

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

**EXECUTION APPLICATION NO. 11/2022 (WZ)**  
**IN**  
**ORIGINAL APPLICATION NO. 194/2018 (WZ)**  
**(EARLIER O. A. NO. 17/2018)**

Ashish Rohidas Shinde & Anr.

APPLICANTS

Versus

Lonavala Municipal Council & Ors.

RESPONDENTS

**REPLY OF RESPONDENT No.5**

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

Reply on behalf of the Respondent No.5 is as follows: -

**BACKGROUND OF RESPONDENT No.5**

1. The Respondent No.5 is an environmental activist who has so far planted more than One Lakh trees (Teakwood) in village Amnori, Taluka Sudhaghad, Dist- Raigad, Maharashtra. The trees are now well over 40-50 feet in height. The said plantation is said to have positively impacted the local environment, reducing the pollution and increasing the forest cover.
2. The Respondent No.5 has so far in the past few years found government frauds of thousands of crore relating to the farmers. He has also done lots of other social work in helping the economically

poor section of the society especially farmers. Due to such heroic efforts taken by him he has been granted 24x7 police protection for the last several years.

### **FACTUAL ASPECTS OF PRESENT CASE**

3. In 2008-09 Rajendra Singh Rana (Jalpurush) who is an Indian environmental activist had visited Lonavala to inspect the condition of the Indrayani River on the request of Respondent No.5. He had given important directions to improve the ecological condition of the Indrayani river which included plantation of trees along the bank of the river starting from the source of the river where the property of the Respondent No.5 is situated upto the end of the river within Lonavala's boundary. This initiative was greatly received by the Respondent No.5 who was responsible in planting approximately 15 to 16 Thousand trees along with the help of College students and environmentalists as part of the plantation drive.
4. The Applicants are the miscreants who are hired by the local goons, against the present Respondent No.5. The Respondent No.5 had filed important papers for the construction files that were submitted as part of Appeal to the Director of Town Planning at Pune. The said papers were found to be stolen from the office of the Director of Town Planning.
5. Further the Respondent No. 5 filed a complaint regarding the same with the collector of Pune when he came to know about the

misplacement of the said documents. On receiving the said complaint, the collector directed the Director of Town Planning, Pune to file necessary FIR against the record keeper at the said office. The Director of Town Planning thus filed the FIR in the concerned Police station, the proceedings of which are currently going on. Furthermore, the Respondent No. 5 had filed important documents for application to the Irrigation Department in which necessary permissions were granted to him. It is to be noted that the same documents were also eerily misplaced from the concerned department. Further the Respondent No. 5 filed a complaint regarding the same with the collector of Pune when he came to know about the misplacement of the said documents. On receiving the said complaint, the Collector directed the Irrigation department, village Kamshet, Vadgaon Maval, to file necessary FIR against the accused responsible for the said crime. The main basis of the present Application by the Applicant is based upon those stolen documents.

6. The main person behind this entire episode is one Mr. Nitin Vishwanath Agarwal. He is an agent of Mr. Yusuf Lakdawala who was the accused in the 1993 Bombay Bomb Blast case. The said Lakdawala was also arrested by the police authorities on the complaint lodged by the present Respondent No.5. The said Lakdawala created absolutely false and bogus sale deed of the year 1951 in respect of the property situated at village Khandala, Tal-Maval, Dist-Pune, Maharashtra.

7. The said sale deed was made by Lakdawala against the property owned by the Respondent No.5 Prakash Mishrimal Porwal. After coming to the knowledge about the said fraud, Respondent No.5 lodged his complaint against the Govt. of Maharashtra through the D.G.R, the registrar from Vadgaon Maval has lodged the police complaint. The said Lakdawala and one of the employee from T.I.L.R Mr. Dhekne and Ors were arrested. They were in the jail for more than 8-9 months. The said Yusuf Lakdawala died in jail at Arthur Road Mumbai. The said Mr. Nitin Agarwal was behind all this and he was executing the false allegations against the present Respondent and that therefore the Applicants who filed the present proceedings against the Respondent No.5 actually have no concern with the said the Respondent No. 5. However, the Applicants are instigated by the said Nitin Agarwal who is financing the Applicants against the present Respondent No. 5, as a matter of fact the Applicants actually has no any interest or grievances against the present Respondent No.5 but it is revengeful attitude of the local rivalry and that therefore the said Respondent No.5 is unnecessarily harassed. The Respondent No.5 is a person who is a social crusader and he is unearthing big scandals and blasting the same. He has opened many illegal works and fraudulent cases of said Mr. Nitin Vishwanath Agarwal and the said Nitin is against the present Respondent No 5.
8. The bone of contentions of the matter is a grievance of the complainant is that the Respondent No.5 has filled his land by encroaching upon the flow of river Indrayani. For this purpose the

survey was ordered by this Hon'ble Tribunal and the T.I.L.R on the application of Respondent No. 5, the T.I.L.R from Vadgaon Maval carried out the measurement of the disputed plot and river and existing structures in the survey No. 24 owned by present Respondent No.5. The measurement cost and fees was paid by Respondent No. 5.

