

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
WESTERN ZONE BENCH, PUNE AT PUNE  
ORIGINAL APPLICATION NO. 72 of 2025**

Suresh M. Pujari

Applicant

V/s

Lonavala Municipal Council and Others.

Respondents

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Adv. Swati Vaidya - Pandit

Place: Pune.

Date: 11.08.2025

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
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ORIGINAL APPLICATION NO. 72 of 2025**

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Lonavala Municipal Council and Others.

Respondents

REPORT OF THE JOINT COMMITTEE IN COMPLIANCE WITH ORDER DATED 07.07.2025 OF THE HON'BLE NATIONAL GREEN TRIBUNAL (WZ) IN THE MATTER OF OA NO. 72/2025 Suresh M. Pujari VS Lonavala Municipal Council and Others.

1. It is submitted that, the applicants have filed the present Original Application No. 72 of 2025 before this Hon. Tribunal. This Hon. Tribunal vide its order on 07.07.2025 constituted a Joint Committee, directing the Joint Committee to visit the site in question, survey the same and ascertain as to whether the dumping of soil has been done in the area in question, and submit a report for the same.
2. It is submitted that, in terms of the order of the Hon. Tribunal, Respondent No. 6 vide a letter dated 31.07.2025 had delegated the Sub – Divisional officer, Maval – Mulshi Sub-division, Pune to co-ordinate and conduct the site visit of the site in question along with the other committee members and submit a joint committee report. A copy of the Said letter by Respondent No. 6 along with its English translation is annexed herewith as **Annexure A**.
3. It is submitted that, the Sub – Divisional officer along with the other Joint Committee members visited the site in question on 04.08.2025 and conducted a survey of the said site in question and prepared a Site Visit Report. The Sub divisional Officer vide its letter have submitted the copy of the said Site Visit Report along with photographs of the site in question to the office of the Respondent No. 6. A copy of the said Letter of the Sub Divisional officer along with its English translation is annexed herewith as **Annexure B**. A copy of the Site visit report prepared by the Joint Committee along with its English translation is annexed herewith as **Annexure C**. A copy of the photographs of the impugned site is annexed herewith as **Annexure D**.
4. It is submitted that, the Site visit report of the committee member states that Mr. Prakash Mishrimal Porwal the Respondent no. 5 has again carried out the following activities which were earlier

demolished and removed as per the order of the Hon. Tribunal dated 16.12.2020 in O.A. no. 194/2018:

- a. Respondent No. 5 has illegally encroached and carried out earthen filling in river Indrayani flowing along Survey No. 24 of Village Bhushi, and constructed illegal approach road to Survey no. 24.
  - b. Respondent No. 5 has constructed a new Iron gate which was earlier demolished.
  - c. Respondent No. 5 has also constructed fencing of Steel angles along this unauthorised constructed approach road from the main road till the unauthorised constructed Gate.
  - d. Respondent No. 5 has also reconstructed and installed the Swinging foot bridge on the northern side of Survey No. 24 over River Indrayani.
5. It is submitted that from all the above findings and on perusing the final order of this Hon. Tribunal in O.A. no. 194/2018, I hereby humbly submit that:
- a. Respondent No. 5 has repeatedly violated the directions of this Hon. Tribunal and also have caused environmental destruction by once again diverting the natural flow of River Indrayani along Survey no. 24 by dumping illegal and unauthorised earth filing in River Indrayani in order to construct approach road.
  - b. He has illegally constructed Steel fencing along the unauthorised constructed approach road over the unauthorised earth filling in river Indrayani.
  - c. He has also re-erected the illegal Steel gate over the unauthorised earth fill.
  - d. He has once again constructed an unauthorised Swinging foot bridge over river Indrayani on the Northern side of Survey No. 24.
6. It is further submitted that the Respondent No. 1 i.e. Lonavala Municipal Council (the Local Authority) should be directed to remove all the illegal and unauthorised construction, earth filling, fencing etc undertaken by the Respondent no. 5 in River Indrayani immediately and strict action be taken against the same.
7. It is also submitted that to prevent these repeated unauthorised activities undertaken by Respondent no. 5 following remedial action may be taken :
- a. That the Respondent No. 1 i.e. Lonavala Municipal Council (the Local Authority) to take preventive measures and to ensure no further encroachment or dumping is carried out in River Indrayani by Respondent No. 5 to construct the approach road and / or swinging foot bridge, gate etc abutting River Indrayani.

