

BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH AT PUNE
ORIGINAL APPLICATION NO. 57 OF 2022

DISTRICT: PUNE

Mahesh Kasihinath RanawadeApplicant

V/s

The State of Maharashtra and others Respondents

REPLY AFFIDAVIT ON BEHALF OF RESPONDENT NO. 6 (MR. ADITYA ANIRUDDHA DESHPANDE) AND 7 (MR. GAURAV SUHAS KATARIYA)

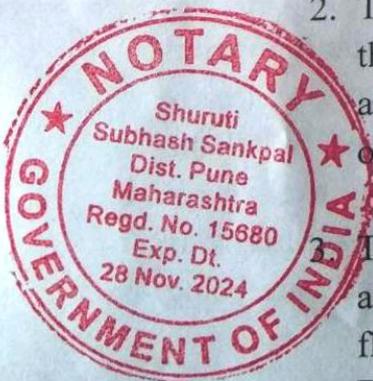
We, Mr. Aditya Aniruddha Deshpande Aged 36 Years, residing at Flat No. D-301, 1 Modibaug, Ganeshkhind Road, ShivajiNagar, Pune and Mr. Gaurav Suhas Kataria Aged 36 Years, residing at 1137/5, Savali Bunglow, Model Colony, Shivajinagar, Pune being partner of Urban Life Venture do hereby solemnly affirm and state as under;

1. The Respondent No. 6 and 7 are partners of Urban Life Venture and they are into building construction since many years. They promote environment friendly building structures and believe in sustainable way of development.
2. These Respondents submits that the Respondents have purchased the lands from Village Nande from the year 2014. The said road adjacent to the river was in existence before the date of purchase of land.

The Respondent No. 6 and 7 state that, the road was in existence and used by villagers and farmers since long back. The river belt, flood blue/red line are marked and finalized by Irrigation Department in the year 2019. The Respondent No. 6 and 7 further

I undertake that, due to e-filing issue I am unable to e-file this service affidavit. I will e-file this service affidavit later

(Adv. Nikita Anandache)
for Adv. Asim Sarode



state that as per the Government Circular of 2018/(182/2018) dated 03/05/2018, essential road for public purpose is allowed in restrictive zone and specified at para 8(ii) of the said Circular.

4. The allegations made by Applicant that, Respondent No. 6 and others are doing illegal construction of road by way of encroachment on the banks of Mula River which passed through the village- Nande, Taluka- Mulshi, District- Pune are not true.
5. It is vague allegation of Applicant that, debris has been illegally dumped in the river bed and it has changed alignment and natural free flow of water.
6. The contention of tree cutting is also baseless and the Applicant may be put to strict liability to prove that, such illegal things happened and agricultural field is affected due to the same.
7. This year there was no any heavy rain during rainy season but the extended rains was heavy with flood situation, even then river water has not destructed village Nande. The flood situation was everywhere in Maharashtra where there is a river or not and agricultural fields got affected due to the heavy rainfall.
8. The Respondent No. 6 and Respondent No. 7 are not doing any illegal construction, the Respondents are doing required repairs in the existing road for being motorable and there is no any collusion with Respondent No. 8 and 9 in doing any illegal construction on the banks of river Mula.
9. The Respondent No. 6 and 7 are not doing any construction within the blue line of river Mula. The fact is that, there is already existing road within the blue line which is been used by all the villagers and farmers since long and the said existing road is not constructed by Respondent No. 6 and 7. The Applicant is fraudulently labeling the leveling work as if the debris are being dumped in the river bed.

10. The Respondent No. 2, 3, 4 and 5 are the authorities which will describe the factual situation of the said old existing road and the distance of the said old existing road from basin of river Mula and hence the Respondents No. 6 and 7 are waiting to see actual expert report and respond.
11. The Applicant is mixing various issues together to achieve his personal goal by extorting money from the Respondent No. 6 and 7. As it is narrated that, the road was already in existence and it is a separate issue, whereas the proposed project is not illegal or unauthorized. Also the Respondent No. 6 and 7 have taken all the necessary permissions and approvals from the concerned authorities for the construction of the project.
12. It is exaggerated narration by the Applicant that, on the basis of presumption, the Applicant is claiming the road is constructed by the Respondent No. 6 and 7 in the river bed but the fact is that, the road was already in existence before the purchase of property by the Respondent No. 6 and 7. The imaginary overthinking of the Applicant that, there is illegal dumping of the debris in the river bed and it will obstruct the free flow of the river and further it will choke the flood line is baseless and not true. The original flow line and original route of river Mula has not deviated at all.
13. That whether the photographs submitted by the Applicant are of the same location or not is disputed by these Respondents. The Applicant is put to strict proof thereof.
14. Whatever mentioned in the Para No. 9 of the Application under the name of the researcher study etc. is by and large copy pasted material which is not relevant to the subject matter of the Application because the road was already in existence and it is not being constructed by Respondent No. 6 and 7. Para No.10 and its contents are in the same nature and all those things are not applicable.

15. The main dispute between Applicant and Respondent No. 6 to 9 is totally of civil in nature, in which the Applicant has demanded partition and permanent injunction restraining Respondent No. 6 and 7 from carrying out any construction in Applicants agricultural field where, the Civil Judge has already passed order dated 07/04/2022 and asked the Respondent No. 6 and 7 not to carry any construction in the agricultural field bearing No. 1/2/2 of the Applicant. To challenge the said order, the said Respondent No. 6 and 7 have filed an Appeal before the Appellate Court, which is pending as on date.
16. The Applicant has become over enthusiastic after the Civil Court has passed an interim order and by changing the nature of the litigation from a civil dispute to an Environment Litigation and has approached the Hon'ble National Green Tribunal and such type of Application shall not be eligible to be entertained before the Hon'ble National Green Tribunal.
17. The contents in Para No. 13 are imaginary and copy pasted matters, it is to be mentioned again that the said road already exists on the Basin of Mula River. The Respondent No. 6 and 7 are not doing any illegal construction in the basin of river Mula.
18. The prayers made by the Applicant are very specific to Mula River at Survey No.1 of the village Nande and as mentioned the said road is already in existence there is no issue related to making any plan to restitution arise.
19. It is pertinent to note that the road is existing on the said location long before the blue line came into existence. Hon'ble Court may kindly verify the facts from the authorities like Respondent No. 3 the Irrigation department.
20. The present road is the only single available approach road towards the project and maximum part of the said road was at the same location and it was used by everyone freely.



- 21. For the convenience of the Hon'ble National Green Tribunal Respondent No. 6 and 7 is submitting a demarcation on the available google image where it can be seen that road is shown in one side and it was in existence before the purchase of land by Respondent No. 6 and 7.
- 22. The Respondent No. 6 and 7 reserves their right to file their detailed reply once the joint committee report is submitted before the Hon'ble National Green Tribunal.
- 23. In view of above, the present application and allegations raised by the applicant therein is having no substance and hence, the present application of the applicant my kindly be dismissed with heavy cost.

Hence this preliminary Reply

[Signature]

Respondent no. 6

[Signature]

Respondent no. 7



Advocates for the Respondent No. 6 and 7
(Adv. Asim Sarode, Adv. Trunal Tonpe,
Adv. Nikita Anadache, Adv. Shreya Santosh Awale)



Pune

Dated: / / 2022



BEFORE ME

[Signature]
Shruti Subhash Sankpal
ADVOCATE & NOTARY
GOVERNMENT OF INDIA

22 NOV 2022