

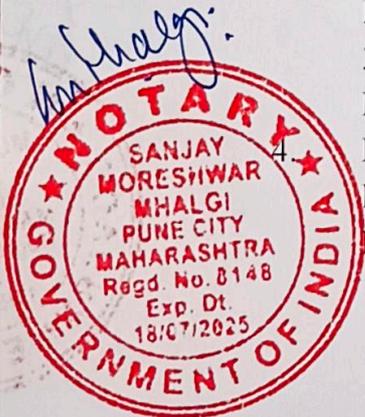
**BEFORE THE NATIONAL GREEN TRIBUNAL**  
**WESTERN ZONE BENCH, AT PUNE**

**Execution Application No. 13/2023(W)**  
**Original Application No. 194/2018 (PB)**

**Ashish Rohidas Shinde & Anr.** ..... Applicant  
Versus  
**Lonavla Municipal Council & Ors** ..... Respondents

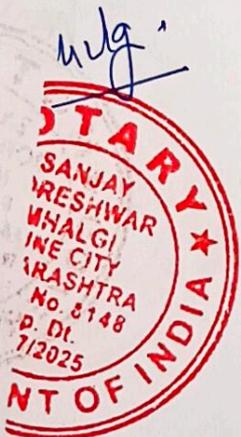
Reply on behalf of Respondent no. 5 Mr. Prakash Mishrimal Porwal is as follows:

1. The Respondent No.5 is basically a farmer, at village Amnori, Tal. Sudhagad, Dist. Raigad, Maharashtra. I have undertaken forestation. I have planted more than lakh Teak-wood trees. As on today it is more than 35 to 50 ft height, due to the said forestation fauna & flora, ecological balance has been maintained.
2. The Respondent is a social worker and is the member of Shetkari Sanghatana. That, since last 30 years the Respondent is working for the agriculturists thereby raising the various grievances of the agriculturists. Respondent is the member of Sharad Joshi Sanghatana and presently working as Vice President of the said Sanghatana Maharashtra State. Respondent says and submits that being a Social Worker, he is raising various issues by giving applications, representations to the Authorities and raising voice against corruption. As a result of follow up taken taken by Respondent, authorities pleased to pass the order and various seams of thousands of crore came to be opened.
3. Nitin Vishwananath Agarwal and Suraj Agarwal tried to Eliminate Respondent. Therefore Respondent Filed FIR no.155/2017 u/s 307,394,325,37,504,506 r/w 34 of IPC and u/s 3,25 of Arms Act at Kamshet Police Station, Tal. Maval Dist. Pune.  
Respondent made complaint of land, situated at Khandala, Tal. Maval, Dist. Pune which was owned by Nizam of Hyderabad, one Yusuf Lakadawala (Accused in 1993 Mumbai



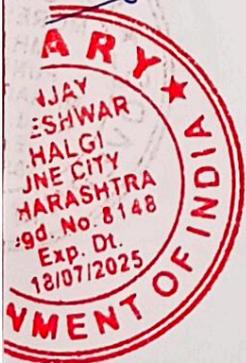
Bomb blast Case) tried to transfer the said Land in his name by forged documents. That due to follow up taken by Respondant, Yusuf Lakdawala couldn't succeed. That one Nitin Vishwanath Agarwal working for Yusuf Lakdawala got aggrieved by the follow up taken up by Respondent as FIR came to be registered at EOW Mumbai FIR no 32/2019 IPC Act 465,466,467,468 471, 201,420,120(b) .In Police enquiry Respondent No. 7 Lonavala City Survey Officer Mr. Vikas Dhekene has taken bribe of rupees five crore. He is arrested in this matter. He is working with Nitin Vishwanath Agarwal and he hired Mr Suresh M Poojari and Ashish Rohidas Shinde present Applicant in this matter in the name of complainant filed present appeal.

