

**Collector & District Magistrate
Office, Valsad**



Jilla Seva Sadan, Jalaram Bapa
Mandir Road, Valsad-396001
Phone No. (02632) 244274, 244279
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Email- collector-val@gujarat.gov.in

No. ACB/MSC/ws.2001 /2024

Dt. 24/04/2024

To.
Registrar,
National Green Tribunal (Western Zone),
New Administrative Building, D-Wing,
1st floor, Opposite Council Hall, Camp,
Pune, Maharashtra 411001

Sub. : Original Application No.784/2022

Ref. : 1. NGT ORDER O.A. No.784/2022

2. This Office letter no. ACB/WATER LOGGING/Ws 2918 – 2919/2023
Dt.25/09/2023

3. Joint Site Visit Report of Committee nominated by District Magistrate
Valsad dated.16/12/2023

According to the above subject, Petitioner Bharatbhai N. Desai's land of survey no. 1993, survey no.1984/1 and 1984/2 which has been acquired in the Service Road by Railway Agency DFCC. Making the service road higher than the petitioner's land and not making a drainage system as well Due to non-drainage of rainwater from Pardi and surrounding areas, the applicant's land is waterlogged for a long period of time.

Due to which the petitioner's land gets eroded and there are fruit trees on that land. Due to lack of proper solution, the petitioner filed a case, which has been filed in the Hon. National Green Tribunal. Under the claim of the petitioner, Hon. National Green Tribunal on 13/03/2023 in original application No.784/2022 ordered to constitute a joint committee and instructed to take action regarding the damage after inspecting the site.

As per the reference order, a team of officials from the concerned department was formed under the leadership of Deputy Collector and Province Officer, Pardi to inspect the location and take necessary action and report if any environmental laws and norms are violated.

In which Regional Officer, Gujarat Pollution Control Board Vapi, Deputy Director, Horticulture Valsad, Executive Engineer, Damanganga Canal Division No. 03 Balitha Vapi, Tehsildar Pardi, Chief Officer Municipal Corporation Pardi, Deputy Executive Engineer Damanganga Canal Subdivision No. 11 Pardi and Head Quarter Assistant, District Inspector Office, Valsad's Joint report had sent on date 10/05/2023 and Navsari Agricultural University's Agricultural Experimental Center, Paria-Pardi, Dist. Valsad had inspected the site on 17/05/2023 and sent the report to this office.

According to the report of the joint team inspection, presently there are mango and sapota trees on the land of Survey No.1993, 1984/1 and 1984/2 in Pardi, Poniya Railway Phalia, taluka Pardi. In the western part of this land, rain water used to drain through natural runoff for years in the land owned by the Railway Department. On which it has been closed due to construction of service road parallel to the track going from Valsad to Mumbai. This road length is 300 meters long.

Due to the above situation, the rain water coming through the uplands of Pardi area is not properly drains from the land of Survey No. 1993, 1984/1 and 1984/2. Further, due to water logging, change in water flow, new inflow of rain water causes soil erosion leads to 23-Mango trees, 51-Sapota trees and 7-Coconut trees have dried up. This proves that the environment has been damaged.

According to report of Deputy Director, Horticulture department, Valsad with reference to Circular No. LAQ-22-2018/1550/GH dated 12/01/2021 of the Department of Revenue, Government of Gujarat, the value of the damaged trees can be estimated as follows.

No.	Detail of trees	Estimated age	Highest price for trees above 7 years (per tree)	number of trees	Total amount according to Maximum price of tree above 7 years
1	Sapota	30 to 35 years	Rs.38,400	51	Rs.19,58,400/-
2	Coconut (high grade)	30 years	Rs.15,000	7	Rs.1,05,000/-
3	Mango (Kesar)	25 years	Rs.40,000	23	Rs.9,20,000/-
Total					Rs.29,83,400/-

The report given by the joint team was sent to your office and DFCCIL by letter Number.ACB/WATER LOGGING/Ws.2918-2919/2023 Dt.25/09/2023. But through DFCCIL's letter no.MUM/N/EN/CTP-12/Pardi/416 Dt.02/09/2023 asked us to accompany with their officials to inspect the spot.