9. Prior to the said measurement by cadastral surveyor dated 24/12/2009 the said Respondent No.5 got the measurement of the survey No.24 on 28/04/2009 and in the said survey plan the surveyor shown that the high tension are towers within the boundaries of survey no.24 and in the measurement taken on 24/12/2009 by the cadastral surveyor wrongly measured the disputed plot and have shown that high tension tower excluding the 2.5 Meters running into 100 meters i.e making a total of 257 square meter. If the measurement plan bearing No. 7024 dated 28/04/2009 and the survey no. 1443/2019 are compared exactly then the dispute in respect of 257 meters is clearly established hence it is the mistake of the cadastral surveyor who has carried out the survey and submitted the report before this Hon'ble Tribunal. Copy of the said plan of 2009 is annexed hereto and marked as **ANNEXURE – R-1**.
10. The Respondent No.5 by his objection letter dated 10/07/2019 lodged a strong complaint to the superintendent of land records pune as well as lodged complaint to the office from where the said surveyor has visited that is from the deputy superintendent of land records at Vadgaon Maval. The said Respondent No.5 also

submitted the detailed reply in respect of wrong and mischievous measurement. All the measurements have been carried out by the T.I.L.R Vadgaon Maval on the directions of this Hon'ble Tribunal and hence the dispute in respect of 257 square meters' area is the mistake of the cadastral surveyor of the T.I.L.R Vadgaon Maval. It is therefore submitted that due to the glaring mistake of the cadastral surveyor, the Respondent No. 5 is unnecessarily suffering loss of 257 square meters. On the contrary he has not dumped anything nor has he excavated the said river. On the contrary due to the heavy rainfall the Lonavala Municipal Council carried regular exercise by cleaning mud and the hyacinth which is growing in the river because of obstruction of flowing water before setting of monsoon in the Lonavala city. The Respondent No. 5 has not done any dumping or has excavated the river nor has he encroached on the river bank hence the allegations of his encroachment of 257 square meters is therefore absolutely wrong and incorrect. The Respondent No. 5 has planted trees along the river bank and has also planted Lotus flowers in the river bed. The Respondent No. 5 is keeping the water of the river clean continuously. Due to his efforts the said portion of the river is holding good amount of water in the river bed as well as it is also helpful in maintaining the ecological balance and flora and fauna of the nearby environment. The said portion of the river is also the only place through the entire course of the river in the city that has optimum water level all throughout the year which can also be seen on satellite maps and is also clean comparatively. Copy of the letter and the plan of 2019 are annexed hereto and marked as **ANNEXURE – R-2 and R-3** respectively.

11. This Hon'ble Tribunal passed order on 16/12/2020 and directed the Collector, Pune to take remedial action in terms of its report in case of any dispute, the collector who is the statutory authority under the relevant laws and stated "All pending E.A.s and M.A.s also stand disposed of". In spite of the final order passed by this tribunal on 16/12/2020 still the applicants are approaching this Hon'ble Tribunal and harassing the Respondent No. 5. It is now the lookout of the Collector Pune to take hearing of the objection of any party therein and pass the appropriate order. Not only that there was a committee in which the designated departments such as Teshildar, Irrigation department, Pollution department and the Lonavala Municipal Council. However, none of them approached the said Collector, Pune and this type of applications are filed before this Tribunal and the Respondent No.5 is being targeted by the Applicants unnecessarily. The District Superintendent of Land Records has accepted that they have received the objections of the Respondent No.5 in respect of the actual measurement and the same is still under consideration. Copy of the letter dated 16<sup>th</sup> July 2019 is annexed hereto and marked as **ANNEXURE – R-4**.
12. There is clear cut difference in the two measurement plans which are there on record of the survey no.24. The glaring mistake of the cadastral surveyor in measurement plan bearing No. 1443/2019 dated 24/12/2019 and the prior measurement Plan No. 7024 dated 28/04/2009. There are distinct discrepancies for which the present Respondent No. 5 unnecessarily harassed it is the revengeful attitude

of the Applicants/Applicants against him. They are hell-bent to cause heavy loss and damage to the Respondent No.5 and also interested in demolishing his residential house. Which is constructed there in survey No. 24, hence the Collector Pune who has been appointed by the Hon'ble Tribunal by its order 16/12/2020. The Collector Pune is now designated competent authority to deal with the grievances of all the parties, hence it is humbly submitted that the Respondent No. 5 may please be given an opportunity to be heard in this matter and the order which is passes by this Hon'ble Tribunal may please be reconsidered and heard and sent to the Collector Pune to finally be disposed off according to the order and its direction.

13. Furthermore, on 22/01/2021 the concerned survey officers from the TILR visited the disputed property to measure the land on basis of the Order passed by this Hon'ble Tribunal on 16/12/2020. Copy of the letter dated 22/01/2021 is annexed hereto and marked as **ANNEXURE – R-5**.
14. Since there were two measurement plans, one carried out in 2009 and the other in 2019, the Respondent No. 5 demanded the survey officers that they must provide in writing the basis on which measurement plan were the going to carry out the said measurement. Following this the survey officers did not send a reply to the Respondent No. 5 and stalled the measurement.

15. Furthermore, the Chief Officer of the Lonavla Municipal Council wrote a letter (No.LMC9/NGT/PORWAL/2020-21/973) to the Collector on 22/01/2021 stating that the NGT has passed an order according to which the Collector is supposed to supervise the NGT Committee if at all there is any dispute in the measurement of the disputed property.
16. There has been no reply or service of information to the Respondent regarding the above letters to the Collector nor has been there any hearing regarding the same.
17. The Respondent No.5 wrote a letter to the Lonavla Municipal Council on 11/11/2022 stating that he has put up fences the boundary of the disputed property according to the measurement map of 2019. The Respondent No.5 has also mentioned in the said letter that he is ready to make any changes in the fencing pertaining to any mistake in the same.
18. On the basis of the above letter the Lonavla Municipal Council called upon the TILR and NGT Committee on 19/11/2022 to measure the disputed property with respect to the newly put up fencing by the Respondent No. 5.
19. The said survey officers from the concerned authority deduced a report after the measurement of the property and submitted the Panchnama (record) along with the survey plan of the property to the Lonavla Municipal Council.

