BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL, WESTERN ZONE BENCH, PUNE

ORIGINAL APPLICATION NO. 2/ 2026

APPLICANT : Nishikant Jadhav

Versus

RESPONDENTS : State of Maharashtra and one Others.

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7)	Copy of affidavit filed by the Respondent No-3 in PIL No- 16/2025 i.e the present Respondent No-2.	14/07/2025	R-2/V	157/171
8)	Copy of Notification to hand over the Kh No – 175 of Mouza – Dabha & Kh No -13/3 of Mouza- Futala to the Respondent No- 2.	20/05/1968	R-2/VI	172/175
9]	Copy of Notification to hand over the Kh No – 175 of Mouza – Dabha & Kh No -13/3 of Mouza- Futala to the Respondent No- 2.	13/01/1969	R-2/VII	176
10]	Copy of 7/12 extract of survey No- 175/1.	15/12/2025	R-2/VIII	177/178
11]	Copy of 7/12 extract of survey No- 175/2.	20/09/2020	R-2/IX	179
12]	Copy of Government Resolution to grant administrative approval to the "International Agriculture Convention Centre" on Survey No-175 of Mouza- Dabha.	14/09/2023	R-2/X	180/184
13]	Copy of Government	18/01/2024	R-2/XI	185/189

	Resolution to appoint Respondent No-10 as the agency for construction of the said "International Agriculture Convention Centre"			
14]	The Copy of Government Resolution to disburse a portion of amount sanctioned by it for the said "International Agriculture Convention Centre".	20/08/2024	R-2/XII	190/193
15)	Copy of Notification of Respondent No-1 notification to grant approval to the proposal for modification of the revised development plan of Nagpur City sanctioned by the Respondent No-1 vide Notification dated-07/01/2000.	04/07/2025	R-2/XIII	194/199
16)	Copy of Respondent No- 6 has submitted a proposal of deletion of survey No-175 of Mouza Dabha and	17/03/2026	R-2/XIV	200/203

	Survey no- 13/3 of Mouza-Futala for deletion from the "List of Forest Area".			

Nagpur.
Dt. 09/04/2026

Counsel for the Respondent No.2

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL, WESTERN ZONE BENCH, PUNE

ORIGINAL APPLICATION NO. 2/ 2026

APPELLANT:- Nishikant Jadhav

Versus

RESPONDENTS :- State of Maharashtra & Ors.

SUBMISSIONS ON BEHLAF OF THE RESPONDENT NO- 2.

BEFORE AVERTING TO THE CONTENTS OF THE ORIGINAL APPLICATION ON MERTIS, THE RESPONDENT NO-2 RAISES A FEW PRELIMINARY OBJECTIONS TO THE MAINTAINBILITY OF THE ORIGINAL APPLICATION AND INTERIM APPLICATION AS UNDER:-

The Respondent No.2 most respectfully begs to submit as under;

1] The Land in dispute in this Original Application is also a subject matter of 2(Two) Public Interest Litigations bearing No- PIL 16 of 2025 filed by Swachh Association, Nagpur and PIL No- 4/2023 also filed by Swachh Association, Nagpur

before the Hon'ble High Court of Judicature at Bombay, Bench at Nagpur. PIL No- 04/2023 concerns the Land bearing Kh. No- 13/3 of Mouza- Futala on which a parking plaza has been constructed. The Copy of PIL No-04/2023 is filed herewith and is marked as **Annexure- R-2/I** .

2] It is respectfully submitted that in PIL No- 04/2023 was disposed of by the Hon'ble High Court vide it's order dated- 30/11/2023. In Para 12 of the said judgement, Hon'ble High Court has specifically held in respect of parking plaza constructed on Kh.No-13/3 of Mouza- Futala that, "*the construction of Parking Plaza is preceded by various requisite permissions and sanctions granted by the concerned authorities. The documents on record indicating the same supported by affidavits of the concerned authorities have not been specifically challenged by the Petitioner. In effect, therefore the sanctions granted including the sanctions dated 18/10/2019 and 1/09/2022 continue to operate. Similarly the permissions granted by the heritage committee on 30/06/2022 as well as 06/02/2023 granted by*

the Urban Development Department permitting change of user continue to operate. In absence of any challenge to the same, a total prohibition on such activities as sought by the petitioner cannot be imposed." The copy of Judgement passed in PIl No -04/2023 is filed herewith and is marked as **Annexure- R-2/II**.

