

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: 27/05/2026



ADVOCATE FOR RESPONDENT NO.33

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.33 (Mr.
Mr. Rajesh Pralhad Kurhade S/o Mrs. Kantabai Pralhad
Kurhade(deceased), Mulund)

MAY IT PLEASE THE HON'BLE TRIBUNAL:

Reply for and on behalf of Respondent No.33 is as under:

1. At the outset, the present Respondent No.33 states that the statements, averments and prayers made by the Applicant are not admitted by the present Respondent No.33 and are denied in toto expressly so far as they are admitted herein. The Respondent No.33 submits that the present Application has been filed by the Applicant with a view to harass the present Respondent No.33 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.33 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.33 reserves its right to file an additional reply at a later stage if required.
4. The Respondent No.33 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.33 further submits that the present Respondent is in peaceful possession of the said property since last 32 years and the Applicant has approached the Hon'ble Tribunal in the year of 2023. The Applicant has approached Hon'ble Tribunal 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.33 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.33 submits that Since 1994, the present Respondent is residing on the said land.
8. The Respondent No.33 submits that the Respondent No.2 conducted a survey for slum dwellers on 15/07/2000. Copy of the slum dwellers identity and its English translation is annexed hereto and marked as **ANNEXURE-R-3**.

9. The Respondent No.33 submits that the present Respondent has filed a Regular civil suit before Hon'ble Bombay Civil Court at Bombay (SUIT No. 3223/2018); in the said matter the Hon'ble Court has granted an Ad-interim relief (stopping the demolition) to the Respondent No.33. Copy of the rojnama dated 12.12.2019 is annexed hereto and marked as **ANNEXURE-A-4**.
10. The Respondent No.33 submits that the present Respondent has a electric connection in its own name (number – 9424782). Copy of the bill is annexed hereto and marked as **ANNEXURE-R-5**.
11. The Respondent No.33 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-6**.
12. The Respondent No.33 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 Section2(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.33 reserves its right to file a detailed reply if necessitated.

PUNE

DATE: 27/05/2026



ADVOCATE FOR RESPONDENT NO.33



**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

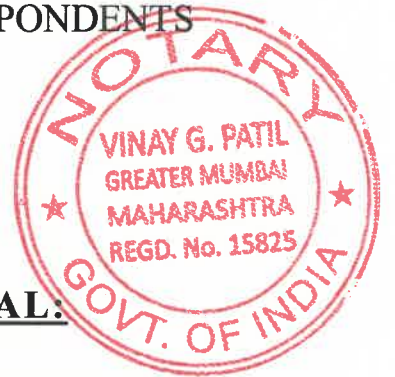
A F F I D A V I T

MAY IT PLEASE THE HON'BLE TRIBUNAL:

I, Mr. Rajesh Pralhad Kurhade S/o Mrs. Kantabai Pralhad Kurhade(deceased), Age- adult, Occupation: profession, having address at CTS No 1320A, Opposite Fire brigade, Gawanpada, Mulund (East), Mumbai – 400 081 do hereby state on solemn affirmation as under: -

I am the son of Respondent No.33 above named. 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.

Rajesh

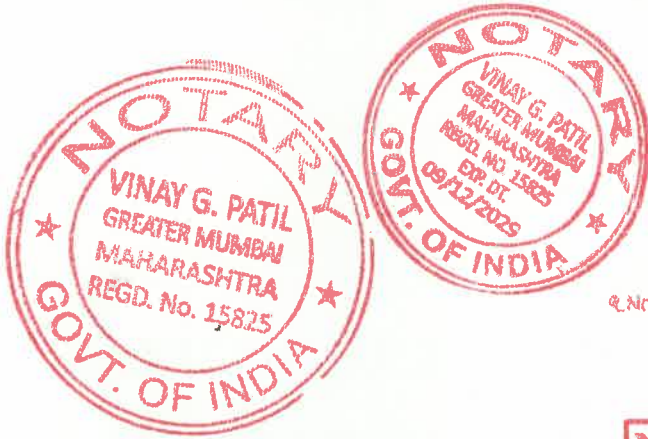




WHATEVER STATED ABOVE is true and correct to the best of my knowledge and belief. In witness whereof I have signed hereunder at 27 MAY 2026 on ___ day of May 2026.

rao SH

DEPONENT



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

NOTED & REGISTERED
Sr. No. *2367*
Date *27 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 & 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
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s).7313-7314/2019

ANAND GRAM SOCIETY HANSENS DISEASE (LEPROSY)
REHABILITATION CENTRE

Appellant(s)

VERSUS

DY. CONSERVATOR OF FOREST, PUNE & ORS.

