

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

ORIGINAL APPLICATION NO. 43 OF 2023

SAGAR KANTILAL DEVRE

.... APPLICANT

VERSUS

STATE OF MAHARASHTRA AND ORS

.... RESPONDENTS

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PUNE

DATE: 12 /05/2026



ADVOCATE FOR RESPONDENT NO.28

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

ORIGINAL APPLICATION NO. 43 OF 2023

SAGAR KANTILAL DEVRE

.... APPLICANT

VERSUS

STATE OF MAHARASHTRA AND ORS

.... RESPONDENTS

**REPLY ON BEHALF OF THE RESPONDENT NO.28**

**(Saptashrunji Mahila Mandal, Mulund)**

**MAY IT PLEASE THE HON'BLE TRIBUNAL:**

Reply for and on behalf of Respondent No.28 is as under:

1. At the outset, the present Respondent No.28 states that the statements, averments and prayers made by the Applicant are not admitted by the present Respondent No.28 and are denied in toto expressly so far as they are admitted herein. The Respondent No.28 submits that the present Application has been filed by the Applicant with a view to harass the present Respondent No.28 and is not maintainable before this Hon'ble Tribunal.
2. It is alleged in the Original Application that there is encroachment on reserved land by the Respondent No.28 and hence area to be taken back by the District Magistrate, Collector – Mumbai Suburban District and Municipal Corporation of Greater Mumbai is sought by the Applicant. It is submitted that the Original Application filed by the Applicant is baseless, misconceived, and

liable to be dismissed on the following grounds, which are without prejudice to one another and the fact that the present application is not maintainable under the provisions of the NGT Act, 2010. The Applicant has failed to substantiate the substantial question relating to the environment under the provisions of Section 2 (m) of the NGT Act, 2010.

3. The present Reply is being filed on behalf of this Respondent to the Original Application filed by the Applicant. The Respondent No.28 reserves its right to file an additional reply at a later stage if required.
4. The Respondent No.28 submits that the Applicant is neither affected by the activities of the present Respondent nor he is a aggrieved person and thus, the issue of locus of Applicant is to be decided by this Hon'ble Tribunal. The Hon'ble Supreme Court in the Judgement of *'Anand Gram Society Hansens Disease (Lesprosy) Vs. Dy. Conservator of Forest, Pune &Ors'* has clearly held that, this Hon'ble Tribunal has to keep in mind bona fides and the locus of the person who has approached the Tribunal. The Respondent No.28 has states that the abovementioned structure is constructed in the year of 2010 and the Applicant has approached the Hon'ble Tribunal in the year of 2023. The Applicant has approached Hon'ble Tribunal after almost 13 years after considerable lapse of time and there is no explanation in the Application for this delay. Copy of the judgment of Anand Gram Society Hansens Disease (Lesprosy) Vs. Dy. Conservator of

Forest, Pune & Ors is annexed hereto and marked as **ANNEXURE-R-1**.

5. The Respondent No.28 submits that the one petition is filed before the Hon'ble High Court of Judicature at Bombay regarding the encroachments on land bearing Survey No.1320-C, Mulund, Mumbai with similar prayers which are being assailed before this Hon'ble Tribunal. The said petition is filed in the name of 'Ankur Prabhar Patil and Anr Vs MCGM and Anr' (Writ Petition No. 1650 of 2017), wherein the survey number of the present Respondent is mentioned. This amounts to constructive res-judicata and thus the present Application is not maintainable. Copy of the petition of Ankur Prabhakar Patil and Anr Vs MCGM and Anr (Writ Petition No. 1650 of 2017) is annexed hereto and marked as **ANNEXURE-R-2**.
6. The present Respondent submits that the Applicant is trying to re-litigate the issue which is pending for consideration before Hon'ble High Court of Judicature at Bombay since 2017.
7. The Respondent No.28 submits that the present Respondent is a charitable trust which is registered to the Charity Officer, Mumbai. The present Respondent is registered in the year of 2009 under the number of MAH/MUMBAI/168/2009. Copy of the certificate is annexed hereto and marked as **ANNEXURE-R-3**.
8. The Respondent No.28 submits that the present Respondent is maintaining a Panpoi system (which is a traditional water

distribution system in the state of Maharashtra) from the said address.

9. The said Panpoi system was built from the funds of the then Member of Legislative Council Ramdas Kadam in the year of 2010. Copy of the Administrative Approval letter and its English translation is annexed hereto and marked as **ANNEXURE-R-4** . Then said system was transferred by the Respondent No.8 to the present Respondent in the year of 2012. Copy of the letter dated 18<sup>th</sup> June 2012 is annexed hereto and marked as **ANNEXURE-R-5**
10. The Respondent No.28 submits that the present Respondent has a electric connection is its own name (number – 000090558226). Copy of the bill is annexed hereto and marked as **ANNEXURE-R-6**.
11. The Respondent No.28 submits that the present matter is related to regarding the alleged encroachment under the municipal laws; this Hon'ble Tribunal does not have jurisdiction over the municipal laws. The Supreme Court of India in its recent order in the matter of 'Narender Bhardwaj v. M/s 108 Super Complex R.W.A. &Ors' held that this Hon'ble Tribunal does not have jurisdiction over the Municipal Laws and provisions of Town Planning Act. Copy of the order in the matter of Narender Bhardwaj v. M/s 108 Super Complex R.W.A. & Ors is annexed hereto and marked as **ANNEXURE-R-7**.
12. The Respondent No.28 submits that the present Respondent has not violated any provisions of Acts which are mentioned under the

Schedule I. The present Respondent further submits that the present matter does not satisfy the needs of substantial question related to environment which is specified in the Section 2(m) of the National Green Tribunal Act, 2010 and hence, Section 14 of the National Green Tribunal Act, 2010 cannot be invoked.

13. It is most respectfully submitted that in view of the submissions made hereinabove, the Applicant is not entitled for any relief from this Hon'ble Tribunal. It is prayed that this Hon'ble Tribunal may kindly be pleased to dismiss this present application with heavy costs as the same is an abuse of the process of law. The present Application is not maintainable in eyes of law. It is therefore, submitted that, nothing survives in the present Original Application, and the present Applicant needs to be dismissed with cost. The Respondent No.28 reserves its right to file a detailed reply if necessitated.

PUNE

DATE: 12 /05/2026



ADVOCATE FOR RESPONDENT NO.28

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

Original Application No. 43 of 2023(WZ)

**SAGAR KANTILAL DEVRE**

... APPLICANT

Versus

**STATE OF MAHARASHTRA**

**THROUGH PRINCIPAL SECRETARY & ORS**

... RESPONDENTS



**AFFIDAVIT**

**MAY IT PLEASE THE HON'BLE TRIBUNAL:**

I, Mr. Shalini Vaity, Age ~~65~~ adult, Occupation: profession, having address at CTS No 1320, Opposite Fire brigade, Gawanpada, Mulund (East), Mumbai - 400 081 do hereby state on solemn affirmation as under: -

I am the Secretary of Respondent No.28 (Saptashrunji Mahila Mandal) above named and responsible for day to day administration of my trust. As such, I have gone through the memo of Reply and its Annexures being filed today. I find that the contents therein are true and correct to the best of my knowledge and belief and which may be treated as part and parcel of the present affidavit.

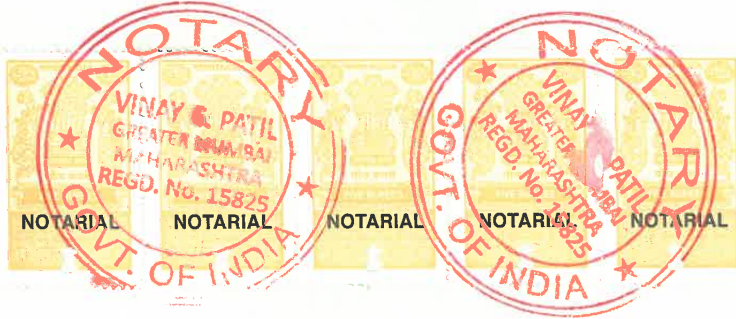
*S. E. Vaity*



WHATEVER STATED ABOVE is true and correct to the best of my knowledge and belief. In witness whereof I have signed hereunder at \_\_\_\_\_ on \_\_\_\_\_ day of April 2026.

*S.E. Vaity*

DEPONENT



**BEFORE ME**  
*[Signature]*  
**VINAY G. PATIL**  
**Advocate & Notary**  
4.No.3, Shree Ganesh Niwas, Shripad Chaw  
Opp. Mulund Court, J.S.D. Road,  
Mulund (West), Mumbai - 400 080



12 MAY 2026

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

ANNEXURE-R-1CIVIL APPEAL Nos.7313-7314 OF 2019ANAND GRAM SOCIETY HANSENS DISEASE (LEPROSY)  
REHABILITATION CENTRE

... APPELLANT

Versus

DY. CONSERVATOR OF FOREST, PUNE &amp; ORS.

... RESPONDENTS

O R D E R

1. Anand Gram Society Hansens Disease (Leprosy) Rehabilitation Centre is in appeal before us challenging judgment dated 26.05.2017 and order dated 23.01.2018, passed by the National Green Tribunal, Western Zone, Pune (for short, 'the Tribunal') in Application No. 115/2015 and OA No. 120/2017.

