा (राज्य)): पुणे ग्रामीण (महाराष्ट्र)

6. Complainant / Informant (तक्रारदार / माहिती देणारा):

(a) Name (नाव): पर्ल हरमन डिमेलो अर्फ राहुल पा

(b) Father's/Husband's Name (वडिलांचे/पतीचे नाव):

(c) Date/Year of Birth (जन्मतारीख / वर्ष): 1987 (d) Nationality (राष्ट्र ट्रीयट व): भारत

(e) UID No. (यु.आय.डी. क्र.):

(f) Passport No. (पारपत्र क्र.):

Date of Issue (दिल्याची तारीख): Place of Issue (दिल्याचे ठिकाण):

(g) ID Details (Ration Card, Voter ID Card, Passport, UID No., Driving License, PAN) (ओळखपत्र विवरण (राशन कार्ड, मतदाता कार्ड, पासपोर्ट, यूआईडी सं., ड्राइविंग लाइसेंस, पैन कार्ड))

S.No. (अ.क्र.)	ID Type (ओळखपत्राचा प्रकार)	ID Number (ओळखपत्र क्रमांक)
-------------------	-----------------------------	-----------------------------

(h) Occupation (व्यवसाय): गृहिणी

(i) Address (पत्ता):

S.No. (अ.क्र.)	Address Type (पत्ता प्रकार)	Address (पत्ता)::
1	वर्तमान पत्ता	हनुमान वाटीका, प्रधान पार्क जव, लोणावळा शहर, पुणे ग्रामीण, महाराष्ट्र, भारत
2	वर्तमान पत्ता	मौजे भुषी सडहे नं 24, श्री, लोणावळा शहर, पुणे ग्रामीण, महाराष्ट्र, भारत
3	वर्तमान पत्ता	लोणावळा, लोणावळा शहर, पुणे ग्रामीण, महाराष्ट्र, भारत
4	स्थायी पत्ता	हनुमान वाटीका, प्रधान पार्क जव, लोणावळा शहर, पुणे ग्रामीण, महाराष्ट्र, भारत

(j)

I.I.F.-I (एकीकृत अन् वेषणफॉर्म - १)

Phone number (फोन नं.):

Mobile (मोबाइल क्र.): 0

7. Details of known / suspected / unknown accused with full particulars (ज्ञात / संशयित / अज्ञात आरोपींचे संपूर्ण तपशील):

Accused More Than (अज्ञात आरोपी एका पेक्षा जास्त असतील तर संख्या): 0

S. No. (अ.क्र.)	Name (नाव)	Alias (उर्फनाव)	Relative's Name (नातेवाईकाचे नाव)	Present Address(वर्तमान पत्ता)
1	प्रकाश मिश्रीमल पोरवाल			<p>1. Town/Village (शहर / गाव): मौजे भुषी सद्रहे नं 24,श्री,Tehsil (तहसील): Police Station (पोलीस ठाणे): लोणावळा शहर, District (जिल्हा): पुणे ग्रामीण, State (राज्य): महाराष्ट्र, भारत</p> <p>2. Town/Village (शहर / गाव): लोणावळा, Tehsil (तहसील): Police Station (पोलीस ठाणे): लोणावळा शहर, District (जिल्हा): पुणे ग्रामीण, State (राज्य): महाराष्ट्र, भारत</p> <p>3. Town/Village (शहर / गाव): लोणावळा ता मावळ जि, Tehsil (तहसील): Police Station (पोलीस ठाणे): लोणावळा शहर, District (जिल्हा): पुणे ग्रामीण, State (राज्य): महाराष्ट्र, भारत</p>

8. Reasons for delay in reporting by the complainant / informant (तक्रारदार/माहिती देणा-याकडून तक्रार करण्यातील विलंबाची कारणे):

9. Particulars of properties of interest (संबंधीत मालमत्तेचा तपशील):

S. No. (अ.क्र.)	Property Category (मालमत्ता वर्ग)	Property Type (मालमत्ता प्रकार)	I.I.F.-I (एकीकृत अन् वेषणफॉर्म - १) Description (विवरण)	Value(In Rs/-) मूल्य (रु. मध्ये)

10. Total value of property (In Rs/-) मालमत्तेचे एकूण मूल्य (रु. मध्ये) :

11. Inquest Report / U.D. case No., if any (मरणान्वेषण अहवाल/अकस्मात मृत्यू प्रकरण क्र. जर असल्यास):

S. No. (अ.क्र.)	UIDB Number (यु.आय.डी.बी.)

12. First Information contents (प्रथम खबर हकिगत):

गुन्हा रजीस्टर नं.81/2021 भादविक. 420,406,504,506(2),34फिर्यादी- पर्ल हरमन डिमेलो अर्फ राहुल पांचाल वय 34 वर्षे रा. हनुमान वाटीका, प्रधान पार्क जवळ, वर्धमान सोसायटी, लोणावळा ता. मावळ जि. पुणे.आरोपी- प्रकाश मिश्रीमल पोरवाल वय 55 वर्षे रा. मौजे भुषी सव्हे नं. 24, श्री. एकविरा निवास, नौसेना बाग जवळ, लोणावळा ता. मावळ जि. पुणेगुन्हा घडला ता.वेळ व ठिकाण:- दिनांक 30/10/2006 रोजी ते दिनांक 25/01/2010 रोजीचे दरम्यान कार्यालयीन वेळत दुयम निबंधक कार्यालय, लोणावळा व दुयम निबंधक कार्यालय, कुर्ला येथेहकीकत- यातील फिर्यादी यांनी मा. प्रथमवर्ग न्यायालय, वडगाव मावळ येथे फौजदारी किरकोळ अर्ज क्रमांक 406/2021 भा.द.वि.कलम 420, 406, 504, 506(2), 34 अन्वये आरोपी नामे प्रकाश मिश्रीमल पोरवाल वय 55 वर्षे रा. मौजे भुषी सव्हे नं. 24, श्री. एकविरा निवास, नौसेना बाग जवळ, लोणावळा ता. मावळ जि. पुणे याचेविरुद्ध सी.आर.पी.सी.कलम 156(3) प्रमाणे गुन्हा दाखल करणेसाठी आदेश होणेबाबत फौजदारी अर्ज केलेला असुन मा. प्रथमवर्ग न्यायालय, वडगाव मावळ यांचेकडील जावक क्र. 1125/2021 दिनांक 19/07/2021 अन्वये सदरचा फौजदारी किरकोळ अर्ज हा लोणावळा शहर पोलीस स्टेशन आवक क्रमांक 1399/2021 दिनांक 27/07/2021 अन्वये प्राप्त झालेला आहे. सदरचे अर्जातील फिर्यादी यांनी दिलेल्या फिर्यादीचा मजकुर खालील प्रमाणे-फिर्यादी यांचे वडील हरमन डिमेलो यांनी माजै तुंग ता. मावळ जि. पुणे येथील जमीन गट क्र. 234/1 क्षेत्र 02 हेक्टर 04 आर क्षेत्र हे दिनांक 06/05/1988 रोजी खरेदी दस्त क्रमांक 395/1988 अन्वये इसम नामे गणपत जानकु कुंभार, किसन जानकु कुंभार व विश्णु जानकु कुंभार यांचेकडून खरेदी केलेली आहे. फिर्यादी यांचे वडील हरमन डिमेलो हे दिनांक 15/07/1991 रोजी मयत झाल्यानंतर आरोपी प्रकाश पोरवाल याने दिनांक 30/10/2006 रोजी दुयम निबंधक कुर्ला येथे दस्त क्रमांक 7354/2006 अन्वये फिर्यादी यांचे आईकडून सदरचे जमीनीचे कुलमुखत्यार पत्र घेवून त्यामध्ये फिर्यादी यांचे वय कमी असल्याने त्यांना अज्ञात पालक दाखविले होते. परंतु सदरचे कुलमुखत्यार पत्र करते वेळी फिर्यादी यांचे वय हे 19 वर्षे 9 महिने इतके होते. सदरचे कुलमुखत्यार पत्राचे अधारे आरोपी प्रकाश पोरवाल याने दिनांक 04/06/2008 रोजी दुयम निबंधक लोणावळा येथे खरेदी दस्त क्र 3011/2008 ने सदर मिळकत गट क्रमांक 234 पैकी 02 हेक्टर 04 आर हे क्षेत्र बेकायदेशीर पणे स्वतःचे नावे करून घेतले व

I.I.F.-I (एकीकृत अन्वेषणफॉर्म - १)

