

IN THE HON'BLE NATIONAL GREEN TRIBUNAL, WESTERN  
ZONE, PUNE AT PUNE

ORIGINAL APPLICATION NO.130 of 2023 (WZ)

L.P. NO.05 OF 2023 (WZ)

Trimurti Nivrutti Pangare

----- APPLICANT

V/s

District Collector, Pune

----RESPONDENT

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Adv. Swati B. Vaidya- Pandit

**Government of Maharashtra**  
**(Revenue Department)**  
**OFFICE OF SUB-DIVISIONAL OFFICER, BHOR**  
**BHOR SUB-DIVISION ,**

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O.No.Land/Kavi/408/2024      Date:      18/04/2024

To,

Hon'ble Registrar,  
NGT (WZ) Pune.

Subject:      O.A. No. 130/2023 (LP No. 05/2023) The  
Truthfulness of the Complaint filed by  
Trimurti Nivrutti Pangare and ors.  
In respect of the complaint regarding  
encroachment made on the Stream passing  
through the boundaries of land Gat No.778  
of village Velu and land Gat No.101 of  
Village Sasewadi, Tal.Bhor District Pune  
and for forcibly making a private road in  
that place, obstructing the flow of water in  
the Stream.

Reference: 1) Order passed by this Hon'ble Tribunal  
dated 03.07.2023  
2) Order dated 04.03.2024

It is respectfully submitted that, Applicants Mr.Trimurti Nivruthi Pangare and others had filed an application before the Hon'ble National Green Tribunal Western Zone Bench, Pune thereby stated that, one Laxman Krishna Shinde who is owner of Gat No. 101 of Sasewadi Tal.Bhor, encroached in the Stream passing through the boundaries of land Gat No.778 at village Velu, Tal. Bhor and land Gat No.101 at village Sasewadi and by forcibly making a private road in that place and obstructed the natural flow of water of the Stream.

Upon the said Application, the Hon'ble National Green Tribunal Pune by an order dated 03.07.2023, issued directions to the Collector Pune and informed to submit a Report in respect of truthfulness of the Complaint, made by the Complainants. The said order has been communicated by the Hon'ble Registrar on 07.09.2023 to the Collector Pune. Accordingly, by letter dated 03.10.2023, the Collector Office Pune directed to the Sub Divisional Magistrate Bhor to enquire in the matter and submit report before Hon'ble NGT Court. **Hereto annexed and marked as Annexure-I is the copy of letter dated 03.10.2023.**

It is submitted that, accordingly the Sub Divisional Magistrate Bhor called a factual report from Tahsildar Bhor, as a field officer. Accordingly, Tahsildar Bhor has submitted following report-

One Shri Laxman Krishna Shinde and others, are the owners of Land Gat No.101 of Village Sasewadi, Taluka Bhor, who have started RCC construction in the natural Stream adjacent to their lands i.e. Survey No. 101. The water flow of the entire village comes in the said Stream. The concerned Talathi found the same and submitted a report on 13.06.2022 regarding the encroachment and construction in the boundary of stream in the Gat no. 101 owned by Shri. Laxman Shinde. Accordingly, the office of Tahsildar Bhor registered the said case under section 5 of the Mamlatdar's Court Act, 1906 and issued notices to all the concerned and Talathi, Sajja Sasewadi on behalf of the government and gave all of them an opportunity to submit their Written Submissions. After giving due opportunity of hearing to both the parties, the Tahsildar Bhor has passed an order on 14/07/2023 under Section 5 of the Mamlatdar's Court Act 1906, thereby ordered that, "Construction of wall made by the Opponent in the natural flow of the Stream adjacent to land Gat No.101 at Village Sasewadi, Taluka Bhor, should be removed at his own cost and restore the

natural flow of the stream". A copy of the order passed in the matter along with Talathi Panchnama are annexed herewith as **Annexure-II** (Translated copy).

It is submitted that, the said order was passed by the Tahsildar Bhor as a quasi-judicial authority in exercise of the powers conferred in the case in pursuance of the complaint received under Section 5 of the Mamlatdar's Court Act, 1906. It is revealed from the said order that, the Tahsildar Bhor has already taken cognizance of the complaint and passed necessary orders.

