BEFORE THE NATIONAL GREEN TRIBUNAL

WESTERN ZONAL BENCH AT PUNE

ORIGINAL APPLICATION NO. 45 OF 2021 (WZ)

IN THE MATTER OF:

SYAMANTAK TRUST …APPLICANT

VERSUS

STATE OF MAHARASTHRA AND ORS. …RESPONDENTS

INDEX

7.	**ANNEXURE A-6** Copy of photographs taken by the Applicant showing waste dumping within 50 meters from the High Flood Line of Dhamapur Lake	632
8.	**ANNEXURE A-7** Copy of the Order dated 25.07.2016 in Public Interest Litigation No. 87 of 2013 (Vanashakti Public Trust & Ors. v. Union of India & Ors.)	633-638
9.	**ANNEXURE A-8** Copy of the letter dated 21.05.2023 issued by Dr. S. R. Yadav	639
10.	**ANNEXURE A-9** Copy of the checklist of flora and fauna prepared by the Sindhudurg Wetland Brief Documentation Committee.	640-663
11.	**ANNEXURE A-10** Copy of the letter (along with translation) dated 09.05.2023 by Range Forest Officer, Kudal to Deputy Conservator of Forest, Sawantwadi	664-668
12.	**ANNEXURE A-11** Copy of the Report on Geographical Analysis of Dhamapur lake by Dr. Aparna Phadke, Assistant Professor, Department of Geography, University of Mumbai	669-676

THROUGH

RITWICK DUTTA

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PLACE:- NEW DELHI/PUNE
DATE: 24-05-2023

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RESPONSE TO SITE VISIT REPORT BY THE COMMITTEE CONSTITUTED VIDE ORDER DATED 29.03.2023

MOST RESPECTFULLY SHOWETH:-

1. That the abovementioned Application has been filed to highlight the multiple violations of illegal reclamation and construction in the form of reclamation of wetland area and construction of concrete well, illegal dumping of construction debris and solid waste, excavation of wetland and construction of concrete wall of laterite stone and the construction of residential premises structure as well as installation of borewell, all being located within 10-20 metres from the edge of Dhamapur Lake, thus being well within 50 metres of the mean High Flood level in violation of Wetlands (Conservation and Management) Rules, 2010.
2. That Dhamapur Lake is an identified wetland as per the reading of Wetland (Conservation and Management) Rules, 2010 and the Order of the Hon'ble Supreme Court in **M. K. Balakrishnan v. Union of India**. A Brief Document has also been prepared for Dhamapur Lake, in compliance with the Order of the Hon'ble Supreme Court in **M. K. Balakrishnan v. Union of India**.
3. That the Hon'ble Tribunal vide Order dated 29.03.2023 had constituted a Joint Committee to conduct a site visit and submit a Report to the Hon'ble Tribunal:

"*10. Looking to the nature of dispute involved, we are of the view that a Committee would be constituted comprising one Member each of:-*

(i). The Ministry of Environment, Forest & Climate Change (MoEF&CC);

(ii). The Wetland Authority of the State of Maharashtra;

(iii). The Secretary, Water Resource Department; and

(iv). The Principal Chief Conservator of Forest, Maharashtra.

11. The Wetland Authority of the State of Maharashtra shall be the nodal agency for coordination and logistic support.

12. The Committee is directed to visit the site after informing the Applicant and another stake holders and submit a report before us within a period of one month on the following points:-

a) As to whether the water body in question meets the definition of wetland as per Wetlands (Conservation and Management) Rules, 2010 and also as per the Wetlands (Conservation and Management) Rules, 2017,

b) The demarcation would be done of the boundary of the wetland body in question considering the High Flood Line (HFL) once in 10 years,

c) The demarcation of zone of influence of water body and

d) Ecological character of the water body and activities to be prohibited/regulated."

4. That the Joint Committee submitted a Report in compliance with the directions of the Hon'ble Tribunal stating the following facts:

   (i) Since the Dhamapur wetland was constructed for the purposes of drinking water and agricultural use, therefore it is not a wetland as per Wetland (Conservation and Management) Rules, 2017;

   (ii) As per the report and demarcation map of Dhamapur Lake, no constructions/ activities are observed within the High Flood Line or Full Reservoir Level of Dhamapur Lake.

Objections on behalf of the Applicant to the Joint Committee Report

5. That the Applicant would like to place before this Hon'ble Tribunal the following objections to the Joint Committee Report:

A. The Joint Committee has incorrectly concluded that Dhamapur Lake does not fit the criteria of a wetland under the Wetland (Conservation and Management) Rules, 2017

6. That the Joint Committee Report states that,

> "*Committee deliberated on the earlier submitted report dated 27.10.2021 to the Hon'ble NGT and was in agreement that, the Shivkalin Dhamapur Lake was reportedly constructed for the purpose of drinking water and agricultural use. Hence, Committee was of the opinion that, the Dhamapur Lake does not fit in the criteria mentioned in the definition of wetland, hence, to be exempted from the definition of wetland as per Wetland (Conservation and Management) Rules, 2017*".

7. That in making such observation, the Joint Committee has failed to look into the Orders of the Hon'ble Supreme Court in **M.K. Balakrishnan v. Union of India** dated 08.02.2017 which clearly stated that all wetlands mapped by the Union of India in the National Wetland Atlas will be identified and inventorized and Rule 4 of Wetland Rules, 2010 will be made applicable on them:

> *"21. Learned counsel for the petitioners has drawn our attention to an additional affidavit filed by the Union of India on or about 9th September, 2014. The additional affidavit contains an Information Brochure "National Wetland Inventory & Assessment". **This Brochure indicates on page 11 thereof that 2,01,503 wetlands have been mapped at 1:50,000 scale. All these wetlands have an area of more than 2.25 hectares. As a first step, the***

'Brief Documents' with regard to these 2,01,503 wetlands should be obtained by the Union of India from the respective State Governments in terms of Rule 6 of the Wetlands (Conservation and Management) Rules, 2010. We are told that obtaining these 'Brief Documents' may take some time. We are inclined to grant adequate time for this purpose. *The Union of India should follow this up with the State Governments and inform us of the time frame on the next date of hearing.*

22. The apprehension expressed by learned counsel for the petitioners is that with the passage of time there is a possibility that some of the wetlands may disappear. On a reading of the Information Brochure, this apprehension is not unfounded.

23. Accordingly, ***we direct the application of the principles of Rule 4 of the Wetlands (Conservation and Management) Rules, 2010 to these 2,01,503 wetlands that have been mapped by the Union of India. The Union of India will identify and inventorize all these 2,01,503 wetlands with the assistance of the State Governments and will also communicate our order to the State Governments which will also bind the State Governments to the effect that these identified 2,01,503 wetlands are subject to the principles of Rule 4 of the Wetlands (Conservation and Management) Rules, 2010****, that is to say:*

> *"(i) reclamation of wetlands;*
>
> *(ii) setting up of new industries and expansion of existing industries;*
>
> *(iii) manufacture or handling or storage or disposal of hazardous substances covered under the Manufacture, Storage and Import of Hazardous Chemical Rules, 1989 notified vide S.O. No. 966(E), dated the 27th November, 1989 or the Rules for Manufacture, Use, Import, Export and Storage of Hazardous Micro-organisms/Genetically engineered organisms or cells notified vide GSR No. 1037(E), dated the 5th December, 1989 or the Hazardous Wastes (Management, Handling and*

Transboundary Movement) Rules, 2008 notified vide S.O. No. 2265(E), dated the 24th September, 2008;

(iv) solid waste dumping: provided that the existing practices, if any, existed before the commencement of these rules shall be phased out within a period not exceeding six months from the date of commencement of these rules;

(v) discharge of untreated wastes and effluents from industries, cities or towns and other human settlements: provided that the practices, if any, existed before the commencement of these rules shall be phased out within a period not exceeding one year from the date of commencement of these rules;

(vi) ***any construction of a permanent nature except for boat jetties within fifty metres from the mean high flood level observed in the past ten years calculated from the date of commencement of these rules****;*

(vii) any other activity likely to have an adverse impact on the ecosystem of the wetland to be specified in writing by the Authority constituted in accordance with these rules."

(Emphasis supplied)

Copy of the order of the Hon'ble Supreme Court in ***M. K. Balakrishnan v Union of India*** dated 08.02.2017 is annexed herewith as **Annexure A-1**.

8. That the Hon'ble Supreme Court had directed that all wetlands mapped in the National Wetland Atlas under the National Wetland Inventory & Assessment have to be identified and inventorised by the State Governments. These wetlands are also granted protection of Rule 4 of the Wetland Rules, 2010.

9. That Dhamapur Lake is an identified wetland as is clear from the submissions made by the Applicant in the Written Submissions dated 21.03.2023 to show that Dhamapur Lake has been inventorised in the

National Wetland Inventory and Assessment, 2011. Dhamapur Lake is inventorised in the National Wetland Atlas at S. No. 116089 at Page No. 1661 of the Atlas. The Applicant has annexed the geographical coordinates of Dhamapur lake at **Page 410** and shown the same coordinates in the National Wetland Atlas (**at Page 411**) to show that Dhamapur Lake forms part of the inventory. An overlay map of the Google Earth image on the map given in the National Wetland Atlas, showing that Dhamapur Lake has been inventorised is also part of record at **Page 289 (Annexure A-1 of the Additional Affidavit of the Applicant)**.

10. That the Hon'ble Supreme Court has made it clear that Rule 4 of the Wetland Rules, 2010 will be mandatorily applicable to all identified wetlands in the National Wetland Atlas, and therefore, to Dhamapur Lake.

11. That the Hon'ble Supreme Court has also clarified that even after the Wetland Rules, 2017 came into force on 26.09.2017, the applicability of Rule 4 of the Wetland Rules, 2010 will continue for the identified wetlands. This was specifically stated in the Order dated 04.10.2017 of the Hon'ble Supreme Court in M. K. Balakrishnan v. Union of India. The relevant extract is reproduced below:

> *"We have been informed that the Wetland Rules have since been notified and they are now called the Wetlands (Conservation and Management) Rules, 2017. These Rules have come into force on the date of publication in the official gazette, that is, 26th September, 2017.*
>
> *…*
>
> ***We make it clear and reiterate that in terms of our order dated 8th February, 2017, 2,01,503 wetlands that have been mapped by the Union of India should continue to remain protected on the same principles as were formulated in Rule 4 of the Wetlands (Conservation and Management) Rules, 2010**."*
>
> (Emphasis supplied)

Copy of the order of the Hon'ble Supreme Court in ***M. K. Balakrishnan v Union of India*** dated 04.10.2017 is annexed herewith as **Annexure A-2**.

12. That therefore, even though the Wetland Rules, 2017 have been notified, Rule 4 of the Wetland Rules, 2010 remains applicable on the identified wetlands, as per the directions of the Hon'ble Supreme Court.

13. That the applicability of Rule 4 of Wetland Rules on all identified wetlands has also been made clear by the Ministry of Environment, Forest & Climate Change in its Office Memorandum dated 08.03.2022 (annexed as **ANNEXURE A-5 of the Written Submissions of the Applicant dated 21.03.2023 at page 423**) that clearly states that Rule 4 of the Wetland Rules are applicable on all the 2,01,503 wetlands as per the National Wetland Inventory and Assessment. The Office Memorandum also states that this protection is granted irrespective of the applicability/ notification of the Wetland Rules, 2017.

14. Therefore the observation of the Joint Committee that Dhamapur Lake cannot classify as a wetland because it is used for drinking water purposes and agricultural use is misleading as the Hon'ble Supreme Court has directed applicability of Rule 4 of the Wetland Rules, 2010, even though Wetland Rules, 2017 have been notified. It is submitted that Dhamapur Lake is a natural wetland and the same was not constructed for the purposes of drinking water. Additionally, other wetlands which have been identified or notified under the Wetland Rules are also being used for drinking water/ agricultural use/ electricity generation, without any impact on their status as a wetland.

B. The statement that no constructions were found in the High Flood Line of Dhamapur Lake by the Irrigation Department is not only misleading but also contradictory to the map prepared by the Irrigation Department itself

15. That the Joint Committee has stated that as per the report and demarcation map of Dhamapur Lake prepared by the Irrigation Division, no constructions were found in the Full Reservoir Level (FRL) or the High Flood Line (HFL).

16. That it is submitted at the outset that the statement that "*the report and demarcation map of Dhamapur Lake indicating High Flood Line (HFL) was submitted by Executive Engineer, Irrigation Division, Ambadpal, Dist. Sindhudurg, on 08.05.2023 mentioning that no constructions/ activities are observed within the FRL (Full Reservoir Level) and HFL (High Flood Line) of Dhamapur Lake during site survey*" is contradictory to the map of Dhamapur Lake prepared by the Irrigation Department, which are also annexed with the Joint Committee Report at **Page 583**.

17. That the Map at **Page 583** clearly shows markings such as "Ramchandra Bhonsale House", "Temporary laterite Stone compound wall of Mr. Yogesh Rawool" and "Well of Agriculture Department" well within the High Flood Line or within 50 metres from the High Flood Line. However, the Joint Committee Report states that based on the information provided by the Irrigation Department, no constructions/ activities are being undertaken within the prohibitied zone.

18. That the Irrigation Department has given contradictory statements with respect to presence of constructions in the prohibited area.

19. That it is also submitted that the Joint Committee has only relied upon the demarcation map and report of the Irrigation Division to conclude that no constructions were found in the Full Reservoir Level (FRL) or the High Flood Line (HFL). No evidence to show presence or absence of constructions/ activities within the High Flood Line on ground has been provided by the Joint Committee.

20. That the Applicant would like to place reliance on the map prepared by the Maharashtra Remote Sensing Application Centre (MRSAC) for the Deputy Collector of Sindhudurg, the map prepared by the Irrigation Department and photographs taken on ground to show that constructions/ activities have been undertaken within 50 meters of the High Flood Line of Dhamapur Lake.

21. That the map prepared by the Maharashtra Remote Sensing Application Centre (MRSAC) for the Deputy Collector of Sindhudurg (annexed as **ANNEXURE A-1 of Response to 1st Joint Committee Site Visit Report at Page 202**) shows the Dhamapur Lake, its boundary, the High Flood Line, as well as the constructions being undertaken illegally within the High Flood Line.

22. That three locations have been marked as "Illegal Well Construction", "Illegal Reclamation" and "Illegal Construction" in the map prepared by the Maharashtra Remote Sensing Application Centre (MRSAC). It is submitted that that the 'Illegal Well Construction' is the well being constructed by the Agriculture Department (Respondent No. 5), 'Illegal Reclamation' is the construction by Yogesh Rawool (Respondent No. 8) and 'Illegal Construction' is the construction by Ramchandra Bhonsale (Respondent No. 7), all well within the High Flood Line.

23. That the following paragraphs will clarify the on-ground status of the constructions within the High Flood Line or within 50 meters from the High Flood Line:

(I) <u>Status of the RCC well construction:</u>

24. That the RCC well construction has been carried out without obtaining any No-Objection Certificate from the Water Irrigation Department. The Tahsildar and Executive Magistrate Malvan Office issued a letter dated 30.06.2020 to the Collector explaining that directions have been issued to the District Superintendent of Agriculture to take appropriate action with regard to the RCC well being constructed within the wetland area. However,

the construction of RCC well was not halted, despite it being constructed within the High Flood Line of the Dhamapur wetland.

Copy of the letter (along with translated copy) written by Tahsildar and Executive Magistrate Malvan Office dated 30.06.2020 to the Collector is annexed herewith as **ANNEXURE A-3.**

Copy of photographs taken by Applicant of the RCC well construction within the High Flood Line are annexed herewith as **ANNEXURE A-4.**

(II) Status of construction by Ramchandra Bhonsale (Respondent No. 7)-

25. That the MRSAC and Water Irrigation Department maps points that Ramchandra Bhonsale has constructed a house and bore well which is just 10m away from the High Flood Line of Dhamapur Lake. Ramchandra Bhonsale has not taken any permission required to for the permanent construction and bore well.

26. It has also been noted by the Irrigation Department, in its Reply dated 27.07.2022 (at **Para 2.1 of the Reply**) that the construction undertaken by Ramachandra Bhonsale (Respondent No. 7) is at a distance of 8.09 meters from the High Flood Line, which is a restricted zone. In light of the same, the Executive Engineer, Water Irrigation Department and Tasildar Malvan have issued stay order notice. However, the construction was not stayed. The same was also admitted in its Reply dated 25.08.2022 by the District Collector, Sindhudurg.