सदरचे क्षेत्रा पैकी 00 हेक्टर 64 आर क्षेत्र हे दिनांक 10/08/2008 रोजी दुयम निबंध कार्यालय, लोणावळा येथे खरेदी दस्त क्रमांक 2122/2009 अन्वये श्री. विजय किसनलाल आगरवाल यांस विक्री केले. तसेच दिनांक 10/08/2009 रोजी सदर मिळकती पैकी 00 हेक्टर 40 आर. क्षेत्र हे दुयम निबंधक कार्यालय लोणावळा येथे खरेदी दस्त क्रमांक 2123/2009 अन्वये इसम नाम निलेष विष्वनाथ अगरवाल यांना विकले आहे. तसेच दिनांक 10/08/2009 रोजी सदर मिळकती पैकी 01 हेक्टर क्षेत्र हे दुयम निबंधक कार्यालय लोणावळा येथे खरेदी दस्त क्रमांक 2125/2009 अन्वये सौ. पुशपा विजय अगराल यांना मालमत्ता विनिमय दस्ताने विक्री केले आहे. आरोपीने श्री. निलेष आगरवाल, विजय आगरवाल व पुशपा आगरवाल यांना विकलेली फिर्यादी यांची जमीन ही त्यांनी पुन्हा रिलीज करून आरोपी प्रकाश पोरवाल यास परत दिलेली आहे. आरोपी प्रकाश मिश्रीमल पोरवाल याने बेकायदा कुलमुखत्यार पत्रांचा वापर करून वर नमुद 1) कुलमुखत्यार दस्त 7354/2006 2) खरेदीदस्त क्र. 3011/2009 3) खरेदीदस्त क्र. 2122/2009 4) खरेदीदस्त क्र. 2123/2009 5) गुन्हा रजीस्टर नं.81/2021 भादविक. 420,406,504,506(2),34 फिर्यादी- पर्ल हरमन डिमेलो अर्फ राहुल पांचाल वय 34 वर्षे रा. हनुमान वाटीका, प्रधान पार्क जवळ, वर्धमान सोसायटी, लोणावळा ता. मावळ जि. पुणे.आरोपी- प्रकाश मिश्रीमल पोरवाल वय 55 वर्षे रा. मौजे भुषी सव्हे नं. 24, श्री. एकविरा निवास, नौसेना बाग जवळ, लोणावळा ता. मावळ जि. पुणे.गुन्हा घडला ता.वेळ व ठिकाण:- दिनांक 30/10/2006 रोजी ते दिनांक 25/01/2010 रोजीचे दरम्यान कार्यालयीन वेळत दुयम निबंधक कार्यालय, लोणावळा व दुयम निबंधक कार्यालय, कुर्ला येथेहकीकत- यातील फिर्यादी यांनी मा. प्रथमवर्ग न्यायालय, वडगाव मावळ येथे फौजदारी किरकोळ अर्ज क्रमांक 406/2021 भा.द.वि.कलम 420, 406, 504, 506(2), 34 अन्वये आरोपी नामे प्रकाश मिश्रीमल पोरवाल वय 55 वर्षे रा. मौजे भुषी सव्हे नं. 24, श्री. एकविरा निवास, नौसेना बाग जवळ, लोणावळा ता. मावळ जि. पुणे याचेविरुद्ध सी.आर.पी.सी.कलम 156(3) प्रमाणे गुन्हा दाखल करणेसाठी आदेश होणेबाबत फौजदारी अर्ज केलेला असून मा. प्रथमवर्ग न्यायालय, वडगाव मावळ यांचेकडील जावक क्र. 1125/2021 दिनांक 19/07/2021 अन्वये सदरचा फौजदारी किरकोळ अर्ज हा लोणावळा शहर पोलीस स्टेशन आवक क्रमांक 1399/2021 दिनांक 27/07/2021 अन्वये प्राप्त झालेला आहे. सदरचे अर्जातील फिर्यादी यांनी दिलेल्या फिर्यादीचा मजकुर खालील प्रमाणे-फिर्यादी यांचे वडील हरमन डिमेलो यांनी माजै तुंग ता. मावळ जि. पुणे येथील जमीन गट क्र. 234/1 क्षेत्र 02 हेक्टर 04 आर क्षेत्र हे दिनांक 06/05/1988 रोजी खरेदी दस्त क्रमांक 395/1988 अन्वये इसम नामे गणपत जानकु कुंभार, किसन जानकु कुंभार व विश्णु जानकु कुंभार यांचेकडून खरेदी केलेली आहे. फिर्यादी यांचे वडील हरमन डिमेलो हे दिनांक 15/07/1991 रोजी मयत झाल्यानंतर आरोपी प्रकाश पोरवाल याने दिनांक 30/10/2006 रोजी दुयम निबंधक कुर्ला येथे दस्त क्रमांक 7354/2006 अन्वये फिर्यादी यांचे आईकडून सदरचे जमीनीचे कुलमुखत्यार पत्र घेवून त्यामध्ये फिर्यादी यांचे वय कमी असल्याने त्यांना अज्ञात पालक दाखविले होते. परंतु सदरचे कुलमुखत्यार पत्र करते वेळी फिर्यादी यांचे वय हे 19 वर्षे 9 महिने इतके होते. सदरचे कुलमुखत्यार पत्राचे अधारे आरोपी प्रकाश पोरवाल याने दिनांक 04/06/2008 रोजी दुयम निबंधक लोणावळा येथे खरेदी दस्त क्र 3011/2008 ने सदर मिळकत गट क्रमांक 234 पैकी 02 हेक्टर 04 आर हे क्षेत्र बेकायदेषीर पणे स्वतःचे नावे करून घेतले व सदरचे क्षेत्रा पैकी 00 हेक्टर 64 आर क्षेत्र हे दिनांक 10/08/2008 रोजी दुयम निबंध कार्यालय,

I.I.F.-I (एकीकृत अन्वेषणफॉर्म - १)

लोणावळा येथे खरेदी दस्त क्रमांक 2122/2009 अन्वये श्री. विजय किसनलाल आगरवाल यांस विक्री केले. तसेच दिनांक 10/08/2009 रोजी सदर मिळकती पैकी 00 हेक्टर 40 आर. क्षेत्र हे दुय्यम निबंधक कार्यालय लोणावळा येथे खरेदी दस्त क्रमांक 2123/2009 अन्वये इसम नाम निलेष विष्वनाथ अगरवाल यांना विकले आहे. तसेच दिनांक 10/08/2009 रोजी सदर मिळकती पैकी 01 हेक्टर क्षेत्र हे दुय्यम निबंधक कार्यालय लोणावळा येथे खरेदी दस्त क्रमांक 2125/2009 अन्वये सौ. पुशपा विजय अगरवाल यांना मालमत्ता विनिमय दस्ताने विक्री केले आहे. आरोपीने श्री. निलेष आगरवाल, विजय आगरवाल व पुशपा आगरवाल यांना विकलेली फिर्यादी यांची जमीन ही त्यांनी पुन्हा रिलीज करून आरोपी प्रकाश पोरवाल यास परत दिलेली आहे. आरोपी प्रकाश मिश्रिमल पोरवाल याने बेकायदा कुलमुखत्यार पत्रांचा वापर करून वर नमुद 1) कुलमुखत्यार दस्त 7354/2006 2) खरेदीदस्त क्र. 3011/2009 3) खरेदीदस्त क्र. 2122/2009 4) खरेदीदस्त क्र. 2123/2009 5) मालमत्ताविनिमय दस्त क्रमांक 2125/2009 6) खरेदी दस्त क्र. 2718/2009 7) परिमोचन पत्र (रिलीज) दस्त क्रमांक 1972/2010 असे बेकायदेषिर दस्त नोंदवून स्वतःचा फायदा करून घेतला. व फिर्यादीचे मालकीचे जागेमध्ये बेकायदा व्यवहार करून फिर्यादी यांची कोणतीली संमती नसताना फिर्यादीला कुठलाही मोबदला न देता त्यांची फसवणुक केली आहे. तसेच फिर्यादी या सजान असताना त्यांना अज्ञान असल्याचे दाखवून फिर्यादी यांचे आईचा व फिर्यादी यांचा विष्वास घात करून फसवणुक केली आहे. तसेच फिर्यादी यांनी आरोपी विरुध्द सरकार दरबार पाठपुरावा केल्यानंतर आरोपी याने फिर्यादी यांन शिवीगाळ करून दमदाटी केली आहे वगैरे मजकुराचे फिर्यादी वरून गुन्हा रजिस्टरी दाखल करून वर्दी रिपोर्ट मा जे एम एफ सी सो कोर्ट वडगाव मावळ येथे रवाना करून सदर गुन्ह्याचा पुढिल तपास पोहवा/1673 घोटकर 882 पाटणकर सो हे करित आहेत.दाखल अंमलदार पोना/2143 नांगरे मालमत्ताविनिमय दस्त क्रमांक 2125/2009 6) खरेदी दस्त क्र. 2718/2009 7) परिमोचन पत्र (रिलीज) दस्त क्रमांक 1972/2010 असे बेकायदेषिर दस्त नोंदवून स्वतःचा फायदा करून घेतला. व फिर्यादीचे मालकीचे जागेमध्ये बेकायदा व्यवहार करून फिर्यादी यांची कोणतीली संमती नसताना फिर्यादीला कुठलाही मोबदला न देता त्यांची फसवणुक केली आहे. तसेच फिर्यादी या सजान असताना त्यांना अज्ञान असल्याचे दाखवून फिर्यादी यांचे आईचा व फिर्यादी यांचा विष्वास घात करून फसवणुक केली आहे. तसेच फिर्यादी यांनी आरोपी विरुध्द सरकार दरबार पाठपुरावा केल्यानंतर आरोपी याने फिर्यादी यांन शिवीगाळ करून दमदाटी केली आहे वगैरे मजकुराचे फिर्यादी वरून गुन्हा रजिस्टरी दाखल करून वर्दी रिपोर्ट मा जे एम एफ सी सो कोर्ट वडगाव मावळ येथे रवाना करून सदर गुन्ह्याचा पुढिल तपास पोहवा/1673 घोटकर 882 पाटणकर सो हे करित आहेत.दाखल अंमलदार पोना/2143 नांगरे

13. Action taken: Since the above information reveals commission of offence(s) u/s as mentioned at Item No. 2.

(केलेली कारवाई: बाब क्र.२ मध्ये नमुद केलेल्या कलमान्वये वरील अहवालावरून अपराध दिसून आल्यामुळे):

- (1) Registered the case and took up the investigation (प्रकरण नोंदविले आणि तपासाचे काम हाती घेतले): or (किंवा):

I.I.F.-I (एकीकृत अन् वेषणफॉर्म - १)

(2) Directed (Name of I.O.) (तपास अधिका-याचे नाव): Rank (हद्दा): पोलीस हवालदार
jayraj jaysingrao patankar

No. (क्र.): pn882 to take up the Investigation (तपास करण्याचे अधिकार दिले) or
(किंवा)

(3) Refused investigation due to (ज्या कारणामुळे तपास करण्यास नकार दिला):
or (किंवा)

(4) Transferred to P.S. (गुन्हा दुसरीकडे पाठविला असल्यास त्या पोलीस ठाण्याचे नाव):

District (जिल्हा): on point of jurisdiction (अधिकाराच्या
दृष्टिकोनातून).

F.I.R. read over to the complainant / informant, admitted to be correctly recorded
and a copy given to the complainant / informant, free of cost. (प्रथम खबर
तक्रारदाराला/खबरीला वाचून दाखविली, बरोबर नोंदविली असल्याचे त्याने मान्य केले आणि
तक्रारदाराला/खबरीला खबरीची प्रत मोफत दिली)

R.O.A.C. (आर.ओ.ए.सी.)

Signature of Officer in charge, Police
Station (ठाणे प्रभारी अधिका-याची
स्वाक्षरी)

14. Signature / Thumb impression
of the complainant / informant
(तक्रारदाराची/खबर देणा-याची
सही/अंगठा)

Name (नाव): dilip shishupal pawar

Rank (हद्दा): I (Inspector)

No. (क्र.):

15. Date and time of dispatch to the court (न्यायालयात पाठवल्याची तारीख व वेळ):

I.I.F.-I (एकीकृत अन् वेषणफॉर्म - १)

Attachment to item 7 of First Information Report (प्रथम खबरीतील मुद्दा क्र. ७ ला जोडपत्र)

Physical features, deformities and other details of the suspect/accused: (If known / seen)
(संशयीत/आरोपीचे (माहित असलेल या/पाहिलेल या) शारीरिक वैशिष्ट्ये, व्र यंग आणि इतर तपशील)

S. No. (अ.क्र.)	Sex (लिंग)	Date / Year Of Birth (जन्म मत्तारीख वर्ष)	Build (बांधा)	Height (cms) (उंची(सें.मी))	Complexion (रंग)	Identification Mark(s) (ओळखीच या खुणा)
1	2	3	4	5	6	7
1	पुरुष	1966		-		
चेचक: क्र.						
Deformities / Peculiarities (व्र यंग वैशिष्ट्ये)		Teeth (दात)	Hair (केस)	Eye (डोळे)	Habit(s) (सवयी)	Dress Habit (s) (पोषाखाच य सवयी)
8		9	10	11	12	13
Language/Dialect (भाषा/बोली)	Place of (चे ठिकाण)				Others (इतर)	
	Burn Mark (भाजल याच खुणा)	Leucoderm a (कोड)	Mole (तिळ)	Scar (व्रण)	Tattoo (गोदण)	
14	15	16	17	18	19	20

These fields will be entered only if complainant/informant gives any one or more particulars about the suspect/accused.