3] Thus, it is respectfully submitted that, issue regarding construction of Parking Plaza on land bearing Kh. No- 13/3 of Mouza- Futala owned by the Respondent No-2 has been already dealt with by the order of the Hon'ble High court dated- 30/11/2023 and needs no further consideration of this Hon'ble Tribunal.

4] The PIL No- 16/2023 concerns the construction of International Agriculture Convention Centre being constructed on land bearing Kh.No-175of Mouza- Dabha owned by the Respondent No-2. The Copy of PIL No- 16/2025 is filed herewith and is marked as **Annexure- R-2/III**. The Hon'ble High Court was pleased to issue notice in PIL No – 16/2025 vide it's order dated- 26/02/2025. The Copy of order

of the Hon'ble High Court in PIL No-16/2025 is filed herewith and is marked as **Annexure- R-2/IV**. It is pertinent to note that, the Hon'ble High Court while issuing the notice has granted any interim relief restraining the private respondents, to whom the land is allotted, from carrying out any development or construction over the said land, until further orders. Thus the interim relief of stay of construction claimed by the Applicant in IA No- /2026 has already in existence and thus the no order as prayed in IA No- /2026 need to be passed.

5] It is respectfully submitted that, the Respondent No-2 has filed it's affidavit in the said PIL justifying the construction of International Agriculture Convention Centre. The Copy of Affidavit of the Respondent No-2 in PIL No- 16/2025 is filed herewith and is marked as **Annexure- R-2/V**.

6] Thus, the issue raised in the present Original Application is already pending before the Hon'ble High Court. Hence, entertaining the present Original Application would result in parallel adjudication.

Without prejudice to the preliminary objections raised above, the Respondent No-2 submits it reply to the Interim Application and preliminary submission to the Original Application on merits as under:-

7) It is respectfully submitted that, both the lands i.e Bearing Survey No- 175 of Mouza- Dabha admeasuring 34.11 H.R and Survey No-13/3 of Mouza- Futala admeasuring ____ H.R belonged to the Department of Revenue, State of Maharashtra. After the formation of the Respondent No-2 University, the lands were handed over to the Respondent No-2 vide notifications dated- 20/05/1968 & 13/01/1969. The Copy of said notifications are filed herewith and are marked as **Annexure- R-2/VI & VII**. Accordingly the name of the Respondent No-2 was mutated in the Revenue record. The Copy of 7/12 extract of survey No- 175 is filed herewith and is marked as **Annexure- R-2/VIII.** Out of the 34.11 H.R land around 10.38 HR land was allotted to Ministry of Defence, Government of India. According the name of Ministry of

defence has been mutated in the Revenue record. The Copy of 7/12 extract of survey No- 175/2 is filed herewith and is marked as **Annexure- R-2/IX**.

9] It is specifically denied that, these land parcels are being used for non-forest purposes namely for the construction and establishment of "International Agriculture Farmer Convention Centre, an Exhibition –Cum-convention Centre and allied commercial activities and Multi Storey parking Plaza and built up structures. It is respectfully submitted that, the Respondent No-2 is an Agriculture University. The said lands have been allotted to the Respondent No- 2 for purposes mentioned in the Maharashtra Agriculture Universities Act 1983.

10] In adherence to the purposes mentioned in the Maharashtra Agriculture Universities Act 1983, the Respondent No-1 vide it's Government Resolution dated- 14/09/2023 granted an administrative approval to the construction of "International Agriculture Convention Centre" on Survey No-175 of Mouza- Dabha. The Copy of

Government Resolution dated- 14/09/2023 is filed herewith and is marked as **Annexure- R-2/X.**

11] Thereafter the Respondent No-1 vide it's Government Resolution dated- 18/01/2024 sanctioned the amount of Rs-227 crores and appointed the Respondent No-10 as the agency for construction of the said "International Agriculture Convention Centre". The Copy of Government Resolution dated- 18/01/2024 is filed herewith and is marked as **Annexure- R-2/XI.**

12] Thereafter the Respondent No-1, vide it's government Resolution dated- 20/08/2024 resolved to disburse a portion of amount sanctioned by it for the said "International Agriculture Convention Centre". The Copy of Government Resolution dated- 20/08/2024 is filed herewith and is marked as **Annexure- R-2/XII.**

13] It is respectfully submitted that, the land bearing Survey No- 175 of Mouza- Dabha owned by the Respondent No-2 is not a forest land. In the Development Plan of the City of

Nagpur, the said land has been shown as Agricultural Zone. The Revenue entries clearly indicate that there are buildings, roads, barren land called as Charai. There is no entry that, there is any Zudpi Jungle. It is respectfully submitted that only because local people call it as Zudpi jungle, the same is registered as Zudpi jungle by the revenue authority that does not mean that it a notified Zudpi jangal with the forest department.

