

**REPORT OF JOINT COMMITTEE  
IN THE MATTER OF ORIGINAL APPLICATION NO 27/2022  
(AS PER HON'BLE NGT ORDER DATED 29.3.2022)**

***1.0 PREAMBLE:***

The Original Application No. 27/2022 is filed before the Hon'ble National Green Tribunal (NGT), Pune by Shri Balvant Parchure versus Mayuresh Ashok Amburle. The grievance raised in the said application pertains to illegal construction in violation of CRZ Notification by Respondent No. 1 & 2 whereby on application moved by the Respondents, the Maharashtra Coastal Zone Management Authority (MCZMA) permitted the construction of building of ground + one floor structure for dwelling residential purposes but Respondents No. 1 and 2 constructed ground + 2 floor structure for commercial and residential purposes in violation of recommendation of the MCZMA.

The Hon'ble NGT passed an order dated 28.3.2022 as per which, a report is called on the matter in issue in present application, from a Joint committee consisting of (i) Representative of the Collector, Ratnagiri and (ii) Representative of the Director and Member Secretary (MCZMA), Environment Department. As per the order, the Committee is directed to visit the place and submit a factual and action taken report within six weeks. The MCZMA will be the nodal agency for coordination and logistic support. The Hon'ble NGT vide order dated 7.7.2022 has granted further two weeks time to submit the report and reply affidavit.

***2.0 SITE INSPECTION:***

The Joint Committee comprising (i) Mr. Sharad Pawar, Sub-Divisional Officer, Ratnagiri, Representative of the Collector, Ratnagiri and (ii) Mr. Sanjay Sandanshiv, Under Secretary, Environment & Climate Change Dept, GoM, Representative of the Director and Member Secretary(MCZMA), Environment Department visited the site in question situated at village Harne, Tal: Dapoli, District Ratnagiri on 19<sup>th</sup> July, 2022.

Mrs. Vaishali Patil, Tehsildar, Dapoli, Shri, Sudarshan Khanvilkar, Mandal Adhikari, Harne village, Amit Shigvan, Talathi Harne Village and Rupesh Mahale, Project Officer, MCZMA accompanied the joint committee for the site visit. The Land owner Mr. Mayuresh Amburle along with Naved Sayyad were present at the site. Attendance List of officials / representatives present during the site visit is attached as **Annexure I**

The Joint Committee during the site visit referred the Original Application filed by Applicant, order passed by Hon'ble NGT and various documents furnished by the Revenue officials and Respondents.

### **2.1 OBSERVATIONS OF THE SITE INSPECTION:**

- 1) The Joint Committee noted that the site in question is situated at Survey No. 215, Hissa No. 13/A, at village Harne, Tal: Dapoli, District Ratnagiri having Latitude 17.81 40 247 and Longitude 73.095 1919. (Google location of the site is at **Annexure II**)
- 2) The site in question falls in Coastal Regulation Zone- III (CRZ III) and situated within 200 meter to 500 meter (i.e. beyond No Development Zone area) from the High Tide Line of the Arabian Sea at village Harne. The Joint Committee noted that at present, the Coastal Zone Management Plan (CZMP) of District Ratnagiri is approved under CRZ Notification, 2011 as per which, the site situated within 200 m to 500 m of the CRZ III area. ( Extract of the approved CZMP, 2011 of the site is at **Annexure II**)
- 3) The Joint Committee observed that on the site, building comprising Ground + 2 floor is constructed on the site by the Respondents. As informed to Joint committee, construction on the site was started in year 2017 and completed in 2019. During the visit, Dimension of the constructed building (Length, width and height) were measured with the help of Revenue officials. Length of the Building is around 22 meter and width is 12.80 meter. Height of the building is around 9.20 meter. The Joint Committee observed that commercial use such as a clinic, Medical shop and fish trading office are present in the Ground floor. Further, there is parking in the Ground floor. Other 2 floors are observed residential. As per the discussion with Revenue officials and building plan shown by the Respondents during the visit, plot area is 1358 Sqm and built up area of the constructed building is around 598.78 Sqm. The Joint Committee further observed that adjacent to constructed building in the same plot, construction of plinth and certain pillars were observed. It was informed that the said construction was started recently around January, 2022 and presently, the construction is stopped on the site. (Site Photographs of the constructed building and construction of plinth & pillar beside the site is attached as **Annexure III**)
- 4) Discussion with Revenue officials and Respondents, the Joint Committee noted that the NA permission was obtained for the land in the year 24.10.2016. Further, the Revised NA was granted by the office of Collector, Ratnagiri in the year 17.3.2017 for residential and commercial construction and revised building plans were sanctioned. Subsequently, in the year 2017 the Respondents applied to MCZMA for grant of the CRZ recommendation from the MCZMA. The Joint Committee noted that the MCZMA in its 122<sup>nd</sup> meeting held on 30<sup>th</sup> October, 2017 deliberated the application. The MCZMA noted that the site

falls in CRZ III and situated within 200 m to 500 m from the HTL of Arabian Sea. It was further noted that as per para 8.III. CRZ III of the CRZ Notification, 2011, construction of dwelling units comprising Ground + 1<sup>st</sup> floor with max height of 9 meter for local traditional communities area allowed beyond 200 m from the HTL of the seafront in CRZ III area. Accordingly, as per deliberation, the MCZMA vide letter dated 7.12.2017 granted recommendation to the proposal from CRZ point of view to concern planning Authority subject to certain conditions:

1. Proposed project should be as per the provisions of CRZ Notification, 2011 ( amended from time to time)
  2. Local body to ensure that the PP is local inhabitant
  3. Local body to ensure that no construction is started on site before issuance of commencement certificate to the said project under consideration
  4. Local body to ensure proposed construction is beyond 200 m from the HTL of the seafront
  5. Local body to ensure that the proposed construction is Ground + 1<sup>st</sup> floor with max height 9 m for residential use only
  6. All other requirement permissions from different statutory authorities should be obtained prior to commencement of construction
- 5) The Joint committee noted that as per MCZMA recommendation, the construction on the site should have been restricted to Ground + 1<sup>st</sup> floor for residential purpose only. However, construction on the site comprises of Ground + 2 floor with mix use of Residential and Commercial. The Joint Committee observed that there is violation of the conditions of the recommendation letter dated 7.12.2017 granted by the MCZMA and construction on the site is not in conformity with the provisions of the CRZ Notification, 2011. During the discussion with the Revenue officials, it came to the notice of the Joint Committee that office of Ratnagiri Collector has revoked the NA permission of the year 2017 granted to the project and Building plans were also cancelled. The Joint committee noted that presently, there is no NA permission and approved building plans for the project on the site in question. The SDO office has issued a Notice under MRTP Act, 1966 for removal of illegal construction on the site, which has been challenged by the land owners in Sr. Division Civil Court (Case No. 13/2020) of Khed. It was further informed to Joint Committee that the *status quo* has been granted vide order dated 23.4.2021 by Sr. Division Civil Court, against which, the SDO office has filed an appeal (9787/2022) in the matter in the High Court of Bombay . The matter is sub-judiced.

### **3.0 Recommendation of the Joint Committee:**

- a) District Coastal Zone Monitoring Committee (DCZMC) constituted by the State Government vide GR dated 23.3.2011 under provisions of the CRZ Notification, 2011 is empowered to take action against the illegal construction in coastal areas.

The DCZMC shall initiate action against the illegal construction on the site in question following due process of law. The DCZMC shall ensure complete stoppage of construction activity adjacent to site in question.

- b) Assessment of Monetary Value of the environmental damages caused due to violation of provisions of the CRZ Notification, 2011 at site in question by Respondents may be carried out by the competent authority or expert organization.



(Sharad Pawar).

Sub- Divisional officer, Ratnagiri  
(Representative of Collector,  
Ratnagiri)



(Sanjay Sandanshiv)

Under Secretary, Environment & CC, GoM  
Representative of Director, Env & MS, MCZMA