(जर तक्रारदार/माहिती देणा-याने संशयीत/आरोपीविषयी एक किंवा व्र यापेक्षा अधिक तपशील दिले यास फक्त त यातील रकाने यांची नोंद घेतली जाईल)

Sr. No.	Property Category	Property Type	Description	Value (In Rs.)
---------	-------------------	---------------	-------------	----------------

10. Total value of properties (in Rs.)

11. Inquest Report/ U.D. Case No. if any

Sr. No.	UIDB Number
---------	-------------

12. First Information contents:

Crime Register No. 81/2021 IPC, Section 420,406, 504, 506(2), 34 Plaintiff- Pearl Harman Dimelo alias Rahul Panchal aged 34 years Res. Hanuman Vatika, Near Pradhan Park, Vardhaman Society, Lonavala Tal. Maval Dist. Pune. Accused- Prakash MishrimalPorwal age 55 years Res. MaujeShushiSavrhe no. 24. Shri. EkviraNiwas, Near Naval Bagh, LonavalaMaval Dist. Pune crime happened at Time and Date:- Between 30/10/2006 to 25/01/2010 during office hours at Sub Registrar Office, Lonavla and Sub Registrar Office, Kurla

Fact- Plaintiff in this Hon. First Class Court, VadgaonMaval Criminal Minor Application No. 406/2021 under IPC section 420, 406, 504, 506 (2), 34 Accused Name Prakash MishrimalPorwal Age 55 years Res. MaujeBhushiSavrhe no. 24. Shri. EkviraNiwas, Near Naval Bagh, LonavalaMaval Dist. Pune According to Section 156 (3), of C.R.P.C. a criminal application has been made regarding the order to file a case and Hon. Court of First Class, VadgaonMaval vide no. 1125/2021 dated 19/07/2021 The said criminal minor application has been received by Lonavla City Police Station under Incoming No. 1399/2021 dated 27/07/2021. The text of the plaint given by the plaintiff in the said application is as follows- Herman Dimelo, the father of the plaintiff, Maon Tung Ta. Maval Dist. Land Group No. of Pune. 234/1 Area 02 Hectares 04 R Area Purchased on 06/05/1988 vide Purchase Deed No. 395/1988 in the names of

GanpatJanakuKumbhar, KisanJanakuKumbhar and Vishnu JanakuKumbhar. Plaintiff's father Harman Dimelo died on 15/07/1991 by accused Prakash Porwal on 30/10/2006 at Second Registrar Kurla vide document No. 7354/2006. After obtaining the letter from the land's guardian from his mother, the plaintiff was shown as an unknown parent due to his young age. But at the time of writing the said Attorney General's letter, the age of the plaintiff was 19 years and 9 months. On the basis of the said Attorney letter, the accused Prakash Porwal legally acquired the said income group no.234 area 02 Hector 04 R illegally by the purchase document No. 3011/ 2008 in his name and 00 hectare 64 R area out of the said area dated 10/08/2008 at Secondary Registration Office, Lonawala under Purchase Order No. 2122/2009 by Shri. Sold to Vijay Kisanlal Agarwal. Also on 10/08/2009 out of the said income 00 hectares 40

Rs. The area is sold to Nilesh Vishwanath Aggarwal under Purchase Order No. 2123/2009 at Secondary Registrar's Office, Lonawala. Also on date 10/08/2009 out of the said income 01 hectare area is at Second Registrar Office Lonawala under Purchase Order No. 2125/2009 Mrs. Pushpa Vijay Agarwal has been sold by Malamata Exchange. The accused Mr. Plaintiff's land sold to Nilesh Agarwal, Vijay Agarwal and Pushpa Agarwal has been re-released by them and returned to accused Prakash Porwal. Accused Prakash Mishrimal Porwal using illegal Attorney letters mentioned above 1) attorney Deed 7354/2006 2) Purchase Deed no. 3011/2009 3) Purchase document no. 2122/2009 4) Purchase document no. 2123/2009 5) Crime Register No.81/2021 IPC Section 420, 406, 504, 506 (2), 34 Plaintiff- Pearl Harman DiMelo alias Rahul Panchal Day 34 years Res. Hanuman Vatika, Near Pradhan Park, Vardhaman Society, Lonavala Tt. Maval Dist.

Pune. Accused Prakash MishrimalPorwal age 55 years Res. MaujeBhushiSavrhe no. 24. Shri. EkviraNiwas, Near Naval Bagh, LonavalaMaval Dist. Pune crime happened at Time and Date:- Between 30/10/2006 to 25/01/2010 during office hours at the Office of the Second Registrar, Lonavla and the Office of the Second Registrar, Kurla. First Class Court, VadgaonMaval Criminal Minor Application No. 406/2021 B.D.V. Sections 420, 406, 504, 506 (2). Name of accused under 34 Prakash MishrimalPorwal age 55 years Res. MaujeBhushiSavrhe no. 24, Mr. EkviraNiwas, Near Naval Bagh, LonavalaMaval Dist. Pune against According to Section 156 (3)C. R. P. C., a criminal application has been made regarding the order to file a case and Hon. Court of First Class, VadgaonMaval vide no. 1125/2021 dated 19/07/2021 the said criminal minor application has been filed in Lonavala cityPolice Station under

Incoming No. 1399/2021 dated 27/07/2021. The text of the complaint given by the plaintiff in the said application is as follows. Maval Dist. Land Group No. at Pune. 234/1 Area 02 Hectares 04 R Area Purchased vide Purchase Order No. 395/1988 dated 06/05/1988 from GanpatJanakuKumbhar, KisanJanakuKumbhar and Vishnu JanakKumbhar. After the death of the plaintiff's father Harman Dimelo on 15/07/1991, the accused Prakash Porwal obtained a letter of guardianship of the said land from the plaintiff's mother. He was shown to have unknown parents. But the age of the plaintiff was 19 years and 9 months at the time of writing the said Attorney letter, according to the said Kulmukhtar letter accused Prakash Porwal purchased the said income group no. The area 04 R has been illegally acquired in its own name and out of the said area 00 hectare 64 R area dated 10/08/2008 Secondary Registration Office, sold to

NileshVishwanath Aggarwal in the name of Ism under Purchase Deed No. 2123/2009 at Second Registrar's Office Lonawala. Also on date 10/08/2009 out of the said income 01 hectare area at Second Registrar Office Lonawala under Purchase Order No. 2125/2009 Mrs. Pushpa Vijay Agaral has been sold by Malamata Exchange. The accused Mr. Plaintiff's land sold to Nilesh Agarwal, Vijay Agarwal and Pushpa Agarwal has been re-released by them and returned to accused Prakash Porwal. Accused Prakash MishrimalPorwal has used illegal Attorney letters vide above 1) Attorney Deed 7354/2006 2) Purchase Deed no. 3011/2009 3) Purchase document no. 2122/2009 4) Purchase document no. 2123/2009 5) Property Exchange Deed No. 2125/2009 6) Purchase Deed No. 2718/2009 7) availed himself by registering the illegal Deed as ParimochanPatra (Release) Deed No. 1972/2010. And by making illegal transactions in

the property of the plaintiff without any consent of the plaintiff, without giving any compensation to the plaintiff, he has cheated the plaintiff. Also, when the plaintiff was sane, he betrayed the trust of the plaintiff's mother and the plaintiff by showing that he was ignorant. Also, after the prosecutor pursued the court case against the accused, the accused has abused the plaintiff etc., filed a case against the plaintiff in the register of the case and sent the report to Resp. T.M.F.C.C. Court VadgaonMaval for further investigation of the said crime PC/ 1673 Ghotkar 882 Patankar So these are done. Filed Executor PC/2143 Nangare. Complainant health is not in good condition for the last 7 to 8 years. Also the plaintiff is not able to walk properly at present. Accused Prakash MisrilalPorwal is a resident of Lonavla and by falsely presenting a dispute over the land of the helpless and needy people in Jumla and saying that

the government is a Darbari identity and Daara, the government has written a power of attorney from him for the work of the government durbar court and misused it, he is doing the business of stealing the land of the helpless and needy people. The business of the accused is to make it white. The accused has taken full advantage of the complainant's husband's illness and after that the complainant has become a widow by making a conspiracy and swallowed the complaint. Superintendent of Police Lonavla Division has been sent to Lonavla and other 10 famous persons. But after the accused came to know that no legal action has been taken against the accused and the plaintiff filed a complaint against the accused, Accused abused the plaintiff and threatened to kill him. Therefore, the plaintiff has been forced to file the present complaint in the court. And the crime committed by the accused is as follows- Review for

the complaint 2) MaujeKevregaon and land in Maval District Pune) Survey no. 66/12 Total Area 00.48R b) Survey no. 75/1/3 Total Area 01.44R c) Survey no. 64/6 Total Area 00.225) Survey no. 65 / 5 Total area 100.16 Henceforth the said income is referred to as complaint income. A) Above clause no. 1 property described is dated 10/12/2021 by 1) BhaguBaluDalvi, 2) SavitribaiNayuDalvi 3) MungabaiLaxmanPathare 4) Gangabai Narayan Mhaskar 5) RangubaiKisanPhatak 6) KasubaiNathuniDalvi and Herman Aranus after receiving due compensation. DeMelo is marketed through purchase agreements. The said registered purchase deed registered in the office of Sub-Registrar MavalMaval No. 3965/1987 has been recorded, The entry of said purchase of fertilizer in the notebook of Village Worker Talathi dated 15/04/1988 Change no. 446 has been filed and the said entry has been approved on 18/06/1988

under section 84A of attorney. b) In respect of the
plaint income described in Clause 1 above and
other 9 properties, Herman AranusDiMelo died on
15/07/1991 and his legal heirs are his wife Julie
Herman DiMelo and daughter Paul Herman DiMelo
in the register of Village Worker Talathi dated
01/05/ 1992 vide amendment no. 462 and the said
record is this. Approved on 27/05/1992. c) For the
complaint income described in the above section.
Order No. from TehsildarSahebMaval. Case
No./84K/S/R/266,267.269,270/92 dated
03/04/1993 vide modification no. 446 entry has
legalized the transaction. And on 7/12, the
comment under Section 84A of other rights has
been reduced. Entry of the said order in the office of
Village Worker Talathi dated 23/04/1993 vide no.
468 and the said modification has been approved
on 01/05/1993. d) For receipt of complaints
described in Clause 1 above from Hon'ble Sub