P

- b. That the Respondent No. 1 i.e. Lonavala Municipal Council (the Local Authority) to ensure that a proper wall is constructed along the main road at the edge to permanently avoid illegal refilling in river Indrayani and to avoid further illegal construction of illegal approach road by the Respondent No. 5.

These same remedial actions were recommended by the Respondent No. 6 in their affidavit submitted before this Hon. Tribunal in M. A. no. 11/2023 in O. A. 194/2018. It was also recorded in the order of this Hon. Tribunal dated 06.12.2023 Para 3 as follows

**“3. Besides that some remedial actions are also proposed by the District Collector, Pune in Para no. 8 of their affidavit to the following effect :-**

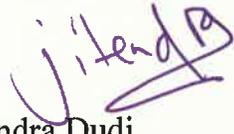
**a. That the Respondent No. i.e. Lonavala Municipal Council (the Local Authority) to take preventive measures and to ensure that no further encroachment or dumping is carried out in River Indrayani by Respondent No. 5 to construct the approach road I swinging foot bridge etc. abutting River Indrayani.**

**b. That the Respondent No. i.e. Lonavala Municipal Council (the Local Authority) to Ensure that instead of a simple barricade a proper Wall is constructed at the edge of the main public road to avoid any accidents or mis – happenings and to avoid further encroachments.”**

A Copy of the order of this Hon. Tribunal dated 06.12.2023 passed in M. A. no. 11/2023 in O. A. 194/2018 is annexed herewith as **Annexure E**.

Considering the above-mentioned facts appropriate orders may be passed.

Hence this Report.

  
Jitendra Dudi,

(District Collector, Pune)



# जिल्हाधिकारी कार्यालय पुणे

(नगरपालिका प्रशासन शाखा)



ए विंग, तिसरा मजला, डॉ. बाबासाहेब आंबेडकर रोड, पुणे स्टेशन, पुणे - ४११ ००१

दुरध्वनी : ०२०-२६०६१७०५

Email : [dpopune01@gmail.com](mailto:dpopune01@gmail.com)

COLPN-34013(13)/25/2025-NAGARPALIKA I/1350971/2025

दिनांक - 31-07-2025

प्रति,

उप विभागीय अधिकारी

मावळ मुळशी उपविभाग, जि. पुणे

- विषय - मा. राष्ट्रीय हरित लवाद, वेस्टर्न झोन बेंच, पुणे येथील O.A. No. ७२ ऑफ २०२५ मधील निर्देशानुसार कार्यवाही करणेबाबत.
- संदर्भ - मा. राष्ट्रीय हरित लवाद, वेस्टर्न झोन बेंच, पुणे यांचे O.A. No. ७२ ऑफ २०२५ प्रकरणी दि. ७/७/२०२५ रोजी दिलेले आदेश.

उपरोक्त विषयास अनुसरून, मा. राष्ट्रीय हरित लवाद, वेस्टर्न झोन बेंच, पुणे येथे श्री. सुरेश पुजारी यांनी लोणावळा नगरपरिषद व इतर यांचे विरोधात O.A. No. ७२ ऑफ २०२५ अन्वये दावा दाखल केलेला आहे. सदर प्रकरणी मा. राष्ट्रीय हरित लवाद, वेस्टर्न झोन बेंच, पुणे यांनी दि. ७/७/२०२५ रोजी संदर्भीय निर्देश दिलेले आहेत.