2. It may be mentioned that the first order dated 26.05.2017 was passed by the Tribunal in Application No. 115/2015 (WZ). The said order was passed at the instance of a resident of Pune, who claimed forest land was being destroyed due to encroachments. The application apparently referred to some survey numbers of different villages where encroachments like (i) construction of road; (ii) construction by Pricast India Infrastructure Pvt. Ltd.; (iii) road made on the forest land; (iv) road for goods transportation and houses; and (v) stone mines for construction of RCC used for

Signature valid



Digital signature  
SATS  
Date: 13/11/2019  
Reason:

existing houses were existing.

3. Regardless of the categorical stand taken by some of the respondents that they have nothing to do with the forest land and

have not encroached upon it in any manner, the Tribunal, without assigning any reason, and without any discussion on the issues jumped to a conclusion and issued a sweeping direction to the (i) Principal Chief Secretary (Forest) (ii) Principal Chief Conservator (Forest), (iii) Chief Conservator of Forest, and (iv) Collector, Pune "to take steps to remove all the said encroachments within three weeks in accordance with law and reconstitute the environment". The other respondents were directed to extend full cooperation.

4. Thereafter, it seems that some proceedings akin to contempt proceedings, through O.A. No. 120/2017, were initiated and when the matter was taken up for hearing on 23.01.2018, one Dy. Conservator of Forest was present, who did not have complete instructions on facts, for which the case was passed over. Subsequently, a direction was issued to the Chief Conservator of Forest to conduct spot inspection/survey of the area along with District Collector and submit a report about the factual aspects of the structures built on the land in question. The Director General of Police was directed to provide police assistance to remove the structures etc.

5. The appellant is an NGO, which runs a Public Charitable Trust at Dudulgaon, Pune, Maharashtra and has been working for the welfare and rehabilitation of leprosy patients since 1965. The total area acquired by the appellant-Society is three acres with a 6 meter wide access road of 500 meters length. Since the appellant-Society has also been directed to remove the structures where leprosy patients are being treated for decades, the instant appeals were filed, in which we directed to maintain *status quo* at the

site, vide order dated 13.09.2019.

6. We have heard learned counsel for the parties and carefully perused the material placed on record.

7. We are constrained to highlight that the Tribunal has failed to observe the principles of natural justice and has passed sweeping directions without determining as to whether the subject area is a forest land and if so, whether it has been duly notified under the relevant statutes. Similarly, no opportunity was granted to the bonafide users of the site like the appellant-Society to establish as to whether the Leprosy Cure Centre was being run with or without prior permission of the concerned authorities.

8. The issue as to whether the strict parameters are liable to be relaxed in a case of extraordinary circumstances has not been considered by the Tribunal. What is the purpose of the Charitable Trust, whether it is being run for the welfare of the leprosy patients and providing them timely medical treatment, and whether the Leprosy Cure Centre also deserves to be uprooted from the site treating like any commercial venture, are several factors which the Tribunal ought to have kept in mind before issuing the omnibus directions.

9. The other danger which *quasi* Tribunals like, the National Green Tribunal, must keep in mind is the bonafides and locus of the person who approaches it. In a given case, if the applicant has not come to the Tribunal with clean hands and the entire object of his application is to grind an axe and to settle scores, it is the bounden duty of the Tribunal to accord a reasonable opportunity of being heard to the parties likely to be affected and give an

opportunity to enable them to demonstrate that the concerned applicant has not approached the Tribunal with bonafide intention.

10. In the case in hand, the applicant appears to have approached the Tribunal on one fine morning without even disclosing that the structure by the Society came to be raised way back in the year 1960. Unfortunately, the officers of the Forest Department also did not disclose the correct facts leading to immense hardship to the appellant-Society.

11. For the reasons aforesaid, we allow these appeals; set aside the impugned order of the Tribunal *qua* the appellant and or other similarly affected persons except that the Tribunal shall be at liberty to proceed against those who have encroached upon the forest land for commercial gains.

12. The applicant shall be at liberty to pursue his remedy against all such entities in accordance with law.

13. It is further directed that no order adverse to a party shall be passed without giving a reasonable opportunity of being heard.

14. As a result, the pending interlocutory applications also stand disposed of.

.....J.  
(SURYA KANT)

.....J.  
(UJJAL BHUYAN)

NEW DELHI;  
DECEMBER 17, 2024.

ITEM NO.7

COURT NO.3

SECTION XVII

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGSCivil Appeal No(s).7313-7314/2019ANAND GRAM SOCIETY HANSENS DISEASE (LEPROSY)  
REHABILITATION CENTRE

Appellant(s)

VERSUS

DY. CONSERVATOR OF FOREST, PUNE &amp; ORS.

Respondent(s)

IA No. 228300/2023 - APPLICATION UNDER ORDER V RULE 20 CPC FOR  
EFFECTING SERVICE THROUGH PUBLICATIONIA No. 133812/2019 - EXEMPTION FROM FILING C/C OF THE IMPUGNED  
JUDGMENT

IA No. 133813/2019 - EXEMPTION FROM FILING O.T.

IA No. 133815/2019 - PERMISSION TO FILE ADDITIONAL  
DOCUMENTS/FACTS/ANNEXURES

IA No. 133814/2019 - STAY APPLICATION)

Date : 17-12-2024 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURYA KANT  
HON'BLE MR. JUSTICE UJJAL BHUYANFor Appellant(s) Mr. Sudhanshu S Chaudhari, Sr. Adv.  
Mr. Mahesh Prakash Shinde, Adv.  
Mr. Vatsalya Vigya, AOR  
Ms. Pranjal Chapalgaonkar, Adv.  
Ms. Gautami Yadav, Adv.For Respondent(s) Mr. Adarsh Dubey, Adv.  
Mr. Siddharth Dharmadhikari, Adv.  
Mr. Aaditya Aniruddha Pande, AORMr. Shivaji M. Jadhav, AOR  
Mr. Brij Kishor Sah, Adv.  
Mr. Adarsh Kumar Pandey, Adv.  
Mr. Vignesh Singh, Adv.  
Mr. Aditya S. Jadhav, Adv.  
Mr. Ankit Sahu, Adv.  
Mr. Amit Kumar Gupta, Adv.Mr. Pai Amit, AOR  
Ms. Pankhuri Bhardwaj, Adv.  
Mr. Kushal Dube, Adv.

UPON hearing the counsel the Court made the following

1617

**O R D E R**

The appeals are allowed in terms of the signed order.

As a result, the pending interlocutory applications also stand disposed of.

**(SATISH KUMAR YADAV)**  
**ADDITIONAL REGISTRAR**

**(PREETHI T.C.)**  
**ASSISTANT REGISTRAR**

**(Signed order is placed on the file)**



**ANNEXURE-R-2**

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORIGINAL SIDE

WRIT PETITION NO. \_\_\_\_\_ OF 2017  
DISTRICT : MUMBAI

IN THE MATTER OF PROVISIONS  
CONTAINED UNDER ARTICLE 226  
OF THE CONSTITUTION OF INDIA,  
1950;

AND

IN THE MATTER OF PROVISIONS  
CONTAINED UNDER MUMBAI  
MUNICIPAL CORPORATION ACT,  
1888;

AND

IN THE MATTER OF WILLFUL  
INACTION ON THE PART OF THE  
CORPORATION AND COLLECTOR  
OFFICE IN NOT REMOVING THE  
UNAUTHORISED CONSTRUCTION  
FROM THE OPEN SPACES.

1. Ankur Patil s/o. Prabhakar Patil,  
Age – 36 years, Occ.: Self employed  
601, Om Siddhivinayak CHSL,  
Babanrao Kulkarni Road,  
Mulund (East), Mumbai – 400 081  
Mob. No. 9969678961.
2. Satish Prabhu s/o. Umesh Prabhu,  
Age - 57 years, Occ.: Self Employed  
A-6/7, Jeevan Nagar, Mithager Road,  
Mulund (East), Mumbai 400 081.



Versus

-----Petitioners

1. Municipal Corporation of Greater Mumbai,  
Through its Municipal Commissioner,  
MCGM Head Office,  
Mahapalika Marg, Mumbai CST,  
Mumbai – 400 001
  2. Mumbai Slum Improvement Board,  
Unit of MHADA,  
Grihanirman Bhavan,  
Kalanagar, Bandra (East),  
Mumbai – 400 051
  3. Collector, Mumbai Suburban District,  
10<sup>th</sup> floor, Administrative Building,  
Government Colony,  
Bandra (East), Mumbai -- 400 051
  4. Maharashtra Housing & Area Development Authority,  
Through its Vice President and  
Chief Executive Officer,  
Grihanirman Bhavan,  
Kalanagar, Bandra (East),  
Mumbai – 400 051
  5. State of Maharashtra  
(summons to be served upon Ld.  
Government Pleader appointed  
Under O. XXVII, R. 4 of Code of  
Civil Procedure, 1908)
- .... Respondents

TO,  
HON'BLE THE CHIEF JUSTICE AND  
HER COMPANION JUSTICES OF THE  
HIGH COURT OF JUDICATURE  
AT BOMBAY  
ORIGINAL SIDE  
AT MUMBAI

**HUMBLE PETITION OF THE  
PETITIONERS:-**

**MOST RESPECTFULLY SHEWETH:-**

1. Feeling aggrieved and dissatisfied due to no action initiated by the Corporation, Collector, MHADA and the State Government for removal of encroachment, unauthorized Developer, construction done on open space reserved for playground and recreation ground in the final development plan by the Mumbai Municipal



Corporation on the land bearing CTS No. 1320 C of Village – Mulund, Taluka – Kurla, District – Mumbai Suburban, situated opposite Fire Brigade, Gavanpada, Mulund (East), Mumbai – 400 081, for which, written representation was given on 7<sup>th</sup> May, 2016, that the Petitioners is approaching this Hon'ble Court invoking its extraordinary jurisdiction under Article 226 of the Constitution of India, 1950. A true and correct copy of representation dated 7<sup>th</sup> May, 2016 given by this Petitioners with the above named

Exhibit-A

Respondents is EXHIBIT-A.