5. Respondent No. 7 Officer Vikas Dhekene is arrested on behalf of my complaint so TILR officer wrongly measured the land and for help to Applicant he has shown 257 sqmtr. is encroachment in Indryani River but as on today TILR officer has not cancelled my previous survey plan, nor filled any Affidavit regarding which measurement plan is correct?
6. The present applicant Mr.Suresh M Poojari has stolen many record files of Res. No.5 from the government office and after stealing the files he has filed various complaint/appeal in various courts all his complaint/appeal has been rejected and Disposed by the Hon'ble Court and government officer has launched various complaints at concern Police Station.
7. For Various Corruption opened by Respondent no.5 Government of Maharashtra Has Given (24x7) Free of cost Armed Police Protection from 2019 till today.
8. The respondent no 5 with most respectfully submits that, he is in receipt of the notice of the present execution cum misc. application.
9. The respondent no. 5 respectfully submits that, against the order of this Hon'ble Tribunal with respect to appointment of joint committee for execution has approached the Hon'ble Supreme Court of India by filing Civil Appeal No.5020/2023. The Apex court finally decided the matter, as per the said order the Hon'ble



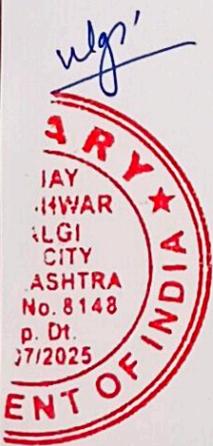
Apex Court after going through the entire proceeding before this Hon'ble Tribunal was pleased to give directions that the Hon'ble Tribunal has appointed a committee to take cognizance of the order passed by this Hon'ble Tribunal. The entire dispute of execution shall be decided by District Collector.

10. The Hon'ble Apex Court in conclusion on the appeal filed by the present the respondent no. 5 was pleased to direct the District Collector, Pune who was appointed to resolve the dispute in terms of execution order passed by this tribunal and hence it was the District Collector, Pune who is the final execution authority in this regard. Hence the applicant who is unnecessarily bothering this tribunal for the matter which was already adjudicated by this tribunal, to its finality.
11. In this regard this respondent no.5 further submits that, the respondent No.1 Lonavala Municipal Council has already undertaken the execution of the order of this Hon'ble Tribunal of encroachment ground to the extent of 100 Sq. Mtr. Hence as per the dispute it is only 157 Sq. Mtr are remained to be cleared. Another hurdle is that there are 8 mango and chikkoo trees which are deeply rooted and fully grown up. It has got height of more than 20 Ft. It is therefore a technical issue regarding removal of the trees, which may result in damage and death of the trees. This respondent won't mind to relocate those trees elsewhere but in the property of the respondent i.e. Survey No.24 baring the so called dumping on encroaching the ground.
12. If those trees are not saved and if the respondent no. 1 do undertake the further removal of the encroachment which it has undertaken before the monsoon in that case again all the trees would fall in the Indrayani River itself and in that case it would be in an environmental serious problem would arise river flow would be hampered. The fawn and fauna would be hampered. There is only 157 Sq. Mtr to be cleared as alleged by the complainant but the question of exact area still which is to be cleared is not yet finalized by the committee itself because it is stated that in the northern site there is encroachment but the TILR while taking the



measurement shifted the area from the southern site 2 Mtr by 100 Mtr i.e 200 Sq. Mtr is the land of the respondent No. 5 is in dispute and hence the shifting of the southern site to northern site is the question of 57 Sq. Mtr. Remains. For all these purposes it is the committee who can visit on the site personally verify the clear encroachment allegedly done by the respondent no. 1 Lonavla Municipal Council and that therefore as on today a question of only 57 Sq. Mtr is remained to be cleared if any, in fact it is not.

13. For all these reasons as per the direction and order of Hon'ble Apex Court and with respect of this Hon'ble Tribunal let the committee headed by the District Collector to hear the grievances of the respondent no. 5 and even of the Complainant and other respondents in the matter.
14. In this regard the present respondent no. 5 on 11/4/2023 submitted detailed reports and also submitted his memorandum for further action along with copies of this Tribunal and also other order passed by this Tribunal before the District Collector Pune. The respondent no. 5 submitting before this Tribunal the entire bunch of his representation done by him before the District Collector, for further action in the matter.
15. By the said representation the respondent no. 5 has requested the Collector Pune that there are two different measurement by the TALUKA INSPECTOR OF LAND RECORDS and therefore there is discrepancy has arisen as far as exact location demarcation and finalization if the encroached area is not still there finalized or located but it is the fact that the respondent no. 5 has already cleared 100 Sq. Mtr so called encroachment and top of that the soil which was removed was dumped into flowing water of the Indrayani River. Still this respondent no. 5 is ready to co-operate with the order of this Hon'ble Tribunal at any time but subject to demarcation of remaining encroachment to be cleared on paper and most importantly his trees which he has planted, nurtured should not result in damage to those fawn and fauna.
16. The Collector has not responded to the representation submitted by the Respondent No.5 till date as the Respondent No.5 is fighting



against the Collector for the corruption in the mining scam amounting to more than Rs.50 crores unearthed by the Respondent No.5 and there are 6 offences registered on account of the scam unearthed by the Respondent No.5.