मा. राष्ट्रीय हरित लवाद, वेस्टर्न झोन बेंच, पुणे यांनी उपरोक्त प्रकरणी लोणावळा नगरपरिषद, जलसंपदा विभाग, महाराष्ट्र शासन व जिल्हाधिकारी, पुणे यांची एक संयुक्त समिती स्थापन करून जिल्हाधिकारी पुणे यांना समन्वय / नोडल अधिकारी नेमले आहे. सदर समितीने संबंधित क्षेत्रास भेट देऊन, तपासणी करून संबंधित जागेत मातीचे डम्पिंग केले गेले आहे कि नाही याबाबत पाहणी करून एक महिन्यात अहवाल सादर करणेबाबत संदर्भीय आदेशान्वये निर्देश दिलेले आहेत. (सोबत संदर्भीय आदेश प्रत)

सदर प्रकरणी जिल्हाधिकारी, पुणे यांचे वतीने उपविभागीय अधिकारी, मावळ मुळशी उपविभाग यांना प्राधिकृत करण्यात येत आहे. तरी सदर प्रकरणी, मा. राष्ट्रीय हरित लवाद, वेस्टर्न झोन बेंच, पुणे यांनी दिलेल्या निर्देशाप्रमाणे गठीत करण्यात आलेल्या संयुक्त समितीतील सदस्यांसमवेत समक्ष स्थळ पाहणी करून वस्तुस्थिती दर्शक अहवाल समितीच्या स्वयंस्पष्ट अभिप्रायासह दि. ३१/७/२०२५ पूर्वी या कार्यालयास विना विलंब सादर करावा.

Digitally signed by

(JITENDRA DUDI)

Date: 31-07-2025

जिल्हाधिकारी, पुणे

06:49:34

प्रत - मुख्याधिकारी, लोणावळा नगरपरिषद, लोणावळा

२/- सदर प्रकरणी उपविभागीय अधिकारी, मावळ मुळशी उपविभाग, पुणे व कार्यकारी अभियंता, पाटबंधारे विभाग, पुणे यांचेशी समन्वय साधून सदर प्रकरणी मा. राष्ट्रीय हरित लवाद, वेस्टर्न झोन बेंच, पुणे यांनी संदर्भीय

**Page 226**

आदेशान्वये दिलेल्या निर्देशानुसार कार्यवाही पूर्ण करणेत येऊन समितीच्या स्वयंस्पष्ट अभिप्रायासह दि. ३१/७/२०२५ पूर्वी अहवाल या कार्यालयास सादर करावा.

प्रत — अधीक्षक अभियंता, पाटबंधारे विभाग, पुणे

**COLLECTOR OFFICE PUNE**

**(MUNICIPAL ADMINISTRATION BRANCH)**

**A WING, 3RD FLOOR, DR. BABASAHEB AMBEDKAR ROAD, PUNE STATION, PUNE - 411001**

Phone: 020-26061705

EMAIL: [dpopune01@gmail.com](mailto:dpopune01@gmail.com)

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**COLPN-34013(13)/25/2025-NAGARPALIKA I/1350971/2025**

Date: 31-07-2025

To,

The Sub Divisional Officer

Maval Mulshi Subdivision, Dist. Pune

Subject - Regarding taking action as per the directions in O.

A. No. 72 of 2025 of the Hon. National Green Tribunal,

Western Zone Bench, Pune.

Reference - The order of the Hon'ble National Green

Tribunal, Western Zone Bench, Pune in the

matter of O.A. No. 72 of 2025 dated 7/7/2025.

In pursuance of the above matter, Mr. Suresh Pujari has filed a case against Lonavala Municipal Council and others in the Hon'ble National Green Tribunal, Western Zone Bench, Pune under O. A. No. 72 of 2025. In this case, Hon'ble National Green Tribunal, Western Zone Bench, Pune has issued reference directions on 7/7/2025.

The Hon'ble National Green Tribunal, Western Zone Bench, Pune has constituted a joint committee of Lonavala Municipal Council, Water Resources Department, Government of Maharashtra and District Collector, Pune in the above matter and appointed District Collector, Pune as the coordinating/nodal officer. The said committee has visited the concerned area, inspected and inspected the concerned area to ascertain whether there has been any dumping of soil in the concerned area and has given directions under the reference order to submit a report within one month. (Copy of reference order attached).

In this case, the Sub-Divisional Officer, Maval Mulshi Sub-Division is being authorized on behalf of the District Collector, Pune. However, in this case, as per the directions given by the Hon'ble National Green Tribunal, Western Zone Bench, Pune, the fact-finding report along with the self-explanatory opinion of the committee should be submitted to this office without delay before 31/7/2025.

Digitally signed by  
JITENDRA DUDI  
Date: 31-7-2025  
06:49:34

उपविभागीय अधिकारी मावळ-मुळशी, उपविभाग पुणे यांचे कार्यालय.