14] It is respectfully submitted that, the entire reading of the judgment of Hon'ble Supreme Court in the in the matter of T.N. Godavrman ..versus.. Union of India and others and relied upon by the Applicant clearly indicates that Hon'ble Supreme Court had appointed a committee to examine the issue and the said committee submitted a detailed report with list before the Hon'ble Supreme Court of India and hence Hon'ble Supreme Court of India observed in para no.120 of the judgment " *as discussed hereinabove, on the land in question various developmental activities have already been undertaken viz. Irrigation Dams being constructed, roads*

have been laid down, schools, public health centres, other public utilities, facilities have been provided for the citizens. All these public utilities are necessary for the citizens living in the area. We have annexed here with the list of various institutions, buildings, residential area/ public utilities which will be affected in the city of Nagpur. The said list would show that even the buildings wherein the High Court, High Court Judges residents, State Government Secretariat, Central Government buildings, Defence buildings, Air force building, ***the establishment of Agricultural University****, the grave yards etc. are situated, they all would be affected."*

15] So far as Nagpur City is concerned, the Hon'ble Supreme Court has observed in para 70 that, " *We are annexing along with this judgement as an illustration , Annexure-1 to the report of the Committee for suggesting changes required in simplified procedure for diversion of Zudpi Jungle land under Forest Conservation Act, 1980 chaired by Divisional Commissioner, Nagpur , which would show the number of*

establishment only in city of Nagpur which would be affected if the report of the CEC is not accepted."

16] It is respectfully submitted that, considering the above aspects, Hon'ble Supreme Court of India, in the particular facts and circumstances before it, issued directions in para 138 (ii) to (iv) for deletion of Zudpi Jungle lands allotted by the Competent Authority upto 12th December 1996 and for which land classification has not been changed. Under the said direction Respondent No-1 was to seek approval under section 2 of the Forest (Conservation) Act 1980 for the deletion of such lands from the "List of Forest Area".

17] It is respectfully submitted that, after the passing of the above judgement of the Hon'ble Supreme Court of India on 22/05/2025, the Respondent No-1, vide it's notification dated- 04/07/2025 has granted approval to the proposal for modification of the revised development plan of Nagpur City sanctioned by the Respondent No-1 vide Notification dated-

07/01/2000. The copy of notification dated- 04/07/2025 is filed herewith and is marked as **Annexure- R-2/XIII.**

18] It is respectfully submitted that, the Respondent No- 6 has submitted a proposal of deletion of survey No- 175 of Mouza Dabha and Survey no- 13/3 of Mouza- Futala for deletion from the "List of Forest Area". The copy of said proposal dated- 17/03/2026 is filed wherewith and is marked as Annexure- **Annexure- R-2/XIV.**

19] Thus, it is respectfully submitted that, the land bearing Survey No- 175 of Mouza- Dabha, though has been shown as Zudpi Jungle is not a forest land and the construction of "International Agriculture Convention Centre" is not illegal. In absence of specific challenges to the Government Resolutions dated – 14/09/2023, 18/01/2024 & 20/08/2024 issued by the Respondent No-1, a total prohibition on construction of "International Agriculture Convention Centre" cannot be imposed. Thus the original

Application and the Interim Application has no merits and is liable to be dismissed.

Nagpur
Dated-09/04/2026

Respondent No.2

Associate Dean
College of Agriculture
NAGPUR

Counsel for Respondent No-2
A.R.Patil

VERIFICATION AND AFFIDAVIT

I, **Shri Prakash S/o Ramrao Kadu**, Aged about-59 years, the Associate Dean of College of Agriculture, Nagpur authorised by the Respondent No-2 do hereby take an oath and state on solemn affirmation that the contents of the above reply and submissions in para 1 to 18 have been drafted by the counsel as per my instructions. I have read and understood the said contents. The said contents are true an correct to the best of my personal knowledge and I believe them to be true from the record available before me.

Hence verified and signed on this 9th day of ~~March~~ April 2026 at Nagpur.