2. **STATUS OF THE PETITIONERS:-**

Petitioners are both Indian Inhabitants and permanent residents of Mumbai, having their corresponding address as mentioned hereinabove. Both the Petitioners reside in Mulund (Est), in the vicinity of the above said open space reserved for playground and recreation ground and as such directly and adversely affected by said unauthorized construction work and encroachment.

3. **STATUS OF THE RESPONDENTS:-**

- i. Respondent No.1 is the Municipal Corporation of Greater Mumbai.
- ii. Respondent No.2 is the Mumbai Slum Improvement Board, Unit of MHADA.
- iii. Respondent No. 3 is Collector, Mumbai Suburban District.
- iv. Respondent No.4 is Maharashtra Housing & Area Development Authority [MHADA].
- v. Respondent No.5 is State of Maharashtra.

4. **BRIEF FACTS OF THE CASE:-**

- i. Petitioners enclosed copy of google map showing location of the above said open space reserved for public purposes as playground and recreation ground as marked in green colour boundary in the google map. The said copy of google map is enclosed herewith and marked as EXHIBIT-B. A true and correct



Exhibit-C copy of Development Plan of the Corporation is **EXHIBIT-C**. The unauthorized construction work done by corresponding person in said open space is shown distinctly on said google map.

- ii. Following are the names of persons, institutions of the politician, who have encroached upon said open space and have done unauthorized construction work.

Sr.No	Institution Name	Politician Name
1	Library in the name of Rohitdas Patil Pratisthan	Charan Singh Sapra [MLC]
2	Swatntraya Sainik Datta Thamane Sabhagruha/ Chandraseniya Kayaastha Prabhu [CKP] Samaj Unnati Mandal.	Sardar TaraSingh [MLA]
3	Parampujya Shri. Namamaharaj Trust / Vaishnavi Chairatable & Medical Trust.	Sardar Tarasingh [MLA]
4	Library in the name of Rajaniganga Foundation.	Jyoti Mahendra Vaity [Ex- Corporator of MCGM].
5	Water Drinking Facility	Randas Kadam [MLC]
6	Varkhari Bhavan	Sardar Tarasingh [MLA]

- iii. The Petitioners state that as per Development Control Rules and also decision of the Corporation, open space reserved for playground and recreation ground cannot be given for any social welfare centre or for doing any construction activities. This can be seen from the letter dated 24<sup>th</sup> December, 2013 issued by the office of the Collector to the then Member of Parliament, Shri



Sanjay Dina Patil. A true and correct copy of letter dated 24<sup>th</sup> December, 2013 issued by the Collector, Mumbai Suburban District to Shri Sanjay Dina Patil denying grant of any part of above said open space land bearing CTS No. 1320 C is EXHIBIT-

Exhibit-D & D1

D. and its English Translated typed copy is EXHIBIT-D1. The Petitioners obtained information from which, it came to their knowledge that in April, 2015 the Deputy Collector (Enc/Rem), Mulund Division issued notice to those encroachments, hutments/ structures constructed by the politicians on the said open space land (CTA No. 1320C) and asked for submission of the documentary evidences showing existence of said unauthorized construction prior to eligibility cut of date. A true and correct copy of letter dated 5<sup>th</sup> May, 2015 issued by the Deputy Collector is

Exhibit-E & E1

EXHIBIT-E and its English Translated typed copy is EXHIBIT-E1.

By said letter, the Dy. Collector [E/R] - Mulund informed the Petitioner No. 1 that the land bearing CTS No. 1320 A, B, C, Village -Mulund, belongs to State Government. With permission of the Ld. Collector, Mumbai Suburban District, the said land was distributed to above stated society/ persons. However, how much land was allotted, to how many persons/ institutions/ in this regard, no information was available his office. Therefore, notices were issued on 7<sup>th</sup> March, 2015 to said persons, institution, but, no response has been received.

- iv. It is further informed in above letter that the land surveyor, Karkoon, Tehsildar, Kurla - Mulund. Similarly Talathi Circle officer and City Survey Officer, Mulund, land surveyor from his office has conducted survey and measurement of said land. However, their report was not obtained. After obtaining said report, the Dy. Collector [E/R] would submit the report with Ld. Collector, Mumbai Suburban District and after intimation given by Ld. Collector,



further action would be taken in the matter. Thus, above conduct of the Dy. Collector [E/R] – Mulund, Corporation clearly show that they are reluctant and lackadaisical in approach because of the heavy weight political persons and the institutions related with them involved in the said unauthorized construction work. Hence, neither the Deputy Collector [E/R] – Mulund nor the Collector nor the Planning Authority are taking any action in the matter but, making all possible efforts to avoid the same on one pretext or other.

- v. Upon further enquiry, the Petitioners also obtained one letter dated 24<sup>th</sup> September, 2010, whereby the Collector, Mumbai Suburban District allotted 300 sq. ft. land for social welfare center on request made by local MLA Shri Sardar Tara Singh. The letter dated 24<sup>th</sup> September, 2010 was issued by the Collector, Mumbai Suburban District to Executive Engineer of slum improvement board. The basic condition incorporated in para no. 2 of first page of this letter is that prior permission of the Corporation will be required for the purpose of erecting social welfare center from MLA fund of Shri Sardar Tara Singh. In said letter, vide condition no. 6, the condition has been incorporated by the Collector that for constructing the said social welfare center, the Development Control permission as per law is required to be taken from Mumbai Municipal Corporation. A true and correct copy of letter dated 24<sup>th</sup> September, 2010 issued by the Collector, recommendation of MLA Sardar Tara Singh addressed to Mumbai

Exhibit-F

Slum Improvement board is EXHIBIT-F and its English Translated

Exhibit-F1

typed copy is EXHIBIT-F1.

By yet another dated 2<sup>nd</sup> December, 2010, the Collector Mumbai Suburban District addressed one more letter to Mumbai Slum Improvement Board inter alia, stating that with prior permission of



the Corporation 300 sq. ft. area allotted for construction of library on the said land was granted with further condition was to be not to do any construction work without obtaining permission from Mumbai Municipal Corporation. A true and correct copy of letter dated 2<sup>nd</sup> December, 2010 issued by the Collector, Mumbai Slum

Exhibit-G Improvement Board is EXHIBIT-G and its English Translated

Exhibit-G1 typed copy is EXHIBIT-G1.

vii. By yet another letter dated 14<sup>th</sup> March, 2011, the Collector, Mumbai Suburban District, further stated for requirement of prior permission of the Corporation, on the condition obtaining prior permission on allotted land admeasuring 300 sq. ft. for arranging drinking water facility construction work of 300 sq. ft. land to be done from fund of MLS Shri. Ramdas Kadam. Vide condition no. 6, it was directed to first obtain development permission from the Corporation as per law prior to commencing any work. A true and correct copy of letter dated 14<sup>th</sup> March, 2011 issued by the Collector addressed to the Executive Engineer of Mumbai Slum Improvement Board for the purpose of drinking water work is

Exhibit-H & H1 EXHIBIT-H and its English Translated typed copy is EXHIBIT-H1.

viii. Upon knowledge of the above said unauthorized construction works done without obtaining any prior permission of the Corporation and subsequent in further Development Permission from the Corporation, the Petitioner No. 1 filed his RTI Application dated 11<sup>th</sup> January, 2016 seeking prior permissions and development permissions granted by the Corporation on above said land following construction work viz. –

Sr.No	Institution Name	Politician Name
1	Library in the name of Rohitdas Patil Pratisthan	Charan Singh Sapra [MLC]



2	Swatntraya Sainik Datta Thamane Sabhagruha/ Chandraseniya Kayaastha Prabhu [CKP] Samaj Unnati Mandal.	Sardar TaraSingh [MLA]
3	Parampujya Shri. Namamaharaj Trust / Vaishnavi Chairatable & Medical Trust.	Sardar Tarasingh [MLA]
4	Library in the name of Rajaniganga Foundation.	Jyoti Mahendra Vaity [Ex- Corporator of MCGM].
5	Water Drinking Facility	Randas Kadam [MLC]
6	Varkhari Bhavan	Sardar Tarasingh [MLA]

A true and correct copy of RTI Application dated 11<sup>th</sup> January, 2016 issued by the Petitioner No. 1 with the Corporation is

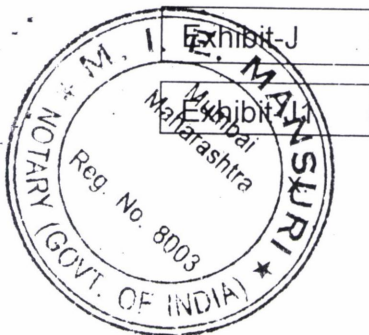
Exhibit-I & I-1

**EXHIBIT-I** and its English Translated typed copy is **EXHIBIT-I -1**.

ix. By letter dated 22<sup>nd</sup> January, 2016 the Corporation - 'T' Ward [Development and Planning] informed that on the land bearing CTS no. 1320 C, Mulund (East), reserved for open space viz. recreation ground no permission was granted for the above stated construction work as stated in the RTI Application dated 11<sup>th</sup> January, 2016. The above said Application was also forwarded before the State Public Information Officer, Maintenance, if any, information was available there. A true and correct copy of reply dated 22<sup>nd</sup> January, 2016 issued by the State Public Information

Officer of the Mumbai Municipal Corporation is **EXHIBIT-J** and its English Translated typed copy is **EXHIBIT-J1**.