20. Furthermore, the Complainant had approached this Hon'ble Tribunal stating that the order passed on 16/12/2020 has not been carried out by the NGT Committee. Upon receiving this application this Hon'ble Tribunal on 16/12/2022 directed that the Respondent No. 5 should file his reply within a period of 15 days. At 11 A.M on 29/12/2022 the Chief Officer of Lonavla Municipal Council along about five police officers and 30 to 40 other workers, media reporters, videographers proceeded to the Respondent No. 5's property without prior Notice. They brought along with them heavy demolition machines such as Two J.C.B's and One Poclain.
  
21. Without receiving any orders or directions from the Collector, Pune the workers from the Lonavla Municipal Council without any authenticated diagram of demolition of the filling area went on a rampage in the property of the Respondent No. 5 and with inimical attitude without any authority crushed the well grown trees of mango, litchi, and other fruit trees which were more than 15 to 20 feet in height. The workers were absolutely unskilled and slang labours, they had no any technical knowledge or qualification hence they went on a rampage to destroy the trees, fillings. It was damaged more than the measured filling area. Not only that the workers carved out an altogether new road through the bed of Indrayani river, hence it is the workers of the Lonavla Municipal Council who themselves damaged the ecology by making a new road through the river bed which was previously not there. This act of the workers of the demolition squad was therefore high handed and they have

literally taken the legal procedure in their hands. This act of the demolition squad is therefore required to be reviewed in the light of Orders passed by this Hon'ble Tribunal. The complainant and the workers are therefore damaging the property Respondent No.5 with malafide intention.

22. The Respondent No.5 further submits that the Applicants are not at all concerned with the cause of the environment. The Respondent No.1 has infact many of its structures which have encroached the River Indrayani. The main building of Respondent No.1, school, temple its employees' colony, direct discharges of the drain, however, the Applicant has conveniently ignored the said facts.
  
23. The Respondent No. 5 prays as follows:
  - a. The workers of the Lonavla Municipal Council have transgressed their authority and legal rights and without any prior intimation or Notice started rampage attitude against the costly property of the Respondent No. 5
  - b. It is therefore prayed that the difference between two separate measurement plans carried out by the same government department have not been established to the extent of filling and hence the action of Lonavla Municipal Council in damaging the property of the Respondent No. 5 may please be stayed as it is not according to the orders passed by this Tribunal on 16/12/2020.
  - c. According to the order of NGT on 16/12/2020, all the proceedings in different departments of the concerned authority may please be brought under the guidance of the

Collector and he may be asked to finally execute the order according to the directions given by this Hon'ble Tribunal.

Pune

Date: 12/01/2023

A handwritten signature in blue ink, appearing to read 'S. S. Kamani', is written over a horizontal line. The signature is fluid and cursive.

Advocate for Respondent No.5

49

मौज भूशि ता. मावळ जि. पुणे

कप्रत

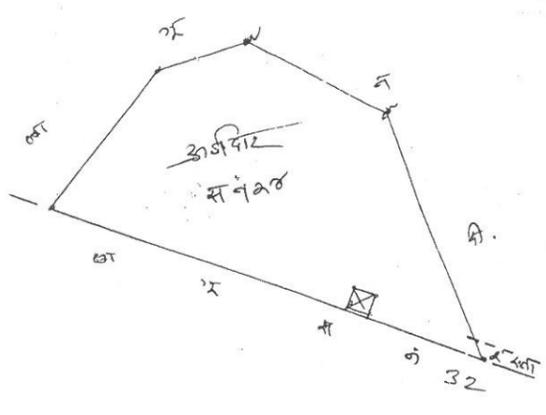
मावळ कला मोरन १०२२  
मौजबंदी कारण :- विष्णुभाऊ डगा तर्फे प्रकाशा  
पोरवाल यांनी मौजबंदी माहितलेली  
कजावरून सन २०२२ ची मौजबंदी केली



सदर माहिती ही माहिती अधिकार  
अधिनियम २००५ अंतर्गत देण्यात येत आहे

शहरी नावडल

समजुविल्या टीपा :-  
या प्रमाणे सन २०२२ च्या काढिलेल्या प्रमाणे कस  
०४ अच प्रमाणे वाढी २२०० च्या प्रमाणे  
जोफेक हाच प्रमाण टाकले आहे



खरी प्रत  
तालुका निरीक्षक, भूमि उ मिलेख  
मावळ

प्रमाण १:१०००  
मौजबंदी कारण  
मौजबंदी तिथि





Municipal Council and accordingly they have sanctioned my building plan.

3. Thereafter again on 22/05/2019, there was a very urgent measurement bearing Measurement Register No.1443/2019. As per the said Measurement, the T.I.L.R. committed serious mistakes in measurement. There are certain disputes. Similarly the High Tension Tower has been shown much into my property. On the contrary the said High Tension Tower is not properly shown in the said measurement No.1443/2019. It should have been shown on the boundary line abutting S. No. 32. By showing the said High Tension Tower within the distance from the boundary line of my property, it has created problem for me. Similarly the owner of C.T.S. No. 32 on whose boundary the said High Tension Tower is touching and standing, has erected illegal compound wall as well as he has left the distance from the said High Tension Tower and his compound wall. The effect of the same is that C.T.S. No.1, S. No.24 my property has been illegally increased on the Southern side. As a matter of fact, the owner of CTS No.5 S. No. 32 played a mischief and left the distance and that distance has not been compared by the T.I.L.R. with original Mojani Register No. 7024/2009. There is a considerable distance and that therefore, the original measurement Register

No.7024/2009 is authenticated and correct Government measurement plan and recent measurement plan No.1443/2019 is not correct and legal and it is showing much deviation from the original Measurement Register No.7024/2009. Hence I request that the measurement plan No. 1443/2019 may please be corrected as per Measurement Register No.7024/2009. It is causing harassment to me as well as I am mentally disturbed due to the said incorrect measurement and hence the measurement i.e. Mojani may please be corrected by passing necessary order for correction. Copies of both the Measurements i.e. Mojani are hereby enclosed for your kind consideration perusal as well as necessary enquiry and order.