Then, we have nominated 3 member Committee Consisting of Deputy Executive Engineer, Damanganga Canal Sub-division no.11-Pardi, Deputy Executive Engineer, Damanganga Canal District Division No.03,Balitha-Vapi and Deputy Project Manager/Engg/Valsad/DFCCIL.

Accordingly, a joint site visit was carried out on 16/12/2023 by the committee members and following points have been noted: -

1. The work of making service road & Tracks parallel to DFCCIL track from new pardi Station Building to Lc 90 is being carried out by DFCCIL (PSU under Ministry of Railways). The contractor engaged for this work is M/s Express Freight Consortium. This work is being supervised by PMC-2R (ZMT-2) engaged by DFCCIL.
2. DFCC has constructed Road & formation in its own land after extending all the existing Railway bridges to dispose the rain water.
3. As the adjoining complainant's land is in low laying area, water gets accumulated in his land in the case of heavy rain fall.
4. In the site visit, the approved drawing 12/AL/DG/1329/-CD REV-1 submitted by DFCCIL was studied by the committee member. After analysing the approved drawing, it was found that many works as mentioned in approved drawing is yet to be carried out by Contractor of DFCCIL. The work of Retaining wall, drain and nalla at this location is incomplete. The contractor of DFCCIL should carry out work as per approved drawing and complete the work at the earliest so, that no water logging, rain cut and land slide problem will occur in upcoming monsoon season as it had occurred in previous two-three monsoon seasons.
5. In site visit it was found that DFCCIL's Contractor is discharging water to the private land (Photos attached) as there is no proper drainage arrangement available along the DFCCIL alignment towards Country side. Further the embankment made by DFCCIL's Contractor for making road got damaged

available along the DFCCIL alignment towards Country side. Further the embankment made by DFCCIL's Contractor for making road got damaged during rainy season due to heavy water flow from DFCCIL tracks resulting in rain cuts and landslides and disturbing the adjacent private land. In view of above committee proposed making of retaining wall of appropriate size all along parallel to the road made by DFCCIL's Contractor starting from New Pardi Station building (DFC chainage 221/3) to DFC chainage 222/27 (IR chainage 187/520) of length approx 1500 m to retain DFCCIL earth work and also proposed to make adjacent drain of appropriate capacity to discharge water to adjacent minor bridges. By making this drainage arrangement, the water logging problem at this location will be minimized. A sketch made by committee is also attached here with for ready reference in Appendix A.

6. The pathway of Balakhadi drain shifted due to construction of DFCCIL embankment towards MNB 56. The Balakhadi drain coming from East side needs to be properly trained. The kutchha drain length going parallel to DFCCIL land is to be made of concrete with appropriate size by contractor of DFCCIL so that water can discharge in to nearest minor bridge no. 56. The kutchha drain length beyond DFCCIL land may also be made properly so, that water can be discharged to nearest minor bridge without any hindrance.

In view of above, DFCCIL may be requested to carry out balance work as proposed above within 2-3 months' time period so, that further water logging, water accumulation, rain cut & land slide problem will not occur in upcoming monsoon season. In addition to this concerned agency may be advised to properly make the Balakhadi drain beyond DFCCIL land before upcoming monsoon season.