- 17. The Respondent No.5 is submitting the photographs showing the maintenance by him of River Indrayani and the negligence of the Respondent No.1 in not maintaining the same.
- 18. This respondent no. 5 also submits that, if there is any dispute in respect of encroachment still the respondent no.1 and 2 can take in possession of the encroached area to their satisfaction after measurement excluding the clear encroachment. The District Collector thereafter along with Lonavala Municipal Council go on removing the encroached area and at the same time this respondent no.5 will erect the compound wall excluding the so-called encroached area whereby the dispute would be resolved forever for the satisfaction of the complainant as well as successful execution of the order of this Tribunal. Hence this humble submission on behalf of the respondent no.5



Pune  
Date:

Prakash Mishrimal Porwal

VERIFICATION

I, Prakash Porwal, the Respondent No.5 abovenamed do hereby state on solemn affirmation that whatever stated hereinabove is true and correct to the best of my knowledge, information and belief.

Solemnly affirmed at Pune on this 3<sup>rd</sup> day of October 2023

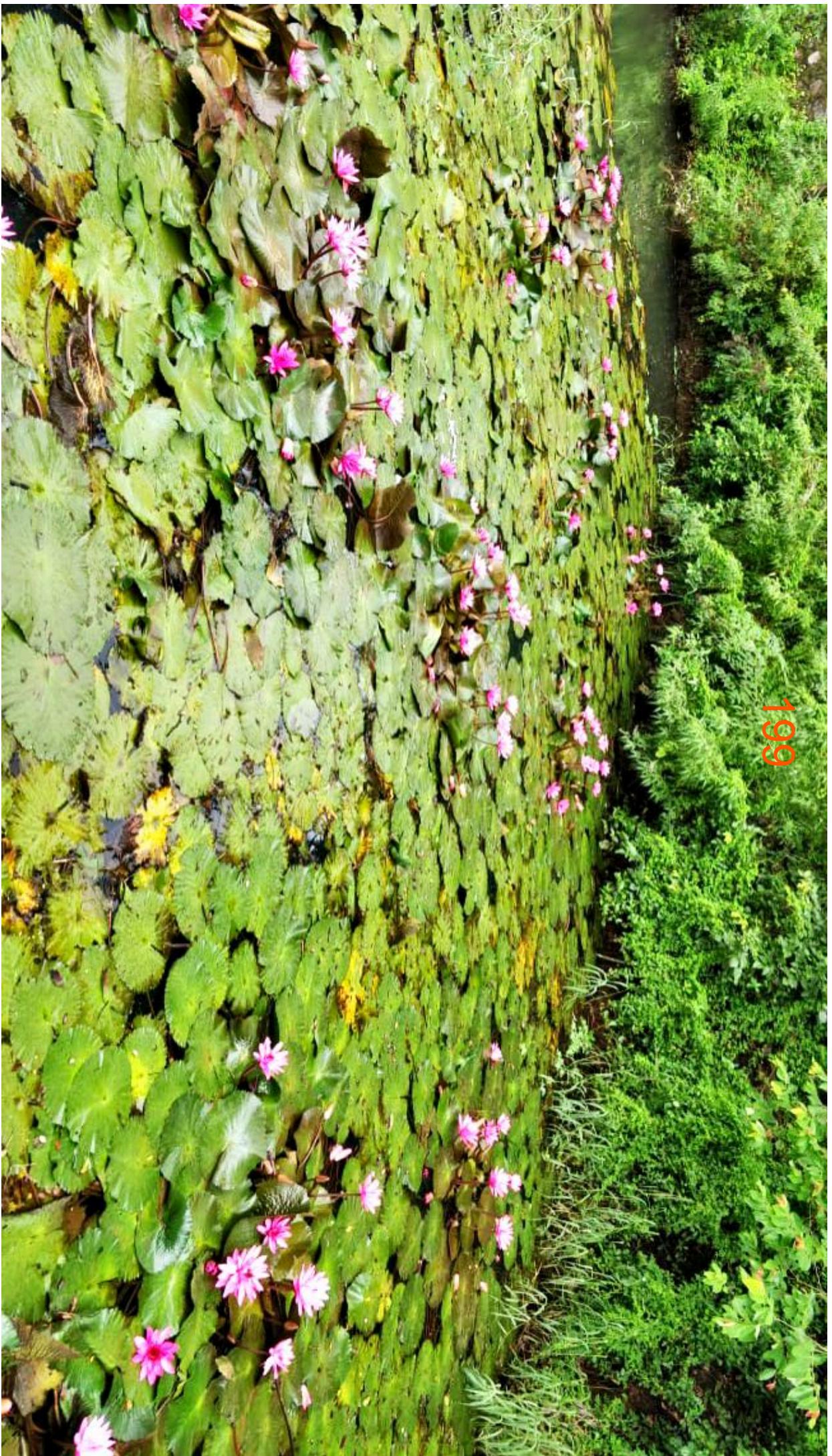
Prakash Mishrimal Porwal

**NOTED AND REGISTERED**  
**AT SERIAL NUMBER 139**  
**DATE 03/10/2023**

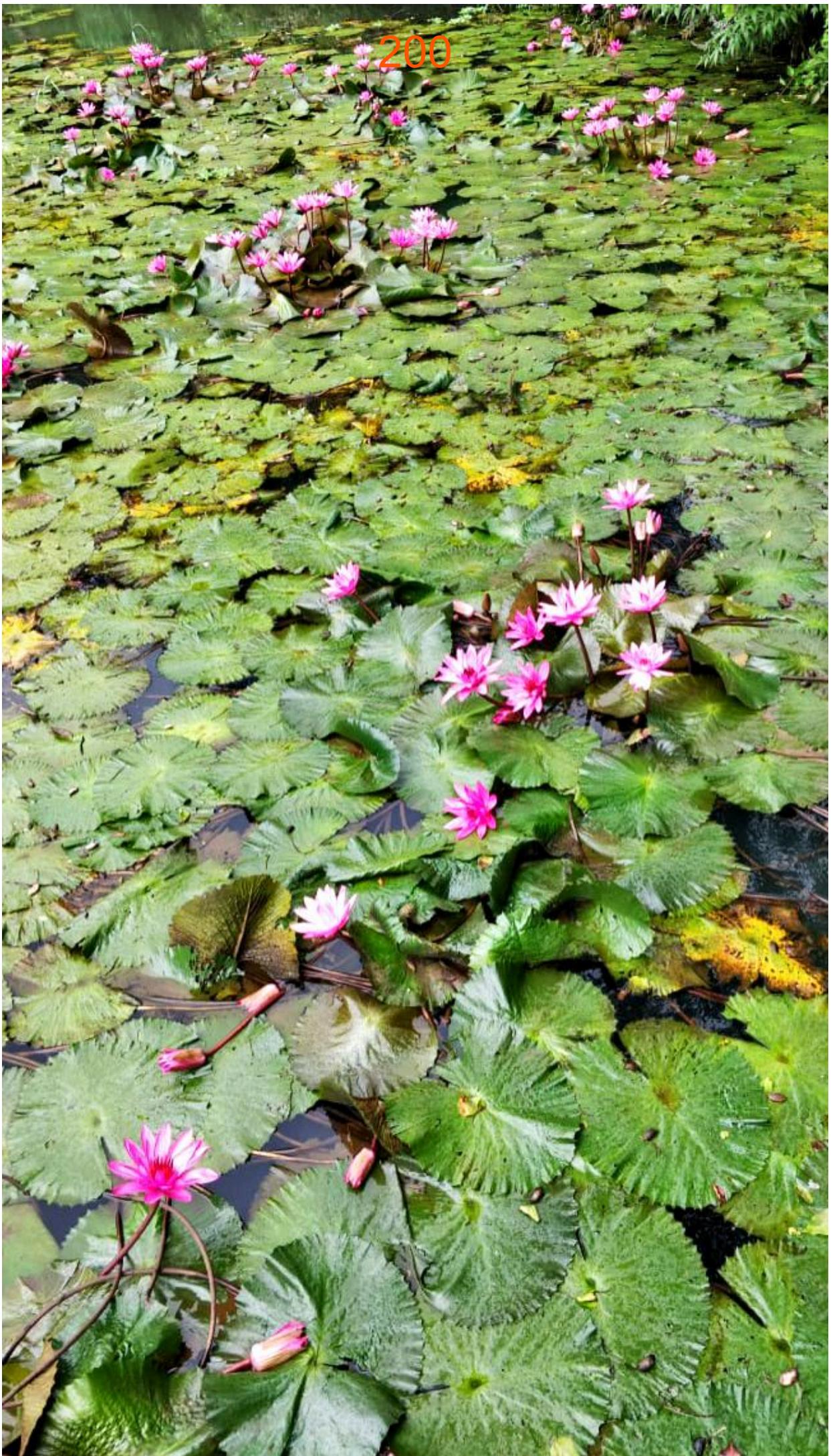
**BEFORE ME**

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



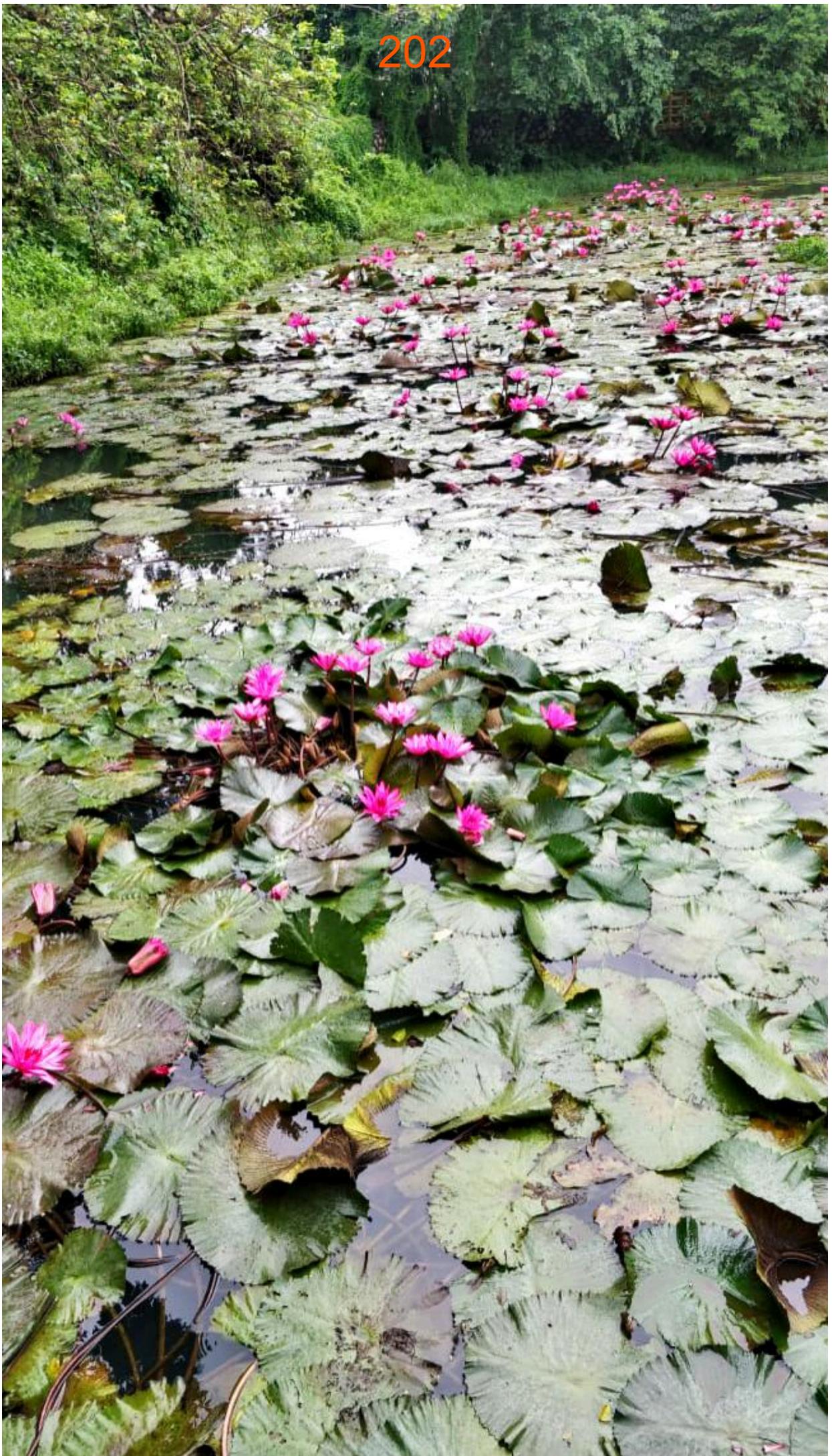


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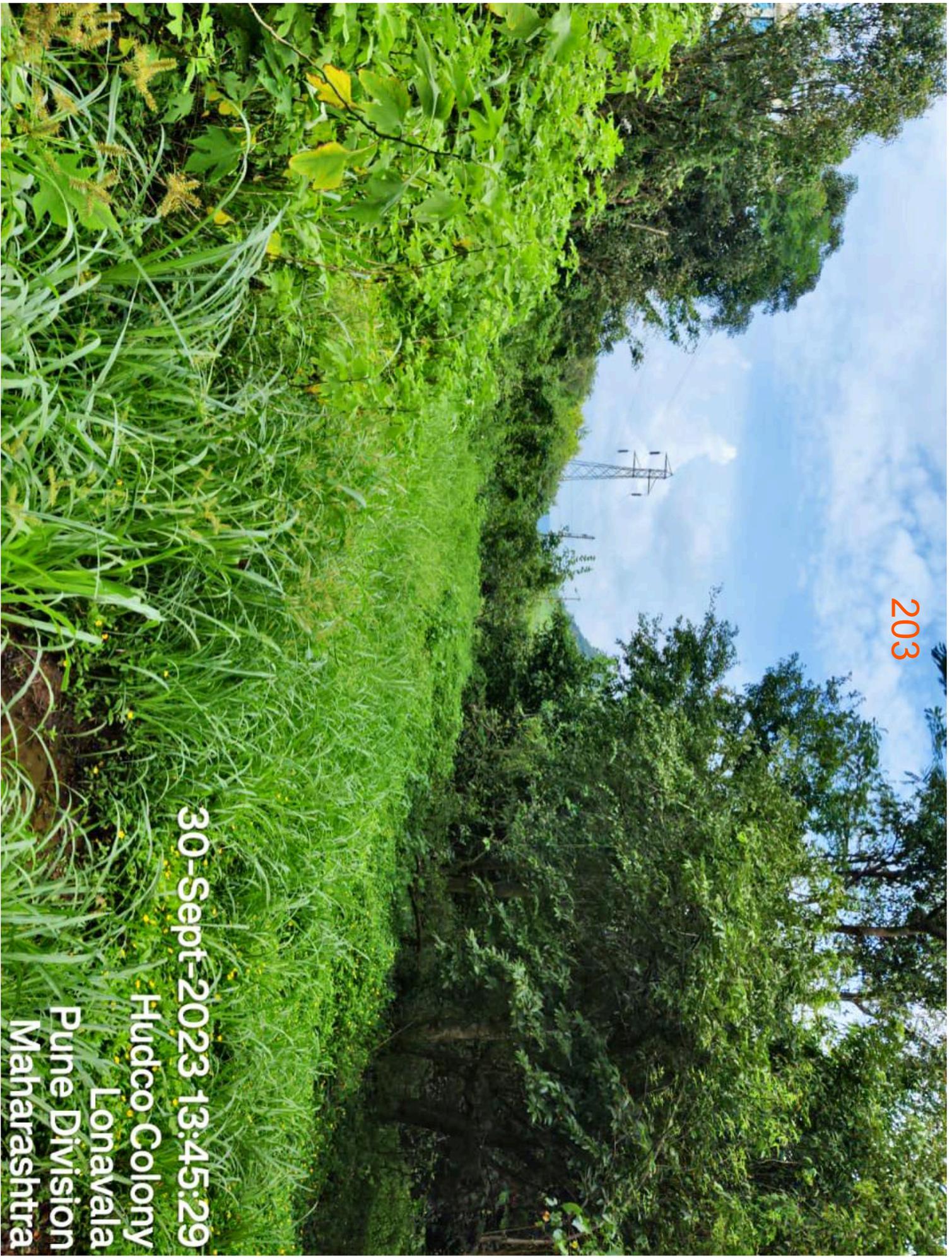