Copy to :-

T.I.L.R. Vadgaon Maval

Yours sincerely



PRAKASH MISHRIMAL PORWAL

सदर मागणीची प्रत माहिती सादर  
 दिनांक १०/०५/२०१९  
 कोणत्याही प्रकारची जबाबदारी येणारी नाही

मा० मुख्याधिकारिणां तथा वृद्ध अधिकारिणां,

हरित थापाख्य गृहसि समिती,

कोठावळा नगरपरिषद, कोठावळा.

अजकार:- श्री० प्रकाश मिसरमिह पौरवाळ

" श्री० एकविटा निवास "

स.न. २४ मौजे भुशी, कोठावळा

9527123700 / 937072083

विषय :- मौजे भुशी, स.न. २४ ह्या जमीन

ची भुमी अभिलेख कारित्य वजा

भावक ह्याचकडून केलेला भोजणी

ची हद्दकायम जागेवर प्रत्यक्ष पठा

गृहित समिती सदस्यकडून भाड्या

कडून केलेला कपाकड वॉलची

पहाणी करवाबाबत.

संदर्भ :- मा० हरित थापाख्य, नवी दिल्ली

ह्याचकडीक केल क्र. 9581209C

पुकारणी दि. २७/०२/२०१३ शेजी

दिलेला आदेश

माननीय मंडळी,

श्री० अशिश बोहिलाल शिन्डे व श्री०

अहमद एम पुजारी ह्यांनी मा० हरित थापाख्यकडे

भाड्या धरविरेवद व मी उपायणी नवीचा पत्राकडे

अतिवृमण करवाबाबत दावा वाचल केलेला

दोसा व त्या दावाच्या निकाल दि. २७/०२/

२०१३ शेजी आलेला आहे.

P.T.O.

मा० हरित खाद्य व्यापाळ्याने विक्रीच्या आदेशा  
नुसार मा हरित खाद्य व्यापाळ्याने आदेश केलेल्या  
समित्याने मा० भुमी अभिलेख कायद्या,  
वडगाव भावक ह्यांनी केलेल्या भोजणी नकाशा  
नुसार केलेले अतिक्रमणावबत स्वातंत्र्य  
कायदा कळ्यात याची असा आदेश प्रारित  
केलेला आहे.

सदर आदेश प्रारित झाल्यानंतर आपला  
मध्य केलेला ह्या महामतीने सर्वांना यास  
होते, व लोकांच्यात लुट्या ह्या आजाराच्या भोव्या  
प्रमाणाने फैलव आलेला होतो. त्यामुळे आपल्या  
कडून सदर आदेशाची अंमलबजावणी कळ्यात  
~~आपल्याकडून~~ श्री० लुट्या पुजारी ह्यांच्याकडून व  
निमिष कळ्यात आलेला होतो. तरी लुट्या  
आपल्याकडून अनेकवेळा भोजणी ठेव्यात आलेली  
होती, परंतु ह्यातही लपलपेक्षा जास्त  
पाऊस आपल्यामुळे व जागेत भोव्याप्रमाणाने  
भवत राहण्यामुळे व कष्टीक विविध कारणा  
मुळे वाढते समिती सदस्य हजर न राहिल्या  
मुळे अनेकवेळा भोजणीचे काम होऊ शकते  
नसते.

भुमी अभिलेख कायद्या वडगाव भावक  
ह्यांनी केलेल्या भोजणी नकाशानुसार ही  
स्वातंत्र्य भोजणी कळ्याच्या व्यक्तीकडून भोजणी  
कडून त्यांनी वाढविलेल्या ह्या व रकमानुसार

मी माझ्याजागेवर कपाकडवाळ चे काम केलेले आहे. मी केलेल्या कामाची हरित त्वाळ ठावित समिती सदस्य व भुमी अभियंतेव कार्यालय वडागाव भावळ ह्याच्या भोजणी अधिकाऱ्याकडून आपण खातल्यामा काढी. व काही ल्यामचे तफावत झाल्यास मी कपाकडवाळ बांधकामा मध्ये मी स्वरचर्चने दुस्ती करव्यास तयार आहे.

आपणाल विनंती आहे की,  
सदर माझ्या राहत्याघरांमध्ये मी सदर वाळ्यातोरठ वाढिल्याना माझ्या मिळकतीमध्ये येऊ देणार नाही. त्याचे कारण म्हणजे वाढी हा गृहकार प्रवृत्तीच्या व्यक्ती असून माझ्या अनेक मिळकतीची कामावपत्ते सरकारी कार्याच्या मध्यून चोरी करव्यात आलेले आहे. व त्या चोरीमध्ये वाढी ह्याचा हात असण्याची वर बाळगता नकारता येत नाही. त्याचा हात आहे किवा नाही हा सरकारी अधिकाऱ्यांना वाळळ केलेल्या फिर्दानीनुसार पोरनेस तपासा मध्ये निष्ठाण होईल. जो पर्यंत सदर गृहवाच्या पोरनेस तपास पूर्ण होत नाही माझ्या व माझ्या कुटुंब्याच्या लुटेसाच्या दुष्टाने वाढिल्याना आपण भोजणीच्या खातर जमा काताना वाढी ह्याना हजर कडुनये

अभी आपणास नमू विनती करीत आहे. व  
माझ्या जिवितास योग्य डालतपामुळे बालका  
काहुन मागीले ४ वर्षेपासून मज निश्चुक्त  
शालत्रपोषिते संरक्षण (२४x७) देण्यात आले  
आहे.

आपण उचित समिती सदस्यांच्या मिठीज  
द्वारे वर्य लेवण करिता करून  
आसतपुमा करावी व तसा अडवाक  
मै. हरित करून आपणासही सादर करावा  
हे नमू विनती.