Enclose: Reference 2 and 3



(Aayush Oak)
District Magistrate
Valsad

Copy to:

1. Deputy Collector and Sub Divisional Magistrate, Pardi..... for Information.
2. Mamlatdar and Executive Magistrate, Pardi.....for Information.
3. Regional Officer, Gujarat Pollution Control Board, Vapi.for Information.
4. Chief Project manager (North), DFCCIL, 7th Floor, Central Railway, New Administration Building, D. N. Road, Mumbai – 400001..... for necessary action according to joint Committee Report before monsoon season.
5. Executive Engineer, Damanganga Canal District division no. 03, Balitha-Vapi.....for necessary action according to joint Committee Report before monsoon season.
6. Deputy Executive Engineer, Damanganga Canal Subdivision no. 11, Pardi.....for necessary action according to joint Committee Report before monsoon season.
7. Chief Officer, Pardi.....for necessary action according to joint Committee Report before monsoon season.
8. Deputy Horticulture Director, Valsad..... for Information.

 <p>75 आजादी का अमृत महोत्सव</p>	<p>Collector Office, Valsad Jilla Seva Sadan, Tithal Road, Valsad Ph.No.02632-253613- F-243417 Email ID- collector-val@gujarat.gov.in</p>	 <p>सत्यमेव जयते</p>
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No.ACB/WATER LOGGING/Ws 291/2023
2919

Dt. 25/09/2023

प्रति,
 चीफ प्रोजेक्ट मैनेजर (उत्तर),
 डीएफसीसीआइएल, 7वीं मंजिल,
 मध्य रेलवे, नया बहीवटी भवन,
 डी.एन.रोड, सीएसटी मुम्बई,
 महाराष्ट्र-400001

विषय: माननीय नेशनल ग्रीन ट्रीब्यूनल की ओरिजनल अप्लीकेशन नं. 784/2022
 ता.13/03/2023

संदर्भ: (1) नं. 88मन/अनखटी/अडेवाव/वशी. 697/2023 त. 10/04/2023

(2) अ.नं.: नक्षु/कृप्राडे/ओआरओस-1/918-996/2023 त. 10/04/2023

उपरोक्त विषय के अंतर्गत याचिकाकर्ता भरतभाई एन. देसाई रहे-दिली फलिया, उमरसाडी तहेसील-पारडी द्वारा मोजे-पारडी, पोणिया रेलवे फलिया सर्वे नं. 1993, सर्वे नं. 1984/1 और 1984/2 में जमीन का अधिग्रहण सर्विस रोड रेलवे एजेंसी डीएफसीसी द्वारा किया गया है। सर्विस रोड को याचिकाकर्ता की भूमि से ऊंचा बनाने तथा जल निकासी व्यवस्था (कांसो) न बनाने तथा पारडी एवं आसपास के क्षेत्रों के वर्षा जल के निस्तारण को रोकने से याचिकाकर्ता की भूमि में लंबे समय तक पानी जमाव होता है। जिससे याचिकाकर्ता की भूमि का कटाव होता है। एवं उस भूमि पर फलदार वृक्ष हैं। उचित समाधान न होने के कारण याचिकाकर्ता ने माननीय. नेशनल ग्रीन ट्रीब्यूनल में मुकदमा दायर किया है।

याचिकाकर्ता के दावे के तहत माननीय. नेशनल ग्रीन ट्रीब्यूनल ने 13/03/2023 को मूल आवेदन नं. 784/2022 के अनुसार एक संयुक्त टीम बनाकर स्थल का निरीक्षण करने और क्षति के संबंध में कार्रवाई करने का आदेश दिया गया था। संदर्भ आदेश के अनुसार, स्थान का निरीक्षण करने और किसी भी पर्यावरणीय कानूनों और मानदंडों का उल्लंघन होने पर आवश्यक कार्रवाई करने और रिपोर्ट करने के लिए डिप्टी कलेक्टर और प्रांत अधिकारी, पारडी के नेतृत्व में संबंधित विभाग के अधिकारियों की एक टीम का गठन किया गया था। जिसमें क्षेत्रीय अधिकारी गुजरात प्रदूषण नियंत्रण बोर्ड वापी, उप बागवानी नियामक वलसाड, का. ई. दमनगंगा नहर विशाखा प्रभाग नं. 03 बलिठा वापी, तहेसीलदारथ्री पारडी, मुख्य अधिकारीश्री नगरपालिका पारडी, ना.का.ई. दमनगंगा नहर उपविभाग नं. 11 पारडी एवं हेड क्वार्टर आसिस्टेंट, जिला निरीक्षक कार्यालय वलसाड द्वारा दिनांक 10/05/2023 को संयुक्त रिपोर्ट भेजी गई है एवं