Respondent(s)

IA No. 228300/2023 - APPLICATION UNDER ORDER V RULE 20 CPC FOR
EFFECTING SERVICE THROUGH PUBLICATION

IA 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 BHUYAN

For 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, AOR

Mr. 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

1852

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,
10th 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 7th 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 7th 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 24th 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 24th 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 5th 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 7th 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 24th 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 24th 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 24th 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 2nd 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 2nd 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 14th 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 14th 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 11th 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 11th January, 2016 issued by the Petitioner No. 1 with the Corporation is

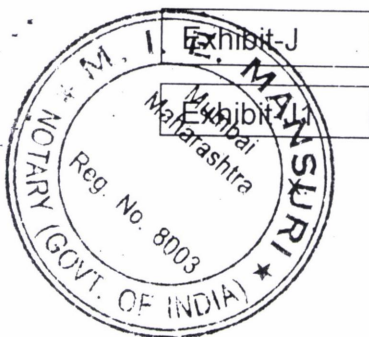
Exhibit-I & I-1

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

ix. By letter dated 22nd 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 11th 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 22nd 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 22nd 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 22nd 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 7th 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 7th 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 7th 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 15th March, 2016 and 22nd April, 2016, applied before the Deputy Collector (Enc/Rem), - Mulund and Tehsildar (Mulund) that by complaint dated 15th March, 2016 and 22nd 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 20th 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]

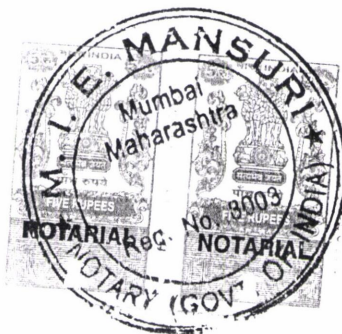
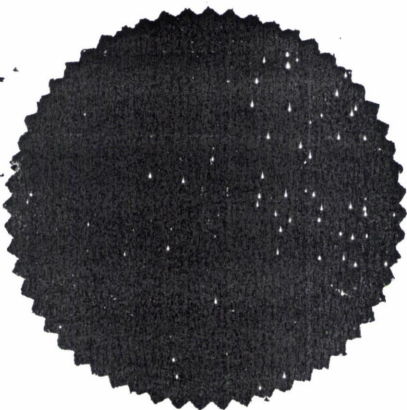
ADVOCATE FOR THE PETITIONERS

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



ANNEXURE-A-3

पावती क्रमांक 0970359

बृहन्मुंबईसाठी झोपडीधारकांचे ओळखपत्र सर्वेक्षण २०००

पावती

श्री/श्रीमती माताबाई यलहाय कुर्डी ह्यांचेकडून विहित नमुन्यात माहिती भरलेले झोपडीचे
 सर्वेक्षण प्रपत्र क्र. आज दिनांक १५/०/२००० रोजी प्राप्त झाले.

दिनांक : १५/०/२०००.

प्रगणकाची सही

प्रगणकाचे नाव

R. V. Raut
M. L. Raut R.V.

(सा. म. मु.) एच ३८२ (२०,००,०००-६-२०००)

०००५ एपस्टोम एपस्टोमिड जिन्कजाइडिगमिड जिन्कजाइडिगमिड

१. ही पावती फ्रेम करून सुरक्षित ठेवावी.

२. ही पावती परत केलाशिवाय पात्र झोपडीधारकांस फोटोपास मिळणार नाही.

०००५

English Translation of Official Survey Receipt (R-3 / Survey 2000)

Hutment Dweller's Identity Card Survey 2000 for Greater Mumbai

Receipt Number: 0970359

Date: 15/7/2000

RECEIPT

Mr. / Mrs. KANTABAI PRALHAD KURHADE

Received the hutment survey information filled in the prescribed format from the above-mentioned person on today's date, **15/7/2000**.

Enumerator's Signature: Signature

Enumerator's Name: Nalawade R.V.

Government Printing Press Print Metadata Code:
(Sh. M. Mu.) H 382 (20,00,000-6-2000)

1. Please preserve this receipt carefully by framing/keeping it safe.

2. No photocopy or duplicate of this receipt will be issued again to the concerned slum dweller.



In The Court Of : COURT 12 ADDL SESSIONS JUDGE

CNR Number : MHCC010038832017

Case Number : SUIT/0103223/2018

Date : 12-12-2019

Rajesh Pralhad Kurhade **Versus** The Deputy Collector

Daily Status

| Business | Next Purpose | Next Hearing Date |
|--|----------------------|--------------------------|
| Adv. Wakode for the Plaintiff is present. He tendered register NM No. 2120/19 a/w affidavit in support. Adv. Kudalkar for Defendant is present. Matter is NT Earlier Ad-interim order, if any be continued till next date. Matter is adjd. for NM reply to 04/02/2020. | NM REPLYREJOINDER | 04-02- 2020 |