By letter dated 22<sup>nd</sup> February, 2016, the State Public Information Officer, Maintenance Department of 'T' Ward also informed that



on CTS No. 1320 C, Mulund (East), no permission was granted from his office/ Accordingly RTI Application dated 25.01.2016 was disposed of. However, surprisingly despite having information of unauthorized construction work, Corporation 'T' ward did not initiate any action for removal of the same. A true and correct copy of letter dated 22<sup>nd</sup> February, 2016 issued by Assistant

Exhibit-K

Engineer (Maintenance)- T Ward is EXHIBIT-K and its English

Exhibit-K1

Translated typed copy is EXHIBIT-K1.

- xi. By letter dated 7<sup>th</sup> April, 2016, the Assistant Commissioner, T Ward replied to the Petitioners that because the land bearing CTS No. 1320 C, Village – Mulund, Mumbai Suburban District belong to State Government, therefore, for removal of encroachment on said land pertains to Collector, Mumbai Suburban District, therefore, the Petitioners was directed to follow up with the office of the Collector, Mumbai Suburban District. The Petitioners understand that this letter dated 7<sup>th</sup> April, 2016 is given contrary to the provisions contained u/s. 53 (1), 55 of the MR&TP Act, 1966 as well as Section 314 of the Mumbai Municipal Corporation Act, 1888, whereby, the Corporation is under mandatory statutory obligation for removal of any unauthorized construction work situated on any land particularly on public space. A true and correct copy of letter dated 7<sup>th</sup> April, 2016, the Assistant

Exhibit-L

Commissioner, T Ward is EXHIBIT-L and its English Translated

Exhibit-L1

typed copy is EXHIBIT-L1.

- xii. The Petitioner by his letters dated 15<sup>th</sup> March, 2016 and 22<sup>nd</sup> April, 2016, applied before the Deputy Collector (Enc/Rem), - Mulund and Tehsildar (Mulund) that by complaint dated 15<sup>th</sup> March, 2016 and 22<sup>nd</sup> April, 2016, the Petitioners have requested for removal of unauthorized construction work done on land bearing CTS No. 1320 C of Village – Mulund, Taluka - Kurla owned by the State



Government, which is reserved for open space in the final development plan of the Corporation for which, no permission has been given. Therefore, the Deputy Collector [Enc/Rem] - Mulund was directed to take action as per rules and to submit report. A true and correct copy of letter dated 20<sup>th</sup> May, 2016 issued by the Collector to Deputy Collector (Enc/Rem), - Mulund and the

Exhibit-M

Tehsildar – Kurla – Mulund is EXHIBIT:M and its English

Exhibit-M1

Translated typed copy is EXHIBIT-M 1.

- xiii. However, despite this letter issued by the Collector, no action came to be taken by the concerned officers. Hence, the Petitioners is filing present Writ Petition seeking direction and Writ of *Mandamus* of this Hon'ble Court directing to the Deputy Collector (Enc/Rem), - Mulund Division and the Designated Officer – T Ward of the Corporation for forthwith remove all said unauthorized construction work in a reasonable time bound manner and also to initiate criminal prosecution against the said persons doing unauthorized construction work as provided u/s. 314 of the MMC Act, 1888 or by the Deputy Collector (Enc/Rem), - Mulund Division and to make the said land available for the public purpose of playground and recreation ground as per the final development plan.
- xiv. That, the Petitioners have made out case in their favour. Therefore, the Petitioners are entitled for necessary ad-interim, interim reliefs by way of forthwith discontinuation of the use of the said unauthorized construction by the concerned occupiers mainly affiliated with political persons. Therefore, the Petitioners respectfully pray before this Hon'ble Court that as and by way of Ad-interim, interim reliefs the electricity, water connection, internet connection, telephone connections etc. of said unauthorized constructions are required to be removed forthwith by the Deputy



Collector (Enc/Rem), Mulund Division and the Corporation through its designated officer – T ward and by restraining the use of said unauthorized structures in any manner till final adjudication of present writ Petition. Balance of convenience lies heavy in favour of this Petitioners and against the Respondents.

Hence, this Writ Petition.



5. **CONCLUDING PARAGRAPHS:-**

- (i) Proper Court fee of Rs. \_\_\_\_\_ is paid.
- (ii) The Petitioners have not filed any other Petition either before this Hon'ble Court or before the Supreme Court of India on this cause of action.
- (iii) The Petitioners have no other alternative, efficacious remedy available to them except to approach this Hon'ble Court under the provisions of Article 226 of the Constitution of India, 1950.
- (iv) That, this Hon'ble Court possesses jurisdiction to entertain and adjudicate this Writ Petition under Article 226 of the Constitution of India, 1950.
- (v) The present Petition is filed within limitation and without any delay, laches and negligence from the part of these Petitioners. The present Petition is not barred under any law.
- (vi) Petitioners seek leave of this Hon'ble Court to add, amend and alter the Memo of this Petition as and when required.
- (vii) The Petitioners shall rely upon the list of documents enclosed herewith.
- (viii) The Petitioners have not served with any Caveat in the matter and as such submit that no Caveat is filed in the matter.

6. Therefore, the Petitioners respectfully pray before this Hon'ble Court as under:-



-: PRAYERS :-

- A) That, this Hon'ble Court be pleased to issue Writ of *Mandamur* and/or any other Writ, Order exercising Powers under Article 226 of the Constitution of India, 1950 directing the Respondent Corporation and Deputy Collector [Enc/Rem] – Mulund remove all unauthorized construction work on land bearing 1320 C of Village-Mulund, Taluka – Kurla, Mumbai Suburban District in a reasonable time bound manner and to submit such report on record of this Hon'ble Court, and with further direction to develop the said land for public purpose of open space as playground and recreation ground as provided in the final development plan of the Mumbai Municipal Corporation;
- B) Pending the hearing and final disposal of this Petition, this Hon'ble Court be pleased to direct the Deputy Collector (Enc/Rem), Mulund Division and the well as Corporation through its Designated Officers – T Ward MCGM to take immediate steps for forthwith discontinuation of the corresponding use of all the unauthorized construction situated on the above said open space land bearing CTS No. 1320 C of Village – Mulund, Taluka – Kurla, Mumbai Suburban District area occupied by the encroachers unauthorized occupiers by disconnecting the electricity, water connection, telephone connection etc. as and by way of ad-interim, interim reliefs;
- C) Ad-interim, interim reliefs in terms of prayer clause (B) hereinabove may be granted in favour of the Petitioners and against the Respondents;
- D) Cost of this Petition be provided for;
- E) And for such further orders as may deem fit and proper be granted in favour of the Petitioners and against the Respondents;



AND FOR SUCH ACTS OF KINDNESS, THE PETITIONERS SHALL  
DUTY BOUND EVER PRAY.

MUMBAI

DATE :



ADVOCATE FOR THE PETITIONERS

PETITIONER NO. 1



PETITIONER NO. 2



VERIFICATION

I, Ankur Prabhakar Patil the Petitioner No.1 abovenemd herein above do hereby states on solemn affirmation that the facts stated hereinabove are true to our corresponding knowledge whereas, the legal submission are made on legal advise, which I believe to be true,

Solemnly affirmed,

Mumbai

Date 12-5-2017

Ankur P. Patil

DEPONENT

Identified, explained and interpreted by,

*[Signature]*

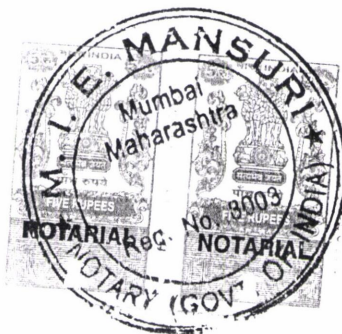
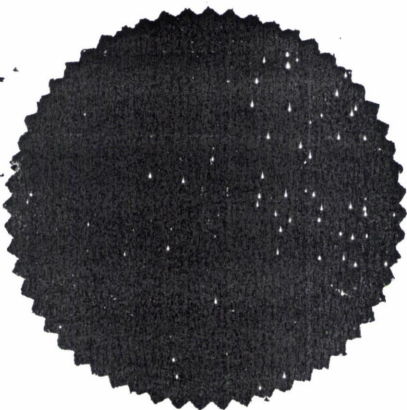
ADVOCATE FOR THE PETITIONERS

Before Me,

*[Signature]*

**M. I. E. MANSURI**  
Advocate High Court  
Notary (Govt. of India)  
57/4, Mutton Street, Burhani Manzil,  
Ground Floor, Mumbai-400 042.