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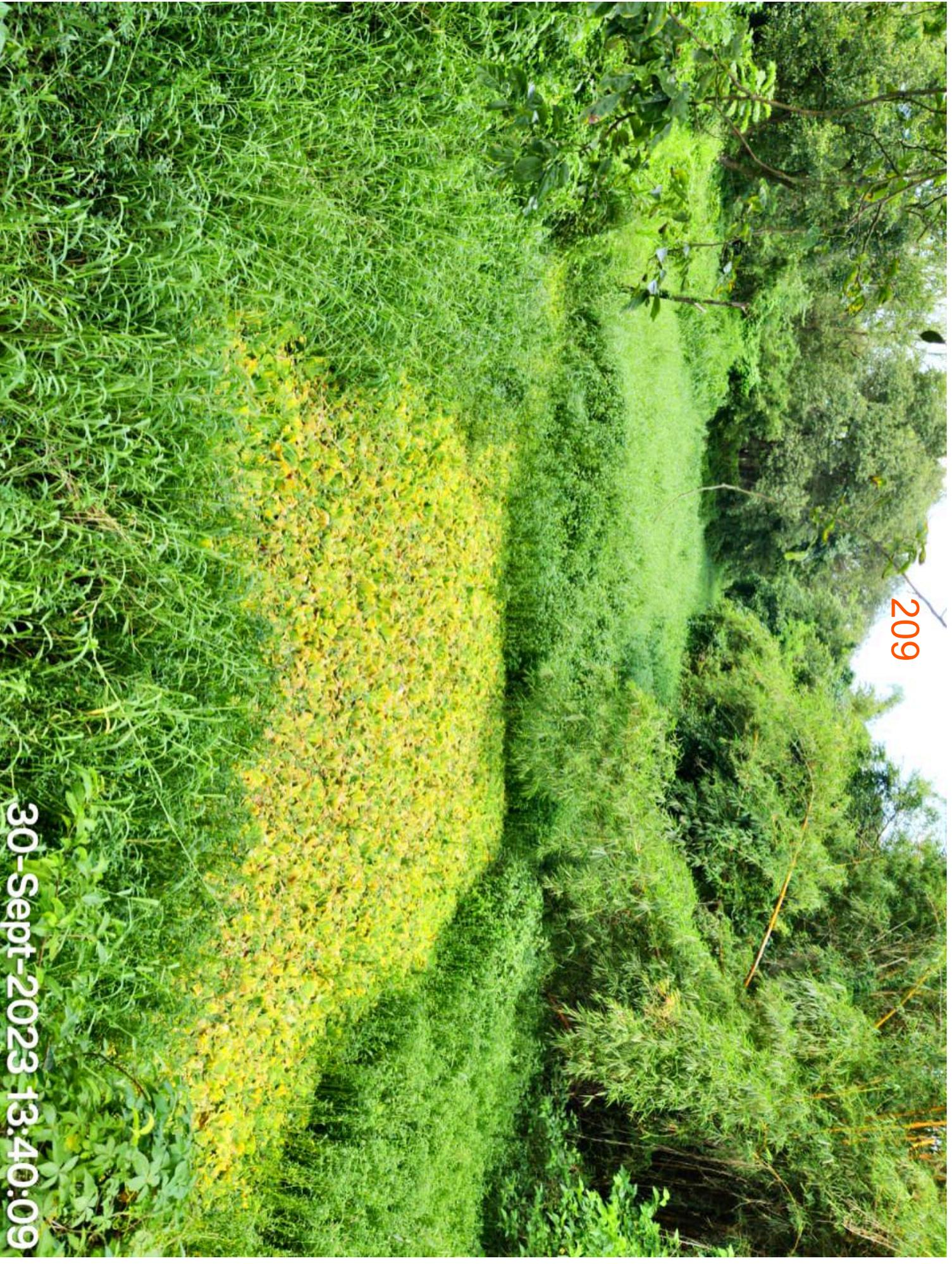
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