Annexure I

## List of Officials / Representative present during site visit:

SITE INSPECTION

ORIGINAL APPLICATION No. 27/2022

Balvant Parchure v/s

Mauresh Amburle

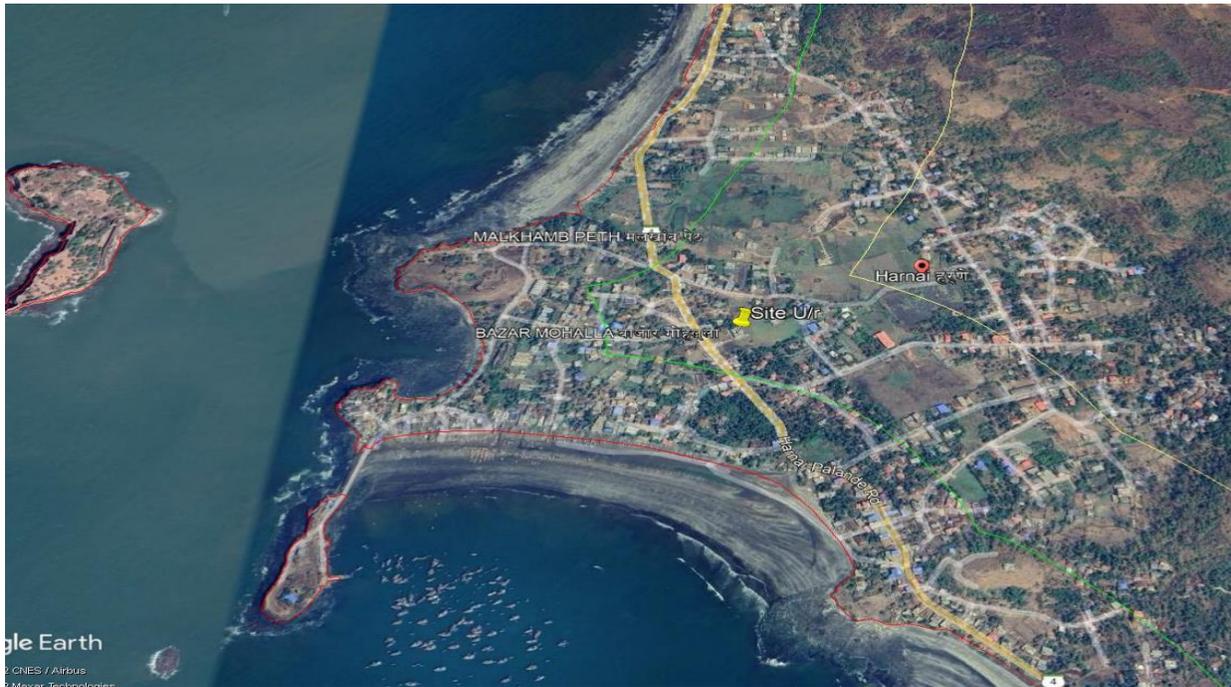
Date: 19/7/2022

Hon. NGT ORDER DT. 29/3/2022

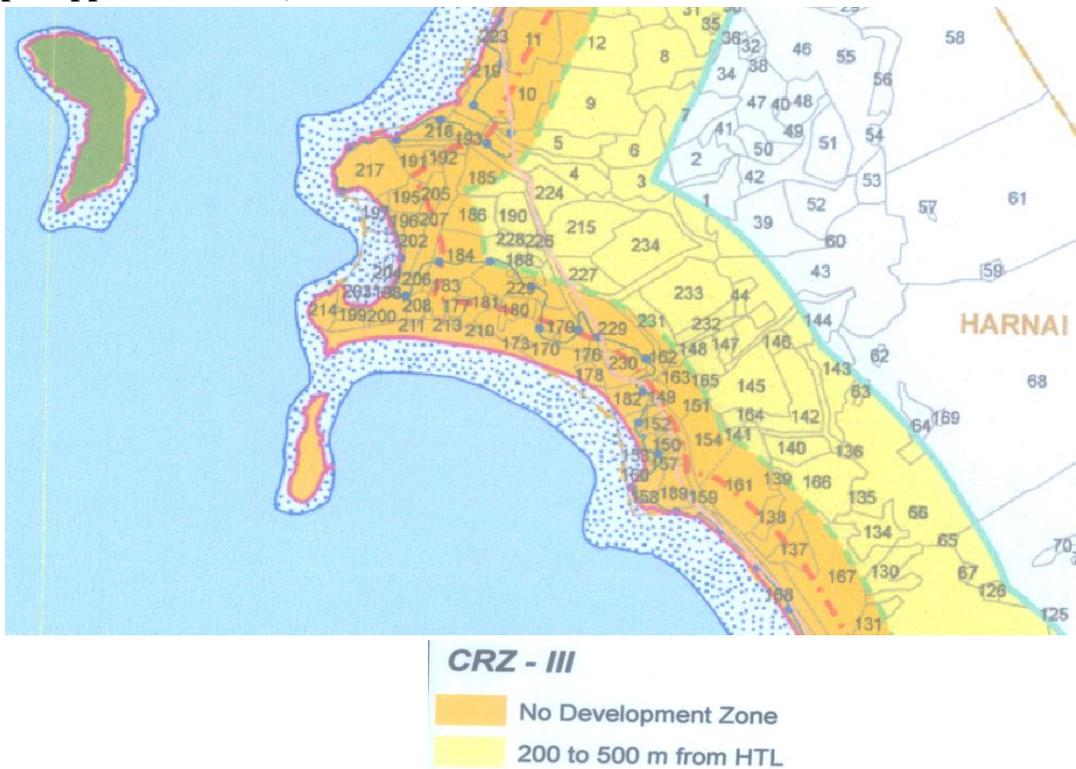
## LIST OF OFFICIALS PRESENT FOR SITE INSPECTION:

sr. NO.	Name of officials/Representatives	Designation	signature
1.	Sanjay B. Sandanishi, Under secretary, Environment & CC Dept., Mumbai (Representative of MCZMA)	Under secretary	
2.	Shataj Pawar, sub divisional officer, Dapdi.	Sub Divisional Officer, Dapdi	
3.	Vatshal. Pabli Tahsilidar Dapdi Dapdi.	Tahsilidar Dapdi	
4.	Rupesh Mahale, Project officer, MCZMA	Project officer, MCZMA, Env Dept	
5.	Mauresh Amburle land owner		
6.	Sudarshan Anant Khanvilkar	Mandal Adhikari, Harne	
7.	Shigwan Anit Balkrishna	Talathi Harne	

Google location place mark of the site under reference



Site bearing survey no. 215 falls in CRZ III area, within 200 m to 500 m from Seafront, as per approved CZMP, 2011



Annexure III

**SITE PHOTOGRAPS:**

**Ground + 2 floors Building on the site**



**Plinth and pillars construction beside the site  
(Presently, construction stopped)**