Notary Reg. No.. 76  
Sl. No.. 317  
Date: 12-5-2017



[ विशेष-ध. आ. (सुं. सा. वि.) ५०-म.

No 054512



## नोंदणी प्रमाणपत्र

संस्था नोंदणी अधिनियम, १८६०

(१८६० चा अधिनियम २१)

महाराष्ट्र राज्य, मुंबई, १६८

नोंदणी क्रमांक : १०० एजी बी. बी. एस. डी.

याद्वारे असे प्रमाणित करण्यात येते की, सत्युंगी महिला मंडळ

खालील तारखेस संस्था नोंदणी अधिनियम, १८६० (सन १८६० चा अधिनियम २१) अन्वये योग्यरित्या नोंदणी करण्यात आली.

तारीख : २०/१/२००९

रोजी माझ्या सहीनिशी दिले.



संस्थांचे सहायक निबंधक,

.....सहायक.संस्था.निबंधक.विभाग.  
बृहन्मुंबई विभाग, मुंबई.

1633

**ENGLISH TRANSLATION R-3**

No. 054542

Date of Registration: 20/01/2009

**CERTIFICATE OF REGISTRATION**

**SOCIETIES REGISTRATION ACT, 1860**

(Act XXI of 1860)

Maharashtra State, India Mumbai, ,168

Registration Number: 2009.G.B.B.S.D

It is hereby certified that **SAPTASHRUNGI MAHILA MANDAL** has been properly and duly registered on this day under the **Societies Registration Act, 1860 (Act 21 of 1860)** in accordance with the provisions of the said Act.

Given under my hand and official seal on this 20/01/2009.

*Assistant Registrar of Societies  
Greater Bombay Region  
Mumbai*

*Sd/-*

**Assistant Registrar of Societies  
Greater Bombay Region, Mumbai  
Department of Registration**



**ANNEXURE-R-4**

जिल्हाधिकारी, मुंबई उपनगर जिल्हा, यांचे कार्यालय  
**OFFICE OF THE COLLECTOR, MUMBAI SUBURBAN DISTRICT**  
 जिल्हा नियोजन समिती

**DISTRICT PLANNING COMMITTEE**  
 प्रशासकीय इमारत ९ वा माळा वांद्रे (पूर्व) मुंबई. ४०० ०५९  
 ADMINISTRATIVE BUILDING, 9 TH FLOOR BANDRA (EAST) MUMBAI 400 051  
 TEL. NOs. 2 655 00 66. 2651 47 42, 2 655 67 99  
 FAX. 2655 88 05

क्रमांक : जिनिस् १०३० / का.०३/आस्थाविका/२०१०-११/प्रमंआ/ २०२१

दिनांक : ०३ / ०८ / २०१०

**आमदार स्थानिक विकास कार्यक्रम सन २०१०-११**  
**प्रशासकीय मंजूरी आदेश**

- वाचा : १) महाराष्ट्र शासन नियोजन विभाग, यांचे शासन निर्णय क्र. एस.डी.पी. १०८५/५०७/सी.आर -७/  
 पी.आर.जी-२ दिनांक २४ एप्रिल, १९८५, दि. १ ऑगस्ट, १९८५ व दि. ६ ऑगस्ट, १९८५.  
 २) महाराष्ट्र शासन नियोजन विभाग, यांचे शासन निर्णय क्र. स्था.वि.का./१०९२/मातब/सी.आर-१३/  
 योजना - ६, दिनांक १८ जानेवारी १९९३ व दि. ६ एप्रिल १९९४.  
 ३) महाराष्ट्र शासन नियोजन विभाग शासन निर्णय क्र. स्थाविका, १०९५/प्र.क्र.१६/का.१४४५,  
 दिनांक २१ एप्रिल, १९९५.  
 ४) महाराष्ट्र शासन नियोजन विभाग शासन निर्णय क्र. स्थाविका-२०१०/प्र.क्र.६६/का.१४८२,  
 दिनांक १८ मे २०१०.

ज्या अर्थी स्थानिक निकडीची कामे करण्याकरीता खास निधी उपलब्ध करून त्याचे विनियोजन करण्याचे अधिकार जिल्हा नियोजन समिती मुंबई उपनगर जिल्हा यांना देण्यात आले आहेत. त्याअर्थी जिल्हाधिकारी, मुंबई उपनगर जिल्हा यांना अशा प्रकारच्या कामाकरीता प्रशासकीय मंजूरी देण्याचे अधिकार देण्यात आलेले आहेत. आता मी निर्मल देशमुख, जिल्हाधिकारी, मुंबई उपनगर जिल्हा या आदेशाच्या जोडपत्रात नमूद केलेल्या कामांना खालील अटीवर मंजूरी देत आहे.

अटी व शर्ती :-

१. हया कार्यक्रमावरील खर्च पुढील लेखा शिर्षातून सन २०१०-११ या वर्षी केलेल्या तरतूदीतून भागविण्यात यावा नियोजन विभाग, मागणी क्र. ओ-९ ४५१५, इतर ग्रामविकास कार्यक्रमावरील भांडवली खर्च, १०२ - सामुहिक विकास -पंचवार्षिक योजनांतर्गत योजना - राज्य योजनांतर्गत योजना (१) बहुउद्देशीय कार्यक्रम, (००) (०१) आमदारांचा स्थानिक विकास कार्यक्रम (संकेतांक ४५१५ ००१२).
२. जोडपत्रातील स्तंभ क्र.८ मध्ये दर्शविलेल्या रक्कमे इतकाच खर्च करण्यात यावा.
३. या कार्यक्रमांवर होणा-या खर्चाचा स्वतंत्रपणे हिशोब ठेवण्यात यावा. या कार्यक्रमाखाली स्थानिक स्वायत्त संस्था, मुंबई गृहनिर्माण व क्षेत्रविकास मंडळ, मुंबई झोपडपट्टी सुधार मंडळ व सार्वजनिक बांधकाम विभाग यांना देय असलेल्या अनुदानाच्या खर्चासंबंधी शासन निर्णय क्र. डीपीसी - १०८४/सीआर-२१, पीआर-३, दि. २६ ऑक्टोबर, १९८४ व दि. १७ नोव्हेंबर, १९८४ आणि क्र. एसपीडी-१०८१/१५३/सीआर-१५/योजना ६, दि. ३१.०८.१९८९ च्या शासन निर्णयानुसार आदेश पाळण्यात यावेत.
४. प्रत्येक महिन्याच्या ५ तारखेपर्यंत योजना राबविणा-या अभिकरणांनी मासिक खर्चाचा कामनिहाय प्रगती अहवाल व पूर्ण झालेल्या कामांची उपयोगिता प्रमाणपत्रे सुध्दा सादर करावीत.
५. प्रशासकीय मंजूरीनंतर कार्यान्वयीन अभिकरणांनी त्यांच्या संबंधीत विभागातील सक्षम अधिका-याकडून कामांस तांत्रिक मंजूरी घेणे बंधनकारक आहे.
६. जिल्हाधिकारी यांनी प्रशासकीय मान्यता दिली याचा अर्थ जागेचे नाहरकत प्रमाणपत्र दिले असे समजण्यात येऊ नये, नाहरकत प्रमाणपत्र संबंधीतांकडून प्राप्त करूनच कामे कार्याकवत करणे ही संबंधीत कार्यान्वयीन अभिकरणाची सर्वश्री जबाबदारी आहे. जागेचे ना हरकत प्रमाणपत्र संबंधीत जागा मालकाकडून प्राप्त केल्याशिवाय कामे कार्याकवत करण्यात येऊ नयेत. तसेच इमारती बांधकामे, रस्ते, शौचालय, पोलीस चौकी, बांधण्यापूर्वी आवश्यक त्या ठिकाणी शासन निर्णय स्थाविका-२००३/प्र.क्र.३६९/का-१४४५, दि. २८ नोव्हें.२००३ अन्वये सूचनानुसारच फलक लावण्यात यावा. जेणेकरून स्थानिक लोकांकडून कोणताही न्यायालयीन गुंता निर्माण होणार नाही याची जबाबदारी कार्यान्वयीन अधिका-यांनी घ्यावी.
७. संरक्षण भिंत, नाला, शौचालय, बगीचा तयार करणे, मोकळ्या जागेचे क्रिडांगणात रूपांतर करणे, स्मशानभूमीची कामे तसेच व्यासपीठ बांधणे, समाजमंदीर/व्यायामशाळा/वाचनालय इत्यादी स्वरूपाच्या वास्तूंचे बांधकाम करणेपूर्वी मुंबई महानगरपालिका तसेच संबंधीत जागेची मालकी ज्याच्याकडे आहे अशा सक्षम अधिका-याकडून जागेचे ना-हरकत प्रमाणपत्र संबंधीत कार्यान्वयीन यंत्रणेने प्राप्त करून घेणे आवश्यक आहे. सदर प्रमाणपत्र घेतले असल्याचे खात्री करूनच कामास सुरुवात करावी.