(III) Illegal construction and reclamation by Yogesh Rawool (Respondent No. 8)

27. That Yogesh Rawool (Respondent No. 8) has reclaimed the land of Dhamapur Lake by spreading the soil after excavation of the well and from the land by digging it up for laying foundation of fencing. This was recorded in the Order dated 27.09.2018 of the Tahsildar and Executive Magistrate, Malvan office, Taluka Malvan, District Sindhudurg to Respondent No. 8 to deposit the amount for illegal excavation of soil (annexed as **ANNEXURE A-1 of Rejoinder to Reply by R-8 at page 446**).

28. That the Tahasildar and Executive Magistrate, Malvan also issued a letter dated 30.06.2020 to the Executive Engineer, Irrigation Department to take action against the illegal reclamation of land and remove the constructions undertaken by Yogesh Rawool (Respondent No. 8). However, no action was taken which is clear from the photographs annexed by the Applicant clearly showing the presence of constructions by Yogesh Rawool (Respondent No. 8) within the High Flood Line of Dhamapur wetland.

29. It has also been noted by the Irrigation Department in its Reply dated 27.07.2022 (at **Para 8 of the Reply**) that the construction undertaken by Yogesh Rawool (Respondent No. 8) is at the "bank of Dhamapur Lake".

    Copy of photographs taken by Applicant showing construction of Yogesh Rawool (Respondent No. 8) within the High Flood Line are annexed herewith as **ANNEXURE A-5.**

30. That as per the maps submitted by MRSAC and Water Irrigation Department and the supporting photographs, the factual account of the violations reported are as follows:

Sr.No.	**Violation type**	**Executed by**	**Factual status**
1	Construction done	Mr. Bhosale	At a distance of 10 m from HFL
2	Bore well digging	Mr. Bhosale	At a distance of 10 m from HFL
3	Construction of RCC well	Agriculture department	On the line of HFL
4	Reclamation by soil dumping	Agriculture department	Inside the HFL
5	Construction of Boundary Wall	Yogesh Rawool	Inside the HFL
6	Reclamation by soil dumping	Yogesh Rawool	Inside the HFL
7	Construction of pump house	Mrs. Smita Subhash Chavan	Inside the HFL

31. That it is also clear from the photographs taken by the Applicant at the site that waste dumping is taking place within the High Flood Line of the

Dhamapur lake. This is not only in violation of the Wetland Rules but also impacting the ecology and hydrology of the Lake.

Copy of photographs taken by the Applicant showing waste dumping within 50 meters from the High Flood Line of Dhamapur Lake is annexed herewith as **ANNEXURE A-6.**

32. That in light of this, the observation made in the Joint Committee Report that no constructions have been found within the High Flood Line or Full Reservoir Level is not only misleading but also contradictory to the maps prepared by MRSAC, the Irrigation Department and also the ground status.

33. That it is made clear that the Hon'ble High Court of Bombay in Public Interest Litigation No. 87 of 2013 (Vanashakti Public Trust & Ors. v. Union of India & Ors.) has clearly directed that wetlands that have been identified under the Wetland Atlas prepared by the Central Government, no reclamation of land and no constructions will be permitted. The relevant part of the Order dated 25.07.2016 in Public Interest Litigation No. 87 of 2013 (Vanashakti Public Trust & Ors. v. Union of India & Ors.) is reproduced below:

> "*2. As per order dated 14th October 2013, this Court has directed that on the areas which have been identified as Wetland areas in the Wetland Atlas by the Central Government, there shall be no reclamation of lands and no construction of whatsoever nature is permitted on the said lands without leave of this Court*."

Copy of the Order dated 25.07.2016 in Public Interest Litigation No. 87 of 2013 (Vanashakti Public Trust & Ors. v. Union of India & Ors.) is annexed herewith as **ANNEXURE A-7.**

C. Incomplete and incorrect information has been provided on the flora and fauna of Dhamapur Lake

34. That the Deputy Conservator of Forest has submitted data on major flora and fauna in the Dhamapur lake area to the Deputy Secretary, Environment

& Climate Change Department, Government of Maharashtra dated 10.05.2023 (**at page 585- 589**).

35. That the Deputy Conservator of Forest has provided incorrect information regarding the presence of flora and fauna in the area around Dhamapur Lake. The irregularities in the listing of flora and fauna by the Deputy Conservator of Forest has been pointed out by DR. S. R. Yadav, a taxonomist and Senior Scientist at Indian National Science Academy. Dr. S. R. Yadav had issued a letter dated 21.05.2023 clarifying that "*the report is not acceptable as it mentions plants which are not even found in India and some of the plant species which do not occur in around Dhamapur lake*".

    Copy of the letter dated 21.05.2023 issued by Dr. S. R. Yadav is annexed herewith as **ANNEXURE A-8**.

36. That the Deputy Conservator of Forest has also submitted incomplete information regarding the presence of flora and fauna in the area around Dhamapur Lake. This is evident from the Brief Document of the floral and faunal diversity prepared by other organisations.

37. That the Deputy Conservator of Forest has also submitted incomplete information regarding the presence of flora and fauna in the area around Dhamapur Lake. This is evident from the Brief Document of the floral and faunal diversity prepared by other organisations, including the checklist of flora and fauna prepared by the Expert Member of the Sindhudurg Wetland Brief Documentation Committee. This information was also sent vide letter dated 09.05.2023 by Range Forest Officer, Kudal to Deputy Conservator of Forest, Sawantwadi wherein it is clearly mentioned that "*various Originations, Professors etc have done survey details of this are being attached herewith for information*". However, this information was not made part of the Joint Committee Report which has only provided incomplete information on the flora and fauna in and around Dhamapur lake.

    Copy of the checklist of flora and fauna prepared by the Sindhudurg Wetland Brief Documentation Committee is annexed herewith as **ANNEXURE A-9**.

Copy of the letter (along with translation) dated 09.05.2023 by Range Forest Officer, Kudal to Deputy Conservator of Forest, Sawantwadi is annexed herewith as **ANNEXURE A-10.**

D. Demarcation of catchment area and influence zone of Dhamapur Lake has been done in an unscientific manner:

38. That the Joint Committee Report has relied upon the report and demarcation map of the catchment area and influence zone of Dhamapur Lake submitted by the Water Resources Department. This report and demarcation map which has been prepared without placing reliance on documents such as surface terrain model datasets with 10meter spatial resolution, Google Earth image digitizing the current extent of Dhamapur Lake and GIS- based data collection application.

39. That as per the report and demarcation map of the catchment area and influence zone of Dhamapur Lake submitted by the Water Resources Department, the area of zone of influence is about 11.25 sq. km. However, this information has been provided without studying the issue scientifically and placing reliance on important reports such as the Report on Geographical Analysis of Dhamapur lake by Dr. Aparna Phadke, Assistant Professor, Department of Geography, University of Mumbai. This Report contains an assessment of the landuse and landcover changes, drainage related attributes and demarcation of wetland influence zone. The Report has been prepared after a thorough GIS based approach along with ground-truthing.

    Copy of the Report on Geographical Analysis of Dhamapur lake by Dr. Aparna Phadke, Assistant Professor, Department of Geography, University of Mumbai is annexed herewith as **ANNEXURE A-11**.

40. That as per restoration process, appropriate species native to the area should be planted.

41. That the Hon'ble Tribunal, in the interest of justice may consider the above submissions and objections on behalf of the Applicant for further adjudication of the matter.

42) Pass any other order as this Hon'ble Tribunal may deem fit in the facts and circumstances of the present case.

APPLICANT

THROUGH

RITWICK DUTTA

RAHUL CHOUDHARY
ADVOCATES
COUNSELS FOR THE APPLICANT
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VERIFICATION

Verified by Sachin Anand Desai, authorised representative of the Applicant Organisation, aged about 48 years, S/O Anand Desai, R/O Syamantak, 163, at Post Dhamapur, Taluka Malvan, District Sindhudurg- 416605 do hereby verify that the contents of Paragraphs 1 to 42 are true to my personal knowledge and nothing material has been concealed therefrom.

APPLICANT

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

WESTERN ZONAL BENCH AT PUNE

ORIGINAL APPLICATION NO. 45 OF 2021

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VERSUS

STATE OF MAHARASHTRA & ORS. **...RESPONDENTS**

AFFIDAVIT

I, Sachin Anand Desai, authorised representative of the Applicant Organisation, aged about 48 years, S/O Anand Desai, R/O Syamantak, 163, at Post Dhamapur, Taluka Malvan, District Sindhudurg- 416605 do hereby solemnly affirm and declare as under:

1. That I am the authorized representative of the Applicant Organization in the above titled Application, and hence well conversant with the facts and circumstances described in the present case and as such competent to swear this Affidavit.
2. That the contents of the accompanying Rejoinder are true and correct and nothing material has been concealed therefrom.

DEPONENT

VERIFICATION

Verified on this 23rd day of May 2023 that the contents of the present Affidavit are true and correct to my knowledge and belief and nothing material is concealed therefrom.

This document is noted at
Sr. No. ....376.....
in the Notarial Register

I, Sachin Anand Desai Solemnly Affirmed that this is my name and signature & that the contents of this affidavit are true.

Signature of Dependent

Signed before me

MAHESH D. KUNTE
NOTARY
Govt. of India
AARADHANA' Shriramwadi
Mumbai Goa Highway, Tal-Kuda
Dist-Sindhudurg, Maharashtra

Signature of Notary

DEPONENT

ANNEXURE A-1

ITEM NO.102 COURT NO.5 SECTION PIL(W)

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Writ Petition(s)(Civil) No(s).230/2001

M.K. BALAKRISHNAN & ORS. Petitioner(s)

VERSUS

UNION OF INDIA & ORS. Respondent(s)

(with appln. (s) for including the applicant in the Committee of Experts and to sanction an amount of Rs.10 crores for National Wetlands Yatra and early hearing and intervention and directions and directions and office report)

Date : 08/02/2017 This petition was called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE MADAN B. LOKUR
HON'BLE MR. JUSTICE PRAFULLA C. PANT

For Petitioner(s) Mr. Gopal Sankaranarayanan, Adv.
Mr. Zeeshan Diwan, Adv.
Dr. Joginder Samal, Adv.
Mr. Naresh Kumar, AOR
Mr. Ravindra Kr. Singh, Adv.

For Respondent(s)/ applicant(s)
UOI Mr. A.K. Panda, Sr. Adv.
Mr. Ajit Kumar Sinha, Sr. Adv.
Mr. A.K. Sanghi, Sr. Adv.
Mr. Wasim A. Qadri, Adv.
Ms. Binu Tamta, Adv.
Mrs. Sunita Sharma, Adv.
Mr. Shalinder Saini, Adv.
Mr. Vibhu Shanker Mishra, Adv.
Mr. Pankaj Pandey, Adv.
Mr. Raj Bahadur, Adv.
Mr. G.S. Makker, Adv.
Mr. B.K. Prasad, Adv.
Mr. Rajesh Mishra, Adv.
Mr. M.K. Maroria, Adv.
Mr. A.K. Kaul, Adv.
Mr. Abhinav Mukerji, Adv.

Mr. Jayant Bhushan, Sr. Adv.

For States of Andhra Pradesh Mr. Guntur Prabhakar, Adv.

	Ms. Prerna Singh, Adv.
Assam	**Mr. Shuvodeep Roy, Adv.**
Arunachal Pradesh	**Mr. Anil Shrivastav, AOR**
Bihar	**Mr. Gopal Singh, AOR** **Ms. Varsha Poddar, Adv.**
Chhattisgarh	**Mr. A.P. Mayee, Adv.** **Mr. A. Selvin Raja, Adv.**
Gujarat	**Ms. Hemantika Wahi, AOR** **Ms. Puja Singh, Adv.** **Ms. Mamta Singh, Adv.**
Haryana	**Mr. Sanjay Kumar Visen, AOR**
H.P.	**Mr. D.K. Thakur, AAG** **Mr. Williams Vinod, Adv.** **Mr. Varinder Kumar Sharma, Adv.** **Ms. Pragati Neekhra, Adv.**
J&K	**Mr. Sunil Fernandes, AOR**
Jharkhand	**Mr. Tapesh Kumar Singh, Adv.** **Mr. Mohd. Waquas, Adv.** **Mr. Aditya Pratap Singh, Adv.** **Mr. Sukant Vikram, Adv.**
Karnataka	**Mr. V. N. Raghupathy, AOR** **Mr. Prakash Jadhav, Adv.** **Mr. Lagnesh Mishra, Adv.**
Kerala	**Mr. G. Prakash, AOR** **Mr. Jishnu M.L., Adv.** **Mrs. Priyanka Prakash, Adv.** **Mrs. Beena Prakash, Adv.** **Mr. Manu Srinath, Adv.**
M.P.	**Mr. Purushaindra Kaurav, AAG** **Mr. Mishra Saurabh, AOR** **Mr. Ankit Kr. Lal, Adv.**
Maharashtra	**Mr. Nishant R. Katneshwarkar, Adv.**
Manipur	**Mr. Sapam Biswajit Meitei, Adv.** **Ms. B. Khushbansi, Adv.**
Meghalaya	**Mr. Ranjan Mukherjee, AOR**

Mizoram	**Mr. Pragyan Sharma, Adv.** **Mr. Shikhar Garg, Adv.** **Mr. Ganesh Bapu, Adv.** **Mr. P. V. Yogeswaran, AOR**
Nagaland	**Mrs. K. Enatoli Sema, AOR** **Mr. Edward Belho, Adv.** **Mr. Amit Kumar Singh, Adv.** **Mr. K. Luikang Michael, Adv.**
Odisha	**Mr. Sibo Sankar Mishra, AOR** **Mr. Umakant Mishra, Adv.**
Punjab	**Mr. Sanchar Anand, AAG** **Mr. Apoorv Singhal, Adv.** **Mr. Anant K. Vatsya, Adv.**
Rajasthan	**Mr. S.S. Shamshery, AAG** **Mr. Amit Sharma, Adv.** **Mr. Ankit Raj, Adv.** **Mr. Milind Kumar,Adv.**
Sikkim	**Ms. Aruna Mathur, Adv.** **Mr. Yusuf Khan, Adv.** **Mr. Avneesh Arputham, Adv.** **Ms. Anuradha Arputham, Adv.** **Mr. Amit Arora, Adv.** **for M/s Arputham Aruna & Co.**
Tamil Nadu	**Mr. B. Balaji,Adv.** **Mr. S. Kumar, Adv.**
Telangana	**Mr. S. Udaya Kumar Sagar, Adv.** **Mr. Mrityunjai Singh, Adv.**
Tripura	**Mr. Gopal Singh, AOR** **Mr. Rituraj Biswas, Adv.** **Ms. Varsha Poddar, Adv.**
West Bengal	**Mr. Joydeep Mazumdar, Adv.** **Mr. Debojyoti Bhattacharya, Adv.** **Mr. Parijat Sinham Adv.**
Puducherry	**Mr. V. G. Pragasam, AOR** **Mr. S. Prabu Ramasubramani, Adv.**
A&N Islands	**Mr. Bhupesh Narula, Adv.** **Ms. G. Indira, AOR** **Dr. Monika Gusain, Adv.** **Mr. Abhijit Sengupta, AOR**

Mr. Abhishek Chaudhary, AOR

Mr. Anil Kumar Jha, AOR

Mr. Anuvrat Sharma, AOR

Mr. A. Venayagam Balan, AOR

Mr. B. S. Banthia, AOR

Mr. Khwairakpam Nobin Singh, AOR

Mr. Kunal Verma, AOR

Mr. Naresh K. Sharma, AOR

Mr. P. V. Dinesh, AOR

Mr. R. Ayyam Perumal, AOR

Mr. R. D. Upadhyay, AOR

Mr. R. Nedumaran, AOR

Mr. S. Chandra Shekhar, AOR

Mrs. D. Bharathi Reddy, AOR

Mr. Shiv Sagar Tiwari, AOR

M/s Corporate Law Group (NP)

Ms. Kamini Jaiswal, AOR

Ms. Sumita Hazarika, AOR

Ms. Minati Rani, Adv.