It is submitted that, as per the directions issued by the Tahsildar, as the concerned failed to remove the obstructions from the natural flow of the stream, the revenue authority cleared the main flow of the Stream thereby removed the debris, stones, etc. thrown into the Stream. **Hereto annexed and marked as Annexure-III are the copies of photographs after removal of the obstructions from the main stream.**

It is submitted that, there is a RCC wall erected within the boundary of private property i.e. Gat No. 101 of Sasewadi which is parallel to the Stream, owned by Laxman Krishna Shinde. Hence, by letter dated 23.03.2024, Tahsildar communicated to The Hon'ble Metropolitan Commissioner, Pune Metropolitan Region Development Authority (PMRDA), Pune, thereby requested to remove construction of RCC wall in private land, as the PMRDA is the planning authority for that area. **Hereto annexed and marked as Annexure-IV is the copy of letter dated 23.03.2024.**

Pursuant to the complaint, inquiry conducted by this office in parallel, as well as in actual site visit, when the points of the truthfulness of this complaint in the complaint application were verified, the following things are noticed.

Sr.No.	Matters in Complaint	Opinion/Status
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	Application	
1.	We, the Applicant, are permanent residents of Village Velu, Taluka Bhor, District Pune. We are farmers and have the above ancestrally owned and occupied agricultural lands.	Contents therein are factual in nature.
2	As stated herein above boundaries, the property bearing Gat No.778 is the property owned and occupied by the Applicants. In the 7/12 extract of the said property, the names of the Applicants are recorded as the owners and occupiers of this property, the said property is in our possession by right of ownership, we are growing different crops and cultivating in the said property. It also has trees in some areas.	Contents therein are factual in nature.
3	The properties on the western side of the said property have been purchased by one Mr. Dilip Yadav and some unknown persons. Dilip Sahebrao Yadav is a businessman who buys and sells lands. His main objective is to buy the said assets, develop the assets, sell it and earn huge profit from them. In order to access the said property, there is	Adjacent to the said Gat number i.e. 778 of Velu, there is boundary of the villages of Velu and Sasewadi, which is in the form of a Stream. On the other side of said Stream, there is a Private Gat No.101 of one Laxman Krishna Shinde. In the said Gat number, there is a west-east

	<p>a government Stream on the northern side of our Gat No.778.He has made private construction in between the boundaries of village Velu and village Sasewadi, the said Stream is adjacent to the north of our Gat No.778 and thereby diverted the natural flow of the Stream, and changing it, it has been diverted.</p>	<p>flowing Stream and a south-north flowing Stream, which connects each other behind a private company namely WOM. The flow of the said west-east flowing Stream was blocked by creating obstacles by putting debris, Murum etc..</p>
4	<p>In order to make a road to approach the said property, they have started construction of RCC wall to make a road in some part of our owned and occupy proprietary Gat No.778 and public and government boundary land and Stream site adjacent to village Velu and village Sasewadi.</p>	<p>During physical inspection, it has been observed that the Stream between the premises of the Applicant and the Opponents is situated in the south-north direction. On both sides of the Stream there are private properties owned by the Applicant and the Opponent. Opponent has constructed an RCC wall in his private property adjacent to the Stream. According to the measurements carried out during the actual site visit, it appears that the construction of the security wall was done by the plot owners of Gat No.101 in their own private premises. The same is appeared from the</p>

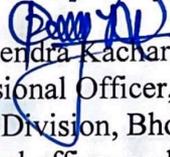
		<p>Measurement Map of Deputy Superintendent of Land Records Bhor. As the said wall is in a private property, the authority to grant permission in the said area is with the Pune Metropolitan Regional Development Authority (PMRDA), therefore, Tahsildar Bhor has issued a letter vide <b>Annexure-IV</b> herein above.</p>
5	<p>By encroaching in the said public property and on the flow area of the Stream and on some part in our private land, without taking any prior permission of the Government or us they have made construction.</p> <p>Due to Mr. Dilip Sahebrao Yadav's dominance in the political field, and he is a developer in the business of buying and selling land, therefore, by using force, terror, intimidation and oppression and by grabbing government village land, the land of the stream and the water flow of the stream, he has started road construction for its own benefit. They have nothing to do with the</p>	<p>In the present case, an obstruction was made by placing a Murum, and debris in the west-east flowing Stream. However, revenue authorities removed the said obstructions. The order passed by Tahsildar Bhor is annexed as stated in report. Photographs in respect of removing the obstructions from the flow of natural stream are being submitted as stated above.</p>