// २ //

८. या कार्यक्रमात घेण्यात येणा-या कामाचे परिरक्षण व देखभालीचे हमीपत्र संबंधीत सक्षम अधिका-याकडून घेणे आवश्यक आहे. सदरचे हमीपत्र असल्याचे खात्री केल्याशिवाय कामास सुरुवात करू नये.
९. काम पूर्ण झाल्यावर मंजूर रक्कमेतील बचत अन्य कोणत्याही कामाकडे परस्पर वळविण्यात येऊ नये अथवा बचतीच्या रक्कमेतून नवीन कामांना प्रशासकीय मंजूरी दिली जाणार नाही.
१०. या कार्यक्रमाखाली घेण्यात येणा-या सर्व कामासाठी शासनाने वेळोवेळी ठरवून दिलेले सर्व नियम, निकष व पध्दती कार्यान्वयीन अभिकरणांवर बंधनकारक राहतील. तसेच या योजने अंतर्गत शासनाचे यापुढे वेळोवेळी होणारे बदल कार्यान्वयीन अभिकरणांवर बंधनकारक राहतील.
११. या आदेशान्वये मंजूर कामे दोन हंगामात पूर्ण करण्यात यावीत. या विहित मुदतीत कामे पूर्ण न झाल्यास ती कामे आपोआप रह समजण्यात येतील यासाठी वेगळे आदेश काढण्यात येणार नाहीत.
१२. घोषित किंवा नोटीफाईड न झालेले गलिच्छ वस्तीमध्ये कोणत्याही प्रकारची कामे या कार्यक्रमातून घेण्यात येऊ नये याची दक्षता संबंधीत कार्याकत्वत यंत्रणानी घ्यावी.
१३. या आदेशानुसार मंजूर करण्यात आलेली जोडपत्रातील कामे इतर कोणत्याही योजनेतून/कार्यक्रमातून घेण्यात (उदा. खासदार स्थानिका विकास कार्यक्रम/नगरसेवक निधी इ.) आलेली नाहीत याची खात्री करूनच कामाला सुरुवात करावी.
१४. अपुर्ण कामांची कामनिहाय माहिती व शिल्लक असलेल्या निधीची सविस्तर माहिती मार्च अखेर (आर्थिक वर्षाच्या शेवटी) जिल्हाधिकारी कार्यालयाकडे कार्यान्वयीन अधिका-यांनी सादर करणे बंधनकारक आहे.
१५. मंजूर केलेली बांधकामे जसे बालवाडी, समाजकल्याणकेंद्र, वाचनालय, अभ्यासिका, व्यायामशाळा इत्यादी बांधकामे पूर्ण झाल्यानंतर ९० दिवसांच्या आत जनतेच्या सार्वजनिक वापरात येतील याची दक्षता संबंधीत कार्यान्वयीन यंत्रणांनी घ्यावी. या करीता शासनाने विहित केलेल्या करारनामा कार्यान्वयीन यंत्रणांनी नोंदणीकृत संस्थेकडून करून घ्यावा. वास्तु नोंदणीकृत संस्थेस हस्तांतरीत करनेवेळी या कार्यालयाचे पत्र क्र. जिनिवि/१०९८/का.०३/स्थाविका/हस्तांतरण/९३, दि. १२/६/१९९८ अन्वये दिलेल्या आदेशाप्रमाणे सर्व कागदपत्रांची पूर्तता करूनच कार्यान्वयीन यंत्रणांनी वास्तु संबंधीत नोंदणीकृत संस्थेस हस्तांतराबाबतचे आदेश द्यावेत. उपयोगिता प्रमाणपत्र, करारनामा, हस्तांतरण आदेश, आमदाराचे शिफारस पत्र व इतर सर्व कागदपत्रांची एक प्रत जिल्हाधिकारी कार्यालयात सादर करावी. वास्तु हस्तांतरीत केल्यानंतर संबंधीत नोंदणीकृत संस्थेस आवर्ती किंवा अनावर्ती खर्चासाठी या योजनेअंतर्गत कृसलेही अर्थ सहाय्य मिळणार नाही.
१६. लेखा तपासणीसाठी आवश्यक असणारी माहिती कार्यान्वयीन अधिका-यांनी जिल्हाधिकारी यांच्याकडे विहित कालमर्यादेत सादर करणे बंधनकारक आहे.
१७. विधान परिषद सदस्यांनी सदर काम सुरु करण्याबाबत या कार्यालयास कळविल्यानंतरच काम सुरु करण्याबाबत या कार्यालयाकडून आपल्या कार्यालयास कळविण्यात आल्याशिवाय काम सुरु करू नये. आमदारांचा स्थानिक विकास कार्यक्रम सन २०१०-११ अंतर्गत कार्यान्वयीन अभिकरणांना कामाच्या पूर्ततेसाठी रु. ५०००००/- (अक्षरी रु. पाच लाख मात्र ) रक्कमेस मंजूरी देण्यात येत आहे.

अ.क्र.	कामाची अंमलबजावणी करणा-या अभिकरणाचे नांव	मंजूर कामांची संख्या	प्रशासकीय मंजूरीची रक्कम रुपये
१.	मुंबई झोपडपट्टी सुधार मंडळ	१	५०००००/-
	एकूण प्रशासकीय मंजूरीची रक्कम रुपये पाच लाख फक्त		

सोबत :- जोडपत्र १

स्थळ प्रतीवर मा. जिल्हाधिकारी यांची सही असे.

सही/-

(निर्मल देशमुख)

जिल्हाधिकारी

मुंबई उपनगर जिल्हा.

प्रति,

१) कार्यकारी अभियंता (पूर्व), मुंबई झोपडपट्टी सुधार मंडळ, गृहनिर्माण भवन, वांद्रे (पूर्व), मुंबई ४०० ०५१.

प्रत माहितीसाठी योग्य त्या कार्यवाहीकरिता अग्रेषित :-

१) मुख्य अधिकारी, मुंबई झोपडपट्टी सुधार मंडळ, गृहनिर्माण भवन, वांद्रे (पूर्व), मुंबई - ४०० ०५१.

२) मुख्य लेखाधिकारी, मुंबई झोपडपट्टी सुधार मंडळ, गृहनिर्माण भवन, वांद्रे (पूर्व), मुंबई - ४०० ०५१.

३) मा. श्री. रामदास कदम, आमदार महोदय यांना माहितीसाठी सादर.

जिल्हाधिकारी

मुंबई उपनगर जिल्हाकरिता

प्रशासकीय मंजूरी आदेशाचे जोडपत्र

आमदार स्थानिक विकास कार्यक्रम सन २०१०-११ अंतर्गत जिल्हाधिकारी, मुंबई उपनगर जिल्हा यांनी  
प्रशासकीय मंजूरी प्रदान केलेल्या कामांची यादी

आमदार : मा. श्री. रामदास कदम, आमदार महोदय.


मतदार संघ : वि. प. स.

क्रमांक जि.नि.स. / १०३० / का.०३ / आस्थाविका / २०१०-११ / प्रमआ / २०२१

, दिनांक : ०३/०८/२०१०

अ. क्र.	कामाचे स्थानिक विवरण	कामाचा प्रकार / स्वरूप	कामे मंजूरीबाबत संदर्भ		कामाची अंमलबजावणी करणा-या अधिकारणाचे नाव	अंदाजपत्रकीय रक्कम रूपये	मंजूर केलेली रक्कम रूपये
			आमदाराचे पत्र दि.	अंदाजपत्रक दि.			
१	२	३	४	५	६	७	८
१	मुलुंड (पुर्व), अग्निशामक केंद्रासमोर (वि.घ.यो)	पाणपोई बांधणे	१५.०४.२०१०	२०.०७.२०१०	मु.झो.सु.मं.	५०००००	५०००००
	अक्षरी : पाच लाख मात्र				एकूण	५०००००	५०००००

स्थळ प्रतीवर मा. जिल्हाधिकारी यांची सही असे

  
जिल्हाधिकारी  
मुंबई उपनगर जिल्हाकरिता

**ENGLISH TRANSLATION R-4****OFFICE OF THE COLLECTOR, MUMBAI SUBURBAN DISTRICT****DISTRICT PLANNING COMMITTEE****Administrative Building, 9th Floor, Bandra (East), Mumbai 400 051** TEL NOS: 2 655 00 66,  
2651 47 42, 2 655 67 99 | FAX: 2655 88 05

---

**No:** Di.Ni.Sa. 1030/Ka.03/Establishment/2010-11/Pra.Ma.Aa/2021 **Date:** 03/08/2010**Subject: Administrative Approval Order for MLA Local Development Program Year 2010-11****Read:**

1. Government of Maharashtra Planning Department Resolutions dated 24 April 1985, 1 August 1985, and 6 August 1985.
2. Government of Maharashtra Planning Department Resolutions dated 18 January 1993 and 6 April 1994.
3. Government of Maharashtra Planning Department Resolution dated 21 April 1995.
4. Government of Maharashtra Planning Department Resolution dated 18 May 2010.