पत्ता:-पुणे विभागीय महसूल प्रशिक्षण प्रबोधिनी बावधन बु. ता.मळशी,जि.पुणे.४११०२१.  
दुरध्वनी क्रमांक:-०२०-२६१२२२३९. ई-मेल-sdomaval@gmail.com

क्र.जमीन/कावि/

प्रति,

मा.जिल्हाधिकारी साो पुणे.  
(नगरपालिका प्रशासन शाखा)

**विषय:- मा. राष्ट्रीय हरित लवाद, वेस्टन झोन बेंच, पुणे येथील O.A. No. ७२  
ऑफ २०२५ मधील निर्देशांनुसार कार्यवाही करणेबाबत**

**संदर्भ:- आपलेकडील पत्र क्र.CLOPN-३४०१३(१३)/२५/२०२५-Nagarpalika  
1/१३५०९७१/२०२५ दिनांक ३१/०७/२०२५**

महोदय,

उपरोक्त विषयाकामी सादर करणेत येते की, मा. राष्ट्रीय हरित लवाद, वेस्टन झोन बेंच, पुणे येथे श्री. सुरेश पुजारी यांनी लोणावळा नगरपरिषद व इतर यांचे विरोधात O.A. No. ७२ ऑफ २०२५ अन्वये दावा दाखल केलेला आहे. सादर प्रकरणी मा. राष्ट्रीय हरित लवाद, वेस्टन झोन बेंच, पुणे यांनी दि. ०७/०७/२०२५ रोजी दिलेल्या निर्देशांनुसार लोणावळा नगरपरिषद, जलसंपदा विभाग व जिल्हाधिकारी, पुणे यांची एक संयुक्त समिती स्थापन करून संयुक्त समितीतील सदस्यांसमवेत समक्ष स्थळ पाहणी करून वस्तुस्थिती दर्शक अहवाल सादर करणेबाबत मा. जिल्हाधिकारी (महसूल शाखा) यांचेकडील संदर्भिय पत्र दि. ३१/०७/२०२५ अन्वये सुचित करण्यात आले आहे.

उक्त दिलेल्या सुचनांचे अनुषंगाने संयुक्त समितीतील सदस्य मुख्याधिकारी, लोणावळा नगरपरिषद, सहाय्यक अभियंता, जलसंपदा विभाग व उपविभागीय अधिकारी, मावळ मुळशी उपविभाग पुणे यांनी दिनांक ०४/०८/२०२५ रोजी समक्ष स्थळ पाहणी करणेत आलेली असून त्याबाबतचा स्थळ पाहणी अहवाल सादर पत्रासोबत सादर करणेत येत आहे.

माहितीस्तव सविनय सादर

आपला विश्वासू,

उपविभागीय अधिकारी  
मावळ-मुळशी उपविभाग पुणे.

०।८  
०

**OFFICE OF THE SUB-DIVISIONAL OFFICER MAVAL-MULSHI, SUB-DIVISION PUNE**

Address:-Pune Divisional Revenue Training Institute Bavdhan B.  
Tal. Malshi, Dist. Pune. 411021.

Telephone number:-020-26122239. Email : sdomaval@gmail.com

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No. Land / Position /

To,

Hon. District Collector Sir Pune.

(Municipal Administration Branch)

Subject:- Hon'ble National Green Tribunal, Western Zone  
Bench, Pune, to proceed as per the directions in  
O.A. No. 72 of 2025.

Reference:- Your letter No. CLOPN-34013(13)/25/2025-  
Nagarpalika 1/1350971/2025 dated 31/07/2025

Sir,

It is submitted in the above matter that, Mr. Suresh Pujari has filed a case against Lonavala Municipal Council and others in the Hon. National Green Tribunal, Western Zone Bench, Pune under O. A. No. 72 of 2025. In this case, as per the directions given by Hon. National Green Tribunal, Western Zone Bench, Pune on 07/07/2025, a joint committee of Lonavala Municipal Council, Water Resources Department and District Collector,

Pune has been constituted and a reference letter from Hon. District Collector (Revenue Branch) has been notified vide 31/07/2025 regarding the site inspection along with the members of the joint committee and submission of a factual report.