Divisional Officer Sub Division Pune Order no. 84 C/Rev/SR/139/93 dated 21/11/2994 the said income has been deposited by the head. Entry of the said order in the office of Village Worker Talathi dated 30/04/1995 vide no. 487 and the said modification has been approved on 26/10/1995. e) Take other 9 properties including the complaint proceeds described in Section 1 above Dated 11/08/1995 Julie Herman DiMello for herself and Paul Herman DiMello Ap. c. Therefore, on behalf of the Attorney holder JagdishAnantKamat has sold the purchase property to SulochanaNandkishore Agarwal (deceased mother-in-law of the plaintiff) after taking appropriate consideration. The said registered purchase deed in the office of the Sub-Registrar Maval, Deed No. 3407/1995 has been registered. Village worker Talathi's office recorded the said purchase deed Amendment No. 491 filed on 01/06/1996 and the said entry dated Approved

on 26/06/1996. The implementation of the said change has been done on 7/12 excluding the income complaints. E) On 30/07/1996 plaintiff's mother-in-law SulochanaNandkishore Aggarwal died at Pune Deceased Sulocha Chana Nandkishore Aggarwal Legal Heir Suresh Nandkishore Aggarwal Son Ashok Nandkishore Aggarwal Son Deceased Geeta Ashok Aggarwal Daughter-in-law Anil Ashok Aggarwal (Grandson) Akhil Ashok Aggarwal (Grandson) ShitalNishant Agarwal (Granddaughter) Usha Suresh Jain (Daughter) are viz.g) Mr. Prakash MishrimalPorwal Mrs. Julie Haman DiMello and Paul Herman DiMello for the said Complaint Income. A.P. C. A power of attorney has been written by Mrs. Julie HermenDiMeloYanj. The said Attorney General Letter dated 30/10/2006 Document no. Badar 3PT 7355/2006 is registered. H) Complaint proceeds as described in clause 1 above. On 30/01/2014 Julie Herman DiMello for

herself and Paul Herman DiMello A.P.C. By Mrs. Julie Herman DeMello Purchased and sold by Prakash MishrimalPorwal as Custodian. The said purchase deed in the office of the Sub-Registrar, Lonawala, document no. 338/20214 is registered. The entry of the purchase of fertilizer in the notebook of village worker Talathi has been filed on 27/06/2014 with amendment no. 529 and the said entry has been approved on 22/08/2014. A) Julie Herman DiMello for herself and Paul Herman DiMello A.P.K. Ms. Julie Herman DiMello for the said complaint income. Accordingly, Prakash MisrilalPorwal submitted to the Maharashtra Revenue Tribunal Pune VidhanBhavan Pune 1 Sub Divisional Officer's Order No. 84 C/Rev/SR 139/93 dt. 21/11/1994 appealed against and the order of the Maharashtra Revenue Tribunal Pune VidhanBhavanPune 1 Revision Appln No. Order No. 84 C/Rev/ SR/139/93 of the Sub Divisional Officer

Maval vide TNC/REV/29/07/P. By canceling the order dated 21/11/1994. The verdict of top cultist Maval has been upheld. The notebook of the village worker Talathi recorded the said decree dt. 31/07/2014 AMENDMENT NO. 350 has been filed and the said entry has been approved on 22/08/2014. A) Plaintiff's mother-in-law K SulochanaNandkishore Agarwal got the right for the complaint income after her death and for the said complaint income along with other 9 incomes. Heirs of Herman DiMello Wife Julie Herman DiMello and daughter Paul Herman DiMello Plaintiff dated 11/08/1995, No. 3407/1995 has been approved by the deed of purchase. The registered certificate of approval is Document No. 1711/2018 in the office of the Second Registrar, Lonawala. Registered on 24/094/2018. i) On 24/04/2018 Julie Herman DiMello and Paul Herman DiMello have canceled the Kulmukhtar Journalist Deed dated 30/10/2006

dated 30/10/2006 vide Dast No. Badr-3 IV 7355/2006. The said Dast& DR Chaudhary Reg no. 6143 Registered with Notary with registration number 506/2018 and the power of attorney issued on 30/06/2006 is permanently cancelled. j) Copy of attorney Journalism Canceled Deed dated 25/05/2018 to Prakash MishrimalPorwal dated 30/10/2006 dated 30/10/2006 by Julie HermenDiMello and Paul HermenDiMello and in Daily Prabhat Pune newspaper. A public notice has been given. A) Dt. 29/05/2018 dated 25/05/2018 Julie Herman DiMello and Paul Hermon DiMello to Prakash MishrimalPorwal dated 30/10/2006 DAST No. Badr-3 IV 7355/2006 KULMUKHTAYAR JOURNALISM CANCELED COPY AND DIARY A copy of the public notice has been posted in Prabhat Pune newspaper. And it has reached them. c) Plaintiff filed suit No. RTS/A/SR/302/2018 in the court of Sub-Divisional Officer MavalMulshi

Sub-Division Pune in order to get his name on the complaint. Its result is on 10/07/2020. 3) Complaints of the plaintiff as follows 1) Complaint Income The plaintiff has purchased purchase order no. 3407/1995 as registered under Section 17 of the Indian Registration of Deeds Act and the said Deed has not been canceled by any Court, the said Deeds have been acquired by the Plaintiffs. Accused Prakash MishrimalPorwal filed complaint no. 338/2014 dated 30/01/2014 with the intention of causing damage to the plaintiff and illegally benefiting the accused. This is an offense under section 420 of IPC. 2) On 24/04/2018 Julie HermenDiMello and Paul HermenDiMello A.P.C. by Julie HermenDiMello accused Prakash MishrimalPorwal on 30/10/2006 Document no. Badar 3 plot 7355/2006 has been canceled for the power of attorney issued. The said Document& DR Chaudhary Reg no. 6143 Registered with Notary

with registration number 506/2018 and the Power of Attorney issued on 30/10/2006 is permanently cancelled. And then d. On 25/05/2018 by Julie Herman DiMello& Paul Herman DiMello A.P.C. Attorney General Journalism Rejection issued by Julie Herman DiMello to Accused Prakash MishrimalPorwal dated 30/10/2006 in Document No. Badr-3 IV 7355/2006 is done for that a public notice has been given in Daily Prabhat Pune newspaper. And then dated On 25/05/2018 Julie Herman DiMello and Paul Herman DiMello A.P.C. A copy of the writ dated 30/10/2006 issued by Julie Herman DiMello to the accused Prakash MishrimalPorwal for attorney Journalism Radwadal has been given to the accused by post. And it has reached the accused. The said complaint property along with other 9 property by Julie Herman DiMello and daughter Paul Herman DiMello on behalf of A.P.C. by JagdishAnantKamat, Power of

Attorney on behalf of Julie Herman DiMello to plaintiff's mother-in-law SulochanaNandkishore Agarwal dated 11/08/1995 Document No.3407/1995 Purchased Deed Endorsed by Julie Herman DeMello and Paul Herman DeMello by Deed of Endorsement. The said registered deed of approval has been registered in the office of the Deputy Registrar, Lonawala vide Document No. 1711/2018. In spite of this, the accused Prakash Porwal deliberately filed suit No. RT in the court of Sub Divisional Officer MavalMulshi Sub Division Pune

13. Action taken: Since the above report reveals commission of offence (s) u/s as mentioned at item no.2

(1) Registered the case and took up the investigation.

(2) Directed (Name of I.O)

ANIL MANOHAR LAVATE

Rank: POLICE INSPECTOR

No. to take up the investigation or

(3) Refused investigation due to

Or

(4) transferred to P.S..... District.....

on point of jurisdiction.

F.I.R. read over to the complainant/informant,
admitted to be correctly recorded and a copy given
to the Complainant/informant free of cost.

R.O.A.C.

Cri.M.A. No. 416/2021
CNR No. MHPU260024562021

Smt. Gita Ashok Agrwal ... Complainant,

Versus

Shri. Prakash Mishrimal Porwal ... Accused.

Order Below Exh. 1. in Cri.M.A. No.416/2021.

Perused the complaint and documents filed alongwith the complaint. The complaint is supported with affidavit. Heard Learned Advocate P.B. Bhutada for the complainant. The offences alleged are cognizable. The complainant made allegations that, the agricultural properties bearing survey No. 66/12, 75/1/3, 64/6 & 65/5 situated at village Kevare, Tal. Maval., Dist. Pune were previously owned by Bhagu Balu Dalavi and others. They have sold said properties to Harman Aranus Dimelo by registered sale deed on 15/04/1988. Thereafter, Harman Dimelo was expired and name of his wife and daughter were recorded in record of right. The Julee Harman Dimelo and her minor daughter sold said lands through power of attorney Jagdish Anant Kamat in favour of mother-in-law of complainant namely Sulochana Nandkishor Agrwal by registered sale deed in the year 1995. The Sulochana was expired on 30/07/1996.

2. The complainant made further allegations that, the accused got executed power of attorney from Julee Dimelo and got executed sale deed in his favour in respect of land which were sold to Sulochana Agrwal. The Julee Dimelo published notice and canceled the power of attorney. However, accused got executed sale deed in his favour. The accused committed breach of trust, cheating. The complainant mate with accused, however he threatened her. The complainant filed report in the police station. However, police did not take action. Hence, she

has filed present complaint. Therefore, she has prayed order of investigation u/s 156 (3) of Cr.P.C. The complaint has been supported with affidavit of complainant.

3. The allegations made by the complaint discloses serious allegations against the accused. The present complaint is filed u/s 404, 420, 406, 504, 506(2) of IPC. The complainant has filed various documents in respect of offence. The accused got executed sale deed in his favour in respect of land which was already sold by registered sale deed in favour of mother-in-law of complainant. The offence involves element of cheating and forgery.

4. Considering the nature of offences and averments made in the complaint and documents filed on record, I am of the opinion that, in this case detailed investigation is necessary through the Police machinery. Hence, it is just and proper to sent the complaint for the investigation under section 156(3) or the Cr.P.C.. Hence, I pass the following order.

ORDER

1. Complaint be sent for investigation under section 156(3) of the Cr.P.C. to the Police Inspector of Lonavala Rural Police Station.
2. Order Pronounced in open Court.

Date: 24/06/2021
Vadgaon Maval

Sd/-
(Bharat V. Burande)
Jt. Judicial Magistrate First Class,
Vadgaon Maval, Dist: Pune

Order Below Exh. 1. in Cri.M.A. No.416/2021.

The complaint has been sent for investigation under section 156(3) of Code of Criminal Procedure. In view of the judgment of Hon'ble Bombay High Court, in the case of **Avinash Trimbakrao Dhondage Vs. State of Maharashtra and others, reported in 2016(1) Bombay CR (Cri) 223**, wherein it is held that, once magistrate passes an order under section 156(3) of the CrPC the magistrate has further nothing to do and proceeding under section 156(3) of CrPC terminated, nothing remains pending before magistrate after such order. Therefore, it is not necessary to keep the proceeding pending. Hence, the proceeding stands disposed off.

Sd/-

Date: 24/06/2021
Vadgaon Maval

(Bharat V. Burande)
Jt. Judicial Magistrate First Class,
Vadgaon Maval, Dist: Pune

CERTIFICATE.

I affirm that the contents of this P.D.F file order are same word for word as per original order.

