

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

WESTERN BENCH, PUNE

MEMORANDUM OF APPLICATION

ORIGINAL APPLICATION NO. 75/2024 WZ

Maruti Kadam

...Petitioners

Versus

The State of Maharashtra and Ors.

...Respondents

REPORT FROM MEMBER SECRETARY, SANJAY GANDHI NATIONAL PARK ECOSENSITIVE ZONE COMMITTEE AND DEPUTY CONSERVATOR OF FORESTS THANE IN VIEW OF ORDER DATED 25.04.2024 OF THIS HONOURABLE TRIBUNAL

Point No. 1 - The complainant had given the detailed information about ownership of Survey No. 248/2 CTS No. 29/6 in Village Mulund West. This department has no comment on it. The notice had already been given to 20 Acre 21 Guntha land of Survey No. 248/2 in Village Mulund under Section 35 (3) of Indian Forest Act, 1927. (Notice No. WT/63, Dated-18.04.1957)

undertaking

to file after sometimes as soon as possible.

NGT/WZ/PUNE/INWARD/218/2025

Date 05/04/2025 By Hand

Sign

Done with file.

Registrar NGT

Prashant m. mahanuni

forester court case 8446368047. 05/04/2025

5/4/25

In Hon'ble Supreme Court of India, Civil Appeal No. 1102/2008, Godrej and Boys and Ors. 18 had been filed regarding Private Forests. In this Appeal Hon'ble Court passed interim order dated 13.01.2010. According to this order the petitioner, who claims on private forest land should deposit Net Present Value of private forest land. Vasant Garden CHS, Mulund had paid Net Present Value through DD No. 3765455, Dtd.23.01.2010.

After that, Hon'ble Supreme Court of India passed Final order dated 30.01.2014 in Civil Appeal No. 1102/2008, Godrej and Boys and Ors. 18. According to this order District Collector was authorized to take necessary action regarding private forests through government letter dated 12.12.2014. Accordingly Village Mulund West Survey No. 248/2 CTS No. 29/6 land had been removed from private forest entries of revenue department records which was previously recorded as private forests in revenue record.

Point No. 2 - It would not be appropriate for this department to comment on the purpose for which the land in Survey No. 248/2 CTS No. 29/6 has been reserved, as mentioned by the complainant in his complaint.

However, land in Mulund West Survey No. 248/2 CTS No. 29/6 comes under Sanjay Gandhi National Parks Eco Sensitive Zone, Apurva Natvwar Parikh and Co. Pvt. Ltd., Chembur-Mankhurd, Mumbai had submitted their proposal to Sanjay Gandhi National Parks Eco Sensitive Zone Monitoring Committee for construction works. Accordingly The Monitoring Committee had taken opinion from Bombay Municipal Corporation and Sanjay Gandhi National Parks Divison, Borivali before giving permission. After getting opinion from the both BMC and SGNP, The Monitoring committee had given

permission to Apurva Natvwar Parikh and Co. Pvt. Ltd., Chembur-Mankhurd, Mumbai on 19.03.2019 for construction of School on that particular place.

Point No. 3 – The Hon'ble Supreme court of India passed final order in Civil Appeal No. 1102/2008, Godrej and boys and 18 Ors. Dated on 30.01.2014. Accordingly Village Mulund West Survey No. 248/2 CTS No. 29/6 land had been removed from private forest entries of revenue department records in the year 2015.

As complainant mentioned in his complaint, Hon'ble Supreme Court of India had restricted to do any Construction or Development work from 1 Km radius of borders of the Sanjay Gandhi National Parks, which is not convenient. In some parts of national parks 100 miter distance is declared as eco sensitive zone, whereas in some areas eco sensitive zone is about 4 km distance in national park according to central government notification dated 05.12.2016. Village Mulund West, Survey Number 248/2 CTS No. 29/6 which is mention by complainant in complaint comes under 100 miter distance eco sensitive zone area.

Point No. 4 – As the proposed construction of school by Apurva Natvwar Parikh and Co. Pvt. Ltd., Chembur-Mankhurd, Mumbai in Village Mulund West, Survey Number 248/2 CTS No. 29/6 which is under 100 miter distance area of Eco Sensitive Zone comes under 'Regulated Activities' of section No. 4 of Central Government Notification dated 05.12.2016, the Monitoring Committee had accepted the proposal of construction followed by some terms and condition. In this, terms of Central Government notification dated 05.12.2016 and order of Supreme Court were not been violated.