In accordance with the above instructions, a site inspection was conducted by the Chief Officer, Lonavala Municipal Council, Assistant Engineer, Water Resources Department and Sub-Divisional Officer, Maval Mulshi Sub-Division, Pune, members of the Joint Committee on 04/08/2025 and the site inspection report in this regard is being submitted along with this letter.

Submitted for informational purposes only.

Your faithful,

Sd/-

Sub-Divisional Officer,  
Maval Mulshi Sub-Division, Pune

मा. राष्ट्रीय हरित लवाद, (Western Zone Bench) पुणे येथे दाखल Original Application No. 72/2025 (W.Z.) यांचे दिनांक 7/7/2025 रोजी पारित आदेशानुसार तयार करण्यात आलेला प्रत्यक्ष स्थळ पहाणी अहवाल.

संदर्भ: मा. जिल्हाधिकारी, पुणे यांचे कार्यालयाकडील पत्र जा.क्र. COLPN-34013 (13)/25/2025-NAGARPALIKA/1350/971/2025 दिनांक 31/7/2025

स्थळ पहाणी करिता उपस्थित असलेले अधिकारी -

1. श्री. सुरेंद्र नवले, उपविभागीय अधिकारी, मावळ मुळशी उपविभाग, पुणे
2. श्री. राहूल बालाजीराव गव्हाणकर, सहायक अभियंता श्रेणी 1, खडकवासला कालवा, उपविभाग क्र. 2 (पुणे पाटबंधारे विभाग) पुणे
3. श्री. अशोक साबळे, मुख्याधिकारी, लोणावळा नगरपरिषद

सादर प्रकरणी मा. राष्ट्रीय हरित लवाद, Western Zone Bench, Pune यांनी दिलेल्या निर्देशाप्रमाणे गठीत करण्यात आलेल्या संयुक्त समितीतील सदस्यां समवेत समक्ष स्थळ पहाणी करून वस्तुस्थिती दर्शक अहवाल समितीच्या स्वयंस्पष्ट अभिप्रायासह जिल्हाधिकारी पुणे यांना सादर करण्याबाबत आदेशित करण्यात आलेले होते.

त्याअनुषंगाने दिनांक 4/8/2025 रोजी उपरिउल्लेखित अधिका-यांनी प्रत्यक्ष स्थळ पहाणी केलेली आहे. सादर स्थळपहाणीमध्ये रिस्पॉन्डंट नं. 5 श्री. प्रकाश मिश्रीमल पोरवाल यांनी सर्व नं. 24 येथून जाणा-या इंद्रायणी नदी पात्रामध्ये अनधिकृत भराव (Earthen filling) करून पूर्वी निष्कासित केलेला पोहोच रस्ता (approach road) पुन्हा तयार केलेला आहे असे निदर्शनास आलेले आहे. त्याच प्रमाणे मा. राष्ट्रीय हरित लवादाच्या दिनांक 16/12/2020 (O.A. No. 194/2018) रोजीच्या आदेशानुसार पूर्वी केलेल्या कार्यवाहीमध्ये निष्कासित केलेले लोखंडी गेटच्या जागेवर पुन्हा एकदा नवीन लोखंडी गेट बसविण्यात आलेले आहे. तसेच, पोहोच रस्त्यालगत मुख्य रस्त्यापासून गेट पर्यंत अनधिकृतपणे लोह चॅनलचे कुंपण करण्यात आलेले आहे. लोणावळा नगरपरिषदेने पूर्वी सर्वे नं. 24 च्या उत्तर दिशेला नदीवर असलेला व कारवाई करून काढलेला अनधिकृत तरंगता पूल (swinging foot bridge) पुन्हा नव्याने तयार करण्यात आलेला आहे. तरी मा. राष्ट्रीय हरित लवादाच्या दिनांक 16/12/2020 (O.A. No. 194/2018) रोजीच्या आदेशाच्या अनुषंगाने वरीलप्रमाणे वस्तुस्थितीदर्शक अहवाल सविनय सादर करण्यात येत आहे.