Name of Steno	: Mrs. Neha Kiran Vaidya
Court Name	: Shri. B. V. Burande, Jt. C.J.J.D. & J.M.F.C., Vadgaon Maval, Pune
Date of order	: 24/06/2021
Order signed by P.O. on	: 24/06/2021
Order uploaded on	: 29/06/2021

I.I.F.-I (एकीकृत अन्वेषणफॉर्म - १)

FIRST INFORMATION REPORT

(Under Section 154 Cr.P.C.)

प्रथम खबर अहवाल

(फौजदारी प्रक्रिया संहिताच्या कलम १५४
अन्वये)

1. District (जिल्हा): पुणे ग्रामीण P.S. (पोलीस ठाणे): लोणावळा Year (वर्ष): 2021
ग्रामीण

FIR No. (प्रथम खबर क्र.): 0277 Date and Time of FIR (प्र. ख. दिनांक आणि वेळ):
02/07/2021 12:45 वाजता

S.No. (अ.क्र.)	Acts (अधिनियम)	Sections (कलम)
1	भारतीय दंड संहिता १८६०	४०४
2	भारतीय दंड संहिता १८६०	४०६
3	भारतीय दंड संहिता १८६०	४२०
4	भारतीय दंड संहिता १८६०	५०४
5	भारतीय दंड संहिता १८६०	५०६

3. (a) Occurrence of offence (गुन्ह्याची घटना):

1 Day (दिवस): मधले दिवस Date from (दिनांक पासून): 30/01/2014 Date To (दिनांक पर्यंत): 02/07/2021

Time Period (कालावधी): Time From (वेळेपासून): 13:00 तास Time To (वेळेपर्यंत): 12:00 तास

(b) Information received at P.S. (पोलीस ठाण्यावर माहिती मिळाल्याचा): Date (दिनांक): 02/07/2021 Time (वेळ): 12:00 तास

(c) General Diary Reference (ठाणे दैनंदिनी संदर्भ): Entry No. (नोंद क्र.): 011 Date and Time (दिनांक आणि वेळ): 02/07/2021 12:29 तास

4. Type of Information (माहितीचा प्रकार): लेखी

5. Place of Occurrence (घटनास्थळ):

1. (a) Direction and distance from P.S. (पोलीस ठाण्या पासून दिशा आणि अंतर): पश्चिम, 10 कि.मी. Beat No. (बीट क्र.):

I.I.F.-1 (एकीकृत अन् वेषणफॉर्म - १)

(b) Address (पत्ता): केवरे ता मावळ जि पुणे सर्वे नं.

(c) In case, outside the limit of this Police Station, then Name of P.S. (पोलीस ठाण्याच्या हद्दी बाहेर असल्यास, पोलीस ठाण्याचे नाव):

District (State) (जिल्हा (राज्य)):

6. Complainant / Informant (तक्रारदार / माहिती देणारा):

(a) Name (नाव): श्रीमती गिता अशोक अगरवाल

(b) Father's/Husband's Name (वडिलांचे/पतीचे नाव):

(c) Date/Year of Birth (जन्मतारीख / वर्ष): 1961 (d) Nationality (राष्ट्रीयत्व): भारत

(e) UID No. (यु.आय.डी. क्र.):

(f) Passport No. (पारपत्र क्र.):

Date of Issue (दिल्याची तारीख): Place of Issue (दिल्याचे ठिकाण):

(g) ID Details (Ration Card, Voter ID Card, Passport, UID No., Driving License, PAN) (ओळखपत्र विवरण (राशन कार्ड, मतदाता कार्ड, पासपोर्ट, यूआईडी सं., ड्राइविंग लाइसेंस, पॅन कार्ड))

S. No. (अ.क्र.)	ID Type (ओळखपत्राचा प्रकार)	ID Number (ओळखपत्र क्रमांक)
-----------------	-----------------------------	-----------------------------

(h) Occupation (व्यवसाय):

(i) Address (पत्ता):

S.No. (अ.क्र.)	Address Type (पत्ता प्रकार)	Address (पत्ता):
1	वर्तमान पत्ता	वर्धमान सोसा, हनुमान वाटीका प्रधान पार्क जवळ, लोणावळा ता मावळ जि पुणे, लोणावळा ग्रामीण, पुणे ग्रामीण, महाराष्ट्र, भारत
2	स्थायी पत्ता	वर्धमान सोसा, हनुमान वाटीका प्रधान पार्क जवळ, लोणावळा ता मावळ जि पुणे, लोणावळा ग्रामीण, पुणे ग्रामीण, महाराष्ट्र, भारत

(j) Phone number (फोन नं.):

Mobile (मोबाइल क्र.): 0

I.I.F.-I (एकीकृत अन्वेषणफॉर्म - १)

7. Details of known / suspected / unknown accused with full particulars (जात / संशयित / अज्ञात आरोपींचे संपूर्ण तपशील):

Accused More Than (अज्ञात आरोपी एका पेक्षा जास्त असतील तर संख्या): 0

S. No. (अ.क्र.)	Name (नाव)	Alias (उर्फनाव)	Relative's Name (नातेवाईकाचे नाव)	Present Address(वर्तमान (पत्ता))
1	प्रकाश मिश्रीलाल पोरवाल			1. भुशी सर्व्हे नं 24,Town/Village (शहर / गाव): श्री एकविरा निवास नौसेनाबागजवळ, Tehsil (तहसील): लोणावळा ता मावळ जि पुणे, Police Station (पोलीस ठाणे): लोणावळा ग्रामीण, District (जिल्हा): पुणे ग्रामीण, State (राज्य): महाराष्ट्र, भारत

8. Reasons for delay in reporting by the complainant / informant (तक्रारदार/माहिती देणा-याकडून तक्रार करण्यातील विलंबाची कारणे):

9. Particulars of properties of interest (संबंधीत मालमत्तेचा तपशील):

S. No. (अ.क्र.)	Property Category (मालमत्ता वर्ग)	Property Type (मालमत्ता प्रकार)	Description (विवरण)	Value(In Rs/-) मूल्य (रु. मध्ये)

10. Total value of property (In Rs/-) मालमत्तेचे एकूण मूल्य (रु. मध्ये) :

11. Inquest Report / U.D. case No., if any (मरणान्वेषण अहवाल/अकस्मात मृत्यू प्रकरण क्र. जर असल्यास):

S. No. (अ.क्र.)	UIDB Number (यु.आय.डी.बी.)

12. First Information contents (प्रथम खबर हकिगत):

फिर्यादी ही विधवा असून वर नमुद पत्न्यावर राहत असून फिर्यादीचे पती कै अशोक नंदकिशोर अगरवाल हे सन 2006पासून -हृदयविकाराने ग्रस्त होते. व त्यांचे निधन दिनांक 31/08/2009रोजी

I.I.F.-I (एकीकृत अन्वेषणफॉर्म - १)

झालेले आहे. व फिर्यादी या त्यांच्या विधवा पत्नी आहेत. तसेच फिर्यादीचे गेले 7 ते 8 वर्षांपासून स्वास्थ व्यवस्थीत नाही. तसेच फिर्यादीस सद्यस्थितीत योग्यरित्या चालणेसुद्धा जमत नाही. आरोपी प्रकाश मिश्रीलाल पोरवाल हे लोणावळा येथील रहींवाशी असून असहाय्य व गरजू लोकांचे जमीन जुमल्यामध्ये खोटेनाटे वाद उपस्थित करून व सरकार दरबारी ओळख व दारा असल्याचे सांगून त्यांचेकडून सरकार दरबार कोर्ट कामाकरीता कुलमुखत्यारपत्र लिहून घेवून त्याचा दुरुपयोग करून असहाय्य व गरजू लोकांच्या जमीनी लाटण्याचा धंदा आरोपी करीत असून स्वतःचे उखळ पांढरे करून घेण्याचे आरोपीचा व्यवसायच आहे. आरोपीने फिर्यादी यांचे पतीच्या आजारपणाचा व त्यानंतर फिर्यादी ही विधवा झाल्याचा पुर्णपणे फायदा घेवून तक्रार मिळकत षडयंत्र करून गिळंकृत केलेली आहे., आरोपीने फिर्यादी यांची घोर फसवमुक केलेली असून त्याकामी फिर्यादी यांनी दिनांक 08/02/2021 रोजी मा पोलीस निरीक्षक लोणावळा ग्रामीण पोलीस स्टेशन व मा उपविभागीय पोलीस अधिक्षक लोणावळा विभाग लोणावळा व इतर 10नामदार व्यक्तीस पाठविलेली आहे. परंतु आरोपीविरुद्ध कुठलीही कायदेशीर कारवाई झालेली नाही, व फिर्यादीने आरोपीविरुद्ध तक्रारी अर्ज केले ही बाब आरोपीस कळालेनंतर आरोपीने फिर्यादीस शिवीगाळ तसेच जिवे मारण्याची धमकी दिली. त्यामुळे फिर्यादीस प्रस्तुतची फिर्याद मे, कोर्टांमध्ये दाखल करणे भाग पडले आहे. व आरोपीने केलेल्या गुन्ह्याची पुढीलप्रमाणे- तक्रारीकरीता पुनर्विलोकन 2) मौजे केवरेगाव ता मावळ जि पुणे येथील जमीनीअ) सर्व्हे नं. 66/12एकुण क्षेत्र 00.48आर ब) सर्व्हे नं. 75/1/3 एकुण क्षेत्र 01.44आर क) सर्व्हे नं. 64/6 एकुण क्षेत्र 00.22ड) सर्व्हे नं. 65/5एकुण क्षेत्र 00.16येथुन पुढे सदर मिळकतीना तक्रार मिळकती असे संबोधले आहे. अ) वर कलम नं, 1मध्ये वर्णन केलेल्या मिळकती ह्या दिनांक 10/12/2021 रोजी 1) भागु बाळु दळवी, 2)सावित्रीबाई नथु दळवी 3) मुंगाबाई लक्ष्मण पाठारे 4) गंगाबाई नारायण म्हसकर 5) रंगुबाई किसन फाटक 6) कसुबाई नथुि दळवी यांनी योग्य तो मोबदला घेवून हर्मन अरानुस डेमेलो यास खरेदी खताद्वारे विक्री केलेले आहे. सदरचे नोंदणीकृत खरेदी खत दुय्यम निबंधक मावळ मावळ यांचे कार्यालयामध्ये नोंदणीकृत दस्त क्र.,3965/1987ने नोंदविलेले आहे., गावकामगार तलाठी यांचे दप्तरी सदर खरेदी खताची नोंद दिनांक 15/04/1988रोजी फेरफार क्र. 446ने दाखल केलेली असून सदरची नोंद कुळकायदा कलम 84क स पात्र ठेवुन दि 18/06/1988रोजी मंजुर झालेली आहे. ब) वर कलम 1मध्ये वर्णन केलेल्या तक्रारी मिळकतीसह इतर 9मिळकतीकरीता हरमन अरानुस डिमेलो हे दिनांक 15/07/1991रोजी मयत झालेले असून त्याचे कायदेशीर वारसदार त्यांची पत्नी ज्युली हरमन डिमेलो व मुलगी पल हरमन डिमेलो यांचे नावाची नोंद गावकामगार तलाठी यांचे दप्तरी दिनांक 01/05/1992रोजी फेरफार नं. 462ने दाखल झालेली असून सदरची नोंद ही. 27/05/1992रोजी मंजुर झालेली आहे. क) वर कलम 1मध्ये वर्णन केलेल्या तक्रार मिळकतीकरीता मे. तहसीलदार साहेब मावळ यांचेकडील हुकुम नं. टे -केस क्र./84क /एस/आर / 266,267,269,270/92 दिनांक 03/04/1993 अन्वये फेरफार नं. 446 नोंदीने नोंदलेला व्यवहार कायदेशीर ठरविण्यात आला आहे. व 7/12सदरी इतर हक्कातील 84क स पात्र हा शेरा कमी केलेला आहे. गावकामगार तलाठी यांचे कार्यालयामध्ये सदर हुकुमाची नोंद दिनांक 23/04/1993रोजी फेरफार नं. 468ने नोंदविलेली असून सदरचा फेरफार दिनांक 01/05/1993रोजी मंजुर झाला आहे. ड) वर कलम 1मध्ये वर्णन केलेल्या तक्रारी मिळकतीकरीता मा उपविभागीय अधिकारी उपविभाग पुणे यांचेकडील