दि. ११/११/२०२२

डिवाण जोगावल.

आपला विवालय.



लिपिक

अधिकारक विभाग  
होमवका नगरसिद्ध

HONBLE CHIEF OFFICER AND NODAL OFFICER  
GREEN TRIBUNAL COMMITTEE  
LONAVLA MUNICIPAL COUNCIL

Applicant :- Shri. Prakash Mishrimal Porwal

Shri Ekvira Niwas S.N. 24 village Bhushi Lonavala

9527123700 / 9370720833

**Subject :-** Regarding the inspection of the compound wall done by me by the member of the committee directly on the site of the land of village Bhushi survey number 24 of the land.

**Reference -** Hon. Green Tribunal New Delhi Case No. Order dated 27/02/2019 in case 194/2018

Respected sir

Mr. Ashish Rohidas Shinde and Mr. Suresh M. Pujari had filed a claim in the Green Tribunal against my house and regarding I encroached on the Indrayani riverbed and the order of that claim was given on 27/02/2019.

According to the order given by the Hon'ble Green Tribunal Court, the committee constituted by the Hon'ble Green Tribunal Court has passed an order to ensure by the Hon'ble Land Record Office, Vadgaon Maval. and take action regarding the encroachment made

After the said order was passed, everyone in India was affected by the Corona epidemic and the disease was widely spread in Lonavala. Therefore, in implementing the said order from our side, Controversy was created by Suresh Pujari. However, But this year due to more than average rainfall and large amount of grass growing on the site and sometimes due to various reasons the committee members were not present, many times the work of MOJNI could not be done.

According to the survey map prepared by Land Record Office Vadgaon Maval, I have done my compound wall work as per the boundaries and marks shown by the private surveyor. The work done by me should be certified by Green Tribubnal Committee member and Land Record Office Vadgaon Maval by the mojni Officer and if there is any discrepancy in the wall construction, I am ready to repair it at my own expense.

You request that

will not allow the plaintiffs in the said suit to enter my property in the said residence, The reason for that is that the plaintiff is a person with criminal tendencies and many of my documents have been stolen from the government office and the possibility of the plaintiff's hand in that theft cannot be ruled out. Whether he is involved or not will be revealed in the police investigation as per the complaint filed by the government official. Until the police investigation of the said crime is completed, for the safety of me and my family, I humbly request you not to present the plaintiff

while doing mojni . Since last 4 years I have been provided free armed police protection (24x7) by Govt.

It is a humble request that you hold a meeting of the members and submit the report as soon as possible and submit the same report to the Green Arbitration Court.

Date 11/11/2022

Place - Lonavala

Yours faithful

Prakash Mishrimal Porwal



PRODUCED BY AN AUTODESK EDUCATIONAL PRODUCT

857

फेर मोजणी नकाशा " क " प्रत

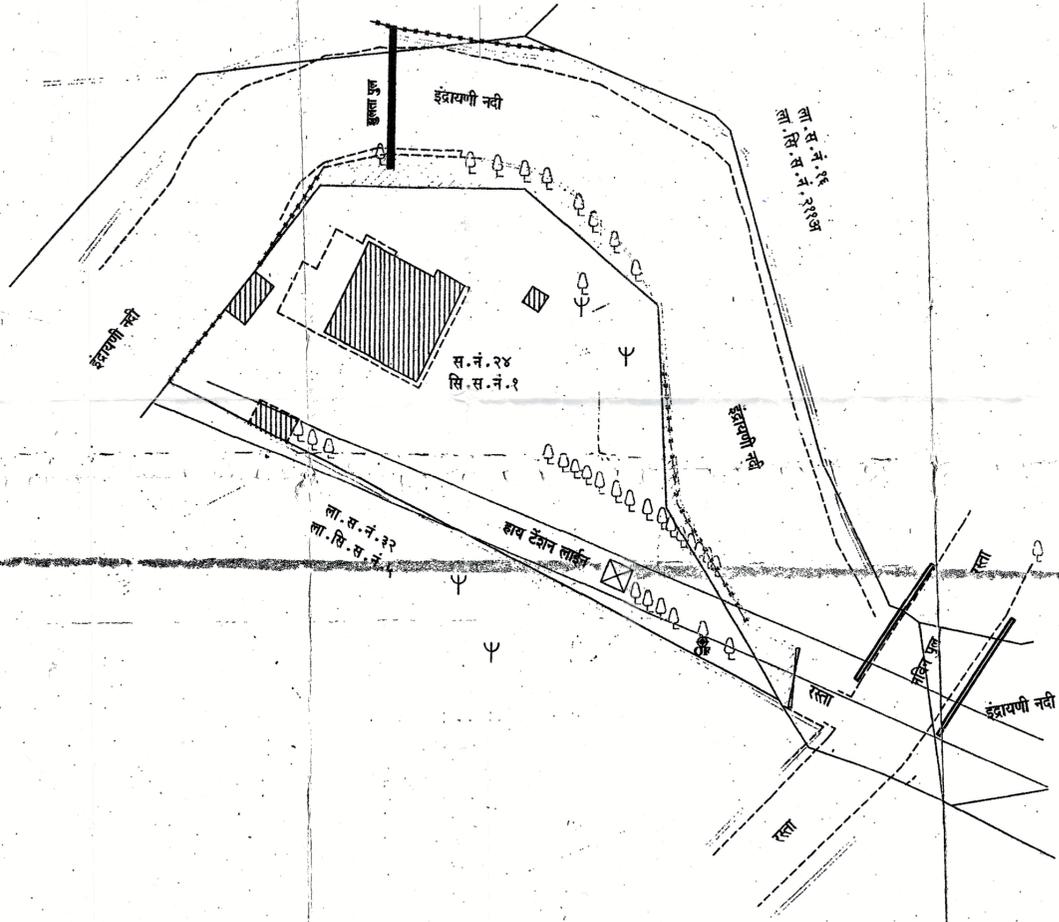
मौजे : भुशी  
तालुका : मावळ  
जिल्हा : पुणे