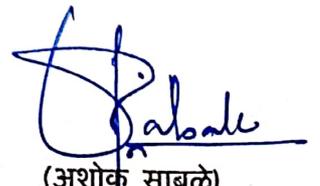
तरी पूढील कार्यवाहीकरिता मा. जिल्हाधिकारी कार्यालयास अहवाल सविनय सादर.



(सुरेंद्र नवले)  
उपविभागीय अधिकारी, मावळ  
मुळशी उपविभाग, पुणे



(राहूल बालाजीराव गव्हाणकर)  
सहायक अभियंता श्रेणी 1,  
खडकवासला कालवा, उपविभाग क्र. 2  
(पुणे पाटबंधारे विभाग) पुणे



(अशोक साबळे)  
मुख्याधिकारी  
लोणावळा नगरपरिषद

Site inspection report prepared in accordance with the order passed on 7/7/2025 of Original Application No. 72/2025 (W.Z.) filed at Hon'ble National Green Tribunal, (Western Zone Bench) Pune.

Reference :- Letter from the office of Hon'ble District Collector, Pune, No. COLPN-34013 (13) / 25 / 2025 – NAGARPALIKA / 1350 / 971 / 2025 Dtd. 31/7/2025.

Officers present for site inspection

1. Mr. Surendra Navale, Sub-Divisional Officer, Maval Mulshi Sub-Division, Pune.
2. Shri. Rahul Balajirao Gavankar, Assistant Engineer Grade 1, Khadakwasla Canal, Sub-Division No. 2 (Pune Irrigation Department) Pune.
3. Mr. Ashok Sable, Chief Officer, Lonavala Municipal Council.

In the present case, as per the directions given by the Hon'ble National Green Tribunal, Western Zone Bench, Pune, a joint committee constituted along with the members of the committee was ordered to conduct a site visit and submit a

factual report along with the committee's self-explanatory opinion to the District Collector, Pune.

Accordingly, the above-mentioned officers have inspected the site on 4/8/2025. In the said site inspection, it has been observed that the previously removed approach road has been reconstructed by respondent no. 5 Shri. Prakash Mishrimal Porwal by unauthorized and illegal filling (Earthen filling) in the Indrayani River bed going from Survey no. 24. Similarly, a new iron gate has been installed once again in the place of the iron gate removed as per the order of Hon. National Green Tribunal dated 16/12/2020 (O. A. No. 194/2018). Also, an iron channel has been fenced illegally from the main road to the gate along the approach road. Lonavala Municipal Council had earlier surveyed the area of the land in Survey no. 24. The unauthorized swinging foot bridge on the river to the north and removed after taking action has been rebuilt. However, in accordance with the order of the Hon'ble National Green Tribunal dated 16/12/2020 (O. A. No. 194/2018), the above factual report is being submitted.

However, the report has been submitted to the District Collector's Office for further action.

Sd/-  
(Surendra Nawle)  
Sub Divisional Officer  
Maval Mulshi Sub Division,  
Pune.

Sd/-  
(Rahul Balajirao Gavhankar)  
Asst. Engineer Grade - 1  
Khadakwasla canal, Sub  
Division No.2  
(Pune Irrigation Department) Pune