I.I.F.-I (एकीकृत अन्वेषणफॉर्म - १)

हु नं. 84 क/रिव्ही/एसआर/139/93 दिनांक 21/11/2994अन्वये सदर मिळकती सदरकार जमा केलेल्या आहेत. गावकामगार तलाठी यांचे कार्यालयामध्ये सदर हुकुमाची नोंद दिनांक 30/04/1995रोजी फेरफार नं. 487ने नोंदविलेली असून सदरचा फेरफार दिनांक 26/10/1995रोजी मंजूर झालेला आहे. इ) वर कलम 1मध्ये वर्णन केलेल्या तक्रारी मिळकतीसह इतर 9मिळकती ह्या दिनांक 11/08/1995रोजी ज्युली हर्मन डिमेलो ह्या स्वताकरिता व पल हर्मन डिमेलो हिचे अ.पा. क. म्हणुन तर्फे कुलमुखत्यारधारक जगदीश अनंत कामत यांनी योग्य तो मोबदला घेवुन सुलोचना नंदकिशोर अगरवाल (फिर्यादी यांचे मयत सासु) यांस खरेदीखताद्वारे विक्री केलेले आहे. सदरचे नोंदणीकृत खरेदीखत दुय्यम निबंधक मावळ यांचे कार्यालयामध्ये दस्त क्र, 3407/1995ने नोंदविलेले आहे. गावकामगार तलाठी यांचे दफ्तरी सदर खरेदीखताची नोंद दि. 01/06/1996रोजी फेरफार क्र 491 ने दाखल केलेली असून सदर ची नोंद दि. 26/06/1996रोजी मंजूर झालेली आहे. सदर फेरफाराची अमलबजावणी 7/12सदरी तक्रारी मिळकती वगळता झालेली आहे. ई) दि. 30/07/1996 रोजी फिर्यादी यांची सासु सुलोचना नंदकिशोर अगरवाल ह्या पुणे येथे मयत झाल्या मयत कै सुलो ेचना नंदकिशोर अगरवाल कायदेशीर वारस सुरेश नंदकिशोर अगरवाल मुलगा अशोक नंदकिशोर अगरवाल मुलगा मयत गिता अशोक अगरवाल सुन अनिल अशोक अगरवाल (नातु) अखिल अशोक अगरवाल (नातु) शितल निशांत अगरवाल (नात) उषा सुरेश जैन (मुलगी) असे आहेत उ) सदर तक्रार मिळकतीकरीता श्री प्रकाश मिश्रीमल पोरवाल यांनी श्रीमती ज्युली हर्मन डिमेलो व पल हर्मन डिमेलो. अ.पा.क.श्रीमती ज्युली हर्मन डिमेलो यांजकडुन कुलमुखत्यारपत्र लिहून घेतलेले आहे. सदर कुलमुखत्यारपत्र हे दि 30/10/2006रोजी दस्त अ क्र. बदर -3प्ट 7355/2006ने नोंदविलेले आहे. ऊ)

वर कलम 1मध्ये वर्णन केलेल्या तक्रार मिळकती या दि. 30/01/2014रोजी ज्युली हर्मन डिमेलो या स्वताकरीता व पल हर्मन डिमेलो अ.पा.क.श्रीमती ज्युली हर्मन डिमेलो तर्फे कु.मु.म्हणुन प्रकाश मिश्रीमल पोरवाल यांनी प्रकाश मिश्रीमल पोरवाल यास खरेदीखताद्वारे विक्री केलेली आहे. सदरचे खरेदीखत दुय्यम निबंधक लोणावळा यांचे कार्यालयामध्ये दस्त क्र. 338/20214 ने नोंदविलेले आहे. गावकामगार तलाठी यांचे दफ्तरी सदर खरेदी खताची नोंद दिनांक 27/06/2014 रोजी फेरफार क्र 529ने दाखल केलेले असून सदरची नोंद दिनांक 22/08/2014रोजी मंजूर झालेली आहे. ए) सदर तक्रार मिळकती करीता ज्युली हर्मन डिमेलो हे स्वताकरीता व पल हर्मन डिमेलो अ.पा.क.श्रीमती ज्युली हर्मन डिमेलो तर्फे कु.मु. म्हणुन प्रकाश मिश्रीमल पोरवाल यांनी महाराष्ट्र महसुल न्यायधिकरण पुणे विधानभवन पुणे 1यांचेकडे उपविभागीय अधिकारी मा वळ यांचे आदेश क्र 84 क/रिव्ही/एसआर/139/93 दि. 21/11/1994विरुद्ध आपील केली व महाराष्ट्र महसुल न्यायधिकरण पुणे विधानभवन पुणे 1यांचे आदेश Revision Appln No.TNC/REV/29/07/P अन्वये उपविभागीय अधिकारी मावळ यांचे आदेश क्र 84 क/रिव्ही/एसआर/139/93 दि. 21/11/1994 आदेश रद्द करुन मा. अक्वल कारकुन कुळकायदा मावळ यांचा निकाल कायम ठेवण्यात आलेला आहे. गावकामगार तलाठी यांचे दफ्तरी सदर हुकुमाची नोंद दि. 31/07/2014 फेरफार क्र, 350ने दाखल केलेले असून सदर ची नोंद दिनांक 22/08/2014 रोजी मंजूर झालेली आहे. ऐ) फिर्यादी हीस तीची सासु कै सुलोचना नंदकिशोर अगरवाल हीचे मृत्युपश्चात तक्रार मिळकतीकरीता हक्क प्राप्त झाले व सदर तक्रार मिळकतीसह इतर 9 मिळकती करीता कै. हर्मन डिमेलो यांचे वारस पत्नी ज्युली हर्मन डिमेलो व मुलगी पल हर्मन डिमेलो यांनी फिर्यादी यास दिनांक 11/08/1995रोजी दस्त

I.I.F.-I (एकीकृत अन् वेषणफॉर्म - १)

क्र.3407/1995 ने खरेदी केलेले दस्तास मान्यतापत्र दस्ताद्वारे मान्यता दिलेली आहे. सदरचे नोंदणीकृत मान्यतापत्र दस्त हे दुय्यम निबंधक लोणावळा यांचे कार्यालयामध्ये दस्त क्र 1711/2018ने दि. 24/094/2018रोजी नोंदणी केलेली आहे. ओ) दिनांक 24/04/2018रोजी ज्युली हर्मन डिमेलो व पल हर्मन डिमेलो यांनी प्रकाश मिश्रीमल पोरवाल यास दिनांक 30/10/2006रोजी दस्त अनु क्र बदर-3 IV 7355/2006ने दिलेले कुलमुखत्यार पत्रकरीता रदबादल दस्त केलेले आहे. सदरचे दस्त अॅड डी आर चौधरी रजि नं. 6143 यांजकडे नोटरी यांजकडे नोंदणीक्रमाक 506/2018 ने नोंदविले असुन दि. 30/06/2006रोजी दिलेले कुलमुखत्यारपत्र कायमस्वरुपी रद्द केलेले आहे. अॅ) दिनांक 25/05/2018रोजी ज्युली हर्मन डिमेलो व पल हर्मन डिमेलो यांनी प्रकाश मिश्रीमल पोरवाल यास दिनांक 30/10/2006रोजी दस्त अनु क्र बदर-3 IV 7355/2006ने दिलेले कुलमुखत्यार पत्रकरीता रदबादल केलेले दस्ताची प्रत व दैनीक प्रभात पुणे वर्तमानपत्रामध्ये जाहीर नोटीस दिलेली आहे. अः) दि.29/05/2018 रोजी 25/05/2018रोजी ज्युली हर्मन डिमेलो व पल हर्मन डिमेलो यांनी प्रकाश मिश्रीमल पोरवाल यास दिनांक 30/10/2006रोजी दस्त अनु क्र बदर-3 IV 7355/2006ने दिलेले कुलमुखत्यार पत्रकरीता रदबादल केलेले दस्ताची प्रत व दैनीक प्रभात पुणे वर्तमानपत्रामध्ये जाहीर नोटीसची प्रत पोस्टाद्वारे दिलेली आहे. व ती त्यांना पोहचलेली आहे. क) फिर्यादी यांनी तक्रार मिळकती त्यांचे नावे होणेकरीता उपविभागीय अधिकारी मावळ मुळशी उपविभाग पुणे यांचे न्यायालयात दावा क्र RTS/ अ/एसआर/302/2018दाखल केलेला होता. त्याचा निकाल दिनांक 10/07/2020रोजी झालेला आहे.