1871 महाराष्ट्र राज्य विद्युत मंडळ

ANNEXURE-R-5

पत्रव्यवहारचा पत्ता
वीरंग निवास, पहिला मजला,
गणेश बाग, जी के गोखले रोड,
जय गणेश सिनेमा एवढ, मुलुंड मुंबई - ४०००८९
दूरध्वनी क्रमांक ५६९००९३

SHANTABAI PRALHAD KUNHADE
R.NO2 OPP.BLDG.1 GAVHANPADA
MAHATAMA PHULE MARG PMGP COLONY
MULUND BOMBAY 81

MTBK 7305
SRNC 121
S.D. 30

| ग्राहक क्रमांक | प्रकार | इन्स्टॉलेशन क्र | चक्र | महिना | रिडिंग तारीख | बिलाची तारीख | बिल भरण्याची अंतिम तारीख | |
|----------------|---------------------------------|-------------------------|-------------------------|-----------------------------------|---------------------------|---------------------------|----------------------------|-----------------------------|
| 9424782 | RES | 170525 | 07 | JANFAB | 25 MAR 99 | 18 APR 99 | 25 APR 99 | |
| वीज दर | मीटर क्रमांक | मागील रिडिंग | चातु रिडिंग | गुणक क्र | वापरलेले युनिट | मागील भरलेली रक्कम | मागील रक्कम भरल्याची तारीख | |
| LD1 | 950985 | 477 | 611 | | 134 | | | |
| इंधन दर १ | इंधन दर २ | वीज आकार १ | सरकारी वीज आकार २ | मीटर भाडे ३ | वित्त शुल्क ४ | इंधन आकार(१) ५ | इंधन आकार(२) ६ | बिलाची एकूण रक्कम ७(१ ते ६) |
| | | 32.0 M | 98.20 | 7.00 | 1.00 | | | 138.20 |
| दर | युनिट | रक्कम | वकबाकी व्याज आकार ९ | | | | | |
| | | | | | | | | |
| इतर आकार १० | मागील महिन्यापर्यंतची वकबाकी ११ | जबाबदारी/अॅडजस्टमेंट १२ | निव्वळ वकबाकी १३(११-१२) | बिलाची एकूण रक्कम १४(७+८+९+१०+१३) | पुढील महिन्यासाठी बाकी १५ | बिल भरण्याची नवत रक्कम १६ | | |
| | 184.27 | | 0.00 | 322.47 | 184.27 | 322.47 | | |

सुचना : सदर बिलाचा भरणा मागील वाजूस नमूद केलेल्या मंडळाच्या अधिकृत भरणा केंद्रावरच करण्यात यावा. (२)चेक द्वारे केलेल्या भरण्यासाठी दिलेली पावती चेकची वसुली (चेक वटल्यानंतर) झाल्यासच तागू होईल (ग्राहक भरण्यात येईल)(२) बिल भरण्याच्या अंतिम तारखेनंतर मागील बिलांची रक्कम भरली असेल आणि ती बाकी म्हणून सध्याच्या चातू बिलात दाखविली असेल तर सध्याचे बिल भरताना मागील बिल व त्याची पावती रोखपातास (कॅशियर) दाखवावी. (४)वर निविष्ट केलेल्या पत्नामध्ये काही फेरफार असल्यास ताबडतोब कळविणे. (५) वर निविष्ट केलेली अंतिम तारीख फक्त चातू महिन्याच्या बिलासाठीच तागू आहे. (६) स्तंभ क्रमांक १ मध्ये अशी खूप दाखविलेली रक्कम किमान वीज आकार आहे (७) सर्व प्रकारचा पत्र व्यवहार करतेवेळी ग्राहक क्रमांक व मीटर क्रमांक नमूद करणे आवश्यक आहे. (८) एखाद्या महिन्यात बिल मिळाले नाही तर ग्राहकाने निभागीय कार्यालयात चौकशी करावी (९) चेक टपालने पाठवल्यास अथवा आमच्या चेक जमा करण्याच्या वेटीमध्ये टाकल्यास चेकच्या मागे आपला ग्राहक क्रमांक नमूद करणे आवश्यक आहे. (१०) विद्युत देयक मिळाले नाही या सबबीखाली ग्राहकास विद्युतदेवक व त्यावरील वित्त व आकार भरणेची जबाबदारी टाळता येणार नाही

सुचना : या बिलामध्ये दर्शविलेली वकबाकीची रक्कम हे बिल मिळाल्यापासून सात दिवसचे आत भरली पाहिजे अन्यथा विद्युत कायदा १९९० च्या कलम २४(१) अनुसार फेरसुचना न देता वीज पुरवठा खंडित करण्यात येईल.