UPON hearing the counsel the Court made the following

O R D E R

We have, at length, heard learned counsel for the parties including learned counsel for the Union of India.

An affidavit dated 7th February, 2017 filed by the Union of India has been shown to us.

Annexed to the affidavit is an Office Memorandum issued on 6th January, 2017 with reference to the Draft Wetlands (Conservation and Management) Rules, 2016. The Draft Rules were made available to the public for inviting objections/suggestions some time in March, 2016. As many as 175 comments were received. For the examination of these comments, a Committee has been constituted. The Committee was given 45 days to look into the suggestions and submit its report to the Union of India.

We are told orally by learned counsel appearing for the Union of India that perhaps the term of the Committee may need to be extended. This is stated by him on the basis of information received pursuant to a meeting held yesterday, i.e., 7th February, 2017 by the said Committee.

Be that as it may, for the reasons given below, we are compelled to direct that the Wetlands (Conservation and Management) Rules, 2016 should be notified on or before 30th June, 2017. We are compelled to issue this direction since the matter has been pending with the Union of India for the last almost a year and there has to be some finality to the publication of the Rules. The comments/suggestions have been given by all stakeholders such as the State Governments including its organizations, individuals and civil society organizations. That being the position, there is obviously a great deal of interest in the Rules being

formulated and notified. Under these circumstances, there is no justification why the Union of India should not have taken prompt action and constituted the Committee much earlier for the purposes of finalizing the Rules. Finally, the conservation of wetlands is of immense ecological importance.

Learned counsel for the Union of India says that all efforts will be made to ensure compliance with this direction and to ensure that the Rules are notified on or before 30th June, 2017.

We are sure that both the Committee as well as the Union of India will take into consideration the comments and suggestions offered by the State Governments and its organizations, individuals and civil society organizations before taking a final decision.

With regard to the Central Wetlands Regulatory Authority, we are told that its term is expiring on 14th February, 2017. We have been informed by learned counsel for the Union of India that the Central Wetlands Regulatory Authority will be notified on 13th February, 2017. The Union of India is bound by the statement made by learned counsel for the Union of India, which statement has been made on instructions received by him from an officer of the Ministry of Environment, Forest and Climate Change.

In our order dated 31st January, 2017, we had required the Union of India to tell us the steps taken to preserve

the 26 wetlands covered by Ramsar Convention, 1971. The affidavit that has now been filed by the Union of India merely gives the disbursal of amount made by the Union of India from time to time. What specific steps have been taken including how the funds made available have been utilized and what is the impact of those steps have not been adverted to. We must have specific details. We direct the Union of India to file an affidavit within four weeks positively giving required specific details.

Learned counsel for the petitioners has drawn our attention to an additional affidavit filed by the Union of India on or about 9th September, 2014. The additional affidavit contains an Information Brochure "National Wetland Inventory & Assessment". This Brochure indicates on page 11 thereof that 2,01,503 wetlands have been mapped at 1:50,000 scale. All these wetlands have an area of more than 2.25 hectares. As a first step, the 'Brief Documents' with regard to these 2,01,503 wetlands should be obtained by the Union of India from the respective State Governments in terms of Rule 6 of the Wetlands (Conservation and Management) Rules, 2010. We are told that obtaining these 'Brief Documents' may take some time. We are inclined to grant adequate time for this purpose. The Union of India should follow this up with the State Governments and inform us of the time frame on the next date of hearing.

The apprehension expressed by learned counsel for the petitioners is that with the passage of time there is a possibility that some of the wetlands may disappear. On a reading of the Information Brochure, this apprehension is not unfounded.

Accordingly, we direct the application of the principles of Rule 4 of the Wetlands (Conservation and Management) Rules, 2010 to these 2,01,503 wetlands that have been mapped by the Union of India. The Union of India will identify and inventorize all these 2,01,503 wetlands with the assistance of the State Governments and will also communicate our order to the State Governments which will also bind the State Governments to the effect that these identified 2,01,503 wetlands are subject to the principles of Rule 4 of the Wetlands (Conservation and Management) Rules, 2010, that is to say:

> **"(i) reclamation of wetlands;**
>
> **(ii) setting up of new industries and expansion of existing industries;**
> **(iii) manufacture or handling or storage or disposal of hazardous substances covered under the Manufacture, Storage and Import of Hazardous Chemical Rules, 1989 notified vide S.O. No. 966(E), dated the 27th November, 1989 or the Rules for Manufacture, Use, Import, Export and Storage of Hazardous Micro-organisms/Genetically engineered organisms or cells notified vide GSR No. 1037(E), dated the 5th December, 1989 or the Hazardous Wastes (Management, Handling and Transboundry Movement) Rules, 2008 notified vide S.O. No. 2265(E), dated the 24th September, 2008;**
> **(iv) solid waste dumping: provided that the existing practices, if any, existed before the commencement of these rules shall be phased out within a period not exceeding six months from the date of commencement of these rules;**

(v) discharge of untreated wastes and effluents from industries, cities or towns and other human settlements: provided that the practices, if any, existed before the commencement of these rules shall be phased out within a period not exceeding one year from the date of commencement of these rules;
(vi) any construction of a permanent nature except for boat jetties within fifty metres from the mean high flood level observed in the past ten years calculated from the date of commencement of these rules;
(vii) any other activity likely to have an adverse impact on the ecosystem of the wetland to be specified in writing by the Authority constituted in accordance with these rules."

Learned counsel for the Union of India has shown us a chart of proposals/brief documents that have already been received by the Union of India under Rule 6 of the Wetlands (Conservation and Management) Rules, 2010. The total number of wetlands covered in this document are 1683. Many of these proposals/brief documents received by the Union of India contain deficiencies which have already been identified in the document handed over to us.

The Central Wetland Regulatory Authority will take up the rectification of deficiencies with the State Governments with promptitude and ensure that all these deficiencies are removed and complete proposals/brief documents are furnished within the next about one month so that the Central Wetland Regulatory Authority is in a position to take a final decision with regard to these 1683 wetlands and their notification, if required, on or before 31st March, 2017.

List the matter on 3rd April, 2017.

(SANJAY KUMAR-I)
AR-CUM-PS

(JASWINDER KAUR)
COURT MASTER

ANNEXURE A-2

ITEM NO.4 COURT NO.3 SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Writ Petition(s)(Civil) No(s). 230/2001

M.K. BALAKRISHNAN & ORS. Petitioner(s)

VERSUS

UNION OF INDIA & ORS. Respondent(s)

Date : 04-10-2017 This petition was called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE MADAN B. LOKUR
HON'BLE MR. JUSTICE S. ABDUL NAZEER
HON'BLE MR. JUSTICE DEEPAK GUPTA

For Petitioner(s) Mr. Gopal Sankaranarayanan, Adv.
Mr. Shrutanjaya Bhardwaj, Adv.
Ms. Veera Mahuli, Adv.
Mr. Naresh Kumar, AOR

For Respondent(s)/ applicant(s) UOI/Delhi
Mr. A.N.S. Nadkarni, ASG
Mr. A.K. Panda, Sr. Adv.
Mr. Wasim A. Qadri, Adv.
Mr. Ajay Kumar Singh, Adv.
Ms. Binu Tamta, Adv.
Mrs. Sunita Sharma, Adv.
Mr. Sanjai Kumar Pathak, Adv.
Mr. Shalinder Saini, Adv.
Mr. G.S. Makker, Adv.
Mr. B.V. Balram Das, Adv.
Mr. S.A. Siddiqui, Adv.
Mr. Satya Siddiqui, Adv.
Mr. Zaki Kazmi, Adv.

Intervenor Mr. Jayant Bhushan, Sr. Adv.
Mr. Ketan Paul, Adv.
Ms. Reeja Varghese, Adv.
Mr. Chirayu Jain, Adv.

UPON hearing the counsel the Court made the following

O R D E R

We have heard learned counsel for the petitioner and the learned Additional Solicitor General.

We have been informed that the Wetland Rules have since been notified and they are now called the Wetlands (Conservation and Management) Rules, 2017. These Rules have come into force on the date of publication in the official gazette, that is, 26th September, 2017.

Learned counsel for the parties say that they have very serious objections to some of these Rules. It is submitted that it appears that the Central Government has abdicated its responsibility under the Environment (Protection) Act, 1986 and instead of delegating its powers, it has abdicated its power in favour of the State Governments. We have also been informed that the Central Wetlands Regulatory Authority has since been disbanded and the State Wetlands Authority and the National Wetlands Committee have been constituted under Rules 5 and 6 of the new Rules.

With regard to the expenditure on Ramsar Convention sites, we have been informed by learned Additional Solicitor General that the audited accounts have so far been received from the States of West Bengal, Madhya Pradesh and Odisha. Audited accounts have not been received from any other State with regard to the Ramsar

Convention sites.

We have also been informed that apart from Ramsar Convention sites, further funds have been given to the States and the Union Territories for conservation of wetlands. No audited accounts have been received in regard to these funds disbursed as well as their expenditure by the State Governments and the Union Territories.

With regard to the brief documents required to be furnished under the old Rules, it appears that only ten States and one Union Territory have responded. It appears that there is now no necessity of brief documents under the new Rules. We make it clear that this does not mean that the earlier brief documents already submitted can be discarded completely. The contents of these brief documents will still be followed as far as the implementation of the Wetlands (Conservation and Management) Rules, 2017 is concerned.

Finally, with regard to the satellite images, we are told that the Space Application Centre would require between 12 to 18 months to make an inventory of 1,75,740 wetlands as they exist today. We make no comment on this but request learned Additional Solicitor General to re-check with the Space Application Centre since the wetlands are diminishing in our country at a very fast rate. It is very likely that many more will disappear by the time the task is completed by the Space Application

Centre.

We make it clear and reiterate that in terms of our order dated 8th February, 2017, 2,01,503 wetlands that have been mapped by the Union of India should continue to remain protected on the same principles as were formulated in Rule 4 of the Wetlands (Conservation and Management) Rules, 2010.

Learned counsel for the parties may file their objections to the new Rules within a period of two weeks. We direct that only one set of objections should be filed and both learned counsel should sit together and arrive at some consensus on the objections.

We further direct the State Governments that have not complied with earlier orders or directions given by the Central Government should do so within a period of four weeks from today failing which we will be constrained to require the presence of the Chief Secretaries of the State Governments in addition to imposition of heavy costs keeping in mind the necessity of conserving whatever water bodies are left in the country.

List the matter for further directions and for hearing on the objections to the new Rules on 9th November, 2017.

We would require the presence of a senior officer of the Ministry of Environment, Forests and Climate Change, Government of India to be present in Court on the next date of hearing so that any questions that may be raised

can be answered immediately. Needless to say, the senior officer who should be present in Court should be well-versed with the subject. The files on the basis of which the new Rules have been framed may also be kept ready for perusal when the matter is taken up.

(SANJAY KUMAR-I)
AR-CUM-PS

(KAILASH CHANDER)
COURT MASTER

ANNEXURE A-3

3

तहसिलदार तथा कार्यकारी दंडाधिकारी मालवण यांचे कार्यालय

ता.मालवण जि.सिंधुदुर्ग दुरध्वनी क्रमांक ०२३६५- २५२०४५ E-mail - tahasilmalvan@gmail.com

क्र.मशा/जबाबी/वेटलॅन्ड/०६/२०२०

दिनांक ३०/०६/२०२०

महत्वाचे/तातडीचे

प्रति,

कार्यकारी अभियंता, सिंधुदुर्ग पाटबंधारे विभाग आंबडपाल, कुडाळ

विषयः- प्रशासकीय अधिका-याकडून वेटलॅन्ड नियम २०१७ तसेच सर्वोच्च व मा.मुंबई उच्च न्यायालयाच्या आदेशाची अवमान होत असल्याबाबत.

संदर्भः- १) मा.जिल्हाधिकारी कार्यालय सिंधुदुर्ग यांचेकडील पत्र क्र.डेस्क.८/मशा-३/धामापूर तलाव/२०२० दिनांक १९/०५/२०२०

२) या कार्यालयाकडून करण्यात आलेली दि.२९/०६/२०२० ची संयुक्त पहाणी.

उपरोक्त विषयान्वये गाव मौजे धामापूर येथील तलावामध्ये अनधिकृतरित्या करण्यात येत असलेल्या बांधकामाबाबत अँड. ओकार केणी, रा.धामापूर, ता.मालवण यांनी मा.जिल्हाधिकारी सिंधुदुर्ग यांचेकडे तक्रार केलेली आहे. त्यानुसार या कार्यालयाकडून दिनांक २९/०६/२०२० रोजी संयुक्त स्थळपहाणी करण्यात आलेली आहे. सदर स्थळपहाणीवेळी आपल्या कार्यालयाकडून श्री.एस.व्ही.कविटकर, उपविभागीय अभियंता पाटबंधारे उपविभाग सावंतवाडी उपस्थित होते.

सदर स्थळपाहणी वेळी मोगरणेवाडी येथील सर्व्हे नं.९६, हि.नं.३/१४ या ठिकाणी खाजगी जागेत चि-याचे कुंपण उभारण्यात आलेले असून त्यामध्ये मातीचा भराव टाकण्यात आलेला असल्याचे दिसून आले आहे. सदरची जागा श्री.योगेश मनोहर राऊळ, मु.पो.काळसे (माळकेवाडी) यांचे मालकीची आहे. सदरची जागा तलावाच्या उच्चत्तम पूर रेषेमध्ये येत आहे. उपविभागीय अभियंता, पाटबंधारे उपविभाग कणकवली यांचेकडील दिनांक १४/१०/२०१८ च्या पत्रानुसार सदरची भिंत काढून टाकण्यात आल्याचे कळविले आहे. परंतु संयुक्त पहाणीवेळी तसे आढळून आलेले नाही. तरी सदर तलाव हा आपल्या कार्यालयाच्या अखत्यारीत येत असल्यामुळे संबंधिताकडून सदरचे बांधकाम व जागेतील भराव तात्काळ काढून टाकण्याची कार्यवाही करणेत यावी.

3

(अजय पाटणे)

तहसिलदार मालवण

01/07

प्रतः- १) मा.जिल्हाधिकारी सिंधुदुर्ग (महसूल शाखा) यांजकडे माहितीस्तव सविनय सादर.

२) अँड.श्री.ओकार केणी, रा.१६३, धामापूर, ता.मालवण, जि.सिंधुदुर्ग यांजकडे माहितीसाठी

01/07/2020

तहसिलदार तथा कार्यकारी दंडाधिकारी मालवण यांचे कार्यालय

(5)

ता.मालवण जि.सिंधुदुर्ग दुरध्वनी क्रमांक ०२३६५- २५२०४५ E-mail - tahasilmalvan@gmail.com

क्र.मशा/जबाबी/वेटलॅन्ड/०६/२०२०

दिनांक ३०/०६/२०२०

प्रति,

मा.जिल्हाधिकारी सिंधुदुर्ग
(महसूल शाखा)

विषयः- प्रशासकीय अधिका-याकडून वेटलॅन्ड नियम २०१७ तसेच सर्वोच्च व मा.मुंबई उच्च न्यायालयाच्या आदेशाची अवमान होत असल्याबाबत.

संदर्भः- आपलेकडील पत्र क्र.डेस्क.८/मशा-३/धामापूर तलाव/२०२० दिनांक १९/०५/२०२०

महोदया,

उपरोक्त विषयान्वये धामापूर तलावातील करण्यात आलेल्या अनधिकृत बांधकाम व उत्खननाबाबत अँड.ओकार केणी, रा.धामापूर यांनी केलेल्या तक्रार अर्जावर तहसिलदार मालवण व कार्यकारी अभियंता, सिंधुदुर्ग पाटबंधारे विभाग आंबडपाल, कुडाळ यांचे प्रतिनिधी, कृषि विभागाचे प्रतिनिधी, श्री.ओकांर केणी व श्री.सचिन देसाई इ. उपस्थित होते. त्यांनी धामापूर तलावाची दिनांक २९/०६/२०२० रोजी संयुक्त स्थळपहाणी केली आहे. अर्जदार श्री.ओकांर केणी यांनी अर्जात उल्लेख केलेल्या मुद्दयावर खालीलप्रमाणे वस्तुस्थिती आढळून आली आहे.