Deponent
Respondent No.2

Associate Dean
College of Agriculture
NAGPUR

I know & Identify the Deponent

Advocate
A.R.Patil

NOTARY
VIKAL OMPRAKASH CHACHRA
Nagpur
Maharashtra India
Regd. No.
16125
My Term expires
on 02-01-2030
GOVT. OF INDIA

Sworn before me on this 09th
day of April 2026 at Nagpur by
Shri/Smt/Ku. P.R. Kadu
R/o Nagpur who has been identified
by Shri/Smt. A.R. Patil
Advocate, Nagpur.

09 APR 2026

NOTARY
GOVT. OF INDIA
NAGPUR (M.S.) INDIA

NOTARY
VIKAL OMPRAKASH CHACHRA
Nagpur
TAH. DIST.
(M.S.) INDIA
REGD. No.
16125
GOVT. OF INDIA

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14

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL, WESTERN ZONE BENCH, PUNE

ORIGINAL APPLICATION NO. 2/ 2026

APPLICANT : Nishikant Jadhav

Versus

RESPONDENTS : State of Maharashtra and one Others.

LIS TOF ANNEXURES

Sr. No.	Particulars of document	Date	Annex. No.	Page Nos.
1)	Copy of PIL No- 04/2023	19/12/2022	R-2/I	17/92
2)	Copy of Judgment in PIL No- 04/2023	30/11/2023	R-2/II	93/106
3)	Copy of PIL No- 16/2025	Feb 2023	R-2/III	107/154
4)	Copy of order in PIL No- 16/2025	26/02/2025	R-2/IV	155/156
5]	Copy of affidavit filed by the Respondent No-3 in PIL No- 16/2025 i.e the present Respondent No-2	14/07/2025	R-2/V	157/171
6)	Copy of Notification to hand over the Kh No – 175 of Mouza – Dabha &	20/05/1968	R-2/VI	172/175

	Kh No -13/3 of Mouza-Futala to the Respondent No- 2			
7)	Copy of Notification to hand over the Kh No – 175 of Mouza – Dabha & Kh No -13/3 of Mouza-Futala to the Respondent No- 2	13/01/1969	R-2/VII	176
8)	Copy of 7/12 extract of survey No- 175/1	15/12/2025	R-2/VIII	177/178
9]	Copy of 7/12 extract of survey No- 175/2	20/09/2020	R-2/IX	179
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12]	The Copy of Government Resolution to disburse a portion of amount sanctioned by it for the said "International Agriculture Convention Centre".	20/08/2024	R-2/XII	190/193
13]	Copy of Notification of Respondent No-1 to grant approval to the proposal for modification of the revised development plan of Nagpur City sanctioned by the Respondent No-1 vide Notification dated-07/01/2000.	04/07/2025	R-2/XIII	194/199
14]	Copy of Respondent No-6 has submitted a proposal of deletion of survey No- 175 of Mouza Dabha and Survey no-13/3 of Mouza- Futala for deletion from the "List of Forest Area".	17/03/2026	R-2/XIV	200/203

Nagpur.
Dt. 09/04/2026

K. Patil

Counsel for the Respondent No.2

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT NAGPUR

PUBLIC INTEREST LITIGATION NO. 4/ OF 2022
DIST: NAGPUR

IN THE MATTER OF:

ARTICLE 226 OF THE CONSTITUTION OF INDIA;

IN THE MATTER OF:
ARTICLE 21, ARTICLE 48-A, ARTICLE 51-A(g) OF THE CONSTITUTION OF INDIA;

IN THE MATTER OF:
SECTION 63 (1b) OF THE MAHARASHTRA MUNICIPAL CORPORATION ACT, 2019;

IN THE MATTER OF:
SECTION 22, SECTION 43, SECTION 46, OF THE MAHARASHTRA REGIONAL

& TOWN PLANNING ACT, 1966;

IN THE MATTER OF:
DEVELOPMENT CONTROL RULES FOR THE NAGPUR CITY.

IN THE MATTER OF:
REGULATIONS FOR CONSERVATION OF BUILDINGS, ARTIFACTS STRUCTURES AREAS & PRECINCTS OF HISTORIC AND OR CULTURAL SIGNIFICANCE (HERITAGE BUILDINGS AND HERITAGE PRECINCTS) AND/OR NATURAL FEATURES OF ENVIRONMENTAL SIGNIFICANCE, FOR THE CITY OF NAGPUR;

IN THE MATTER OF:
Swacch Association,
A Non-profit Organisation registered

under the Societies Registration Act 1860
and under the Bobay Public Trust Act,1950,
having its office at 15, Laxmi apartments,
Opposite to Axis bank, through its President
Mrs. Anasuya Vinod Chhabrani,
Civil lines, Nagpur – 440001, Mobile No.9850489953
PAN No.AASTS9043H.
E-mail ID : ... **PETITIONER**

VERSUS

1] The State of Maharashtra,
Through the Ministry of
Environment, Mantralaya,
Mumbai-440032

2] The Public Works Division No. 1,
Through its Executive Engineer,
Nagpur.