3) फिर्यादी यांचे तक्रारीचे मुद्दे येणेप्रमाणे 1) तक्रार मिळकती या फिर्यादी यांनी खरेदी दस्त क्र. 3407/1995भारतीय दस्त नोंदणी कायदा मधील कलम 17अन्वये नोंदणीकृत असल्यामुळे व सदरचा दस्त कोणत्याही न्यायालयाने रद्दबातल ठरविले नसल्यामुळे सदरखरेदी दस्त हे फिर्यादी यासकतरिता आबाधीत आहेत. आरोपी प्रकाश मिश्रीमल पोरवाल याने तक्रारमिळकतीचे दुबार दस्त क्र. 338/2014ने दिनांक 30/01/2014 रोजी बेकायदा फिर्यादीचे नुकसान करणेकरीता व आरोपीचा बेकायदा फायदा करण्याचे उद्देशाने केलेला आहे. हा त्यांनी केलेला भाद विकाक 420प्रमाणे गुन्हा केलेला आहे. 2) दि. 24/04/2018रोजी ज्युली हर्मन डिमेलो व पल हर्मन डिमेलो अ.पा.क.तर्फे ज्युली हर्मन डिमेलो यांनी आरोपी प्रकाश मिश्रीमल पोरवाल यास दि 30/10/2006रोजी दस्त अ क्र. बदर3 प्लट 7355/2006दिलेले कुलमुखत्यारपत्र करीता रद्दबादल दस्त केलेले आहे. सदरचा दस्त अॅड डी आर चौधरी रजि नं. 6143 यांजकडे नोटरी यांजकडे नोंदणीक्रमाक 506/2018 ने नोंदविले असुन दि. 30/10/2006रोजी दिलेले कुलमुखत्यारपत्र कायमस्वरुपी रद्द केलेले आहे. व त्यानंतर दि.25/05/2018 रोजी ज्युली हर्मन डिमेलो व पल हर्मन डिमेलो अ.पा.क.तर्फे ज्युली हर्मन डिमेलो यांनी आरोपी प्रकाश मिश्रीमल पोरवाल यास दिनांक 30/10/2006रोजी दस्त अनु क्र बदर-3 IV 7355/2006ने दिलेले कुलमुखत्यार पत्रकरीता रदबादल केलेले आहे. त्याकरीता दैनीक प्रभात पुणे वर्तमानपत्रामध्ये जाहीर नोटीस दिलेली आहे. व त्यानंतर दिनांक दि.25/05/2018 रोजी ज्युली हर्मन डिमेलो व पल हर्मन डिमेलो अ.पा.क.तर्फे ज्युली हर्मन डिमेलो यांनी आरोपी प्रकाश मिश्रीमल पोरवाल यास दिनांक 30/10/2006रोजी दस्त अनु क्र बदर-3 IV 7355/2006ने दिलेले कुलमुखत्यार पत्रकरीता रदबादल करीता केलेल्या दस्ताची प्रत दैनीक प्रभात पुणे वर्तमानपत्रामध्ये जाहीर नोटीस दिलेली प्रत पोस्टा द्वारे आरोपीस दिलेली आहे. व ती आरोपीस पोहच झालेली आहे. सदर तक्रार

I.I.F.-I (एकीकृत अन् वेषणफॉर्म - १)

मिळकतीसह इतर 9 मिळकती करीता ज्युली हर्मन डिमेलो व मुलगी पल हर्मन डिमेलो यांनी अ.पा.क.तर्फे ज्युली हर्मन डिमेलो तर्फे कुलमुखत्यारपत्रधारक जगदीश अनंत कामत यांनी फिर्यादी यांची सासु कै सुलोचना नंदकिशोर अगरवाल यास दिनांक 11/08/1995रोजी दस्त क्र.3407/1995 ने खरेदी केलेले दस्तास ज्युली हर्मन डिमेलो व पल हर्मन डिमेलो यांनी मान्यतापत्र दस्तादवारे मान्यता दिलेली आहे.सदरचे नोंदणीकृत मान्यता पत्र दस्त हे दुय्यम निबंधक लोणावळा यांचे कार्यालयामध्ये दस्त क्र 1711/2018ने नोंदविलेले आहे. असे असताना सुद्धा आरोपी प्रकाश पोरवाल यांनी जानुनबुजुन उपविभागीय अधिकारी मावळ मुळशी उपविभाग पुणे यांचे न्यायालयात दावा क्रमांक RT

13. Action taken: Since the above information reveals commission of offence(s) u/s as mentioned at Item No. 2.

(केलेली कारवाई: बाब क्र.२ मध्ये नमूद केलेल्या कलमान्वये वरील अहवालावरून अपराध दिसून आल्यामुळे):

- (1) Registered the case and took up the investigation (प्रकरण नोंदविले आणि तपासाचे काम हाती घेतले): or (किंवा):
- (2) Directed (Name of I.O.) (तपास अधिका-याचे नाव): Rank (हुद्दा): पोलीस निरीक्षक Anil Manohar lavate
No. (क्र.): PSI to take up the Investigation (तपास करण्याचे अधिकार दिले) or (किंवा)
- (3) Refused investigation due to (ज्या कारणामुळे तपास करण्यास नकार दिला):
or (किंवा)
- (4) Transferred to P.S. (गुन्हा दुसरीकडे पाठविला असल्यास त्या पोलीस ठाण्याचे नाव):
District (जिल्हा): on point of jurisdiction (अधिकाराच्या दृष्टिकोनातून).

F.I.R. read over to the complainant / informant, admitted to be correctly recorded and a copy given to the complainant /informant, free of cost. (प्रथम खबर

तक्रारदाराला/खबरीला वाचून दाखविली, बरोबर नोंदविली असल्याचे त्याने मान्य केले आणि तक्रारदाराला/खबरीला खबरीची प्रत मोफत दिली)

R.O.A.C. (आर.ओ.ए.सी.)

I.I.F.-I (एकीकृत अन् वेषणफॉर्म - १)

Signature of Officer in charge, Police
Station (ठाणे प्रभारी अधिका-याची
स्वाक्षरी)

14. Signature / Thumb impression
of the complainant / informant
(तक्रारदाराची/खबर देणा-याची
सही/अंगठा)

Name (नाव): TAYUB UNUS
MUZAWAR

Rank (हद्द): I (Inspector)

No. (क्र.): PCMH82968

15. Date and time of dispatch to the court (न्यायालयात पाठवल्याची तारीख व वेळ):

I.I.F.-I (एकीकृत अन्वेषणफॉर्म - १)

Attachment to item 7 of First Information Report (प्रथम खबरीतील मुद्दा क्र. ७ ला जोडपत्र)

Physical features, deformities and other details of the suspect/accused: (If known / seen)

(संशयित/आरोपीचे (माहित असलेले या/पाहिलेले या) शारीरिक वैशिष्ट्ये, वय आणि इतर तपशील)

S. No. (अ.क्र.)	Sex (लिंग)	Date / Year Of Birth (जन्म तारीख वर्ष)	Build (बांधा)	Height (उंची) (से.मी)	Complexion (रंग)	Identification Mark(s) (ओळखीचे या खुणा)
1	2	3	4	5	6	7
1	पुरुष	1966				
चेचक: क्र.						
Deformities / Peculiarities (वयं वैशिष्ट्ये)	Teeth (दात)	Hair (केस)	Eye (डोळे)	Habit(s) (सवयी)	Dress Habit (s) (पोशाखाचे सवयी)	
8	9	10	11	12	13	
Language/Dia lect (भाषा/बोली)	Place of (चे ठिकाण)			Others (इतर)		
Burn Mark (भाजलेले या खुणा)	Leucoderm a (कोड)	Mole (तिळ)	Scar (दग)	Tattoo (गोदण)		
14	15	16	17	18	19	20

These fields will be entered only if complainant/informant gives any one or more particulars about the suspect/accused.

(जर तक्रारदार/माहिती देणा-याने संशयित/आरोपीविषयी एक किंवा व यापेक्षा अधिक तपशील दिले यास फक्त त यातील रकाने यांची नोंद घेतली जाईल)

(Under Section 154 Cr. P.c.)

1.	State	Distt	Police Station	Year	FIR No.	Date
		Pune Gramin	Lonawala City	2021	0277	02.07.2021 12.45
2.		Sr No.	Acts	Sections		
		1	IPC 1860	404		
		2	IPC 1860	406		
		3	IPC 1860	420		
		4	IPC 1860	504		
		5	IPC 1860	506		
3.		(a)	Occurrence of Offence			
		1	Day in between	Date 30.01.2014		
			Time period	Date 02.07.2021		
				Time from: 13.00		
				Time to 12.00		
		(b)	Information received as P.S.	02.07.2021	12.00	
		(c)	General Diary Reference Entry No. 011	02.07.202 1	12.29	
4.			Type of Information - Written	Written/Oral - Written		
5			Place of Occurrence			

	a	Direction and distance from P.S. 10 km.	
	b	Address of occurrence name	
	c	In case, outside the limit of this police station then Name of P.S.	
		District (State)	
		Address:	Kevare, Tal. Maval, Dist. Pune, Survey No.
		Incase, outside the limit of this Police Station, then Name of P.S.	
		District (State)	Pune Gramin, Maharashtra
6		Complainant/Information	
	a.	Name -	Smt. Geeta Asshok Agarwal
	b.	Father's/Husband name -	
	c.	Date of Birth/ year - 1987	
	d.	Nationality – Indian	Religion-
	e.	UID No.	
	f.	Passport No.	Date of Issue Place of issue

	g.	Address		
		Sr. No.	Address Type	Address
	i.	Occupation	House wife	
7	Detail of known/suspected./unknown accused with full particular. Accused more than			
	Sr. No.	Name	Present Address	
	1	Present address	Vardhman Society, Hanuman Vatika, Pradhan Park, Lonawala city, Pune Gramin, Maharashtra, India	
	2.	Present address	Vardhman Society, Hanuman Vatika, Pradhan Park, Lonawala city, Pune Gramin, Maharashtra, India	
	Phone No.		Mobile No.	
7.	Details of known / suspected / unknown accused with full particulars.			

Sr. No.	Name	Alias	Relative Name	Present Address
1.	Prakash Mishrimal Porwal			1) Town / Village, Mauje Bhushi Survey No.
				2) Tehsil, Police Station, Lonawala, Dist. Pune Gramin, Maharashtra, India
				3) Town/Village Lonwala, Tal. Magal, Dist. Tehsil, Police Station, Lonawala, Dist. Pune Gramin, Maharashtra, India

8. Reason for delay in reporting by the complainant/Information. –

9. Particular of properties of interest

Sr. No.	Property Category	Property Type	Description	Value (in Rs.)
1				

10. Total value of property (in Rs.)

11. Inquest Report/ U. D Case No. if any

Sr. No.	UIDB Number

12. F.I.R. information brief content

Signature of Officer in Charge,

Police Station

Name : Dilip Shishupal Pawar

Rank : Inspector

No.

14. Signature/Thumb Impression

Of the complainant /informant

15. Date and time of dispatch to the court

Attachment to Item 7 of First Information Report

Physical features, deformities and other details of the accused						
Sex	Date/Year of birth	Build	Height in Cms.	Complexion	Identification Marks	
1	2	3	4	5	6	
Male	1966	-	-	-	-	

	Deformities/peculiarities	Teeth	Hair	Eye	Habit(s)	Dress Habit	Language /Dialect
	8	9	10	11	12	13	14
	--	-	-	-	-	-	-

PLACE OF					Other Features
Burn Mark	Leucoderma	Mole	Scar	Tattoo	
15	16	17	18	19	20

--	--	--	-	--	--
----	----	----	---	----	----

These fields will be entered only if complainant / informant gives any one or more particulars about the suspect /accused.