Point No. 5 - Village Mulund West, Survey Number 248/2 CTS No. 29/6 comes under 100 meter distance eco sensitive zone area and its distance is 60 Km from the border of Sanjay Gandhi National Park. Sanjay Gandhi National Park Division stated in their statement dated 28.08.2018 that, there have been urban settlements in the area surrounding this land since previous times and development works had been done previously in this particular area and they also stated that there will be no impact on Wildlife Management of SGNP, if project proponent takes necessary precautions. Hence, there is no violation of Section 5(1) (A) and Section 5 (1) (B) of Environment Protection Act, 1986 as complainant mentioned in his complaint.

Point No. 6 - As Complainant mentioned in complaint, up to 2006 Survey No. 248/2 CTS No. 29/6 of Village Mulund West was recorded as 'Forests' in 7/12 records of revenue department. However, Supreme Court passed final order dated 30.01.2014 in Civil Appeal No. 1102/2008, Godrej and sons and 18 Ors. which is regarding private forests. According to this order District Collector was authorized to take necessary action regarding private forests.

Point No. 7 - The matter mentioned in this point, whether it is factual or not, is related to Sanjay Gandhi National Park Division.

Point No. 8 - The matter mentioned in this issue is not based on the facts. Village Mulund West, Survey Number 248/2 CTS No. 29/6 comes under 100 meter distance Eco Sensitive Zone area and its distance is 60 Km from the boundary of Sanjay Gandhi National Park. Sanjay Gandhi National Park Division stated in their statement dated 28.08.2018 that, there have been urban settlements in the area surrounding this land since previous times and development works had been done previously in this particular area and they

also stated that there will be no impact on wildlife management of SGNP, if project proponent takes necessary precautions.

Point No. 9 - This point is not related to Thane Forest Division and Sanjay Gandhi National Park Monitoring Committee.

Point No. 10 - Before giving permission to any construction or development work in eco sensitive zone of Sanjay Gandhi National Park, The Sanjay Gandhi National Parks Monitoring Committee takes opinion from Bombay Municipal Corporation and Sanjay Gandhi National Parks Division, Borivali. Village Mulund West, Survey Number 248/2 CTS No. 29/6 comes under 100 meter distance Eco Sensitive Zone area and its distance is 60 km from the boundary of Sanjay Gandhi National Park. Sanjay Gandhi National Park Division stated in their statement dated 28.08.2018 that, there have been urban settlements in the area surrounding this land since previous times and development works had been done previously in this particular area. Hence in this case there is no violence of Central Government notification dated 05.12.2016 as well as Order of Supreme Court.

Point No. 11 - As the proposed construction of school by Apurva Natvwar Parikh and Co. Pvt. Ltd., Chembur-Mankhurd, Mumbai in Village Mulund west, Survey Number 248/2 CTS No. 29/6 which is under 100 meter distance area of Eco Sensitive Zone comes under 'Regulated Activities' of section No .4 of Central Government Notification dated 05.12.2016, the Monitoring committee had accepted the proposal of construction followed by some terms and condition. In this terms of Government notification dated 05.12.2016 and Order of Supreme Court are not been violated.

In this matter, Range forest Officer, Mumbai and their field staff of Thane Forest Division had visited and inspected the particular place on 18.06.2024 and made a Panchanama of current status of the said land. Accordingly the Monitoring Committee had given permission to construction of school building on Village Mulund, Survey No. 248/2 CTS No. 29/6 land in their meeting dated 08.03.2019 and currently 3 floors construction of school building is completed and 4 th and 5 th floor construction work is in progress. This land is about 60 miters away from the Sanjay Gandhi National Park border and there have been urban settlements in the area surrounding this land since previous times and development works had been done previously in this particular area. Hence, no adverse effects have been found on Sanjay Gandhi National Park and the habitat of wild animals in surrounding eco sensitive zone as complainant mentioned in complaint.



Assistant Conservator of Forests,
(L.R.P. & Wildlife) Thane.