मावळ अतितातडी हद्दकायम नो. र. नं. १४४३/२०१९

मोजणी चे कारण :

अर्जदार श्री. सविन मास्तीराव पवार मुख्यधिकारी लोणावळा नगरपरिषद तर्फे श्री. प्रकाश पोरवाल, व मुख्यधिकारी लोणावळा नगरपरिषद यांचेकडील पत्र क्र. लोनप - १/भुशी/स.क. २४, सि.स.क. १/अ.ता.मो./एन.जी.टी.केस.क. १९४/२०१८/२०१९-२०/९३ दि. १३.५.२०१९ चे पत्र तसेच मा. तहसीलदार मावळ यांचे कडील पत्र क्र. जमिन/कावी/२४३,२४४/२०१९ दि. १०.५.२०१९ व दि. १७.५.२०१९ चे पत्रानुसार व मा. मुख्यधिकारी तथा नोडल अधिकारी लोणावळा नगरपरिषद लोणावळा यांचे कडील क.एलएमसी/एनजीटी/पोरवाल वि.एलएमसी/२०१९-२०/७५५ दि. १८.१२.२०१९ चे पत्रानुसार मौजे भुशी ता. मावळ येथील स.नं. २४ त्यास सि.स.नं. १ चे मोजणी काम केले असे.



- टिपा व खुलासा
- याप्रमाणे सि.स.नं. १ ची हद्द आलेखाप्रमाणे असे.
  - - - - याप्रमाणे अर्जदार यांनी मोजणीसमयी दाखविलेली वहिवाट असे.
  - याप्रमाणे जागेवर रग्डी भित्त असे.
  - - - - याप्रमाणे जागेवर तारेचे कुपण असे.
  - ==== याप्रमाणे जागेवर रस्ता असे.
  - याप्रमाणे जागेवर झाडे असे.
  - ψ याप्रमाणे जागेवर इलेक्ट्रीक पोल असे.
  - ▨ याप्रमाणे जागेवर बांधकाम असे.
  - ▧ याप्रमाणे जागेवर पत्राडोड असे.
  - - - - याप्रमाणे मोजणीसमयी नदीपात्रातील पाण्याची कड असे.
  - याप्रमाणे जागेवर गेट असे.
  - याप्रमाणे जागेवर नदीपात्रावर झुलता पुल असे.

या रंगाने दर्शविलेले क्षेत्र हे नदीपात्रातील असून ते अर्जदार यांच्या वहिवाटीस आहे त्याचे क्षेत्र २५७ चौ.मी. असे.

PRODUCED BY AN AUTODESK EDUCATIONAL PRODUCT

तपासले  
[Signature]  
अधीक्षक भूमी अधिकारी  
उप अ. भ. अ. मावळ

खरी प्रत  
[Signature]  
अधीक्षक भूमी अधिकारी  
मावळ



स्कूल २१५००

मोजणी करणार : [Signature]  
(अधीक्षक भूमी अधिकारी)

मोजणी दिनांक : २४/१२/२०१९



PRODUCED BY AN AUTODESK EDUCATIONAL PRODUCT

## ANNEXURE - R-4



जिल्हा अधीक्षक भूमि अभिलेख, पुणे

बंगला नं.१, एअरपोर्ट रोड, समता नगर, बदामी चौक, येरवडा, पोस्ट ऑफिसच्या मागे, येरवडा  
पुणे- ४११००६ फोनं नं.०२०-२६६८४६५८ मेल आयडी - dslr.pu\_mh@gov.in

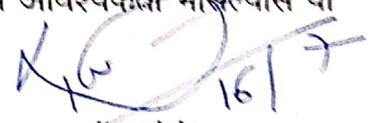
क्र न.भू./का.वि.१०२८/१९ | ६९३७  
जिल्हा अधीक्षक भूमि अभिलेख,  
पुणे यांचे कार्यालय  
पुणे दिनांक १०/०७/२०१९.

प्रति,  
श्री.प्रकाश मिश्रीमल पोरवाल  
रा.श्री एकविरा निवास,प्रधान पार्क जवळ,  
भुशी ता.मावळ ज़ि.पुणे

**विषय :-** मौजे भुशी येथील सि.स.नं.१ या मिळकती बाबत

**संदर्भ :-** आपला दिनांक १०/०७/२०१९ रोजीचा अर्ज

उपरोक्त विषयांकीत प्रकरणी आपणांस कळविणेत येते की, आपला संदर्भीय पत्र पुढिल योग्य त्या कार्यवाहीसाठी उपअधीक्षक भूमि अभिलेख,मावळ यांचे कार्यालयाकडे पाठविणेत आले असून योग्य त्या कार्यवाही अंती घेतला जाणारा निर्णय त्यांच्या कार्यालयाकडून आपणांस कळविणेत येईल. तरी आपणांस आवश्यकता भासल्यास या पुढिल पत्रव्यवहार परस्पर त्यांच्या कार्यालयाशी करावा.



(राजेंद्र गोळे)

जिल्हा अधीक्षक भूमि अभिलेख,  
पुणे

प्रत- १) /उपअधीक्षक भूमि अभिलेख,मावळ यांना माहिती व पुढिल योग्य त्या कार्यवाहीसाठी रवाना.