कृषि प्रायोगिक केंद्र नवसारी कृषि विश्वविद्यालय पारिया, पारडी जी.वलसाड ने स्थल का निरीक्षण कर दिनांक 17/05/2023 को रिपोर्ट भेजी गई है।

संयुक्त टीम की रिपोर्ट के अनुसार मोजे-पारडी, पोणिया रेलवे फलिया, पारडी सर्वे नं. 1993 सर्वे नं. 1984/1 एवं सर्वे नं. 1984/2 की जमीन पर वर्तमान में आम और चीकू के पेड़ हैं। इस भूमि के पश्चिमी भाग में रेलवे विभाग की सम्पादित भूमि में वर्षों से प्राकृतिक अपवाह के माध्यम से वर्षा के जल का विकास होता था। जिस पर वलसाड से मुंबई की ओर जाने वाले ट्रैक के समांतर मिट्टी पुरान करके सर्विस रास्ता बनाने से बंद हो गया है। यह सड़क करीब 300 मीटर लंबी बनाई गई है। पारडी क्षेत्रके उपरवास की वर्षा आय जल भूमि सर्वे नं. 1984/1 एवं 1984/2 मेसे तथा सर्वे नं. 1993 वाली भूमिमें से होकर आने वाले वर्षा के जल का उपरोक्त स्थिति के कारण समुचित निपटान नहीं हो पाता है। इसके अलावा, जल-जमाव, मिट्टी के कटाव और जल प्रवाह में बदलाव के कारण याचिकाकर्ता की भूमि से वर्षा जल का नया प्रवाह जाता है और मिट्टी का कटाव होता है तथा जल-जमाव के कारण आम-23, चीकू-51, नारियल-7 के पेड़ सूख गए हैं। इससे यह साबित होता है की पर्यावरण को क्षति पहुँची है।

गुजरात सरकार के महेसूल विभाग के परिपत्र संख्या LAQ-22-2018/1550/घ, दिनांक 12/01/2021 के परिपत्र के मुताबिक, क्षतिग्रस्त पेड़ों के मूल्य का अनुमान निम्नानुसार लगाया जा सकता है।

क्र.	पेड़ों की विगत	अंदाजीत उम्र	7 सालसे उपरके पेड़की महत्तम किंमत (प्रति वृक्ष)	पेड़ोंकी संख्या	7 सालसे उपरके वृक्ष की महत्तम किंमत एवं कुल रकम
1	चीकू	30 से 35 वर्ष	रु 38,400	51	रु 19,58,400
2	नारियल (उच्च किस्म)	30 वर्ष	रु 15,000	7	रु.1,05,000
3	आम (केसर)	25 वर्ष	रु. 40,000	23	रु. 9,20,000
कुल					रु 29, 83, 400/-

संयुक्त टीम ने निकट भविष्य में याचिकाकर्ता की भूमि में जल जमाव को रोकने के लिए निम्नलिखित सुझाव दिए हैं।

(1) सर्वे नं. 1984 (रेलवे लाइन पोल नं. 221/39 से 222/3 के सामने) याचिकाकर्ता की भूमि के पास प्राकृतिक प्रवाह को मिट्टी पुरान करके बंद कर दिया गया है, जहां एक प्रकार का बांधने आकार ले लिया है।