3] Municipal Corporation Nagpur
Municipal Corporation Road, Civil Lines,
Nagpur-440001, though its Commissioner.

4] Maharashtra Metro Rail Corporation Limited
Through its Managing Director,
"Metro Bhawan", East High court Road (VIP Road),
in front of Dr. Babasaheb Ambedkar College,

Near Dikshabhoomi, Nagpur- 440010

5] Nagpur Metropolitan Regional Development Authority,
West High Court Road, Gokulpeth,
Nagpur-440010, through its Commissioner.

6] Dr. Punjabrao Deshmukh Krishi Vidyapeeth,
through its Registrar, Nagpur Maharajbagh Zoo,
Nagpur 440001.

7] Maharashtra Animal Fishery Science University,
through its Registrar,
Nagpur North Telangkhedi Road, Near Telankhedi Lake,
Nagpur 440001.

8] The Union of India,
Through the Secretary Ministry of
Environment and Forest,
New Delhi.

9] The Wetland Authority for the
State of Maharashtra,
Through its Member Secretary,
New Administrative Bhavan,
15th Floor, Madame Cama Road,
Mantralaya, Mumbai – 400032. ... **RESPONDENTS**

TO,
THE HON'BLE CHIEF JUSTICE
AND OTHER HON'BLE JUDGES
OF THIS HON'BLE HIGH COURT.

THE HUMBLE PETITION OF THE PETITIONER ABOVE NAMED MOST RESPECTFULLY SHEWETH THAT

1. The particulars of the cause / order against which the petition is made:-

The Petition is directed against the construction of Viewer's Gallery on the bank of Futala Tank a Wetland as well as Grade I Heritage Precinct in Nagpur, installation of musical fountain & laser show machinery inside the Tank as well as Construction of 9 storied building near the tank for parking, food plaza, restaurant on the land of Dr. Punjabrao Deshmukh Krishi Vidyapeeth in violation of the zone as mentioned on the sanctioned Development Plan for the City of Nagpur.

Subject Matter in Brief: -

By the present Public Interest Litigation, the Petitioner is seeking direction to the Respondents not to operate musical fountains and laser show inside the Futala Tank.

The Petitioner is also seeking direction that the machinery installed inside the Futala Tank and work carried out for the installation of musical fountain be removed and the Tank be restored to its natural condition as existed before carrying out this work.

The Petitioner is also seeking direction that the Respondents should not construct further the work of parking plaza on land owned by Dr. Punjabrao Krishi Vidyapeeth bearing Khasra No. 13/3 and demolish the construction already undertaken on the said site and restore the site to its natural state as it existed before carrying out the construction.

The Petitioner is also seeking direction that the Viewer's Gallery constructed on the bank of Futala Tank, a protected

wetland be demolished and the bank of lake be restored to its original condition.

2.Particulars of the Petitioner: -

That the Petitioner is a non-profit organization registered under Societies Registration Act, 1860 and the Bombay Public Trust Act, 1950, bearing Reg. No. F-33478 (N). A true copy of the registration certificate is filed herewith and marked as ANNEXURE- "A". It is having PAN **AASTS9043H.** The Petitioner is a law-abiding organization of Nagpur city. The Petition is being filed through its President and an authorization to that effect dated 05/12/2022is filed herewith and marked as ANNEXURE - "B".

The Petitioner aims to promote responsible citizenship, to adopt green practices, make proper use of their waste, so that in turn, we have a livable environment. The Petitioner to implement these ideas organizes workshops, campaigns, seminars and conferences to create awareness amongst individuals, groups, institutions and local self-Government bodies. The Petitioner always struggles and strives to secure the

best interest of public and healthy environment and further seeks to prevent the loss of wildlife and forest treasures by illegal operations. Petitioner believes in obedience of law of land. The Petitioner has filed a present petition with pure public interest and has no personal interest whatsoever in filling the present petition.