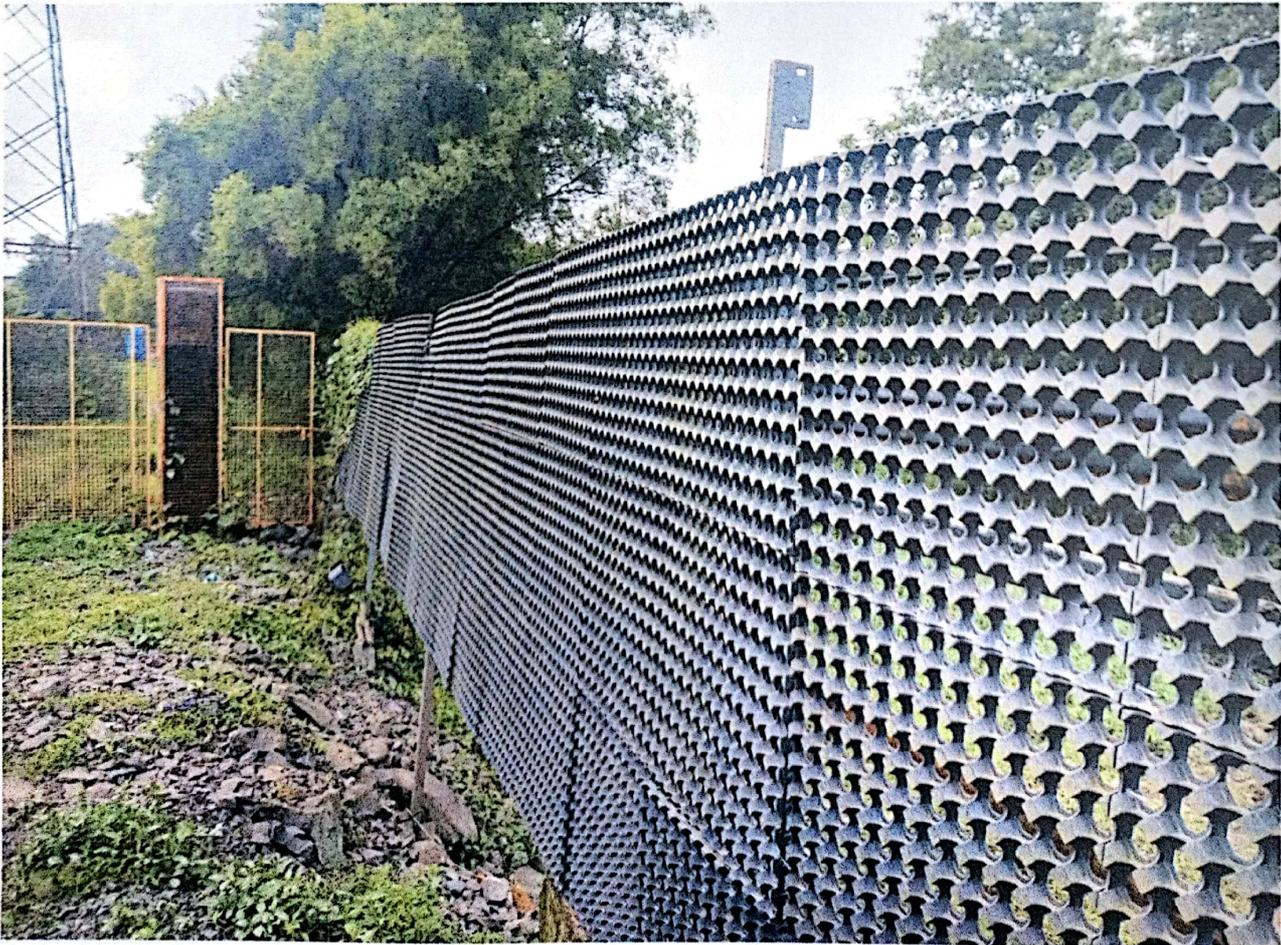
Sd/-  
(Ashok Sable)  
Chief Executive Officer  
Lonavala Municipal  
Council













Item No.5

(Pune Bench)

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

THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)

**M.A. No.11/2023(WZ)  
In  
Earlier Execution Application No.13/2023(WZ)  
In  
Original Application No.194/2018(PB)**

Ashish Rohidas Shinde &amp; Anr.

.....Applicant(s)

Versus

Lonavala Municipal Corporation &amp; Ors.

....Respondent(s)

Date of hearing: 06.12.2023

**CORAM: HON'BLE MR. JUSTICE DINESH KUMAR SINGH, JUDICIAL MEMBER  
HON'BLE DR. VIJAY KULKARNI, EXPERT MEMBER**

Applicant : Mr. Sangramsingh R. Bhonsale, Advocate & Associates  
Respondent(s) : Mr. Ajay Gadegaonkar, Advocate along-with  
Mr. Ashok Sabale, Chief Officer for R-1/LMC  
Mr. Aniruddha Kulkarni, Advocate for R-3/Envnt. Deptt.  
Mr. Saurabh Kulkarni, Advocate for R-5  
Mrs. S.B. Vaidya Pandit, Advocate along-with  
Shri Durwas, District Administrative Officer, Pune for R-6

**ORDER**

1. From the side of applicants, learned counsel Mr. Sangramsingh R. Bhonsale has appeared.

2. From the side of respondent No.6/District Collector- Pune, learned counsel Mrs. S.B. Vaidya Pandit has appeared, who submits that she has filed compliance affidavit dated 04.12.2023, in which following is mentioned:-