अ.क्र.	मुद्दा	वस्तुस्थिती
१) व ३)	मोगरणेवाडी येथील सर्व्हे नं.९६, हि.नं.३/१४ या ठिकाणी झालेले उल्लंघन दूर करून वेटलॅन्ड पूर्वस्थितीत आणले आहे. प्रत्यक्षात अजूनही त्या ठिकाणी मातीचा भराव व चि-याची भिंत आहे ते कृपया पावसाळा सुरू होण्यापूर्वी काढण्यात यावी व वेटलॅन्ड पूर्वस्थितीत आणावे.	मोगरणेवाडी येथील सर्व्हे नं.९६, हि.नं.३/१४ या ठिकाणी खाजगी जागेत चि-याचे कुंपण उभारण्यात आलेले असून त्यामध्ये मातीचा भराव टाकण्यात आलेला आहे. सदरची जागा तलावाच्या उच्चत्तम पूर रेषेमध्ये येत आहे. याबाबत पाटबंधारे विभाग आंबडपाल यांना सदरचा भराव व कुंपण काढण्यासाठी सूचना देण्यात आलेले असून दि.३०/०६/२०२० रोजी या कार्यालयाकडून कळविण्यात आलेले आहे. सदर जागेच्या ठिकाणी असलेला मातीचा भराव काढून टाकणे व चि-याची सिमेंट वापरून वाफरूम बांधलेली भिंत काढून टाकणे गरजेचे आहे. त्यासाठी कृपया आपले स्तरावरून कार्यकारी अभियंता, सिंधुदुर्ग पाटबंधारे विभाग यांना सूचित करावे असे मत आहे.
२)	धामापूर तलावाच्या उच्चत्तम पूर पातळीमध्ये कृषी विभाग, धामापूर यांनी बांधलेल्या सिमेंट	धामापूर तलावातील सर्व्हे नं.९१ब१ ही महाराष्ट्र शासनाच्या कृषि विभागाच्या जागेत सिमेंट

01/07/2020

	कॉक्रिटच्या विहीरीवर मा.तहसिलदार मालवण यांनी स्थगिती आणल्याचे आम्हाला अवगत केले होते, परंतु प्रत्यक्षात विहीरीचे बांधकाम पूर्ण झालेले आहे.	कॉक्रिटचे विहीर बांधण्यात आलेली असून सदर विहीरीवर विभागीय कृषि सह संचालक कोकण विभाग ठाणे यांनी दि.३०/११/२०१८ च्या आदेशाने रक्कम रू.१९,११,९५० इतकी रक्कम मंजूर झालेली असून त्यातील १०,३३,७६६ इतकी रक्कम सदर विहीरीवर खर्च झालेला आहे. संयुक्त पहाणीच्या वेळी त्याठिकाणी विहीर बांधल्याचे दिसून आले. सदर विहीरीचे बांधकाम RCC पध्दतीने करण्यात आले आहे. त्यामुळे अर्जदार यांनी मा.सर्वोच्च न्यायालयाच्या आदेशानुसार सदर जागेची स्थिती पूर्वीप्रमाणे करावी अशी मागणी अर्जदार यांनी केली आहे. सदर बांधकाम कृषी विभागाच्या अखत्यारीतील आहे. त्यामुळे त्याविषयी जिल्हा अधिक्षक कृषी यांचेमार्फत कार्यवाही करणे उचित होईल असे वाटते.

सदरच्या स्थळपहाणीवेळी तक्रारदार, सिंधुदुर्ग पाटबंधारे विभागचे प्रतिनिधी व कृषि विभागाचे प्रतिनिधी उपस्थित होते. यापत्रासोबत स्थळपहाणीचे फोटो, कृषि विभागाच्या मंजूर आदेशाची प्रत, पाटबंधारे विभागास सर्व्हे नं.९६, हि.नं.३/४ मधील भराव व कुपंण काढून टाकण्यास कळविण्यात आलेल्या पत्राची प्रत जोडण्यात येत आहे. तरी पुढील कार्यवाहीसाठी माहितीस्तव सविनय सादर.

आपला विश्वासू

(अजय पाटणे)
तहसिलदार मालवण

[illegible] सा.१६२, [illegible] यांजकडे माहिती [illegible]

तहसिलदार मालवण

खरीनक्कल

तहसिलदार मालवण करीता

The Office of Tahasildar and Executive Magistrate, Malvan

Tal: Malvan, District: Sindhudurg. Phone: 02365-252045 Email: tahasilmalvan@gmail.com

Kra.Masha/Jababi/Wetland/06/2020
Dated: 30/06/2020

To,
The District Collector,
(Revenue Dept)

Sub: Administrative Officers belittling Wetland Rule 2017 as well as the orders of High Court and Supreme Court

Ref: Your letter dated 19/05/2020 Kra.Desk 8/Masha-3 Dhamapur Lake 2020

Madam,

W.r.t. the above mentioned subject and the application of Omkar Keni regarding illegal construction and excavation in Dhamapur Lake, Tahasildar Malvan, Representative of Executive Engineer, Sindhudurg Irrigation Department, Ambadpal, Kudal, Representative of Agriculture Dept, Shri. Omkar Keni and Shri Sachin Desai were present in person at the above site. They together have inspected Dhamapur Lake on 29/06/2020.

Following are the facts on the points mentioned in the application by Omkar Keni.

Sr. No.	Point in the Application	Actual Fact on the Wetland Site
1. & 3	Violation has been resolved at Mogaranewadi at Survey No. 96, Hissa No. 3/14. Presently the wall of laterite stone constructed is as it is and also the unearthed mud used as filler has not been removed. The wetland condition should be restored by removing the above unwanted material before monsoon.	Presently at Mogaranewadi , Survey No. 96, Hissa No. 3/14, a laterite stone fence has been constructed in a private place and excavated mud is put there as filler. The said place encloses a high flood line area. Irrigation Dept, Ambadpal have been instructed to remove the said fence and the filler mud and this office has also intimated them through letter dated 30/06/2020. It is very important to remove the laterite stone wall constructed using cement and the mud used as filler also has to be removed.

		Thus it is a opinion that Executive Engineer Ambadpal be instructed accordingly at your level.
	Tahasildar Malvan had intimated us about the stay order issued on the construction of cement concrete well in high flood line area of Dhamapur lake. But actually the construction of well is complete.	A cement concrete well has been constructed in Dhamapur Lake, Survey No. 96/3/14, belonging to Agriculture Dept., Govt. of Maharashtra Amount of Rs. 19,11,950/-has been approved through order dated 30/11/2018 by Divisional Agriculture Joint Director Konkan Division Thane. Amount of Rs. 10,33,766/- has been utilized on construction of well. The completely constructed well was seen during combined spot inspection. Construction of said well is of RCC type. Thus as per the orders of Supreme Court, the applicant demands the restoration of land. The said construction is under Agriculture Dept. Thus the action through District Superintendent of Agriculture would be appropriate.

During the said spot inspection along with the applicant were present representative of Irrigation dept. and representative of Agriculture dept.

Attached herewith are the photographs of spot inspection, approved order of agriculture dept and letter instructing irrigation department to demolish the fence and remove the mud filler in Survey No. 96 Hissa no. 3/4.

With courtesy for information and further action.

Your's faithfully

Ajay Patane

Tahasildar Malvan

The Office of Tahasildar and Executive Magistrate, Malvan

Tal: Malvan, District: Sindhudurg. Phone: 02365-252045 Email: tahasilmalvan@gmail.com

Kra.Masha/Jababi/Wetland/06/2020
Dated: 30/06/2020

Important/Urgent

To,

The Executive Engineer,

Sindhudurg Irrigation Dept,

Ambadpal, Kudal

Sub: Administrative Officers belittling Wetland Rule 2017 as well as the orders of High Court and Supreme Court

Ref: Letter No. Dest-8/Masha-3/Dhamapur Lake 2020 dated 19/05/2020 from Dist. Collector,

Sindhudurg,

Combined spot inspection done by this office on 29/06/2020.

W.R.T. the above mentioned subject, Adv.Omkar Keni, a resident of Dhamapur, Malvan has complained against illegal construction in Dhamapur lake to District CollectorIn accordance this office has done a spot inspection of 29/06/2020.

During this spot inspection Shri. K.S. Kavitkar, Sub divisional Engineer , Irrigation Sub Division, Sawantwadi was present. It was that at Mogaranewadi , Survey No. 96, Hissa No. 3/14, a laterite stone fence has been constructed in private place and excavated mud is put there as filler. The owner of this place is Shri Yogesh Manohar Rawool, At & Post Kalse, Malkewadi. The said place encloses high flood line area. The letter dated 14/10/2020 from Sub divisional Engineer , Irrigation Sub Division, Kankawli states that the laterite stone wall fence was removed. But during spot inspection the wall existed. Since this lake comes under your jurisdiction, the respective owner should be intimated to remove the fence wall and also make the place plain by removing the filler mud.

Ajay Patane

Tahasildar, Malvan

Copy to: 1. District Collector, Sindhudurg (Revenue) for information

2. Adv. Omkar Keni, 163, Dhamapur Malvan for information

ANNEXURE A-4

Photograph showing RCC well construction by the Agriculture Department within the High Flood Line of Dhamapur Lake

ANNEXURE A-5

Photographs showing constructions by Yogesh Rawool (Respondent No. 8) within the High Flood Line of Dhamapur Lake

(The red line on the pole signifies the High Flood Line of Dhamapur lake, and the constructions can be seen within the High Flood Line)


तरुण भारत
संवाद
युद्ध थांबविण्यासाठी प्रयत्नांची शर्थ
चला निवडणुका जिंकूया!
महाराष्ट्राचा पारा वाढला
सोहळा शपथविधीचा, शक्तिप्रदर्शनाचाही


तरुण भारत
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युद्ध थांबविण्यासाठी प्रयत्नांची शर्थ
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सोहळा शपथविधीचा, शक्तिप्रदर्शनाचाही

ANNEXURE A-6

Photographs showing waste dumping taking place within 50 metres of the High Flood Line of Dhamapur Lake

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

PUBLIC INTEREST LITIGATION NO.87 OF 2013

Vanashakti Public Trust & Ors. ..Petitioners
Versus
Union of India through the Secretary
Ministry of Environment & Forests & Ors. ..Respondents

Ms.Gayatri Singh, Sr. Consel a/w Mr.Zaman Ali a/w Ms.Anuja Sundaresan for the Petitioner.

Mr.G.W. Mattos, AGP for the Respondent Nos.2,3 and 8-State.

Ms.Trupti Puranik for the Respondent-BMC.

Mr.N.R.Bubna for the Respondent No.6.

Ms.Rupali Dixit i/by Mrs.Sharmila Deshmukh
for the Respondent No.5.

Mr.Sabit Chakrabarty i/by Vidhi Partners for the Respondent No.8.

Ms.Milan Bhise a/w Mr.Amit Bhave i/by Milan Bhise & Co. for the Respondent No.1.

Mr.Y.R. Mishra a/w Mr.D.A. Dube for the Respondent No.1-Union of India.

CORAM : ABHAY S. OKA &
A.A. SAYED, JJ.

DATE : 25th JULY 2016

P.C.

1. The issue raised in this PIL is of public importance. The issue is regarding preserving wetlands in the State of Maharashtra.

Considering the importance of the issue, we issue Rule. The parties which are represented today by the advocates waive service of Rule. All ad-interim directions issued by this Court from time to time including the order dated 14th October 2013 which are operative till today shall continue to operate as the interim orders of this Court.

2. As per order dated 14th October 2013, this Court has directed that on the areas which have been identified as Wetland areas in the Wetland Atlas prepared by the Central Government, there shall be no reclamation of lands and no construction of whatsoever nature is permitted on the said lands without leave of this Court.

3. There is a Contempt Petition being Contempt Petition No.1 of 2015 filed by the PIL Petitioners complaining about violation of the ad-interim orders. From the Contempt Petition and from the affidavits filed on record, we find that the major violations according to the case of the petitioners are in Mumbai Suburban District as well as Thane District.

4. We hope and trust that even the State Government has understood the importance of maintaining and preserving the

Wetlands in the State. The learned counsel appearing for petitioners pointed out that since there are large scale violations, it is not possible for the petitioners to point out each and every instance to the Court and to the concerned officers of the State.

5. Considering the need to protect the Wetlands in the State and for ensuring compliance with the interim orders passed by this Court, a Grievance Redressal Mechanism will have be created. We, accordingly, direct to State Government to constitute a committee headed by the Divisional Commissioner of Konkan Division to monitor the implementation of the interim orders passed by this Court in the Konkan area of the State. We direct that a representative of the first petitioner shall be a member of the committee. The State Government shall appoint Senior Revenue Officers working under the Divisional Commissioner Konkan Division as well as Senior Police Officers having jurisdiction over various areas of districts in the Kokan Region to be part of the committee. It will be open for the State Government to include any expert as a member of the committee. Even a representative of the Maharashtra Pollution Control Board shall be a part of the committee. Needless to add that all Planning Authorities within the meaning of the Maharashtra Regional and Town Planning Act, 1966,

in the said districts of Kokan Region be given a representation of the committee.

6. The committee shall be constituted within the period of six weeks from today. The State Government shall give responsibility of the implementation of the orders passed by this Court at Taluka level to the officers not below the rank of Tahasildar. The officers so nominated shall work under the control of committee constituted under the orders of this Court.

7. The committee shall ensure that a Grievance Redressal Mechanism is set up for receiving and dealing with the complaints regarding destruction of the Wetlands in breach of orders of this Court. The committee shall make arrangements for receiving complaints about the destruction of Wetlands by E-mail and by way of Whatsapp messages. Arrangments should be made to receive complaints by providing toll free numbers. The Divisional Commissioner shall either create a seperate website or use the Website of his office to receive online complaints about destruction of Wetlands in breach of orders of this Court. Arrangments shall be made to provide for uploading photographs.

8. The necessary Grivance Redressal Machanisim shall be setup within a period of eight weeks from today. Wide publicity shall be given by the State Government in Local News papers, Television Channles, FM news channels etc., to the interim orders of this Court and to the availablity of the Grivance Redressal Mechanism to receive complaints. We make it clear that it will not be necessary for the complainant to disclose his or her name. If anonimous complaints are received giving full particulars of the violation, the same shall be acted upon.

9. Action taken on the basis of complaints received by all possible modes shall be reported either on the specially created Website or on the Website of the Divisional Commissioner within a period of two weeks from the date on which the complaints are received. Adequate publicity shall be given to the Grivance Redressal Machanisim in all offices of Tahasildars in Konkan area. The State Government shall ensure that a Police Officer is made responsible at each Taluka level to assit the Tahasildars and other Revenue Officers for taking actions in case of violations.

10. As soon as complaints are received in any form, needless to add that a team of officers shall be immediately deputed

to the site to carry out site inspection. If complaintant has given his name, address and contact details, even the complainant shall be informed about the proposed site visit of the Government Officers.

11. The State Government shall file a detailed affidavit reporting compliance with the aforesaid directions on or before 27th September 2016. For considering the compliance, the PIL shall be listed under the caption of 'Direction' on 30th September 2016. Needless to add that the responsibility of the committee constituted under the Chairmanship of the Commissioner will be of not only of ensuring the compliance with the orders passed by this Court but also of restoration of Wetlands after the instances of destruction are brought to the notice of the committee.

[A.A. SAYED, J.] **[ABHAY S. OKA, J.]**

ANNEXURE A-8

DR. S. R. YADAV
M.Sc. Ph. D. FIAAT, FMASc, FNASc, FNA,
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Department of Botany,
Shivaji University,
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sryadavdu@gmail.com

21-5-2023

TO Who
m Ever Concern

Comments on A. P. Shinde, Report

Boswellia serrata Roxb. Does not occur around Dhamapur lake and it is dry region plant species.

Hardwickia binata Roxb. Spelling of species is wrong and this is dry region plant and does not occur around Dhamapur lake.

Hura crepitans L. is an exotic species, grown in gardens and does not occur in Dhamapur lake area.

Castanea sativa Mill. is an exotic species, grown in gardens and does not occur in Dhamapur lake area.

Willughbeia sarawacensis (Pierre) K.Schum. Does not occur in India.

Terminalia elliptica Willd. Repetition of same name for different names in Marathi.

Hardwickia binata Roxb. Spelling of species is wrong and Repetition of same name for different names in Marathi.