The Respondent No. 1 is the State of Maharashtra, Through the Ministry of Environment, Mumbai. The Respondent No. 2 is the Public Work Division No. 1 whose name has been entered into the record of rights of ownership of Futala Tank. The Respondent No. 3 is the Municipal Commissioner, Nagpur Municipal Corporation, Nagpur. The Respondent No. 4 is Maharashtra Metro Rail Corporation Limited. The Respondent No. 5 is the Nagpur Metropolitan Region Development Authority, Nagpur. The Respondent no. 6 is Dr. Punjabrao Deshmukh Krishi Vidyapeeth, Nagpur The Respondent No. 7 Maharashtra Fishery Science University, Nagpur Respondent No. 8 is the Union of India, Through the Ministry of Environment and Forest, New Delhi. The

Respondent No. 9 is the Wetland Authority for the State of Maharashtra.

Thus, the Respondents are "State" within the meaning of Article 12 of the Constitution of India and hence are amenable to writ jurisdiction of this Hon'ble Court under Article 226 of the Constitution of India.

3.**The Petitioner hereby declare and undertake :-**

A] That the present petition is being filed by way of the Public Interest Litigation and the Petitioner does not have any personal interest in the matter. The petition is being filed in the interest of the General Public of the State of Maharashtra.

B] That the entire litigation costs, including the Advocates fee and other charges are being borne by the members Petitioner, by way of way of individual contributions.

C] That thorough research has been conducted in the matter raised through the present petition.

D] To the best of the Petitioners knowledge and research, the issue raised was not dealt with or decided earlier. The petitioner had initially filed petition at Principal seat of this Hon'ble Court vide PUBLIC INTEREST LITIGATION NO. 138 OF 2022. This Hon'ble Court granted liberty to the petitioner to approach at Nagpur, by keeping all contentions open. A true copy of the order dated 15/12/2022 is filed herewith and marked as **ANNEXURE - "C"**, for perusal.

E] The Petitioner has understood that in the course of hearing of this petition the Court may require any security to be furnished towards cost or any other charges and the Petitioner will have to comply with such requirements.

4. The facts pertaining to present Public Interest Litigation:-

1. A] The Petitioner states and submits that the subject matter of the public interest litigation is construction of viewer's gallery on the bank of Futala Tank, installation of musical fountain in the body of the Tank and also the construction of a 9 storied building near Tank for proposed parking, food-court and

restaurant on the land of Respondent No. 6 Punjabrao Deshmukh Krishi Vidyapeeth that too in violation of the zone as shown in the sanctioned Development Plan for Nagpur.

2. The Petitioner submits that the Futala Tank also known as Telangkhedi Tank is a waterbody situated on the west side of the Nagpur City. The said waterbody was constructed in 1799 by Shri Gyanoji Bhosale. The Petitioner submits that total area of the tank alongwith its catchment is about 200 hectares. The Tank has all essential requisites and characteristics of Wetland and as such it is a vital aquatic ecosystem. The Petitioner submits that this more than 200 year old natural resource is having aquatic flora and fauna and is rightly categorised as Grade I natural Heritage precinct, being prime landmark of the city of Nagpur under the Regulations for Conservation of buildings, artefacts, structures, areas & precincts of historic and or culturalsignificance (heritage buildings and heritage precincts) and/or natural features of environmental significance, for the city of Nagpur.

3. The Petitioner submits that the Petitioner is objecting to the project of so-called beautification of Futala Tank that hampers its basic natural environ and serenity by adding concrete structure on its bank and converting it into artificial entertainment centre by installing machinery for musical fountain into water inside the body of lake. The Petitioner is relying upon the information received by the president of the organization from Respondents vide Applications filed under the Right to Information Act. The Petitioner submits that by letter dated 21st may 2022 under reference No. Maha-Metro/RTI/Anusaya Kale Chhabrani/362/2022/5826, Respondent No. 4 issued the sanctioned Plan of Master Layout of Futala Development Project. The said plan has been sanctioned on 18/10/2019 and discloses that the construction for viewing gallery comprises ground floor, Mezzanine and First Floor totally admeasuring 934.098 Sq.mts of construction. The Petitioner submits that the viewing Gallery is on the bank of Futala Tank on space between concrete road and the Tank. The Petitioner submits that the detailed calculation of measurements