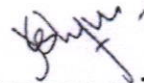
याचिकाकर्ता की भूमि में जहां जल जमाव हुआ है वहां सर्विस रोड के समानांतर किनारे पर जगा है यदि इस जगे पर याचिकाकर्ता की भूमि से बालाखाडी तक लगभग 300 मीटर लंबाई एवं लगभग 1.5 मीटर से 2.0 मीटर चौड़ाई तक पक्की जल निकासी व्यवस्था (कांसो) का निर्माण किया जाता है तो कृपि भूमि को होने वाले नुकसान को रोका जा सकता है।

(2) याचिकाकर्ता की सर्वे नं. 1993 के पास (रेलवे पोल नं. 222/7 से 222/13 के सामने) बालाखाडी नाले की मरम्मत करायी जाये तथा याचिकाकर्ता की भूमि के पास लगभग 10 से 15 मीटर की सुरक्षा दीवार का निर्माण कराया जाये। कुछ दूरी यदि निर्मित सुरक्षा दीवार को लगभग 150 से 200 मीटर की लंबाई तक याचिकाकर्ता की भूमि के स्तर तक उठाया जाता है, तो याचिकाकर्ता की भूमि का और कटाव रुक जाएगा।

(3) रेलवे द्वारा वर्षा जल निकासी के लिए जल निकासी व्यवस्था (कांसो) जिन्हें फिर से खोलने की आवश्यकता है।

(4) यदि रेलवे विभाग द्वारा याचिकाकर्ता की भूमि की ओर लगभग 200 से 250 मीटर तक सुरक्षा दीवार का निर्माण करा दिया जाए तो बरसात के मौसम में खेत में होने वाले पानी के जमाव को रोका जा सकता है।

याचिकाकर्ता की भूमि और फलों के पेड़ों को नुकसान डीएफसीसी द्वारा निर्मित सर्विस रोड बनाने से हुआ है यह साबित होता है। इसलिए आपको या आपकी एजेंसी को रु.२९,८३,४००/- (रुपे उनतीस लाख तीरासी हजार चारसो पुरे) का भुगतान याचिकाकर्ता को करना होगा। तथा आगे से याचिकाकर्ताकी भूमि को नुकसान ना हो इस तरहसे जल निकासी की योग्य व्यवस्था करने का सुचन दिया जाता है। साथ ही आपके द्वारा की गई कारवाई की रोपोर्ट 15 दिनमें हमारे ओफिस को देनी होगी। उस बात पर खास ध्यान दें।


(क्षिप्रा एस. आग्ने)

कलेक्टर और डिस्ट्रिक्ट मेजीस्ट्रेट
वलसाड

नकल सविनय रवाना: रजीस्ट्रारश्री, नेशनल ग्रीन ट्रीब्यूनल, पुणे सुचीत करने हेतु

Joint Site Visit Report of Committee nominated by District Magistrate/Valsad

Sub: Matter of Spot inspection and report under NGT-784/2022

Ref: - District Collector Letter Number ACB/MSC/Vashi/3877/2023 dated 12.12.2023

Vide letter under reference District magistrate/Valsad has nominated 3 member committee consisting of Executive Engineer/Damanganga canal Division, Deputy Executive Engineer/Damanganga Canal Division & Deputy Project Manager/DFCCIL/Mumbai/N/Valsad to carry out joint site visit in connection to the application of Shri Alpesh Desai under section 14 & 15 of the National Green Tribunal Act 2010 and further advised to found out that whether any environmental laws and norms are found to be violated so, that further necessary corrective measures can be suggested. Accordingly, a joint site visit was carried out on 16.12.2023 by the committee members and following points have been noted: -