The report is not acceptable as it mentions plants which are not even found in India and some of the plant species which do not occur in and around Dhamapur lake.

S.R.Yadav

ANNEXURE A-9

Checklist of Birds of Dhamapur Forest

Family	Common Name	Scientific Name	Local Name	Status
1. Phasianidae	1. Jungle Bush Quail	*Perdicula asiatica*	जंगली लावा	**Residential**
	2. Red Spurfowl	*Galloperdix spadicea*	लाल चकोत्री	**Residential**
	3. Grey Junglefowl	*Gallus sonneratii*	राखी रानकोंबडी	**Residential**
	4. Indian Peafowl	*Pavo cristatus*	मोर	**Residential**
2. Dendrocygnidae	5. Lesser Whistling Duck	*Dendrocygna javanica*	अडई	**Local Migratory**
3. Anatidae	6. Indian Spot Billed Duck	*Anas poecilorhyncha*	हळदीकुंकू बदक	**Local Migratory**
4. Podicipedidae	7. Little Grebe	*Tachybaptus ruficollis*	टिबुकली	**Residential**
5. Ciconiidae	8. Asian Openbill	*Anastomus oscitans*	उघड्या चोचीचा करकोचा	**Residential**
	9. Painted Stork	*Mycteria leucocephala*	रंगीत करकोचा	**Migratory**
	10. Woolly-Necked Stork	*Ciconia episcopus*	पांढऱ्या मानेचा करकोचा	**Local Migratory**
6.Threskiornithidae	11. Black -Headed Ibis	*Threskiornis melanocephalus*	काळ्या डोक्याचा शराटी	**Local Migratory**
	12. Red-Naped Ibis	*Pseudibis papillosa*	काळा शराटी	**Local Migratory**
	13. Glossy Ibis	*Plegadis falcinellus*	मोर शराटी	**Local Migratory**

7. Ardeidae	14. Black Crowned Night Heron	*Nycticorax nycticorax*	रात ढोकरी	**Local Migratory**
	15. Indian Pond Heron	*Ardeola greyii*	ढोकरी	**Residential**
	16. Grey Heron	*Ardea cinerea*	राखी बगळा	**Residential**
	17. Purple Heron	*Ardea purpurea*	जांभळा बगळा	**Residential**
	18. Cattle Egret	*Bubulcus ibis*	गाय बगळा	**Residential**
	19. Great Egret	*Casmerodius albus*	मोठा बगळा	**Residential**
	20. Intermediate Egret	*Mesophoyx intermedia*	मध्यम बगळा	**Residential**
	21. Little Egret	*Egretta garzetta*	छोटा बगळा	**Residential**
8. Phalacrocoracidae	22. Little Cormorant	*Phalacrocorax niger*	छोटा पाणकावळा	**Residential**
	23. Indian Cormorant	*Phalacrocorax fuscicollis*	भारतीय पाणकावळा	**Residential**
9. Anhingidae	24. Oriental Darter	*Anhinga melanogaster*	तिरंदाज	**Local Migratory**
10. Accipitridae	25. Oriental Honey Buzzard	*Pernis ptilorhynchus*	मधुबाज	**Local Migratory**
	26. Black Winged Kite	*Elanus caeruleus*	कापशी घार	**Residential**
	27. Black kite	*Milvus migrans*	घार	**Residential**
	28. Brahminy Kite	*Haliastur indus*	समुद्री घार	**Residential**
	29. White bellied Sea Eagle	*Haliaeetus leucogaster*	समुद्री गरुड	**Residential**
	30. Crested Serpent Eagle	*Spilornis cheela*	तुरेवाला सर्पगरुड	**Residential**

	31. Shikra	*Accipiter badius*	शिक्रा	**Residential**
11. Rallidae	32. Slaty legged Crake	*Rallina eurizonoides*	मातकट पायाची फटाकडी	**Residential**
	33. White-Breasted Waterhen	*Amaurornis phoenicurus*	पांढऱ्या छातीची पाणकोंबडी	**Residential**
	34. Common Coot	*Fulica atra*	वारकरी	**Local Migratory**
	35. Grey-Headed Swamphen	*Porphyrio poliocephalus*	जांभळी पाणकोंबडी	**Local Migratory**
12. Burhinidae	36. Great Thick Knee	*Esacus recurvirostris*	मोठा करवानक	**Local Migratory**
13. Charadriidae	37. Yellow-Wattled Lapwing	*Vanellus malabaricus*	माळटिटवी	**Local Migratory**
	38. Red Wattled Lapwing	*Vanellus indicus*	टिटवी	**Local Migratory**
	39. Pacific Golden Plover	*Pluvialis fulva*	सोन चिखल्या	**Migratory**
	40. Grey Plover	*Pluvialis squatarola*	राखी चिखल्या	**Local Migratory**
	41. Kentish Plover	*Charadrius alexandrinus*	केंटीश चिखल्या	**Migratory**
	42. Little Ringed Plover	*Charadrius dubius*	छोटा कंठेरी चिखल्या	**Migratory**
14. Jacanidae	43. Pheasant Tailed Jacana	*Hydrophasianus chirurgus*	लांब शेपटीचा कमळपक्षी	**Local Migratory**

	44. Bronze Winged Jacana	*Metopidius indicus*	कांस्यपंखी कमळपक्षी	**Local Migratory**
15. Scolopacidae	45. Common Sandpiper	*Actitis hypoleucos*	सामान्य तुतारी	**Local Migratory**
16. Laridae	46. River Tern	*Sterna aurantia*	नदी सुरय	**Local Migratory**
17. Columbidae	47. Rock Pigeon	*Columba livia*	पारवा	**Residential**
	48. Spotted Dove	*Stigmatopelia chinensis*	ठिपकेवला होला	**Residential**
	49. Emerald Dove	*Chalcophaps indica*	पाचू होला	**Residential**
	50. Grey-Fronted Green Pigeon	*Treron (p) affinis*	राखी कपाळाची हरोळी	**Residential**
	51. Yellow Footed Green Pigeon	*Treron phoenicopterus*	पिवळया पायाची हरोळी	**Residential**
18. Psittacidae	52. Vernal Hanging Parrot	*Loriculus vernalis*	पिचू पोपट	**Residential**
	53. Rose-Ringed Parakeet	*Psittacula krameri*	पोपट	**Residential**
	54. Plum-Headed Parakeet	*Psittacula cyanocephala*	टोई पोपट	**Residential**
19. Cuculidae	55. Jacobin Cuckoo	*Clamator jacobinus*	चातक	**Local Migratory**
	56. Common Hawk Cuckoo	*Hierococcyx varius*	पावश्या	**Local Migratory**
	57. Asian Koel	*Eudynamys scolopaceus*	कोकीळ	**Residential**
20. Centropodidae	58. Southern Coucal	*Centropus s parroti*	भारद्वाज	**Residential**

21. Tytonidae	59. Barn Owl	*Tyto alba*	गव्हाणी घुबड	**Residential**
	60. Brown Wood Owl	*Strix leptogrammica*	तपकिरी वनघुबड	**Residential**
22. Strigidae	61. Brown Fish Owl	*Ketupa zeylonensis*	मासेमार घुबड	**Residential**
	62. Spotted Owlet	*Athene brama*	ठिपकेवला पिंगळा	**Residential**
23. Batrachostomidae	63. Sri Lanka Frogmouth	*Batrachostomus moniliger*	बेडूकतोंड्या	**Residential**
24. Caprimulgidae	64. Indian Nightjar	*Caprimulgus asiaticus*	रानरातवा	**Residential**
	65. Jerdon's Nightjar	*Caprimulgus atripennis*	जेर्डनचा रातवा	**Residential**
25. Apodidae	66. Little Swift	*Apus pacificus*	पॅसीफिक पाकोळी	**Residential**
26. Trogonidae	67. Malabar Trogon	*Harpactes fasciatus*	मलबारी कर्णा	**Migratory**
27. Coraciidae	68. Indian Roller	*Coracias benghalensis*	भारतीय नीलपंख	**Residential**
28. Halcyonidae	69. Stork Billed Kingfisher	*Pelargopsis capensis*	बलाकचोच धीवर	**Residential**
	70. White-Throated Kingfisher	*Halcyon smyrnensis*	पांढऱ्या छातीचा धीवर	**Residential**
29. Alcedinidae	71. Common Kingfisher	*Alcedo atthis*	सामान्य धीवर	**Residential**
	72. Oriental Dwarf Kingfisher	*Ceyx erithaca*	तीबोटी धीवर	**Migratory**
	73. Blue Eared Kingfisher	*Alcedo meninting*	निळया कानाचा धीवर	**Local Migratory**
30. Cerylidae	74. Pied Kingfisher	*Ceryle rudis*	कवड्या धीवर	**Residential**

31. Meropidae	75. Green Bee-Eater	*Merops orientalis*	वेडाराघू	**Residential**
	76. Blue Bearded Bea-Eater	*Nyctyornis athertoni*	दाढीवाला राघू	**Local Migratory**
	77. Blue-Tailed Bee-Eater	*Merops philippinus*	निळ्या शेपटीचा राघू	**Local Migratory**
32. Bucerotidae	78. Malabar Grey Hornbill	*Ocyceros griseus*	मलबारी राखी धनेश	**Residential**
	79. Great Hornbill	*Buceros bicornis*	महाधनेश	**Residential**
	80. Malabar Pied Hornbill	*Anthracoceros coronatus*	मलबारी कवड्या धनेश	**Residential**
33. Megalaimidae	81. White-Cheeked Barbet	*Megalaima viridis*	पांढऱ्या गालाचा कुटूरगा	**Residential**
	82. Brown Headed Barbet	*Megalaima zeylanica*	तपकिरी डोक्याचा कुटूरगा	**Residential**
	83. Coppersmith Barbet	*Megalaima haemacephala*	तांबट	**Residential**
34. Picidae	84. Yellow Crowned Woodpecker	*Dendrocopos mahrattensis*	पिवळ्या मुकुटाचा सुतार	**Residential**
	85. Rufous Woodpecker	*Micropternus brachyurus*	तांबूस सुतार	**Residential**

	86. Lesser Goldenback	*Dinopium benghalense*	छोटा सोनपाठी सुतार	**Residential**
35. Pittidae	87. Indian Pitta	*Pitta brachyura*	नवरंग	**Migratory**
36. Tephrodornithidae	88. Common Woodshrike	*Tephrodornis pondicerianus*	रानखाटिक	**Migratory**
	89. Bar-Winged Flycatcher Shrike	*Hemipus picatus*	कवड्या माशीमार-खाटिक	**Migratory**
37. Artamidae	90. Ashy Woodswallow	*Artamus fuscus*	राखी रानपाकोळी	**Migratory**
38. Aegithinidae	91. Common Iora	*Aegithina tiphia*	सुभग	**Residential**
39. Campephagidae	92. Orange Minivet	*Pericrocotus flammeus*	नारिंगी गोमेट	**Residential**
	93. Small Minivet	*Pericrocotus cinnamomeus*	छोटा गोमेट	**Residential**
40. Laniidae	94. Brown Shrike	*Lanius cristatus*	तपकिरी खाटिक	**Residential**
	95. Bay-Backed Shrike	*Lanius vittatus*	उदिपाठीचा खाटिक	**Residential**
	96. Long tailed Shrike	*Lanius schach*	लांब शेपटीचा खाटिक	**Residential**
41. Oriolidae	97. Indian Golden Oriole	*Oriolus (oriolus) kundoo*	हळद्या	**Residential**
	98. Black Hooded Oriole	*Oriolus xanthornus*	बुरख्याधारी हळद्या	**Residential**
42. Dicruridae	99. Black Drango	*Dicrurus macrocercus*	कोतवाल	**Residential**
	100. Ashy Drongo	*Dicrurus leucophaeus*	राखी कोतवाल	**Residential**

	101. Greater Racket Tailed Drongo	*Dicrurus paradiseus*	भृंगराज कोतवाल	**Residential**
43. Monarchidae	102. Black-Naped Monarch	*Hypothymis azurea*	काळया मानेची आकाशी माशीमार	**Residential**
	103. Indian Paradise Flycatcher	*Terpsiphone paradisi*	स्वर्गीय नर्तक	**Local Migratory**
44. Corvidae	104. Rufous Treepie	*Dendrocitta vagabunda*	टकाचोर	**Local Migratory**
	105. House Crow	*Corvus splendens*	कावळा	**Residential**
	106. Indian Jungle Crow	*Corvus macrorhynchos*	डोमकावळा	**Residential**
45. Hirundinidae	107. Wire-Tailed Swallow	*Hirundo smithii*	तारवाली भिंगरी	**Residential**
46. Cisticolidae	108. Grey Breasted Prinia	*Prinia hodgsonii*	राखी छातीचा वटवट्या	**Residential**
	109. Jungle Prinia	*Prinia sylvatica*	रान वटवट्या	**Residential**
	110. Ashy Prinia	*Prinia socialis*	राखी वटवट्या	**Residential**
	111. Common Tailorbird	*Orthotomus sutorius*	शिंपी	**Residential**
47. Pycnonotidae	112. Red Whiskered Bulbul	*Pycnonotus jocosus*	शिपाई बुलबुल	**Residential**
	113. Red Vented Bulbul	*Pycnonotus cafer*	लालबुड्या बुलबुल	**Residential**
	114. Yellow Browed Bulbul	*Acritillas indica*	पिवळया भुवईचा बुलबुल	**Residential**

48. Timaliidae	115. Puff-Throated Babbler	*Pellorneum ruficeps*	ठिपकेवाला सातभाई	**Residential**
	116. Common Babbler	*Turdoides caudata*	सामान्य सातभाई	**Residential**
	117. Large Grey Babbler	*Turdoides malcolmi*	राखी सातभाई	**Residential**
	118. Jungle Babbler	*Turdoides striata*	जंगली सातभाई	**Residential**
49. Zosteropidae	119. Oriental White-Eye	*Zosterops palpebrosus*	चष्मेवाला	**Residential**
50. Sturnidae	120. Jungle Myna	*Acridotheres fuscus*	जंगली मैना	**Residential**
	121. Common Myna	*Acridotheres tristis*	साळुंकी	**Residential**
	122. Chestnut Tailed Starling	*Sturnai malbarica*	करड्या डोक्याची मैना	**Migratory**
51. Turdidae	123. Malabar Whistling Thrush	*Myophonus horsfieldii*	मलबार शीळ कस्तूर	**Residential**
	124. Orange Headed Thrush	*Zoothera citrina*	नारिंगी डोक्याचा कस्तूर	**Residential**
52. Muscicapidae	125. Oriental Magpie Robin	*Copsychus saularis*	दयाळ	**Residential**
	126. White Rumped Shama	*Copsychus malabaricus*	शामा	**Residential**
	127. Indian Robin	*Saxicoloides fulicatus*	चीरक	**Residential**
	128. Common Stonechat	*Saxicola torquatus*	सामान्य गप्पीदास	**Local Migratory**

	129. Tickells blue Flycatcher	*Cyornis tickelliae*	टिकेलची निळी माशीमार	**Residential**
53. Dicaeidae	130. Thick-billed Flowerpecker	*Dicaeum agile*	जाड चोचीचा फुलटोचा	**Local Migratory**
54. Nectariniidae	131. Purple-rumped Sunbird	*Leptocoma zeylonica*	जांभळ्या पुठ्ठ्याचा शिंजीर	**Residential**
	132. Crimson Backed Sunbird	*Leptocoma minima*	छोटा शिंजीर	**Residential**
	133. Purple Sunbird	*Cinnyris asiaticus*	जांभळा शिंजीर	**Residential**
	134. Vigors's Sunbird	*Aethopyga siparaja vigorsii*	विगोरचा शिंजीर	**Residential**
	135. Little Spiderhunter	*Arachnothera longirostra*	छोटा कोळीखाऊ	**Residential**
55. Passeridae	136. House Sparrow	*Passer domesticus*	चिमणी	**Residential**
56. Ploceidae	137. Baya weaver	*Ploceus philippinus*	सुगरण	**Residential**
57. Estrildidae	138. Scaly Breasted Munia	*Lonchura punctulata*	ठिपकेवली मनोली	**Residential**
	139. White-Rumped Munia	*Lonchura striata*	पांढऱ्या पुठ्ठ्याची मनोली	**Residential**
	140. Black Throated Munia	*Lonchura kelaarti*	काळ्या गळ्याची मनोली	**Residential**