	<p>government land and with the Stream place. The basin of the said Stream was 50feet wide. An attempt is being made to grab the government space by constructing a wall, encroaching on it. Due to this, the water flow of the Stream has been obstructed.</p>	
6	<p>Due to the construction of the road in the Stream, the flow of the water in the Stream is obstructing, and in the future, the surrounding farmers, as well as the residents and citizens will have to bear a lot of trouble. There is a possibility of spreading the water to other places of human habitation, resulting in huge loss of life and loss of agriculture. There is a possibility of overflowing the farmers' agricultural land and not passing through the water Stream, the water will come along with the soil on the national highway.</p>	<p>In the present case, the construction of wall is standing on the privately owned premises of Gat No.101 at Sasewadi Tal.Bhor. since Pune Metropolitan Regional Development Authority is the authority for the purpose of development in that area, Tahsildar Bhor communicated to PMRDA to act upon the same.</p>
7	<p>Due to the practical and close relationship of the said person with the local political elite and government officials, no one deliberately takes any action</p>	<p>After receiving the complaint in the matter, Tahsildar Bhor has passed an order dated 14/07/2023 U/s 5 of Mamlatdar Court Act,1906.</p>

	<p>against his misdeeds. Some officials by joining hands with him, are cooperating him for using the government land. A proper inquiry should also be done in this regard. Due to the terror and pressure of the said person on the local citizens, no one objects, complains, protests against him. The work on the said road should be stopped immediately and the Stream area should be restored so that the flow of water is not obstructed and no one is harmed.</p>	<p>As the said order is quasi-judicial in nature, the Judgment has been passed on merits after giving full opportunity of hearing to both sides.</p>
8	<p>As the basin of the said Stream has decreased, it has become narrow, there is no enough space for water to flow in the future, there will be a flood situation, and the surrounding farmers and agricultural lands will have to bear the consequences. Adjacent farms are likely to be washed away by water for some distance, causing damage to agriculture. By constructing a wall in the streambed, the water will spread everywhere, causing natural as well as loss of life. By narrowing the basin of the Stream, we will also suffer</p>	<p>A perusal of the maps, records etc. available during the actual site visit shows that the RCC wall built parallel to the left side of the south-north flowing Stream is in a private premises of Gat no. 101 of Sasewadi.</p>

	irreparable losses in the near future.	
9	Due to the construction of the road in the said Stream, the flow of water in the Stream will be obstructed, and the surrounding farmers, as well as the residents and citizens will have to suffer a lot in the future.	In the present case, as the Hon'ble National Green Tribunal (WZ) Pune passed an order on 03/07/2023 and directed to submit the report of the proceedings within four weeks, Tahsil office passed an order on 14/07/2023 in view of Section 5 of the Mamlatdar's Court Act 1906. The main flow of the Stream has been cleared by removing the debris, stones, etc. thrown into the Stream. Beside the wall built in the private boundary, parallel to the Stream, the Stream is now flowing undisturbed and currently there has no any obstruction. As the said wall is in a private property, the authority to grant permission in the said area is with the Pune Metropolitan Regional Development Authority (PMRDA), therefore, Tahsildar Bhor has issued a letter vide Annexure-IV herein above.

Hence, this report.

Yours faithfully,  
  
(Rajendra Kachare)  
Sub Divisional Officer, Bhor,  
Sub-Division, Bhor  
Authorised officer on behalf  
of Collector Pune

Govt. of Maharashtra  
OFFICE OF DISTRICT COLLECTOR, PUNE  
(Revenue Department)  
A Wing, 2<sup>nd</sup> Floor, Pune-411 001.

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O.No.Land/Kavi/Bhor-Velhe/2232-223/2023

Date:- ~~09/2023~~. 3/10/2023

To,

The Sub-Divisional Officer,  
Bhor Sub-Division, Bhor

Subject: In respect of making an encroachment on the stream passing through the boundaries of land Gat No.778 of village Velu and land Gat No.101 of Village Sasewadi, Tal.Bhor District Pune and for forcibly making a private road in that place, obstructing the flow of water in the stream.

Reference: 1. Letter of Collector Office Pune (Legal Branch) Letter No. Vidhi/Kavi/1204/2023 dt.07/09/2023 (Received for this compilation on 03/10/2023)

Sir,

Pursuant to the above cited subject, the villagers of Velu, Tal. Bhor, District Pune filed a complaint with the Hon'ble National Green Tribunal Pune on 09/05/2023 in respect of making an encroachment on the stream passing through the boundaries of land Gat No.778 of village Velu and land Gat No.101 of Village Sasewadi, Tal.Bhor District Pune and for forcibly making a private road in the streamlet, and thus, prayed for the removal of the obstruction of the natural flow of water in the stream. Taking cognizance of the said application, the Hon'ble Tribunal passed an order dated 03/07/2023 and directed to submit the action taken report within four weeks.