२) अर्जदार यांचा अर्ज पत्र या सोबत पाठविणेत आला आहे. त्यांच्या तक्रारी अर्जामध्ये उपस्थित केलेल्या मुद्द्यांच्या अनुषंगाने नियमानुसार कार्यप्रणालीचा अवलंब करून कार्यालयातील अभिलेखाच्या आधारात पडताळणी करून अर्जदार यांना परस्पर निकाली उत्तराने कळवून केलेल्या कार्यवाहीचा अहवाल या कार्यालयास तात्काळ सादर करावा.

## DISTRICT SUPERINTENDENT LAND RECORD PUNE

Bungalow No. 1 Airport Road Samta Nagar, Badami Chawkm,  
behind Yerwada post office, Yeawada

Pune 411006 Phone No. 020- 26684658

E mail id dslr.pu\_mh@gov.in

---

क्र न भू / का वि १०२८/ १९ ४९३७

District Superintendent Land Records

Pune office

Pune Date \_\_\_/07/2019

To

Shri. Prakash Mishrimal Porwal

R/at Shri Ekvira Niwas, Near Pradhan Park

Village Bhushi, Tal- Maval, Dist- Pune

Subject :- Regarding Property at Village Bhushi City Suevey No. 1

Reference :- Your Application dated 10/07/2019

In the above mentioned matter, informed you that your reference letter has been forwarded to the office of Deputy Superintendent of Land Records, Maval for further appropriate action and the decision taken at the end of the appropriate action will be communicated to

you from their office. However, if you feel the need, this further correspondence should be done mutually with their office.

(Rajendra Gole)

District Superintendent Land Records, Pune

Copy-1) / Deputy Superintendent Land Records, Maval for information and forwarded for further appropriate action.

(2) The application letter of the applicant has been sent herewith. In accordance with the points raised in their complaint application, the action taken report should be submitted to this office after verifying on the basis of the records in the office and informing the applicant with a mutually settled reply.





स्थापना : १८७७

# लोणावळा नगरपरिषद

लोणावळा, ता. मावळ, जि. पुणे ४१० ४०१

दूरध्वनी : अध्यक्ष (०२११४) २७३७६३/ मुख्याधिकारी २७३७६४. उपमुख्याधिकारी : २७७४६४.  
कार्यालय २७७४६३, फॅक्स (०२११४) २७७४६३ E-mail : lmc1877@gmail.com

जा.क्र. लोनप 9/NGT/पोरवाल/2020-21/973

दि. 22/1/2021

प्रति,

मा. जिल्हाधिकारी साहेब,  
जिल्हाधिकारी कार्यालय पुणे

विषय- मा. राष्ट्रीय हरित लवाद, नवी दिल्ली (WZ) केस क्रमांक 194/2018

मौजे भुशी सर्वे क्रमांक 24, सिटी सर्वे क्रं. 1 या जागेवरील अनधिकृत भराव काढण्याच्या कारवाई बाबत.

- संदर्भ- 1) मा. राष्ट्रीय हरित लवाद, नवी दिल्ली (WZ) केस क्रमांक 194/2018 दिनांक 16/12/2020 रोजीचा आदेश  
2) मा. राष्ट्रीय हरित लवाद, नवी दिल्ली यांनी गठीत केलेल्या समितीची दिनांक 1/1/2021 रोजीची सभा.  
3) लोनप पत्र क्रमांक NGT/Porwal/2020-21/951 दिनांक 18/1/2021

महोदय,

उपरोक्त विषयास अनुसरून आपणांस सादर करण्यांत येते कि, मा. हरित लवाद न्यायालय यांचे दिनांक 16/12/2020 चे आदेशान्वये राष्ट्रीय हरित लवाद समितीची सभा 1/1/2021 रोजी लोणावळा नगरपरिषदेच्या कार्यालयात संपन्न झालेली असून त्यानुसार मौजे भुशी सर्वे क्रमांक 24, सिटी सर्वे क्रमांक 1 या जागेवरील श्री. प्रकाश पोरवाल यांनी इंद्रायणी नदी पात्रातील अनधिकृत भराव व अतिक्रमण संदर्भिय क्रमांक 1 चे आदेशान्वये काढून टाकणे बाबत नगरपालिकेचे पत्र क्रमांक लोनप/नगररचना/पोरवाल/हरित लवाद/2020-21/2928 दिनांक 12/1/2021 च्या नोटीशीनुसार दिनांक 16/1/2021 पूर्वी जोडलेल्या मोजणी नकाशा मो.र.नं. 1443/2019 मध्ये दर्शविल्याप्रमाणे अनधिकृत भराव काढून टाकावे अन्यथा सदर समिती उक्त अनधिकृत भराव काढून टाकण्याची कारवाई पूर्ण करतील व त्याचे होणारे खर्चाची वसूली श्री. पोरवाल यांचे कडून केली जाईल असे लेखी कळविण्यांत आलेले होते.

उक्त बाबीची पूर्तता न झाल्याने मा. राष्ट्रीय हरित लवाद नवी दिल्ली यांचे तर्फे गठीत समिती यांनी सदरची कारवाई दिनांक 22/1/2021 रोजी नियोजित केली होती. उक्त कारवाई दरम्यान समितीचे सर्व सदस्य व उपअधिक्षक भुमी अभिलेख यांचे प्रतिनिधी जागेवर उपास्थित होते. कारवाईचे वेळेस श्री. प्रकाश पोरवाल यांनी हद्दी व खुणा निश्चित करणेसाठी हरकत घेवून कारवाई करू दिलेली नाही.