58. Motacillidae	141. Citrine Wagtail	*Motacilla citreola*	पिवळया डोक्याचा धोबी	**Migratory**
	142. Yellow Wagtail	*Motacilla flava*	पिवळा धोबी	**Migratory**
	143. White Wagtail	*Motacilla alba*	पांढरा धोबी	**Migratory**
	144. Paddyfield Pipit	*Anthus rufulus*	धान तीरचिमणी	**Local Migratory**

Checklist of Mammals of Dhamapur Forest

Family	Scientific Name	Common Name	Local Name	Habit
Cercopithecidae	*Semnopithecus hypoleucos*	Langoor	Vanar	All vegetation type
	Macaca radiate	Bonnet Macaque	Makad	Commensal to human
Sciuridae	*Funambulus palmarum*	Three striped palm Squirrel	Khaar, krutank	All vegetation type

	Ratufa indica	Indian Gaint Squirrel	Shekru	Forest and woodland
Vespertilionidae	*Kerivoula picta*	Painted Bat	-	Tropical Forest
Viverridae	*Paradoxurus hermaphrodictus*	Asian palm Civet		Forest
	Viverricula indica	Small Indian Civet	--	Forest
Herpestidae	*Herpestes edwardsi*	Indian Grey Mongoose	Mongoose	Rocky patches, grasslands etc.
	Panthera. pardus	Leopard	Bibta	Forest , Open land
	Felis chaus Guldenstaedt	Jungle Cat	baul	Forest , Open land
Cannidae	*Canis aureus*	Golden Jackal	Kolha	Grassland
Cervidae	*Muntiacus muntjak*	Barking deer	-	Forest
Manidae	*Manis crassicaudata*	Pangolin	Khavle manjar	Rainforest, Grassland
Hystricidae	*Hystrix indica*	Porcupine	Salindar	Rainforest, Grassland
Mustelidae	*Lutrogale perspicillata*	Smooth coated Otter	Pan- Manjar	Freshwater
Suidae	*Sus scrofa*	Wild Boar	Ran dukkar	Forest
Bovidae	*Bos gaurus*	Gaur	Gaur	Forest
Leporidae	*Lepus nigricollis*	Indian Hare	Sasa	Grassland, Forest

Checklist of Snakes of Dhamapur Forest

Family	Scientific Name	Common Name	Local Name	Habit

Elapidae	1. *Naja naja*	Indian cobra	Nag	tree hollows, termite mounds closely with human habitation
	2. *Bungurus caeruleus*	Common krait	Maniyar	fields,rat holes,inside the houses
Viperidae	3. *Echis carinatus*	Saw scaled viper	Fursa	grassland
	4. *Daboia russeli*	Russells viper	Agya ghanas	closely with human habitation
Colubridae	5. *Ptyas mucosa*	Indian rat snake	Divad	Agricultural field
	6. *Xenochrophis piscator*	Checkered keelback	Hewale	Paddy field
	7. *Amphiesma stolatum*	Striped keelback		Forest field , wetland
	8. *Ahaetulla nasuta*	Vine snake	Saraptoli	Low bushes & shrubs
	9. *Boiga trignata*	Common cat snake	Manjrya	Mangroves and rain forest
Pythonidae	10. *Python molurus molurus*	Indian rock python	Ajgar	Tropical rain forest

Checklist of Frogs of Dhamapur Forest.

Sr. No	Family	Scientific Name	Common Name	Habitat
1.	Bufonidae	*Duttaphrinus melanostictus*	Common Indian Toad	Moist place

2.	Dicroglossidae	*Hoplobatrachus tigerinus*	Indian Bull frog	Wetland, paddy field
3.		*Sphaerotheca dobsonii*	Dobson burrowing frog	Forest
4.		*Sphaerotheca breviceps*	Indian burrowing frog	Forest
5.		*Euphlistis cyanophlictis*	Common skittering frog	Paddy field, pond, wetlands
6.		*Minervarya cepfi*	Cepf burrowing frog	montane forest
7.		*Minerverya Caperata*	Sahyadri cricket frog	montane forest
8.		*Minerverya sahyadris*	Minerverya Frog	Paddy fields , wetlands
9.		*Minerverya syhyadriensi*	Minerverya syhyadra	Paddy fields, wetlands
10.	Microhylidae	*Microhyla nilphameriensis*	Nilphamari narrow mouthed frog	Montane forest
11.		*Uperodon mormorata*	Indian dot frog	Tree holes
12.		*Microhyla ornata*	Narrow mouthed frog	Montane forest, wetlands, paddy fields
13.	Rhacophoridae	*Roarchestus Bombayensis*	Bombay bush frog	Bush
14.		*Pseudophilautus amboli*	Amboli bush frog	Bush
15.		*Polypdates maculatus*	Indian common tree frog	Bush trees
16.	Ranixalidae	*Indirana chiravasi*	Amboli leaping frog	Streams, forest

Checklist of Fish of Dhamapur Lake.

Sr. No	Family	Scientific Name	Common Name
1.	Angulidae	*Angulia bengalensis*	River Eel
2.	Aplochelidae	*Aplochelius liniatus*	Striped panchax
3.	Bagridae	*Mystus malbaricus*	Malabar Catfish
4.	Belonidae	*Xenentodon cancila*	Freshwater garfish
5.	Channidae	*Channa gachua*	Dwarf channa
6.	Claridae	*Clarius batrachus*	Walking Catfish
7.	Cyprinidae	*Garra mullya*	Garra mullya
8.		*Rasbora daniconius*	Slender rasbora
9.		*Devario malbaricus*	Giant Danio
10.		*Puntius sarana*	Olive barb
11.		*Dawkinsia filamentousis*	Filamentous Barb
12.		*Pethia ticto*	Ticto Barb
13.		*Etroplus surantensis*	Pearlspot
14.		*Oreochromis mosambicus*	Mosambique Tilapia
15.		*Haludaria fasiata*	Melon Barb
16.		*Puntius vittatus*	Green Strip barb

17.	Gobidae	*Glossogobius guiries*	Tank Gobi
18.	Mastacembelidae	*Mastacembelus armatus*	Marbled spiny eel
19.	Nemachelidae	*Scistura denisonii*	Ring loach
20.		*Indoreonectes evezardi*	Hill stream loach
21.	Siluridae	*Ompok malbaricus*	Goan Catfish

Checklist of Spider Fauna of Dhamapur Forest.

Sr. No	Family	Scientific Name	Habitat
1.	Araneidae	*Araneus mitificus*	Shrub, Grass
2.		*Araniella Sp.*	Shrub,

3.		*Argiope aemula*	Bush, Trees, Garden
4.		*Argiope keyserlingi*	Bush, Trees, Garden
5.		*Argiope pulchella*	Bush, Trees, Garden
6.		*Argiope versicolor*	Bush, Trees, Garden
7.		*Cyclosa insulana*	Arboreal
8.		*Cyclosa sp*	Tree, Bush
9.		*Eriophora ravilla Cf*	Bush, shrub
10.		*Eriovixia excelsa*	Shrub, Foliage, Bush
11.		*Eriovixia laglaizei*	Shrub, Foliage, Bush
12.		*Eriovixia sp*	Arboreal
13.		*Gea spinipes*	Shrub, Foliage, Bush
14.		*Herennia Multipuncta*	Tree Trunk
15.		*Hypsosinga sp*	Arboreal
16.		*Neoscona punctigera*	Shrub, Foliage, Bush
17.		*Neoscona rufofemorata*	Shrub, Foliage, Bush
18.		*Neoscona sp*	Shrub, Foliage, Bush
19.		*Nephila kuhli*	Arboreal
20.		*Nephila pilipes*	Arboreal
21.		*Parawixia dehaani*	Arboreal
22.		*Thelacantha brevispina*	Arboreal
23.	Cheiracanthiidae	*Cheiracanthium cf Inclusum*	Shrub, Leaflitter, Foliage

24.		*cheiracanthium furculatum*	Shrub, Leaflitter, Foliage
25.	Corinnidae	*Corinnomma severum*	Ground
26.	Ctenidae	*Africactenus sp*	Rock
27.		*Ctenus sp*	Leaflitter, Foliage, Ground
28.	Hersiliidae	*Hersilia savignyi*	Tree
29.	Lycocidae	*Hippasa agelenoides*	Under tree, ground
30.		*Hippsa holmerae*	Under tree, ground
31.	Oxyopidae	*Hamadruas hieroglyphica*	Shrub, Foliage, Bush
32.		*Hamadruas sp 1*	Shrub, Foliage, Bush
33.		*Hamadruas sp 2*	Shrub, Foliage, Bush
34.		*Hamadruas sp 3*	Shrub, Foliage, Bush
35.		*Oxyopes sertatus*	Shrub, Foliage, Bush
36.		*Oxyopes shweta*	Shrub, Foliage, Bush
37.		*Oxyopes sunandae*	Shrub, Foliage, Bush
38.	Pholcidae	*Leptopholcus borneensis*	Foliage, shrub, Grass
39.	Pisauridae	*Nilus albocinctus*	Wetlands, streams, Swamp
40.	Salticidae	*Asemonea tenuipes*	Shrub, Foliage, Bush
41.		*Brettus cingulatus*	Foliage, Bush
42.		*Carrhotus viduus*	Foliage, Bush
43.		*Chrysilla sp*	Foliage, Dense bush
44.		*Cocalus sp*	Tree, shrub

45.		*Epeus indicus*	Shrub, Foliage, Bush
46.		*Hyllus semicupreus*	Shrub, Foliage, Bush
47.		*Indopadilla sp*	Shrub, Foliage, Bush
48.		*Madhyattus sp*	Shrub, Foliage, Bush
49.		*Myrmaplata plataleoides (F)*	Shrub, Foliage, Bush
50.		*Myrmarachne melanocephala*	Shrub, Foliage, Bush
51.		*Phintella vittata*	Shrub, Foliage, Bush
52.		*Phintelloides versicolor*	Shrub, Foliage, Bush
53.		*Piranthus decorus*	Shrub, Foliage, Bush
54.		*Rhene sp*	Stones, Streams
55.		*Siler semiglaucus*	Shrub, Foliage, Bush
56.		*Stenaelurillus albus*	Stones, Streams
57.		*Telamonia dimidiata (F) (M)*	Shrub, Foliage, Bush
58.		*Thiania bhamoensis (M)*	Shrub, Foliage, Bush
59.	Scytodidae	*Scytodes sp*	Shrub, Foliage,
60.	Selenopidae	*Selenops sp*	Shrub, Bush, Foliage
61.	Sparassidae	*Gnathopalystes sp*	Shrub, Bush
62.		*Heteropoda sp 1*	Shrub, Bush
63.		*Heteropoda sp 2*	Shrub, Bush
64.		*Heteropoda sp 3*	Shrub, Bush
65.		*Heteropoda sp 4*	Shrub, Bush

66.		*Olios lamarcki*	Shrub, Bush, Foliage
67.		*Olios milleti*	Shrub, Bush, Foliage
68.		*Pseudopoda prompta*	Shrub, Bush, Foliage
69.		*Pseudopoda sp*	Tree, bush
70.	Tetragnathidae	*Dolichognatha longiceps*	Shrub, Bush, Foliage
71.		*Leucauge sp*	Shrub, Bush, Foliage
72.		*Opadometa fastigata*	Shrub, Bush, Foliage
73.		*Orsinome vethi*	Shrub, Bush, Foliage
74.		*Tetragnatha caudata*	Shrub, Bush, Foliage
75.		*Tetragnatha Viridorufa*	Shrub, Bush, Foliage
76.		*Tylorida ventralis*	Shrub, Bush, Foliage
77.		*Tylorida sp*	Shrub, Bush, Foliage
78.	Theridiidae	*Chrysso urbasae*	Shrub, Bush, Foliage
79.	Thomisidae	*Phrynarachne sp*	Shrub, Bush, Foliage
80.		*Pistius Sp*	Shrub, Bush, Foliage, Flower

Checklist of Insects of Dhamapur Lake

Sr. No	Order	Family	Common name	Scientific name	IUCN Status
1.	Hemiptera	Pyrrhocoridae	Red cotton bug	*Dysdercus cingulatus*	Least concern

2.		Pentatomidae	Australian green shield bug	*Glaucias amyoti*	Least concern
3.		Coreidae	Bug	*Cletus sp.*	-
4.		Membracidae	Horned tree hopper	*Otinotus sp.*	Least concern
5.	Hymenoptera	Formicidae	Weaver ant	*Oecophylla smargdina*	Least concern
6.		Apidae	Carpenter bee	*Xylocypa sp.*	Least concern
7.	Diptera	Drosophilidae	Fruit fly	*Drsophilla sp.*	Least concern
8.		Sarcophagidae	Flesh fly	*Sarcophaga sp.*	Least concern
9.		Ascalphidae	Owl fly	*Unidentified*	-
10.	Orthoptera	Pyrgomorphidae	Grasshopper	*Atractomorpha sp.*	Least concern
11.		Acrididae	Rice grasshopper	*Oxyea hyla*	Least concern

12.	Coleoptera	Chrysomelidae	Banded pumkin beetle	*Aulacophora sp.*	Least concern
13.			Blue milkweed beetle	*Chrysochus sp.*	Least concern
14.			Beetle	*Cryptocephallus sp.*	Least concern
15.			leaf beetle	*Lilioceris merdigera*	Least concern
16.			Orange beetle	*Sphaeroderma sp.*	Least concern
17.			Beetle	*Sphaeroderma sp.*	Least concern
18.		Scarabidae	Dung beetle	*Heliocopris sp.*	Least concern
19.		Cicindelidae	Tiger beetle	*Cylindera viridilabris*	Least concern
20.			Tiger beetle	*Calochroa sp.*	Least concern
21.		Coccinellidae	Lady bird beetle	*Coccinella sp.*	Least concern

22.	Blattodea	Blattidae	German cockroach	*Blatella germenica*	Least concern

Checklist of Ants of Dhamapur Forest

Sr.No.	Subfamily	Scientific Name
1.	Formicinae	*Camponotus compressus*
2.		*Camponotus sericeus*
3.		*Camponotus sp*
4.		*Polyrachis tibialis*
5.		*Polyrachis thrinax*
6.		*Polyrachis sp.*
7.		*Oecophylla smaragdina*
8.	Myrmicinae	*Carebara diversa*
9.		*Crematogaster aberrans*
10.		*Crematogaster brunnea*
11.		*Monomorium indicum*
12.		*Monomorium pharaonis*
13.	Ponerinae	*Leptogeny chinensis*

ANNEXURE A-10

महाराष्ट्र वन विभाग

दुरध्वनी क्रमांक०२३६२/२२११९६
ईमेल - rfokudal@gmail.com

महाराष्ट्र शासन
वनक्षेत्रपाल (प्रा.) कुडाळ यांचे कार्यालय - कुडाळ
बिल्डिंग नं. ४, तहसिल कंपाऊंड कुडाळ, ता. कुडाळ, जि.सिंधुदुर्ग पिनकोड - ४१६५२०

जा.क्र.अ/NGT/धामापूर तलाव/126/2023-24

कुडाळ, दि.09.05.2023.

प्रति,
मा.उपवनसंरक्षक,
वनविभाग सावंतवाडी

विषय :- मौजे धामापुर ता. मालवण येथील धामापुर तलाव परिसरालगतच्या वनक्षेत्रामधील वनस्पती व वन्यजीव प्रजाती बाबतचा अहवाल.

संदर्भ :- 1. आपलेकडील दि.08.05.2023 रोजी दिलेल्या समक्ष सुचना.
2.वनपाल मालवण यांचेकडील पत्र क्र.अ/वप्रार/३१ /23-24/मालवण/दि.09.05.2023

उपरोक्त संदर्भान्वये कळविलेनुसार विषयांकित प्रकरणी मौजे धामापुर ता. मालवण येथील धामापुर तलावा लगतच्या वनक्षेत्रामध्ये प्रामुख्याने आढळून येत असलेल्या वनस्पती, वन्यप्राणी, पक्षी, फुलपाखरे इत्यादींची यादी यासोबत माहितीकरीता सहपत्रीत करण्यात येत आहे.