of the Construction is shown on the Plan. The sanctioned Plan of Master Layout of Futala Development Project issued under reference No. Maha-Metro/RTI/Anusaya Kale Chhabrani/ 362/2022/5826 by Respondent No. 4 under Right to Information Act, 2005 by letter dated 21st May 2022 is annexed hereto and marked as ANNEXURE -"D". The Petitioner however submits that in another piece of information received by the president of Petitioner organization under Right to Information Act, 2005, bearing reference 146/RTI dated 21/3/2022 a chart has been given wherein total construction of Viewer's Gallery viz. Ground floor + First Floor + Second Floor is given as 4,205.149 Sq.mts i.e. 45,262.54 Sq.fts. The Petitioner submits that the said chart shows classic arrangement that exists at any multiplex theater which is used for entertainment. The copy of the chart of information received by the president of Petitioner organization under Right to Information Act, 2005, bearing reference 146/RTI dated 21/3/2022 from Respondent No. 3 is annexed herewith and marked as ANNEXURE- "E".

4. The Petitioner submits that the Petitioner has received

information supplied under the RTI Act, 2005 by Respondent No. 3 herein which shows the noting of officers involved in the procedure for passing plans for construction of Viewer's Gallery submitted by the Respondent No. 2 herein. The Petitioner submits that in the said noting it has been categorically admitted by the Officers of Respondent No. 3 Corporation that as per D.C Rules of Nagpur a construction site must be at a distance of 15.00 meters from a waterbody and as shown in the plans it is clear that the construction site is at a distance of 9.00 meters. It has also been noted that the construction site is near Tank and during monsoon the level of water increases to a certain height. Since provision is there to extract the excess water out if the level of water is increased than the particular height, it is necessary to have a construction site at a distance of 15.00 meters from the waterbody so that no danger of whatsoever nature is caused to the proposed construction. But the necessary distance is not available. Since the project is adding beauty to Nagpur City, relaxation is required to the proposed beautification project by Hon'ble Commissioner. The Petitioner

submits that in noting, one of the officers has even mentioned that in the sanctioned development project of Nagpur City the proposed construction is on the place between Tank & 18.0 M road, however, factual situation on site, the said construction is seen to be on the *pali* of the Tank (तलावाच्यापाळीवर) on space between water level of tank & 18.0 M wide road. The Petitioner submits that concerned officers of Respondent No. 3 have unanimously noted certain things like i) Construction site must be at distance of 15 meters from waterbody ii) Distance of 15 meters from waterbody is not available on site as at some places the distance of proposed construction is less than 15 meters from waterbody iii)Since the project is public utility project providing entertainment to public and adding to beauty of city the relaxation to mandatory distance of 15 meters can be granted under the Development Control Rules as quoted in the said noting. The Petitioner submits that subsequent noting show that in fact the mandatory provision of maintaining distance of construction site from 15 meters was in fact relaxed by the Commissioner vide order dated 1.03.2019 by using powers

under the Development Control Rules and the plans were sanctioned by Respondent No. 3. The copy of the internal noting of Officers of Respondent No.3 involved in passing of plan for the construction of Viewers Gallery supplied under the RTI Act, 2005 bearing reference No. 146/RTI dated 21/3/22 is annexed hereto and collectively marked as ANNEXURE - "F". The Petitioner submits that one is perplexed after reading the noting and wonders as to how public power vested in Authority can be exercised in such manner for such an extraneous purposes by giving complete go bye to mandatory provision of law when the officer of the Respondent No. 3 Corporation notes that the proposed construction is on the pali of Tank which is an integral part of the Tank.

5. The Petitioner submits that the Petitioner is also relying upon the Application for development preferred by the Respondent No. 2 under the provisions of the Maharashtra Regional & Town Planning Act, 1966 to Respondent No. 3 herein for sanction of plans. The copy of the Application dated 8/2/2019 preferred by the Respondent No. 2 under the provisions

of the Maharashtra Regional & Town Planning Act, 1966 to Respondent No. 3 herein for sanction of plans, as received by the Petitioner under the Right to Information Act, 2005 in March 2022 is annexed hereto and marked as **ANNEXURE- "G"**. The Petitioner submits that Futala Tank being Grade I Heritage Precinct before granting approval to development the Commissioner is required to consult the Heritage Conservation Committee and shall act on advice of the Committee under provisions of the Regulation. The Petitioner submits that the Heritage Conservation Committee in its meeting dated 15/06/2021 granted its sanction to construction of Viewer's Gallery on the bank of Futala Tank and also for development work of Musical Fountain, Sound, Light & Laser/Multimedia show on the condition that Precaution should be taken not to cause damage to the Heritage spot of Futala Tank while doing proposed development work. The Petitioner submits that development work of Parking Plaza on the land belonging to Punjabrao Deshmukh Krishi Vidyapeeth was approved by the Heritage Conservation Committee subject to compliance of