मा. राष्ट्रीय हरित लवाद यांचे दिनांक 16/12/2020 चे आदेशानुसार सदरचे समिती मार्फत प्रतिबंधात्मक कारवाई करण्यांत यावी त्यामध्ये काही व्यत्यय निर्माण झाल्यास मा. जिल्हाधिकारी पुणे यांनी सदर प्रकरणा मध्ये दिशा निर्देश पारित करावेत असा आदेश पारित केलेला आहे. ( सोबत आदेशाची प्रत)

उक्त प्रकरणी श्री. प्रकाश पोरवाल व उपअधिक्षक भुमी अभिलेख कार्यालयाकडील मोजणी मध्ये वाद निर्माण झालेला असल्याने आज दिनांक 22/1/2021 रोजीची मा. राष्ट्रीय हरित लवाद दिल्ली यांचे आदेशानुसार करावयाची कारवाई पूर्ण होवू शकली नाही. ( सोबत पंचनामा ) तरी सदर प्रकरणी योग्य ती कारवाई करण्याची सविनय विनंती आहे.

आपला विश्वासू,

( रवि रा. पवार )

मुख्याधिकारी

लोणावळा नगरपरिषद

खरी नकल

सदर माहीती ही माहीती साधकां

अभिनियम २००५ अन्वये

लोणावळा नगरपालिका येथे आहे

LONAVLA MUNICIPAL COUNCIL  
LONAVLA TAL- MAVAL, DIST- PUNE

---

Telephone - President -(02114) 273763 CO-273764 Dy-Co -275464  
Office - 275463 fax (02114) 275463 e mail - lmc1877@gmail.com

---

जा क्र. लोनप ९ NGT/ पोरवाल / 2020-21/973 Date 22/01/2021

To

Hon'ble District Collector

Collector Office- Pune

**Subject** - Hon. National Green Tribunal, New Delhi (WZ) Case No. 194/2018

Village Bhushi Survey No. 24, City Survey No. 1 Regarding the action of removing unauthorized filling from this site.

**References-**

- 1) Hon. National Green Arbitrator, New Delhi (WZ) Case No. 194/2018 Order dated 16/12/2020
- 2) Hon. Committee constituted by National Green Arbitrator, New Delhi meeting dated 1/1/2021.
- 3) LMC Letter No. NGT/Porwal/2020-21/951 dated 18/1/2021

sir,

In accordance with the above subject, we present to you that Hon. Green Tribunal Court order dated 16/12/2020, the meeting of the National Green Tribunal Committee has been concluded on 1/1/2021 at the office of Lonavla Municipal Council and according to this regarding the removal of unauthorized filling and encroachment in Indrayani riverbed by Mr. Prakash Porwal order of Reference No. 1 prior to 16/1/2021 as per notice of Municipal Corporation letter No. लोनप/नगररचना/पोरवाल /हरित लवाद/2020- /21/2928 dated 12/1/2021 Attached Mojni map मो र. नं. 1443/2019 as indicated in the unauthorized filling should be remove by Porwal otherwise said committee will complete the action to remove the said unauthorized filling and recovery of the expenses incurred by Shri. Porwal. It was informed in writing.

Due to non-fulfillment in the said matter, The said action was scheduled on 22/1/2021 by the committee constituted by National Green Tribubunal New Delhi. During the said operation, all the members of the committee and representatives of the Deputy Superintendent Land Records were present on the spot. At the time of the action, Mr. Porwal did not allow the action to be taken by taking objection to determine the boundaries and marks

According to the order dated 16/12/2020 of the National Green Tribunal, preventive action should be taken through the said

committee in case of any disruption. Collector Pune has passed an order that directions should be given in the said case. (Copy of order attached)

In the said case Mr. Prakash Porwal and Deputy Superintendent land Record Office as there is a dispute in the mojini, today dated 22/1/2021 Hon. The action to be taken as per the order of National Green Tribunal Delhi could not be completed. (Panchnama attached) However, it is a request to take appropriate action in the said matter.



your faithfully,

Ravi pawar

Chief Officer

Lonavla Municipal council

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

EXECUTION APPLICATION No.11 of 2022 (WZ)  
 IN  
 ORIGINAL APPLICATION No.194 OF 2022 (WZ)

ASHISH ROHIDAS SHINDE

APPLICANT

V/s

LONAVALA MUNICIPAL COUNCIL  
 & OTHERS

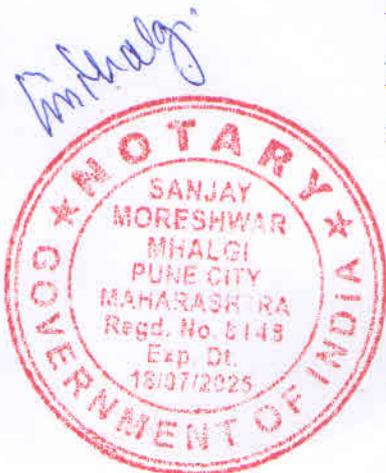
RESPONDENTS

**AFFIDAVIT IN SUPPORT**

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

I, Prakash Mishrimal Porwal, aged about 56 years, occupation: agriculture residing at Shri Ekvira Niwas, Survey No.24, Near Pradhan Park, Village Bhushi, Lonavala – 410 401, do hereby state on solemn affirmation as under: -

1. I say that I am the Respondent No.5 in the present Execution Application. I say that I am aware of the facts and circumstances of the present case and hence am able to depose the same on oath.
2. I say that I am filing the reply to the present Execution Application. I say that the contents of the said Original Application and the present affidavit are true and correct to the best of my knowledge, information, and belief.



WHATEVER stated herein above is true and correct to the best of my knowledge and belief and for the same I have signed hereunder at PUNE on 12<sup>th</sup> day of January, 2023.

I know the Affiant

*[Signature]*

Advocate

*[Signature]*

Affiant



BEFORE ME

*[Signature]*

SANJAY MORESHWAR MHALGI  
ADVOCATE & NOTARY  
GOVT. OF INDIA  
REGD. No. 8148

NOTED AND REGISTERED  
AT SERIAL NUMBER 05  
DATE 12/01/2023