तसेच प्रकरणी मौजे धामापूर तलावाच्या परिसरामध्ये विविध संस्था, प्राध्यापक इ. कडुन सर्वेक्षण करण्यात आले असून त्याचा देखील तपशिल यासोबत जोडून माहीतीसाठी सादर करण्यात येत आहे.

सोबत - वरीलप्रमाणे

(अ.पां.शिंदे)
वनक्षेत्रपाल कुडाळ

मौजे धामापुर ता. मालवण धामापुर तलाव परिसरालगतच्या वनक्षेत्रामधील वनस्पती व वन्यजीव प्रजाती

अ.क्र.	स्थानिक नाव	शास्त्रीय नाव
	वृक्ष प्रजाती	
1	किंजळ	*Terminalia paniculata*
2	शिवण	*Gmealina arborea*
3	बीबा	*Semecarpus anacardium*
4	सालई	*Boseellia serrata*
5	अंजन	*Hardwickia binate*
6	साग	*Tectona grandis*
7	कोकम	*Garcinia indica*
8	ऐन	*Terminalia elliptica*
9	कुंभा	*Careya arborea*
10	काटेसावर	*Bombax ceiba*
11	काजरा	*Strychnos nuxvomica*
12	कवढ	-
13	ओवळ	-
14	भेडस	*Syzygium salicifolium*
15	धामण	*Grewia asiatica*
16	पायर	*Ficus arnottiana*
17	हुरा	*Hura crepitans*
18	आंबा	*Mangifera indica*
19	चांदवड	*Macaranga peltata*
20	मोय	-
21	सातीवन	*Castanea sativa*
22	कुबळ	*Willughbeia sarawacensis*
23	नाणा	*Lagerstroemia macrocarpa*
24	जांभळ	*Syzyginum cumini*
25	जाभा	*Xylia xylocarpa*
26	बहावा	*Cassia fistula*
27	काजू	*Anacardium occidentale*
28	करमळ	-
29	पांढरा ऐन	*Terminalia elliptica*
30	सोनसावर	*Cochlospermum religiosum*
31	पाडावळ	-
32	हेद	*Haldina cordifolia*
33	अंजन	*Hardwickia binate*
34	भेला माड	*Caryota urens*
	झूडूप वर्गीय प्रजाती	
1	मळवा	-

2	करवंद	*Bengal currant*
3	दिडा	-
4	पेडकुळ	-
5	केवन	*Helicteres isora*
6	तोरण	*Ziziphus rugosa*
7	रानमोडी	-
8	भारवी	-
9	हसोली	-
10	कणक बांबु	-
11	इतर	-
	गवतवर्गीय प्रजाती	
1	करपील	-
2	इतर	-
	वेलवर्गीय प्रजाती	
1	पेडंकुळ	-
2	मुरूड	-
3	पालाबांड	-
4	गोटवेल	-
5	मुगणीची वेल	-
6	इतर	-
	वन्यप्राण्यांच्या प्रजाती	
1	माकड	*Macaca mulatta*
2	वानर	*Macaca radiata*
3	रानगवा	*Bos gaurus*
4	डुक्कर	*Sus scrofa*
5	सांळीदर	*Hystrix indica*
6	पिसोरी	*Tragulas kanchil*
7	ससा	*Lepues nigricollis*
8	भेकर	*Muntiacus muntjak*
9	बिबट	*Panthera pardus*
10	खवल्ले माजंर	*Manis crassisaudata*
11	मुगुंस	*Urva edwardsii*
12	घोरपड	*Varanus bengalensis*
13	कोल्हा	*Canis aureus*
14	इतर	-
	पक्षांच्या प्रजाती	
1	Malabar Pied Hornbill	-
2	Malabar Grey Hornbil	-
3	Great Hornbill	-
4	Vigors Sunbird	-

5	Lotens Sunbird	-
6	Purple Rumped Sunbird	-
7	Small Sunbird	-
8	Brown Cheecked Fulvetta	-
9	Puffed Throated Babbler	-
10	Tawny Billied Babbler	-
11	Indian Scimitar Babbler	-
12	Red Vented Bulbul	-
13	Red Whiskered Bulbul	-
14	Grey Headed Bulbul	-
15	Small Minivet	-
16	Orange Minivet	-
17	Grey-fronted Green Pegion	-
18	Spotted Dove	-
19	Emerald Dove	-
20	Magpie Robin	-
21	इतर	-
	फुलपाखरांच्या प्रजाती	
1	Blue Mormon	-
2	Lime Butterfly	-
3	Common Mormon	-
4	Common Bluebottle	-
5	Tailed Jay	-
6	Grey Count	-
7	Clipper	-
8	Common Crow	-
9	Grey Pansy	-
10	Lemon Pansy	-
11	Chocolate Pansy	-
12	Peacock Pansy	-
13	Common Baron	-
14	Autumn Leaf	-
15	Blue Tiger	-
16	Glassy Tiger	-
17	Plain Tiger	-
18	Striped Tiger	-
19	Tamil Yomen	-
20	Great Eggfly	-
21	इतर	-

वनक्षेत्रपाल कुरखेडा

Government of Maharashtra

Office of Range Forest Officer – Kudal

Building no.4, Tahsil Compound Kudal, Tal.Kudal, Dist. Sindhudurg.
Pincode.416520

Phone: 02362-221196, Email: rfokudal@gmail.com

Ja.kr.a/NGT/Dhamapur Talao/126/2023-24 Kudal, Date: 09.05.23

To,

Respected. Deputy Conservator of Forest

Forest Department – Sawantwadi.

Sub: Report on Flora and Fauna in Forest area in periphery of Dhamapur Lake.

Ref: 1. Instruction given by you on 08.05.2023

Ref:2. Letter of Vanpal Malvan kr.a./vpraar/31/23-24/Malvan/Dtd.09.05.2023

As per aforesaid information in the subject matter information on Flora, Wildlife, Birds, Butterfly etc found primarily in Forest area in periphery of Dhamapur Lake.

Also various Originations, Professors etc. have done survey details of this are being attached herewith for information.

Attach: as per above

(A.P.Shinde)

Range Forest Officer Kudal

ANNEXURE A-11

A Report on Geographical Analysis of Dhamapur Lake and It's Surrounding

Introduction:

Dhamapur Lake has been constructed in 1530 by the villagers. It is one of the biggest lake of the Sidhudurg District extending over almost 125 acres and having water arrested for the whole year. It serves as the best example of traditional water harvesting system and offers various ecological services to local villagers. It has remained absolutely vital in supporting biodiversity. Hundreds of floral and faunal species have been located in the catchment area of this lake with 60 species of a dragonfly with some species very unique to the ecosystem. There are some 61 minor streams that meet the two major and one middle ordered streams that feed Dhamapur Lake. Two outlets emerging from Kavadewadi dam and Guramwadi dam also feed water to Dhamapur Lake. It is, therefore, very important to preserve not only Dhamapur Lake but also protects the inlet streams those give the wetland a flourished biological existence. The wetland is also important in its historic sense with the presence of an ancient temple and the relationship of the community and the lake.

Context:

There have been several developmental projects introduced in Sindhudurga District in the name of tourism development. Most of these projects include transport development, redevelopment and beautification procedures for heritage conservation, resorts and hotels and so on. Though the efforts have been commendable but many a time, it is observed that proper perspectives on conservation are missing and hence mislead to the derogation of the natural sites rather than enhancing them. Dhamapur Lake is not an exception to such misleading and damaging efforts. There have been efforts to build a skywalk on Dhamapur Lake, soil excavation, MTDC resort and other such activities that are harmful to the ecology and existence of this old lake. Following the same, there is a need to assess the landuse and landcover changes, drainage related attributes and demarcation of wetland influence zone.

Objectives:

The effort here is to understand the geography of Dhamapur Lake and emerge with proper documentation. Wetland documentation and conservation is the major objective of the present wetland documentation committee for Sindhudurga District. The report is aimed at understanding the physiographic attributes of lake.

Research Methodology:

Geographic Information System (henceforth referred as GIS) approach has been used here, of course with the important element of 'ground-truthing' (a method of validating the results

acquired through satellite imagery are verified on ground by actual visit and survey). The data sets acquired here are

1. Topographical map by Survey of India is a type of map characterized by landuse / landcover details and quantitative representation of natural and manmade features. Most importantly, the maps offer contour lines that are indicative of the height of the map area. For Dhamapur lake, **E43T12 toposheet** has been used for grasping the ground details. Actual toposheet 47 H/12 published in the year 1977-78 and its upgraded version in the year 2005 has been downloaded from NAKSHE.COM – Survey of India's official website. QGIS – an open-source GIS software has been used to digitise (vectorise) the necessary information.
2. SRTM data sets have been downloaded from open topography website with 10 metre spatial resolution. SRTM stands for surface terrain model that again gives precise details of the terrain.
3. Google Earth has been used for digitising the current extent of Dhamapur lake.
4. Open Data Kit (ODK) Aggregate, Build and Collect – a GIS-based data collection application has been used for collecting points and lines representing high flood line.
5. While digitising all the Raster and Vector inputs in QGIS, WGS84 projection has been used.

Limitations:

1. There is a definite deviation of 1 to 2 metres (±) in the points and lines that are collected through ODK mobile application.
2. The similar degree of deviation is also observed due to the selection of a specific projection and Datum. Generally, for Dhamapur Lake area UTM 43 North is the best suited but like all other layers including the toposheet are drawn by using WGS84 as these layers have been drawn by using WGS84 projection. (Datum is a set of reference points on the earth's surface against which position measurements are made and an associated shape of model (ellipsoid) and a geographic coordinate system is defined)

Observations and Interpretations:

Figure I is generated by using the topographical map sheet number **E43T12** that has been published in the year 1977-78 and updated in 2005. The highest point is 170 metres in the two elevated portion where streams Pendur and Mogarne emerge and flow southward to flow through the small canyons formed by the erosion and become sluggish after reaching the comparatively flat surface that has average height of 20 metres. Along both banks of streams Pendur and Mogarne, a cultivated land can be seen. These are the villagers who practice cultivation in the flood plains of these two streams.

Figure I: Physical attributes of Dhamapur lake and the surroundings (with Contours)

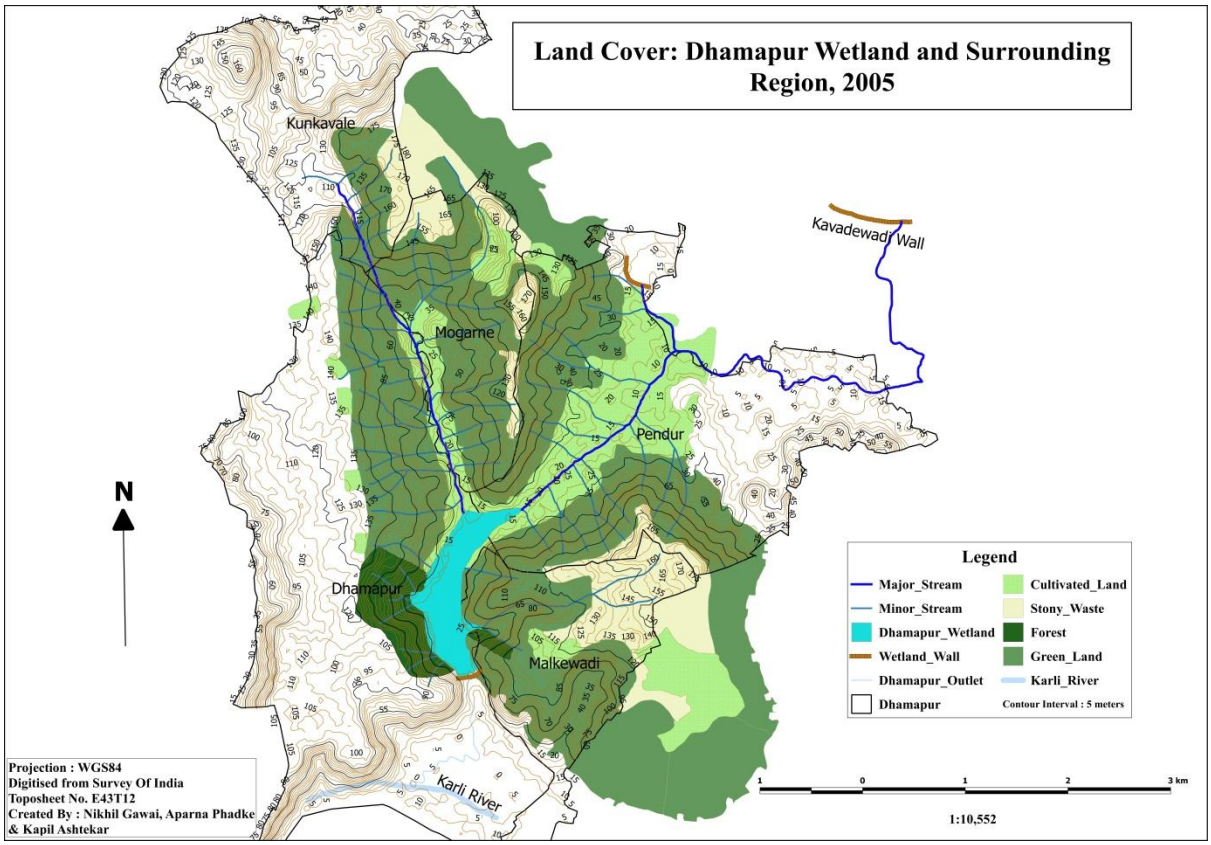
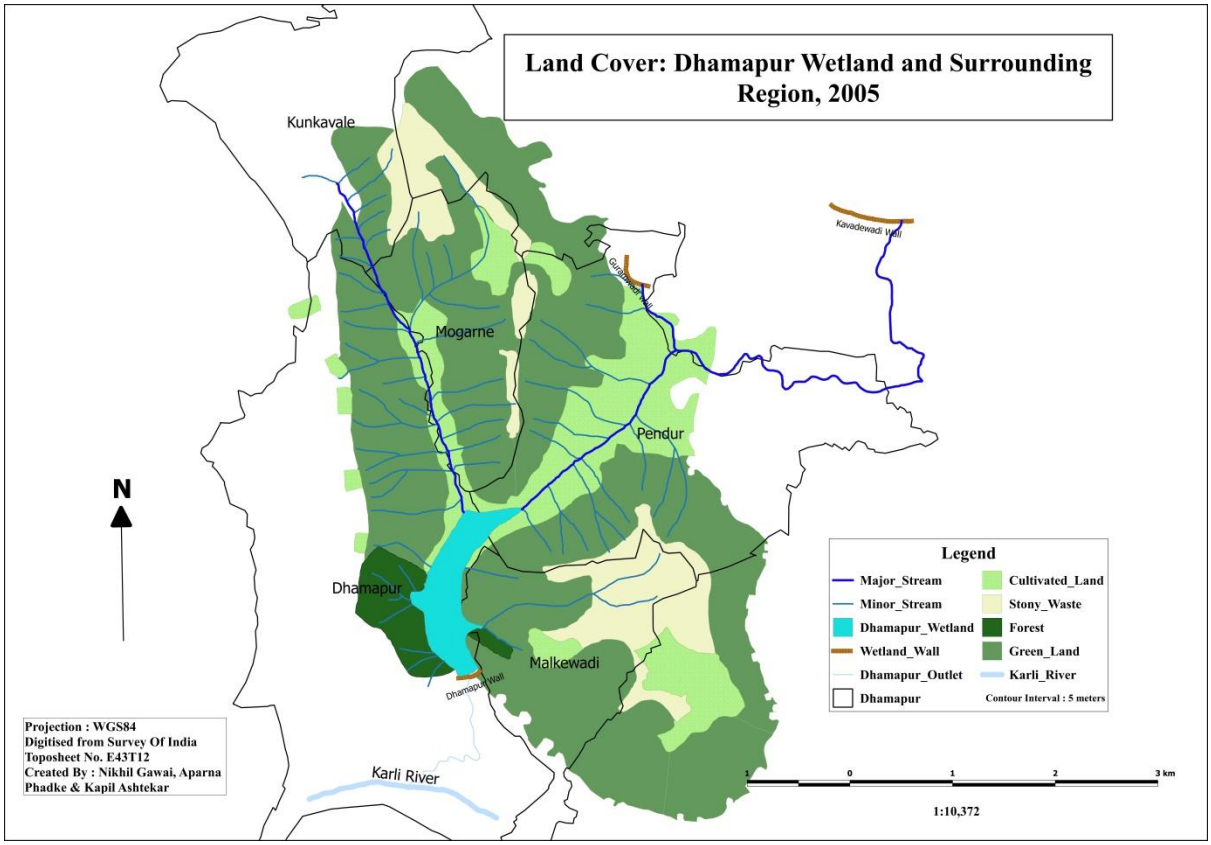


Figure II: Physical attributes of Dhamapur lake and the surroundings



Pendur stream is the result of the outflow of the earthen dam Guramwadi mainly in terms of water supply and additional supply from Kavadewadi earthen dam partially and minor streams flowing from the adjacent hilly regions. Though this stream is shown in the toposheet, the field observations made by Sindhdurga District Wetland Brief Documentation Committee members in the year 2018 suggest that the stream has been narrowed down due to cultivation practices so much that it is near to disappearance. For the disappearance of the streams, other reasons like siltation and associated low storage of water in the dams, sedimentation in the stream itself, flattening of the heightened surface also could be there. The major zone shown with green colour is Green_land which constitute open and dense mixed jungle. In the overall landuse, this zone dominates to a great extent. The darker shade of green represents reserved forest. Reserved forest is present along the western banks of Lake. Almost half of the western bank is covered with dense reserved forest. Along the eastern patch, it is a largely open and dense mixed jungle with a small patch of reserved forest. In the immediate periphery of the wetland all these three landuses are found to exist as per the 2005 survey by Survey of India. There are 61 minor streams, 2 major streams and 1 middle ordered stream with local name *Bhurkhyacha whal*. The name indicates that this stream has traditional and mythological significance.