मु.मा.पांगारकर

मुख्य अभियंता

चूक भूल देणे घेणे

INTEREST CHARGEABLE 15 DAYS FROM DUE DATE



फक्त मंडळाच्या कार्यालयीन कामकाजासाठी

महाराष्ट्र राज्य विद्युत मंडळ, भांडुप नागरी परिमंडळ

खंडित वीज पुरवठ्यासंबंधी तक्रार निवारण केंद्र (रात्रीदिवस सेवा)

सूचना क्रमांक : मुंबई (प) ५६११४९६, मुंबई (पू) ५६४६१३५

अधिकृत वीज बिल भरणा केंद्र

| वीज वील भरणा केंद्राचे नाव | कामकावाची वेळ | कामाचे दिवस | वीज वील भरणा केंद्राचे नाव | कामकावाची वेळ | कामाचे दिवस |
|---|--|-------------|---|--|--|
| १) म.रा.प्रि. मंडळ देवळ विकारग्याचे कार्यालय, हरी भुवन अपार्टमेंट हॉटेर सस्ता, मुंबई (पश्चिम) | सकाळी ८.३० ते दुपारी २.३० | | सर्व कामाच्या दिवशी, दुसरा व चौथा शनिवार रात्री | नु इंडिया को-ऑप. बँक मर्गा मुंबई शमशा तळपोत महत्वा फुले मार्ग, मुंबई (पु) | संख्या ४.०० ते ७.०० सोम. ते शुक्र सकाळी ८.३० ते १०.०० शनिवार |
| २) रबिकिरण अर्जन को-ऑप. बँक अजना बाजार जवळ, जवहलस्तल नेरुठ रोड, मुंबई (पश्चिम) | सकाळी ८.३० ते ११.०० संख्या ४.३० ते ६.०० | | सोमवार ते शुक्रवार | अधिकृत प्रतिनिधी क्र. १ दितनवर हॉटेलिंग सोसायटी, मुंबई (पश्चिम) | |
| ३) भारत को-ऑप. बँक सिगना अपार्टमेंट, महात्मा फुले रोड, वसणगाडा, मुंबई (पु) | सकाळी ९.०० ते १२.०० संख्या ४.३० ते ६.०० | | सोमवार ते शुक्रवार | अधिकृत प्रतिनिधी क्र. ८ ताळवी वाडी मिठनगर रोड, मुंबई (पु) | |
| ४) युको बँक, आनंदी वीला, गणेशा गावडे मार्ग, मुंबई (पश्चिम) | सकाळी ९.०० ते १२.०० | | सोमवार ते शुक्रवार | अधिकृत प्रतिनिधी क्र. ११ सख्यम पी.के. रोड, मुंबई (पश्चिम) | |
| ५) मुंबई कॉन्सी, बुव सर्वत मुंबई (पश्चिम) | सकाळी ८.३० ते १२.३० | | बंयळ, शुक्र दि. १, ३ व ५ बुध, शनिवार रव | अधिकृत प्रतिनिधी क्र. १२ मोती विहार, तुकल न. ४, नेताजी सुभाष रोड, मुंबई (पश्चिम) | |

| | | |
|--|--|--|
| वीज दर एल.टी. १ निवासी, धार्मिक स्थळे आणि विंगर व्यावसायिक शैक्षणिक संस्था, दिवे, पंखे, रेफ्रिजरेटर, हेटर्स, रेडियो, टिक्की सेट्स झ-किरण वंत्र, वस्तुती पाणी पंप-एक अश्वशालीपर्यंत | वीज दर एल.टी. २ व्यापारी व्यावसायिक जगा, हास्पिटल, बसती गृह चित्रपट गृह, वीडियो पार्स इ. (१ मे १९८५ पासून) | किमान दर एल.टी. १ एकेरी फेज रुपये १०/- तीन फेज रुपये ५०/- मिटर भाडे |
| वीज दर पहिले ३० युनिट ५० पैसे नंतरचे १२० युनिट ८० पैसे व त्यापुढील युनिट १०५ पैसे | वीज दर पहिले १०० युनिट १२५ पैसे व त्यापुढील युनिट १५५ पैसे | एकेरी फेज रुपये ३.५० तीन फेज रुपये ७.५० |
| सरकारी विद्युत कर आकारणी एल.डी. १ मुंबई व ठाणे पहिले ३० युनिट ९ पैसे नंतरचे १२० युनिट १८ पैसे व त्यापुढील | सरकारी विद्युत कर आकारणी एल.डी. २ मुंबई व ठाणे व्यापारी दिवे पंखे व हतर सिनेमा २७ पैसे २४ पैसे १५ पैसे १५ पैसे | किमान दर एल.डी. २ एकेरी फेज रुपये ३०/- तीन फेज रुपये ५०/- सिनेमा सिप्लस किडिजो रुपये ३००/- मिटर भाडे एकेरी फेज रुपये ३.५० तीन फेज रुपये ७.५० |



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. & 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. & 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)