1. The work of making service road & Tracks parallel to DFCCIL track from New pardi Station Building to Lc 90 is being carried out by DFCCIL (PSU under Ministry of Railways). The contractor engaged for this work is M/s Express Freight Consortium. This work is being supervised by PMC-2R(ZMT-2) engaged by DFCCIL.
2. DFCC has constructed Road & formation in its own land after extending all the existing Railway bridges to dispose the rain water.
3. As the adjoining complainant 's land is in low laying area, water gets accumulated in his land in the case of heavy rain fall.
4. In the site visit, the approved drawing 12/AL/DG/1329/-CD REV-1 submitted by DFCCIL was studied by the committee member. After analysing the approved drawing, it was found that many works as mentioned in approved drawing is yet to be carried out by Contractor of DFCCIL. The work of Retaining wall, drain and nalla at this location is incomplete. The contractor of DFCCIL should carry out work as per approved drawing and complete the work at the earliest so, that no water logging, rain cut and land slide problem will occur in upcoming monsoon season as it had occurred in previous two-three monsoon seasons.
5. In site visit it was found that DFCCIL's Contractor is discharging water to the private land (Photos attached) as there is no proper drainage arrangement available along the DFCCIL alignment towards Country side. Further the embankment made by DFCCIL's Contractor for making road got damaged during rainy season due to heavy waterflow from DFCCIL tracks resulting in rain cuts and landslides and disturbing the adjacent private land. In view of above committee proposed making of **retaining wall of appropriate size all along parallel to the road made by DFCCIL's Contractor starting from New pardi Station building (DFC chainage 221/3) to DFC chainage 222/27 (IR chainage 187/520) of length approx 1500 m to retain DFCCIL earth work and also proposed to make adjacent drain of appropriate capacity to discharge water to adjacent minor bridges. By making this**

MS
DEE
DCSD NO. 11
Pardi

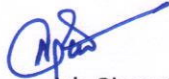
g. d. k.
(S. M. Patel)
E.E

MS
(Manoj Doshi)

drainage arrangement, the water logging problem at this location will be minimized. A sketch made by committee is also attached here with for ready reference in Appendix A.

6. The pathway of balakhadi drain shifted due to construction of DFCCIL embankment towards MNB 56. The Balakhadi drain coming from East side needs to be properly trained. The kutchha drain length going parallel to DFCCIL land is to be made of concrete with appropriate size by contractor of DFCCIL so that water can discharge in to nearest minor bridge no. 56. The kutchha drain length beyond DFCCIL land may also be made properly so, that water can be discharged to nearest minor bridge without any hinderance.

In view of above, DFCCIL may be requested to carry out balance work as proposed above within 2-3 months' time period so, that further water logging, water accumulation, rain cut & land slide problem will not occur in upcoming monsoon season. In addition to this concerned agency may be advised to properly make the Balakhadi drain beyond DFCCIL land before upcoming monsoon season.



(Name with Signature)

A.K. Patel

Deputy Executive Engineer

Damanganga Canal Subdivision No.11

Pardi



(Name with Signature)