Figure III and IV represent the changes that have occurred in the extent and size of the lake due to natural and anthropogenic changes. The red line represents demarcation of a lake on the basis of shape and size as per Google Earth image on 3rd October, 2018 and blue line indicate the demarcation of lake on the basis of shape and size for the toposheet that has been updated in the year 2005. The following changes could be observed

1. There has been a major change in the shape and size of the wetland. Though the Google Earth image may be interpreted as the lake has extended in the North in the inlets, but it would be misleading as the image is for the month of October, it is bound to show water levels till the inlets as it is just end of the monsoon. Secondly, the toposheet representation always focuses upon displaying a permanently underwater portion of lake and not the seasonal variation.

2. There is a clear eastward shift of lake boundaries that too in a major way. The changes in the river course may contribute little to the shift but it is mainly the manmade changes. On the western bank, there has been complete encroachment by MTDC resort including reclamation and flattening of land on **location A** that has been marked in Figure IV. In fact, due to such activities the entire western coastal line is found to have shifted eastward leading to shrinking of lake in its middle part. Secondly, the same encroachment is found to force-displacement of lake water and concomitant encroachment of western bank of the lake. A major shift is observed in **location B** leading to submergence of portions of reserved forest and dense mixed jungle. The north-eastern portion of the lake is also found to have subsumed the cultivated lands as well. The purpose of introducing MTDC resort needs to be investigated and how far it is useful for the local development and contribution to the social welfare of the villager.

Figure III: Changes in the wetland size due to anthropogenic and manmade changes (Base of Google Earth)

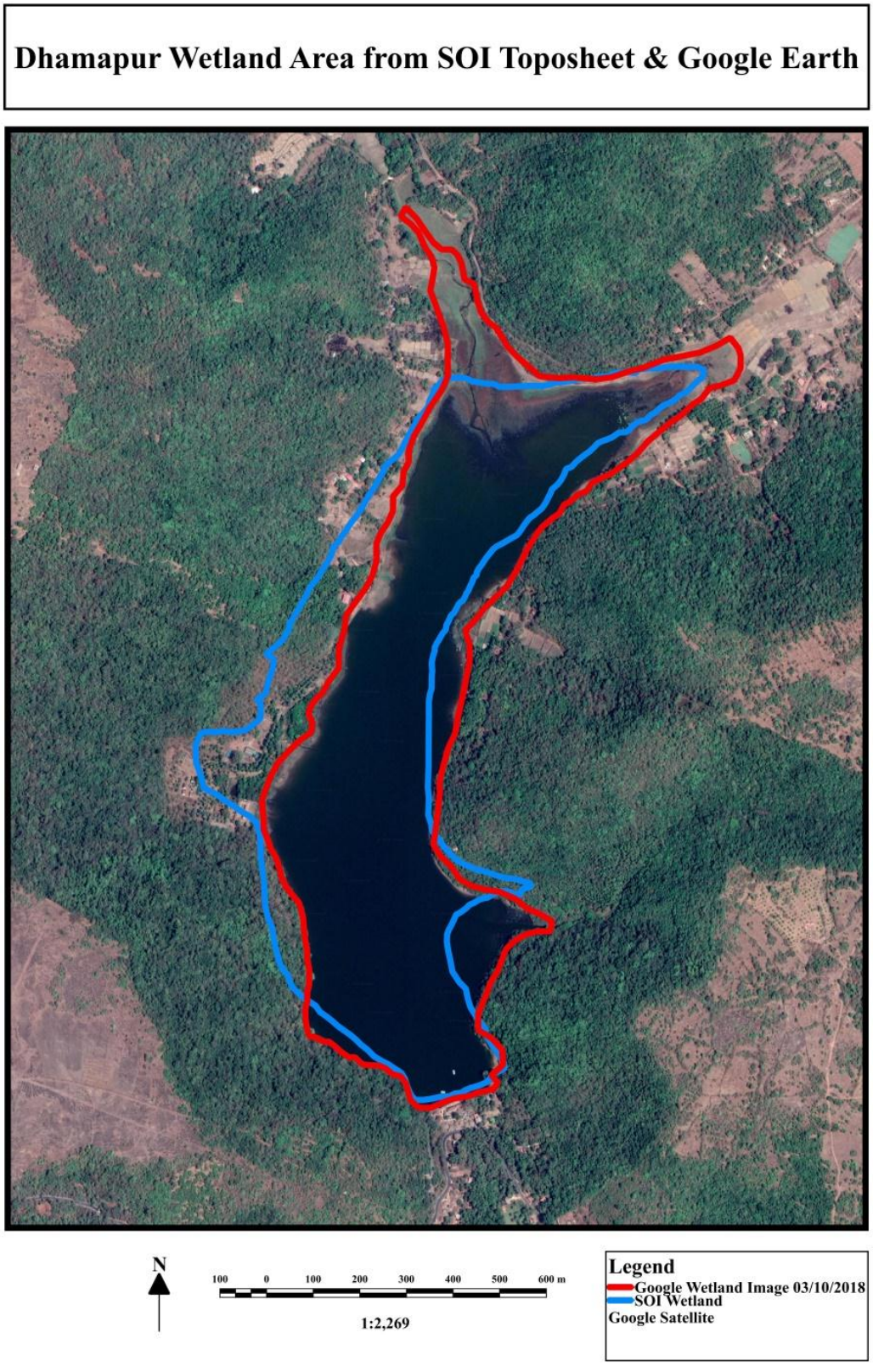
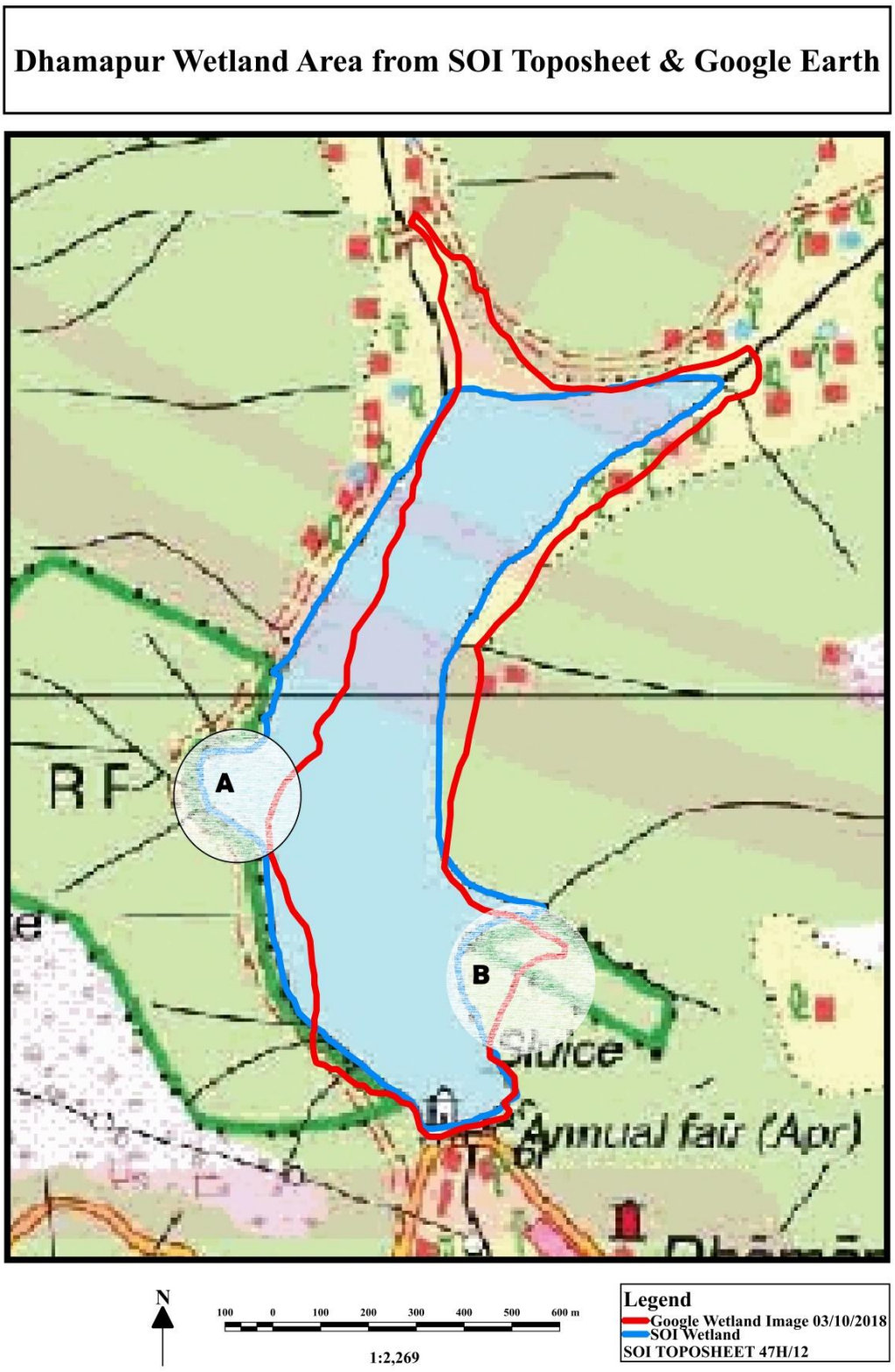


Figure IV: Changes in the wetland size due to anthropogenic and manmade changes (toposheet as a base layer)



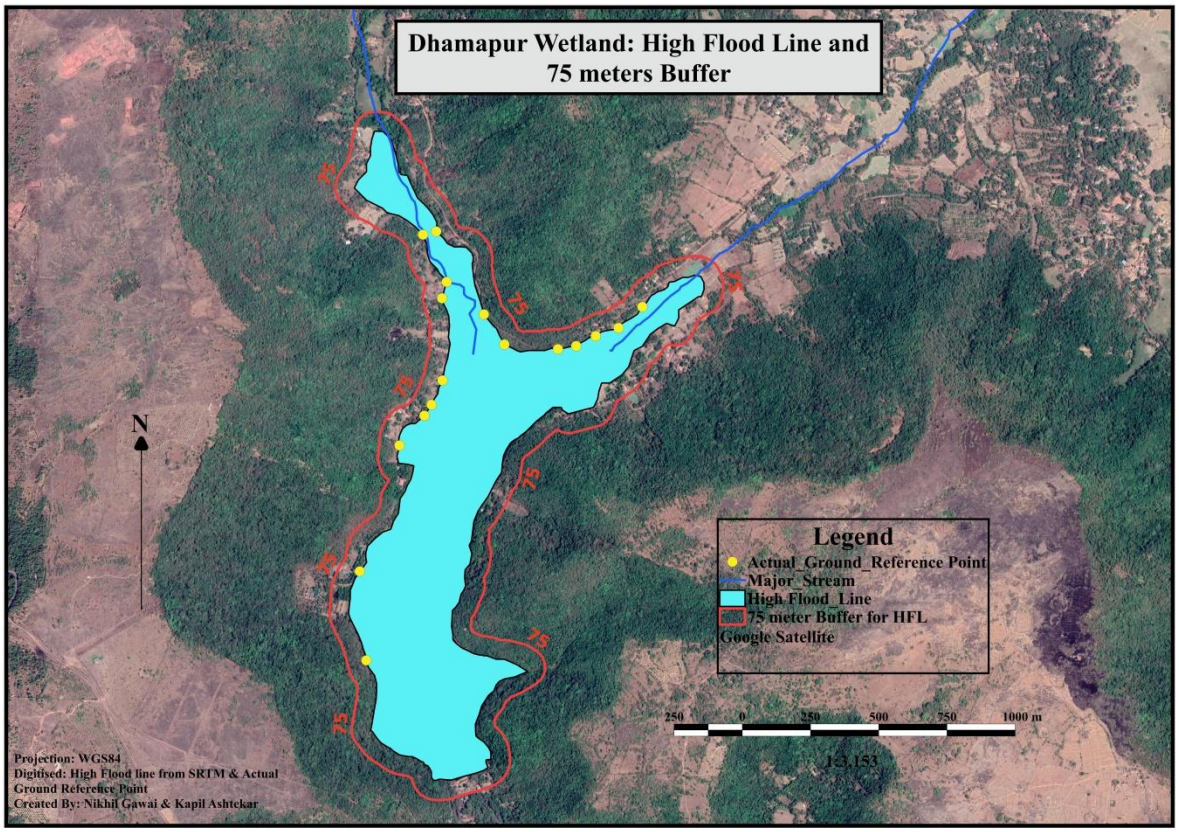
Projection : WGS84
Digitised from Survey Of India Toposheet No. E43T12 or 47H/12 and Google Earth
Created By : Aparna Phadke, Kapil Ashtekar& Nikhil Gawai

The comparison between these two images of Dhamapur Lake indicates that due to natural as well as anthropogenic changes there have been adverse changes in the shape and size of Dhamapur Lake as well as the biodiversity in the surrounding flora and fauna. The shrinking of the lake is indicative of changes in the inlet water flow, increased sedimentation and reclamation for various types of constructional activities along the flood line.

Conclusion:

Considering the present and future pressure of various 'developmental' activities on various natural elements, it would be in fact necessary to recognise the vital role of lakes like Dhamapur in maintaining the surrounding ecosystem. The lake acts as a sponge, recharges the groundwater storage, arrests floods and allows mixing of minerals in water. If the lake is to be conserved then the inlets, hills from where the inlet streams originate, surrounding forests also need to be conserved. As known, over the period of time, the natural drainages are bound to change their course leading the lakes also to change in shape and size. Such changes are of course, very slow. Anthropogenic changes bring major changes in less time and such drastic changes prove to be detrimental to the lake and surrounding terrestrial ecosystem. So lakes, wetlands should be protected and developmental activities should be prohibited at least in the periphery of wetlands and lakes. Drawing high flood line and creating a 75 metre no development zone from the high flood line could be one of the initial and urgent solutions to protect wetlands.

Figure V: Dhamapur Wetland: High Flood Line and 75 metre Buffer Zone



The blue line represents the high flood line in Figure V. For drawing the high flood line ODK collect mobile application was used. The yellow points represent the ground points showing the high flood levels of Dhamapur Lake. These points have been plotted on contour lines using SRTM. The contour interval was kept as low as 2 metres to achieve accuracy. It was the 22 metre contour that enclosed all the points. The red line represents the 75 metre buffer where no developmental activities should be allowed.

Dr. Aparna Ashok Phadke
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Department of Geography,
University of Mumbai

Mr. Nikhil Gawai and Mr. Kapil Ashtekar, Ph.D. scholars, Department of Geography, University of Mumbai have contributed to this study in a major way. Their contribution is acknowledged.