Whereas the District Planning Committee, Mumbai Suburban District, has been empowered to allocate special funds for local urgent works , and the District Collector is authorized to grant administrative approval for such works , I, **Nirmal Deshmukh, District Collector, Mumbai Suburban District**, hereby grant approval to the works mentioned in the annexure of this order under the following conditions:

**Terms and Conditions:**

1. Expenditure for this program for the year 2010-11 shall be met from the following budget head: Planning Department, Demand No. O-9 4515, Capital Outlay on Other Rural Development Programs, 102 Community Development.
2. Expenditure must not exceed the amount shown in Column No. 8 of the annexure.
3. Separate accounts must be maintained for these works. All government resolutions regarding grants to local bodies (MHADA, Slum Improvement Board, etc.) must be followed.
4. Implementing agencies must submit monthly progress reports and completion certificates by the 5th of every month.
5. Technical approval from competent authorities is mandatory after this administrative approval.
6. Administrative approval does not imply a "No Objection Certificate" (NOC) for the land; it is the agency's responsibility to obtain land NOCs from owners before starting work.
7. Information boards must be installed at construction sites as per government guidelines to avoid legal disputes.
8. Maintenance and repair guarantees must be obtained from competent authorities before starting work.

9. Savings from completed works cannot be diverted to other projects without approval.
10. All works must be completed within two seasons; otherwise, the approval will be considered cancelled.
11. No works should be undertaken in non-notified slums.
12. Agencies must ensure these works are not already funded by other schemes (e.g., MP funds or Councilor funds).
13. Completed public utilities (libraries, gymnasiums, etc.) must be opened for public use within 90 days.
14. For Legislative Council members, work must only begin after this office provides specific notification following the member's request.

---

**Summary of Approved Funds:**

<b>Sr. No.</b>	<b>Name of Implementing Agency</b>	<b>Number of Approved Works</b>	<b>Administrative Approval Amount (Rs.)</b>
1.	<b>Mumbai Slum Improvement Board</b>	1	5,00,000/-
	<b>Total Administrative Approval Amount</b>		<b>Rs. Five Lakh Only</b>

**Total Amount in Words: Five Lakh Only**

**Accompaniment:** Annexure 1

(Signed) **Nirmal Deshmukh** District Collector, Mumbai Suburban District

---

**Copy to:**

1. Executive Engineer (East), Mumbai Slum Improvement Board.
2. Chief Officer / Chief Accounts Officer, Mumbai Slum Improvement Board.
3. Hon. Shri Ramdas Kadam, MLA, for information.

---

**Annexure to Administrative Approval Order**

List of works approved under MLA Local Development Program 2010-11 MLA: Hon. Shri Ramdas Kadam | Constituency: Legislative Council

Sr. No.	Location / Description of Work	Type of Work	MLA Letter Date	Estimate Date	Implementing Agency	Estimated Amount (Rs.)	Approved Amount (Rs.)
1	<b>Mulund (East), Opposite Fire Station</b> (Vi. Gha. Yo.)	Construction of Water Fountain (Paanpoi)	15.04.2010	20.07.2010	M.S.I.B. (Mu.Zho.Su.M.)	5,00,000	5,00,000
	<b>Total (In words: Five Lakh Only)</b>					<b>5,00,000</b>	<b>5,00,000</b>

**Date:** 03/08/2010 Original signed by Hon. District Collector



ANNEXURE-R-5

**रामदास कदम**

विधानपरिषद सदस्य  
माजी विरोधी पक्ष नेता  
महाराष्ट्र विधानसभा

Fund/NOC Mulund Panpou

दिनांक : १८.०६.२०१२

प्रति,  
मा.श्री. निर्मल देशमुख  
जिल्हाधिकारी-मुंबई उपनगरे,  
वांद्रे (पूर्व), मुंबई.


विषय : मुलुंड (पूर्व) येथील अग्निशामक केंद्रसमोरील माझ्या स्थानिक  
विकास निधीतुन बांधुन देण्यात आलेल्या पाणपोईचे सप्तशृंगी महिला  
मंडळाला हस्तांतरीत करण्याबाबत..

सन्नेह, जय महाराष्ट्र,

मुलुंड (पूर्व) येथील अग्निशामक केंद्रसमोरील सप्तशृंगी  
महिला मंडळाला माझ्या स्थानिक विकास निधीतुन पाणपोई बांधुन  
देण्यात आलेली आहे.

सदर पाणपोई सप्तशृंगी महिला मंडळाच्या नावे हस्तांतरीत  
करण्यात यावी, अशी मी शिफारस करीत आहे.

धन्यवाद!

  
18/06/12  
लिपिक

आपला

(रामदास कदम)

जिल्हाधिकारी  
"पालखी" बंगला, गोकुळ विहारे, एच. विंग, सी.ओ. हो. सोसायटी, ठाकूर कॉम्प्लेक्स,  
कांदिवली (पूर्व), मुंबई - ४०० ९०९  
दूरध्वनी : २८७०४५९८

13448/D.P.O

श्रीवाळ साहेब - 8097357184

हरणे साहेब - 9004795009

जिल्हाधिकारी ऑफिस

एवा प्राळा

**ENGLISH TRANSLATION-R-5**

**MAHARASHTRA LEGISLATIVE COUNCIL**

**Ramdas Kadam** Member of Legislative Council Former Leader of Opposition Maharashtra Legislative Assembly

---

**Date:** 18.06.2012

**To,** Hon. Shri. Nirmal Deshmukh, **District Collector - Mumbai Suburbs, Bandra (East), Mumbai.**

**Subject:** Regarding the transfer of the water fountain (Paanpoi) constructed from my local development fund in front of the Fire Brigade Center at Mulund (East) to the Saptashrunji Mahila Mandal.

**With Regards, Jai Maharashtra,**

- A water fountain (Paanpoi) has been constructed from my local development fund in front of the Fire Brigade Center at Mulund (East) for the **Saptashrunji Mahila Mandal**.
- I recommend that the said water fountain be **transferred** to the name of Saptashrunji Mahila Mandal.

**Thank you!**

**Yours,**

(Signature) **18/06/12 (Ramdas Kadam)**

---

**Address:** "Palkhi" Bungalow, Gokule Road, A-Wing Co-op. Housing Society, Thakur Complex, Kandivali (East), Mumbai 400 101. Telephone: 28704598

**Handwritten Notes/References:**

- **Clerk**
- **District Collector**
- 13448/D.P.O
- Shivale Saheb - 8094357184
- Harne Saheb - 9004795009
- **District Collector's Office, 9th Floor**



## महाराष्ट्र स्टेट इलेक्ट्रिसिटी डिस्ट्रीब्यूशन कंपनी लि.

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पुरवठा तारीख : 13/02/12

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महिना युनिट

ग्राहक तक्रार निवारण मंचाचा पत्ता

VIDYUT BHAVAN, L B S MARG, BHANDUP /Phone No. 9930269397

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महानगरपालिका क्षेत्रासाठी

देयक दिनांक 16/03/12 देयक क्र. 3070

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या तारखेपर्यंत भरल्यास	26/03/12	
या तारखेनंतर भरल्यास	30/03/12	

\* वरील रक्कम पूर्णांकात दर्शविली आहे

11/03/12 या तारखेनंतर देयक भरले असल्यास निव्वळ रक्कम स्विकारण्यास पावती दाखवावी

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निव्वळ थकबाकी / जमा 0.00

समायोजित रक्कम 0.00

व्याजाची थकबाकी 0.00

एकूण थकबाकी / जमा 0.00

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मागील पावतीचा दिनांक 00/00/00 0.00

सुरक्षा ठेव जमा \*\*\*\*500 0.00

विलंब आकार रु.18.27

महाराष्ट्र स्टेट इलेक्ट्रिसिटी डिस्ट्रीब्यूशन कंपनी लि.

मुख्य अधिकारी (वित्तिय)

कार्याचे विलंब उर्वर विभागाचा प्रश्न असतो  
वेळी इतर सारवाही शिक्के घडतANCHOR  
Pavane

ROMA

भारतात सर्वाधिक विकली जाणारी  
मॉड्युलर स्विचेसहे वीज देयक मालमतेच्या अथवा जागेच्या मालकीपत्राचा पुरावा मानण्यात येऊ नये.  
अनधिकृतरीत्या वीज देयकात कोणताही बदल वा दुरुस्ती करू नये, असे देयक स्विकारले जाणार नाही. चुक भूल देणे घेणे, मागील पानावर नमूद केलेल्या अटीस आधीन राहून.