C.S.M. Patel

Executive Engineer

Damanganga Canal District division No.3

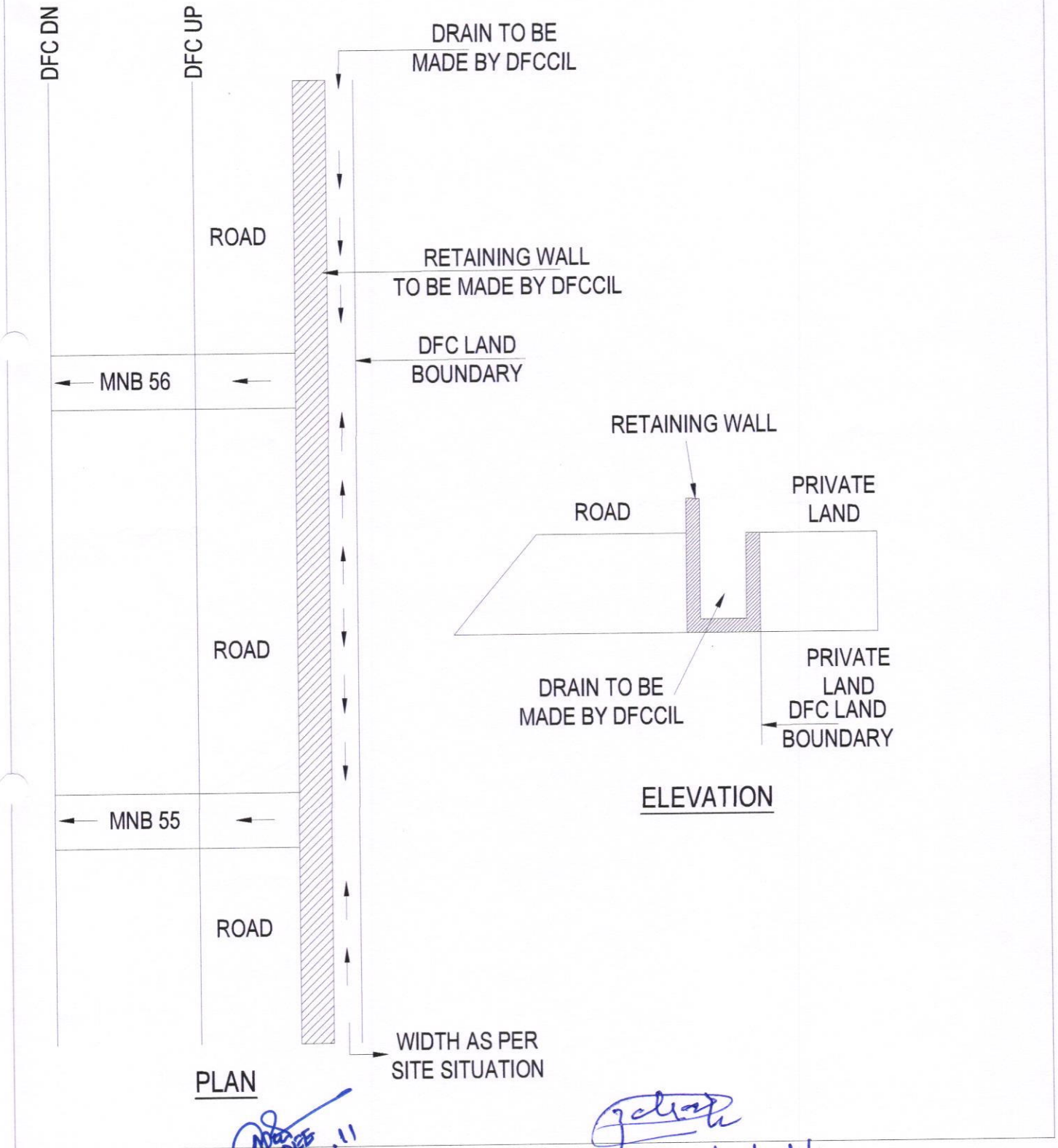
Balitha,vapi



(Name with Signature)

Deputy Project Manager/Engg/Valsad/DFCCIL

APPENDIX A
1. PROPOSED PLAN BY COMMITTEE



PLAN

ELEVATION

*ADP
DEE
DCSD No. 11
Pardi*

*gohar
C.S.M. Patil
E.E*

*MSJ
Manoj Dath*

WIDTH AS PER SITE SITUATION

Appendix A



2. Pucca concrete Drain of appropriate capacity to be made on East side beyond DFC boundary

[Handwritten signature]
DEE
DESD No. 11
Parad.

[Handwritten signature]
C.S.M. Pantel
E.E

[Handwritten signature]
(Manoj Dutt)



3. DFCCIL's Contractor Discharging water to private land

[Handwritten signature]
DCSP NO-4
Patel

[Handwritten signature]
Manoj Datta

[Handwritten signature]
S.M. Patel
E.E



4. Balakhadi Drain which has to be made of Concrete by DFCCIL

MSD
D/S
No. 111
Pandi

gokul
S.M. Patel
E.E.

MSD
Manoj Datta