Since the said subject is related to encroachment and obstruction of the natural flow of the stream, it is necessary to inspect the facts from the concerned Tehsildar and to get the report of the

action taken in the case, therefore, the report should be submitted to this office within eight days after taking action regarding the encroachment and the natural flow of the stream. It is requested to take care that there will be no delay in the matter.

Enclosed: Photocopies of the order of the Hon'ble National Green Tribunal and the complaint of the Applicant.

Yours faithfully,  
Sd/-  
(Ajit Kurhade)  
Tahsildar, Revenue,  
Collector Office, Pune

IN THE OFFICE OF HON'BLE SHRI. SACHIN PATIL,  
TAHSILDAR, BHOR.

Address: Rajwada Chowk, Bhor, Tal. Bhor,  
Dist. Pune

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E Mail : [tahsilbhor@gmail.com](mailto:tahsilbhor@gmail.com)

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O.No.Land/MCA/SR/30/2022 Comp.Code 19/22

Talathi, Sasewadi, Tal. Bhor .. APPLICANT

VS

Laxman Krishna Shinde  
R/o : Shindewadi, Tal. Bhor,  
Dist. Pune .. OPPONENT

Subject: Pursuant to Sec.5 of the Mamlatdar's  
Court Act.  
Regarding ongoing construction in  
Gat No.101 at village Sasewadi Tal.  
Bhor.

#### JUDGEMENT

Talathi, Sasewadi, submitted a Report to this office  
on 13/06/2022 and it has been mentioned that,  
Laxman Krishna Shinde and others, owners of land  
Gat No.101 situated at village Sasewadi has started

the construction of RCC wall in the existing natural stream adjacent to their land. Due to the said construction, the natural width of the stream will be decreased, thus will create an obstacle to the natural flow of the water. The water of the entire village comes in the said stream and if there is heavy rainfall, a big mishap can occur. Pursuant to that, notices have been issued to the concerned and gave them an opportunity to submit their Say.

A summary of the written say of the Opponent is as follows –the said property belongs to me and the land adjacent to the said land belongs to my brotherhood. We are making road to approach in our land and land of our brotherhood at our own expense. However, since the construction is being made in the land Gat No.101 at village Sasewadi, hence, no natural flow will be disturbed and no water will go to any village. We are working with vigilance in this

regard. In case of accident or anything happens we will be responsible for the same.

In the present case, the Circle Officer Velu, and Talathi Velue have submitted a Joint Report to this office on 12/06/2023. In the said Report, it has been mentioned that, construction of wall is going on in the stream adjacent to land Gat No.101 at village Sasewadi by illegally narrowing the flow of the stream. In this regard, earlier, a report has been submitted along with Panchanama. However, the construction of the wall is still going on in the stream. Therefore, the main flow channel of the stream has been shortened, therefore, in the future, the water flow may carry away the soil, trees and bushes adjacent to the stream and water may enter on the service road of the National Highway. It has also been mentioned that there may be loss of life.

In view of the above, it is clear that, the Opponent has constructed a wall and narrowed the

course of the Stream by making construction of the wall in the land Gat No.101 at Village Sasewadi. Also in the said stream, it is clear that the natural flow of the stream has been obstructed by building a horizontal beam of cement in concrete. As National Highway No.4 is close to the said stream, therefore, the possibility of a major accident due to heavy rains cannot be ruled out. Therefore, I Sachin Patil Tehsildar Bhor, in accordance with the powers vested in me U/s 5 of the Mamlatdar's Court Act, I pass the following order.

#### ORDER

01. Construction of wall made by the Opponent in the natural flow of the stream adjacent to land Gat No.101 at Village Sasewadi, Taluka Bhor, should be removed by the Opponent at his own expense and restore the natural flow of the stream.
02. No order as to costs.

03. This Judgment is available on the website at [www.eqjcourts.com](http://www.eqjcourts.com) through computer code.
04. The Judgment should be given to the concerned.

Place - Bhor  
Date: 14/07/2023

Sd/-  
(Sachin Patil)  
Tehsildar Bhor

Copy - Inspector of Police, Rajgad Police Station  
Nasrapur for information and further action.

Copy- Circle Officer Velue for further action.

Copy- Talathi Sasewadi for further action.

Date: 13.6.2022

To,  
The Tahsildar,  
Bhor, Dist. Pune.

Subject:- Regarding the ongoing construction  
in Gat No.101 adjacent to the Stream  
at village Sasewadi Tal. Bhor.