*“6. I say that, on perusal of the Action taken report submitted by the Respondent No.1 and by the verification done by the Tahsildar Maval, Office, in my opinion I have come to the conclusion as follows:*

*a. 8 trees planted by the Respondent No. 5 in the area of the River Indrayani encroached by Respondent No. 5 has been uprooted and replanted by the Respondent No. 1.*

- b. The illegal constructed retaining wall and dumping carried out by the Respondent No. 5 has been completely removed by the Respondent No.1.*
- c. Entire encroachment of 257 sq. mtr, as demarcated by the DSLR, Wadgaon in the Survey Map no. 144312019 dated 2411212019 has been removed by the Respondent No.1*
- d. Illegal gate and approach road constructed by Respondent No. 5 by dumping in River Indrayani along with illegally constructed temporary swinging foot bridge has been removed by the Respondent No.1. Since the approach road is connected with the main road in order to prevent any accidents at night, the police officers have barricaded the site and sealed it.”*

3. Besides that some remedial actions are also proposed by the District Collector, Pune in para no.8 of the their affidavit to the following effect:-

- “ a. That the Respondent No.1 i.e. Lonavala Municipal Council (the Local Authority) to take preventive measures and to ensure that no further encroachment or dumping is carried out in River Indrayani by Respondent No. 5 to construct the approach road I swinging foot bridge etc, abutting the River Indrayani.*
- b. That the Respondent No. 1 i.e. Lonavala Municipal Council (the Local Authority) to Ensure that instead of a simple barricade a proper Wall is constructed at the edge of the main pubic road to avoid any accidents or mis-happenings and to avoid further encroachments.”*

4. Against this affidavit, the learned counsel Mr. Saurabh Kulkarni representing respondent No.5/Prakash Mishrimal Porwal seeks time to file objection. But we are not inclined to allow his prayer because we find that the compliance of the order of this Tribunal, which was sought to be executed, has been done and that if there is any grievance to the respondent No.5, for that he may approach appropriate forum separately.

5. We find that respondent No.5 is raising an issue that by removing the said road, an access to his house has been blocked by the respondent No.1/Lonavala Municipal Council and respondent No.6/The District Collector- Pune, which is being rebutted by the learned counsel for applicants saying that no such thing has happened. It is only the compliance of the Judgment of this Tribunal, which has been done.

6. From the side of respondent No.1/Lonavala Municipal Council, compliance affidavit dated 05.12.2023 has been filed, where-in following is stated:-

*“6. I say that the work of removing the encroachment was completed on 24<sup>th</sup> November, 2023. The Lonavla Municipal Council took additional 21 days to remove the encroachment. The said delay is on account of the appeal filed by the Respondent No.5 before the District Superintendent of Land Records who had granted stay to the demarcation dated 24<sup>th</sup> December, 2019 on 17<sup>th</sup> October, 2023, which was vacated on 8<sup>th</sup> November, 2023. However, the Lonavla Municipal Council, in compliance of the orders of this Hon'ble Tribunal had paid and deposited penalty @ Rs.25,000/- per day, aggregating to Rs.5,25,000/- with the Regional Officer, MPCB, Pune, vide a Demand Draft bearing No.988318 dated 4<sup>th</sup> December, 2023 issued by Canara Bank. The copy of the same is annexed and marked as EXHIBIT-B.”*

7. We also find an affidavit of respondent No.4/MPCB on record, annexed at page no.314 to 319 of the paper book, where-in it is stated that additional penalty of Rs.5,25,000/- (Five Lakh Twenty Five Thousand only) has been computed for the period from 03.11.2023 to 23.11.2023 for 21 days @Rs.25,000/- per day and that the said amount has been deposited by the respondent No.1/Lonavala Municipal Council with the respondent No.4/MPCB.

8. Having perused the above affidavits, we are of the view that nothing remains to be decided in the present application, hence we dispose of this application accordingly.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

December 06, 2023  
M.A. No.11/2023(WZ) In  
Earlier Execution Application No.13/2023(WZ) In  
Original Application No.194/2018(PB)  
P.Kr