पावती स्थळप्रत 4705

डिटिसी क्र. 3554232

बिलिंग युनिट :

ग्राहक क्रमांक : 000090558226

पी.सी. : 5

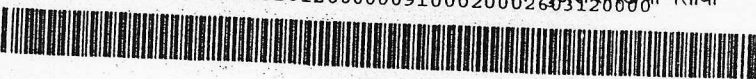
दर : 04/LT II Comm 1Ph &lt;20 KW

SAPTASHRUNGI MAHILA MANDAL

चेक लिहीण्यासाठी सूचना

\* चेक अकाउंट पेयी असावा \* चेक 'MSEDCL' च्या नावे असावा, चेक स्थानिक बँकेचा असावा

\* चेक सोबत घेऊन देयक देण्याची वेळी स्टॅम्प करू नये \* चेक सोबत घेऊन देयक देण्याची वेळी स्टॅम्प करू नये



अंतिम तारीख	30/03/12	910.00
या तारखेपर्यंत भरल्यास	26/03/12	910.00
या तारखेनंतर भरल्यास	30/03/12	930.00

महावितरण

बँकेची स्थळप्रत

डिटिसी क्र. 3554232

बिलिंग युनिट : 4705

ग्राहक क्रमांक : 000090558226

पी.सी. : 5

दर : 04

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अंतिम तारीख	30/03/12	910.00
या तारखेपर्यंत भरल्यास	26/03/12	910.00

महावितरण

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTIONCIVIL APPEAL NO. 5921 OF 2022

NARENDER BHARDWAJ

Appellant(s)

VERSUS

M/S 108 SUPER COMPLEX R.W.A. &amp; ORS.

Respondent(s)

WITHCIVIL APPEAL NO. 9082 OF 2022O R D E R

1. These appeals are directed against the Judgment and order dated 26.07.2022 passed by the National Green Tribunal, Principal Bench at New Delhi in Original Application No. 419 of 2021, by which the Tribunal has directed the District Magistrate, Ghaziabad and Municipal Corporation, Ghaziabad to remove the construction of a temple and associated structure allegedly raised on the land shown as open space/Park in Sector - 16A, Vasundhara, District Ghaziabad.

2. Facts giving rise to filing of these appeals in a nutshell are that Respondent No.1 filed an application under Section 14 of the National Green Tribunal Act, 2010 (in short 'the Act') alleging encroachment and illegal construction of a temple on an area earmarked for park. The Respondent No.1 sought removal of structure along with other consequential directions.

3. The Appellant filed a reply in which it was pleaded that even in the Revised Layout Plan dated 14.07.2004 prepared by Uttar Pradesh Housing Board, the temple has been shown to be in existence. It was denied that the temple either has been constructed on an open land/park or that any area has been encroached upon.

4. The Tribunal by an order dated 26.07.2002, *inter alia*, constituted a Joint Committee comprising all officials of District Administration and other authorities, which inspected the site and submitted its report. On the basis of the aforesaid Report, the Tribunal concluded that the temple is constructed on an open space and the construction was raised sometime in the year 2016. The Tribunal, accordingly, directed removal of the temple and the allied structure. In the aforesaid factual background, these appeals have been filed.

5. Learned counsel for the appellant submitted that the order constituting the Committee was passed without issuing any notice to the Appellant. It is also contended that under Section 14 of the Act, the Tribunal has no jurisdiction to pass an order directing removal of an encroachment and, therefore, the impugned order is *per se* without jurisdiction.

6. On the other hand, the learned counsel for Respondent No.1 submitted that the temple has been constructed on the land on an area which is earmarked for the purpose of a park. Our attention has also been invited to the counter affidavit filed by the official Respondents wherein it is pleaded that temple has been constructed on an open land earmarked for the purpose of a park. It is submitted that no interference with the order passed by the Tribunal is called for in these appeals.

7. We have considered the submissions made by both the sides. Section 14 of the Act reads as under :-

*"14. Tribunal to settle disputes -  
(1)The Tribunal shall have the jurisdiction over all civil cases where a substantial question relating to environment (including enforcement of any legal right relating to environment), is involved and such question arises out of the implementation of the enactments specified in Schedule I.*

*(2) The Tribunal shall hear the disputes arising from the questions referred to in sub-section (1) and settle such disputes and pass order thereon.*

*(3) No application for adjudication of dispute under this section shall be entertained by the Tribunal unless it is made within a period of six months from the date on which the cause of action for such dispute first arose:*

*Provided that the Tribunal may, if it is satisfied that the applicant was prevented by sufficient cause from filing the application within the said period, allow it to be filed within a*

*further period not exceeding sixty days."*

8. The jurisdictional fact necessary for invocation of the provisions of the Act is that there must be existence of a substantial question of law relating to environment. The substantial question of law has actually been defined in the Statute under Section 2(m) of the Act, which is extracted as under :-

*"(m) 'substantial question relating to environment' shall include an instance where,*

*(i) there is a direct violation of a specific statutory environmental obligation by a person by which,*

*(A) the community at large other than an individual or group of individuals is affected or likely to be affected by the environmental consequences; or*

*(B) the gravity of damage to the environment or property is substantial; or*

*(C) the damage to public health is broadly measurable;*

*(ii) the environmental consequences relate to a specific activity or a point source of pollution"*

9. Further, the substantial question of law is integrally connected to the Statute specified in Scheduled I, which is extracted as under :-

*"Schedule I of the National Green Tribunal, 2010 lists 7 central environmental laws that define the tribunal's jurisdiction over civil cases involving substantial environmental questions. These acts are crucial for the enforcement of environmental legal rights*

*and granting compensation for damage.  
The 7 acts included in Schedule I are:*

- *The Water (Prevention and Control of Pollution) Act, 1974*
- *The Water (Prevention and Control of Pollution) Cess Act, 1977*
- *The Forest (Conservation) Act, 1980*
- *The Air (Prevention and Control of Pollution) Act, 1981*
- *The Environment (Protection) Act, 1986*
- *The Public Liability Insurance Act, 1991*
- *The Biological Diversity Act, 2002"*

10. Thus, under Section 14, the National Green Tribunal has jurisdiction in a case which involves a substantial question of law relating to environment in respect of statutes specified in Schedule I. In the instant case, the Respondent No.1 had invoked the jurisdiction of the Tribunal for removal of an alleged encroachment which according to it, was raised in violation of the Municipal Laws and the provisions of the Town Planning Act. Thus, the conditions precedent for empowering the Tribunal to exercise the jurisdiction under Section 14 of the Act were not fulfilled. The Tribunal, therefore, had no jurisdiction to direct removal of an alleged encroachment and alleged illegal construction which according to Respondent No.1 was raised in violation of the laws not specified in Schedule I to the Act. The impugned order passed by the Tribunal is, therefore, without jurisdiction. It is accordingly

quashed and set aside.

11. However, liberty is reserved to the Residents Welfare Association [RWA] to approach the competent authority seeking redressal of its grievance. Needless to state that no action shall be taken against the Appellants without issuing notice to them and the affected parties.

12. The appeals are, accordingly, disposed of.

13. Pending interlocutory application(s), if any, is/are disposed of.

.....J.  
[PAMIDIGHANTAM SRI NARASIMHA]

.....J.  
[ALOK ARADHE]

NEW DELHI;  
MARCH 11, 2026.

ITEM NO.25

COURT NO.6

SECTION XVII

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 5921/2022

NARENDER BHARDWAJ

Appellant(s)

VERSUS

M/S 108 SUPER COMPLEX R.W.A. &amp; ORS.

Respondent(s)

IA No. 126747/2022 - EX-PARTE STAY  
IA No. 198673/2022 - EXEMPTION FROM FILING O.T.  
IA No. 126748/2022 - PERMISSION TO FILE ADDITIONAL  
DOCUMENTS/FACTS/ANNEXURES

WITH

C.A. No. 9082/2022 (XVII)

Date : 11-03-2026 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA  
HON'BLE MR. JUSTICE ALOK ARADHEFor Appellant(s) : Mr. Vishnu Shankar Jain, Adv.  
Mr. Mani Munjal, Adv.  
Ms. Marbiang Khongwir, Adv.  
Mr. Parth Yadav, Adv.  
Mr. Saurabh Singh, Adv.  
Mr. Umesh Dubey, Adv.  
Ms. Madhulika, Adv.  
Mr. Anand Kumar Rai, Adv.  
Mr. Radeesh Kumar Mt, Adv.  
Mr. Amulya Dev Mishra, Adv.  
Mr. Manoj K. Mishra, AORMr. Vishnu Jain, Adv.  
Ms. Divya Jyoti Singh, AOR  
Ms. Mani Munjal, Adv.  
Ms. Marbiang Khongwir, Adv.  
Mr. Parth Yadav, Adv.  
Mr. Saurabh Singh, Adv.For Respondent(s) : Mr. Krishna Kumar, Adv.  
Ms. Nandani Gupta, Adv.  
Dr. Mrs. Vipin Gupta, AORMr. Dhaval Mehrotra, AOR  
Ms. Aditi Desai, Adv.

Mr. Pradeep Misra, AOR  
Mr. Daleep Dhyani, Adv.  
Mr. Anupam Misra, Adv.  
Mr. Suraj Singh, Adv.

Mr. Abhishek Kumar Singh, AOR  
Mr. Malak Manish Bhatt, AOR  
Mr. Avijit Roy, AOR

Mr. Siddhartha Sinha, AOR

UPON hearing the counsel the Court made the following  
O R D E R

1. The appeals are disposed of in terms of the signed order.
2. Pending interlocutory application(s), if any, is/are disposed of.

(JAYANT KUMAR ARORA)  
ASTT. REGISTRAR-cum-PS

(NIDHI WASON)  
ASSISTANT REGISTRAR

(Signed order is placed on the file)