Sir,

Pursuant to the above subject, it is reported  
from Talathi Sajja Sasewadi Tal.Bhor, District Pune  
that a Panchnama has been made regarding RCC  
construction in the Stream adjacent to land Gut  
No.101 at Village Sasewadi, Tal. Bhor, and submitted  
it along with the report.

Yours faithfully:  
Sd/-  
Talathi  
Sajja Velur, Tal. Bhor,  
Dist. Pune.

## PANCHANAMA

We, the undersigned Panchas, residing at Sasewadi, Tal. Bhor, District Pune, on asking by Talathi Sasewadi, by remaining present personally execute this Panchnama that, Laxman Krishna Shinde and others, owners of land Gat No.101 situated at village Sasewadi started the construction of RCC wall in the existing natural stream adjacent to their land. Due to the said construction, the natural width of the stream is decreasing, thus creating an obstacle to the natural flow of the water. The water of the entire village comes in the said stream and if there is heavy rainfall, a big mishap can occur.

This Panchnama has been made. We read it, and it is correct.

Date: 13/06/2022

In presence of

Sd/-

Talathi, Sasewadi

Sd/-

(Kundlik Bhikoba Gaogavale)

Sd/-

(Baban Dattatraya Gosavi)









Government of Maharashtra  
Revenue and Forest Dept.  
OFFICE OF HON'BLE TAHSILDAR, BHOR,  
DIST PUNE.  
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Phone : (02113) 222539  
E Mail : [tahsilbhor@gmail.com](mailto:tahsilbhor@gmail.com)

---

O.No.Land/KaVi/200/2024      Date: 23/03/2024

To,

The Metropolitan Commissioner and  
Chief Executive Officer  
Pune Metropolitan Region Development  
Authority, Pune Akurdi New Administrative  
Building ,Pune

Subject: Regarding demolition of the  
construction in land Gat No.101 at  
village Sasewadi pursuant to the  
provisions of Sec.5 of the  
Mamlatdar's Court Act, 1906.

References:-

1. Order of this Office bearing No.Land/MCA/  
SR/30/2022 dated 17/07/2023.
2. Letter of Collector, Revenue Branch, Pune  
bearing O.No.Land/Ka.Vi./Khed/49/2024,  
dated 11/03/2024

3. Notice of this office bearing No.Land/  
Ka.Vi/194/2024 dated 11/03/2024

Sir,

2/- With reference to the cited subject, it is humbly submitted that, the Applicant Mr.Trimurti Nivrithi Pangare and others have filed a complaint in the Hon'ble National Green Tribunal, Western Zone, Pune mentioning that, by encroaching in the Stream passing through the boundaries of land Gat No.778 at village Velu, Tal. Bhor and land Gat No.101 at village Sasewadi and by forcibly making a private road in that place and obstructed the flow of water of the Stream. By taking cognizance of the said Application, the Hon'ble National Green Tribunal, Western Zone, Pune vide its order dated 03/07/2023 directed to submit report within four weeks in regard to the action taken.

3/- Pursuant to the Reference No.1 above, order has been passed that "Construction of wall made by the

Opponent in the natural flow of the stream adjacent to land Gat No.101 at Village Sasewadi, Taluka Bhor, should be removed at his own expense and restore the natural flow of the stream” Such an order has been passed.

4/- Pursuant to the Ref. No.3 above, this office, by issuing notice to Mr.Laxman Krishna Shinde, informed that, said construction should be removed within 7 days; otherwise, said construction made by encroaching on the said place, will be forcibly removed. However, it has come to the notice of this office that, the concerned has yet not removed the construction, made by encroaching in the Stream.

5- Village Sasewadi, Taluka Bhor, District Pune is a village coming under Pune Metropolitan Region Development Authority. Due to the unauthorized construction made by encroaching on the said stream, there is a possibility of obstructing the flow

of natural rain water in the future. Therefore, the possibility of mishap or accident cannot be ruled out. Also, the possibility of water entering the surrounding fields and damaging the crops cannot be ruled out. Therefore, it is requested that the necessary action should be taken immediately in respect of forcible demolish of unauthorized construction made by encroaching on the said stream, so it will be convenient to submit the Report of the proceedings to the Hon'ble Green Tribunal Pune.

Sd/-  
(Sachin Patil)  
Tehsildar Bhor

Copy - Humbly submitted to The Collector, Revenue Branch, Pune for information and further action please.

Copy - Humbly submitted to Sub-Divisional Officer, Bhor, Tal. Bhor for information and further action please.