Complainant health is not in good condition for the last 7 to 8 years. Also the plaintiff is not able to walk properly at present. Accused Prakash Misrilal Porwal is a resident of Lonavla and by falsely presenting a dispute over the land of the helpless and needy people in Jumla and saying that the government is a Darbari identity and Daara, the government has written a power of attorney from him for the work of the government durbar court and misused it, he is doing the business of stealing the land of the helpless and needy people. The business of the accused is to make it white. The accused has taken full advantage of the complainant's husband's illness and after that the complainant has become a widow by making a conspiracy and swallowed the complaint. Superintendent of Police Lonavla Division has been sent to Lonavla and other 10 famous persons. But after the accused came to know that no legal action has been taken against the accused and the plaintiff filed a complaint against the accused, Accused abused the plaintiff and threatened to kill him. Therefore, the plaintiff has been forced to file the present complaint in the court. And the crime committed by the accused is as follows- Review for the complaint 2) Mauje Kevregaon and land in Maval District Pune) Survey no. 66/12 Total Area 00.48R b) Survey no. 75/1/3 Total Area 01.44R c) Survey no. 64/6 Total Area 00.225) Survey no. 65 / 5 Total area 100.16 Henceforth the said income is referred to as complaint income. A) Above clause no. 1 property described is dated 10/12/2021 by 1) Bhagu Balu Dalvi, 2) Savitribai Nayu Dalvi 3) Mungabai Laxman Pathare 4) Gangabai Narayan Mhaskar 5) Rangubai Kisan Phatak 6) Kasubai Nathuni Dalvi and Herman Aranus after receiving due compensation. DeMelo is marketed through purchase agreements. The said registered purchase deed registered in the office of Sub-Registrar Maval Maval No. 3965/1987 has been recorded, The entry of said purchase of fertilizer in the notebook of Village Worker Talathi dated 15/04/1988 Change no. 446 has been filed and the said entry has been approved on 18/06/1988 under section 84A of attorney. b) In respect of the plaint income described in Clause 1 above and other 9 properties, Herman Aranus DiMelo died on 15/07/1991 and his legal heirs are his

wife Julie Herman DiMelo and daughter Paul Herman DiMelo in the register of Village Worker Talathi dated 01/05/ 1992 vide amendment no. 462 and the said record is this. Approved on 27/05/1992. c) For the complaint income described in the above section. Order No. from Tehsildar Saheb Maval. Case No./84K/S/R/266,267.269,270/92 dated 03/04/1993 vide modification no. 446 entry has legalized the transaction. And on 7/12, the comment under Section 84A of other rights has been reduced. Entry of the said order in the office of Village Worker Talathi dated 23/04/1993 vide no. 468 and the said modification has been approved on 01/05/1993. d) For receipt of complaints described in Clause 1 above from Hon'ble Sub Divisional Officer Sub Division Pune Order no. 84 C/Rev/SR/139/93 dated 21/11/2994 the said income has been deposited by the head. Entry of the said order in the office of Village Worker Talathi dated 30/04/1995 vide no. 487 and the said modification has been approved on 26/10/1995. e) Take other 9 properties including the complaint proceeds described in Section 1 above Dated 11/08/1995 Julie Herman DiMello for herself and Paul Herman DiMello Ap. c. Therefore, on behalf of the Attorney holder Jagdish Anant Kamat has sold the purchase property to Sulochana Nandkishore Agarwal (deceased mother-in-law of the plaintiff) after taking appropriate consideration. The said registered purchase deed in the office of the Sub-Registrar Maval, Deed No. 3407/1995 has been registered. Village worker Talathi's office recorded the said purchase deed Amendment No. 491 filed on 01/06/1996 and the said entry dated Approved on 26/06/1996. The implementation of the said change has been done on 7/12 excluding the income complaints. E) On 30/07/1996 plaintiff's mother-in-law Sulochana Nandkishore Aggarwal died at Pune Deceased Sulocha Chana Nandkishore Aggarwal Legal Heir Suresh Nandkishore Aggarwal Son Ashok Nandkishore Aggarwal Son Deceased Geeta Ashok Aggarwal Daughter-in-law Anil Ashok Aggarwal (Grandson) Akhil Ashok Aggarwal (Grandson) Shital Nishant Agarwal (Granddaughter) Usha Suresh Jain (Daughter) are viz. g) Mr. Prakash Mishrimal Porwal Mrs. Julie Haman DiMello and Paul Herman DiMello for

the said Complaint Income. A.P. C. A power of attorney has been written by Mrs. Julie Hermen DiMelo Yanj. The said Attorney General Letter dated 30/10/2006 Document no. Badar 3PT 7355/2006 is registered. H) Complaint proceeds as described in clause 1 above. On 30/01/2014 Julie Herman DiMello for herself and Paul Herman DiMello A.P.C. By Mrs. Julie Herman DeMello Purchased and sold by Prakash Mishrimal Porwal as Custodian. The said purchase deed in the office of the Sub-Registrar, Lonawala, document no. 338/20214 is registered. The entry of the purchase of fertilizer in the notebook of village worker Talathi has been filed on 27/06/2014 with amendment no. 529 and the said entry has been approved on 22/08/2014. A) Julie Herman DiMello for herself and Paul Herman DiMello A.P.K. Ms. Julie Herman DiMello for the said complaint income. Accordingly, Prakash Misrilal Porwal submitted to the Maharashtra Revenue Tribunal Pune Vidhan Bhavan Pune 1 Sub Divisional Officer's Order No. 84 C/Rev/SR 139/93 dt. 21/11/1994 appealed against and the order of the Maharashtra Revenue Tribunal Pune Vidhan Bhavan Pune 1 Revision Appln No. Order No. 84 C/Rev/SR/139/93 of the Sub Divisional Officer Maval vide TNC/REV/29/07/P. By canceling the order dated 21/11/1994. The verdict of top cultist Maval has been upheld. The notebook of the village worker Talathi recorded the said decree dt. 31/07/2014 AMENDMENT NO. 350 has been filed and the said entry has been approved on 22/08/2014. A) Plaintiff's mother-in-law K Sulochana Nandkishore Agarwal got the right for the complaint income after her death and for the said complaint income along with other 9 incomes. Heirs of Herman DiMello Wife Julie Herman DiMello and daughter Paul Herman DiMello Plaintiff dated 11/08/1995, No. 3407/1995 has been approved by the deed of purchase. The registered certificate of approval is Document No. 1711/2018 in the office of the Second Registrar, Lonawala. Registered on 24/094/2018. i) On 24/04/2018 Julie Herman DiMello and Paul Herman DiMello have canceled the Kulmukhtar Journalist Deed dated 30/10/2006 dated 30/10/2006 vide Dast No. Badr-3 IV 7355/2006. The said Dast & DR Chaudhary Reg no. 6143 Registered with Notary with

registration number 506/2018 and the power of attorney issued on 30/06/2006 is permanently cancelled. j) Copy of attorney Journalism Canceled Deed dated 25/05/2018 to Prakash Mishrimal Porwal dated 30/10/2006 dated 30/10/2006 by Julie Hermen DiMello and Paul Hermen DiMello and in Daily Prabhat Pune newspaper. A public notice has been given. A) Dt. 29/05/2018 dated 25/05/2018 Julie Herman DiMello and Paul Hermon DiMello to Prakash Mishrimal Porwal dated 30/10/2006 DAST No. Badr-3 IV 7355/2006 KULMUKHTAYAR JOURNALISM CANCELED COPY AND DIARY A copy of the public notice has been posted in Prabhat Pune newspaper. And it has reached them. c) Plaintiff filed suit No. RTS/A/SR/302/2018 in the court of Sub-Divisional Officer Maval Mulshi Sub-Division Pune in order to get his name on the complaint. Its result is on 10/07/2020. 3) Complaints of the plaintiff as follows 1) Complaint Income The plaintiff has purchased purchase order no. 3407/1995 as registered under Section 17 of the Indian Registration of Deeds Act and the said Deed has not been canceled by any Court, the said Deeds have been acquired by the Plaintiffs. Accused Prakash Mishrimal Porwal filed complaint no. 338/2014 dated 30/01/2014 with the intention of causing damage to the plaintiff and illegally benefiting the accused. This is an offense under section 420 of IPC. 2) On 24/04/2018 Julie Hermen DiMello and Paul Hermen DiMello A.P.C. by Julie Hermen DiMello accused Prakash Mishrimal Porwal on 30/10/2006 Document no. Badar 3 plot 7355/2006 has been canceled for the power of attorney issued. The said Document & DR Chaudhary Reg no. 6143 Registered with Notary with registration number 506/2018 and the Power of Attorney issued on 30/10/2006 is permanently cancelled. And then d. On 25/05/2018 by Julie Herman DiMello & Paul Herman DiMello A.P.C. Attorney General Journalism Rejection issued by Julie Herman DiMello to Accused Prakash Mishrimal Porwal dated 30/10/2006 in Document No. Badr-3 IV 7355/2006 is done for that a public notice has been given in Daily Prabhat Pune newspaper. And then dated On 25/05/2018 Julie Herman DiMello and Paul Herman DiMello A.P.C. A copy of the writ dated

30/10/2006 issued by Julie Herman DiMelo to the accused Prakash Mishrimal Porwal for attorney Journalism Radwadal has been given to the accused by post. And it has reached the accused. The said complaint property along with other 9 property by Julie Herman DiMello and daughter Paul Herman DiMello on behalf of A.P.C. by Jagdish Anant Kamat, Power of Attorney on behalf of Julie Herman DiMello to plaintiff's mother-in-law Sulochana Nandkishore Agarwal dated 11/08/1995 Document No.3407/ 1995 Purchased Deed Endorsed by Julie Herman DeMello and Paul Herman DeMello by Deed of Endorsement. The said registered deed of approval has been registered in the office of the Deputy Registrar, Lonawala vide Document No. 1711/2018. In spite of this, the accused Prakash Porwal deliberately filed suit No. RT in the court of Sub Divisional Officer Maval Mulshi Sub Division Pune



TRUE COPY



PROOF OF SERVICE

791

Reply of Respondent No. 12 in OA No. 103 of 2022 between Prakash Porwal v. MOEF & CC and Ors.

1 message

Adv Sangramsingh R Bhonsle <srb.chambers@gmail.com>

Sun, Apr 23, 2023 at 8:46 PM

To: kaawa10jan@yahoo.com, advocatedangare@gmail.com, advocatedangare@yahoo.co.in, aniruddha1488@gmail.com, ccftpune@gmail.com, lawofficerpune@gmail.com, eeird.punewrd@maharashtra.gov.in, envis.maharashtra@gmail.com, secy-moef@nic.in, sdkadvocate@gmail.com

Cc: Sangramsingh Bhonsle <sangramsinghbhonsle@gmail.com>, Samridhi Jain <samridhi12318@gmail.com>

Sir/Ma'am

PFA herewith Reply on behalf of Respondent No 12 in the aforesaid matter. Kindly consider this email as service on behalf of the Respondent No. 12.

Regards,

Sangramsingh R. Bhonsle

Advocate

Supreme Court of India

A-10, LGF, Lajpat Nagar III,

New Delhi - 110024.

Mob- 9545809120

**Reply in NGT by Akhil Agarwal.pdf**

19000K