certain conditions mentioned in the report of its sub-committee. The copy of the minutes of the meeting of the Heritage Conservation Committee dated 15/06/2021 is annexed hereto and marked as **ANNEXURE- "H"**. The Petitioner submits that under the Heritage Regulations, for Grade I heritage like Futala Tank, scope for development is very narrow and the same is permissible only if it is necessary in the interest of strengthening & prolonging life of the precinct. That too absolutely essential and minimum changes are allowed which must be in accordance with the original. The Petitioner therefore submits that construction of viewer's Gallery, musical fountain with laser lights and multimedia show, by no stretch of imagination would ever fit into this restricted covenant. Also the changes introduced by construction are not minimal and absolutely non-essential. Last but not least the changes introduced in the Tank are not in accordance with the original Futala Tank. The Petitioner submits that entire new construction changing the skyline has been introduced on the bank of Tank as well as near the Tank. Therefore the decision of the Heritage Conservation

Committee is illegal and non-est in the eyes of law and therefore the Commissioner should not have sanctioned the project in view of provisions of Heritage Regulations. The Petitioner submits that the Commissioner as well as Heritage Conservation Committee, have failed to take into consideration the relevant grounds while exercising their power under the Regulations and hence the sanction accorded by both is arbitrary and liable to be set aside.

6. The Petitioner submits that the subject No. 10 of the minutes of the Heritage Committee also show that a sub-committee was set up by the Heritage Committee to do survey of the site of parking plaza & submit its report to the Committee. The minutes further show that in the report submitted by said sub-committee it was mentioned that No Objection Certificate from Dam Safety Organization, Nashik (DSO) as well as Structural Stability of Dam Wall from V.N.I.T has not been submitted. The Heritage Committee accorded its sanction to the construction of Parking Plaza on condition to comply with the issues raised in the report of the sub-committee. The Petitioner

submits that to the best of their knowledge, the issue has not been examined from the aspect of Dam Safety Organization, Nashik and Structural stability of Dam Wall from V.N.I.T. The Petitioner therefore submits that the sanction accorded by the Heritage Committee to the project was arbitrary, illegal and on irrelevant consideration and therefore void.

7. The Petitioner submits that the Headquarters MC (U) Air Force by its letter dated 10th July 2018 had raised an objection for Laser light show at Futala Tank. The Petitioner submits that in the said letter in Paragraph No. 2 the Air Force Headquarters mention that "helicopter training and NVG flying is regularly undertaken at VSN helipad. Futala lake falls in the Take off/.approach path of the helipad. Laser lights show at Futala lake will affect the vision of the pilot and could lead to accident/incident. Hence a conditional No Objection Certificate is hereby issued for installation of musical fountain without (R) without Laser unit at Futala Lake..." The copy of the letter dated 10th July 2018 issued by the HQ MC (U) AF, Nagpur under reference no. MC (U) /1405/1/Wks issued to Respondent

No. 5 NMRDA is annexed hereto and marked as ANNEXURE- "I".

8. The Petitioner submits that the parking plaza for this project has been proposed on the land owned by the Punjabrao Deshmukh Krishi Vidyapeeth. The Petitioner submits that the proposed construction of said parking plaza consists of a 9 storied building consisting of a parking area as well as Food Court, AC restaurant and Gazebo. The Petitioner submits that in the Sanctioned Development Plan of Nagpur, the land on which the Parking plaza is being constructed has been shown in light green colour and hence the construction of parking plaza along with Restaurant and Food Court is not permissible and contrary to zone. The copy of the development plan as available on the official website of the Nagpur Improvement Trust https://www.nitnagpur.org/dppopimg/img11.html is annexed hereto and marked as ANNEXURE-"J". The Petitioner submits that the construction of a parking plaza on the land of Punjabrao Deshmukh Krishi Vidyapeeth is contrary to Development Control Rules for Nagpur City as well as the

sanctioned Development Plan and land user shown therein. The Petitioner further submits that the said land being given to Punjabrao Deshmukh Krishi Vidyapeeth for purposes of Agriculture, Research, Education & Crop Cultivation and therefore could not have been used for any other purposes much less for construction of parking plaza with Food Court, Restaurant and Gazebo. The Petitioner submits that in the reply dated 18/04/2019 given by Punjabrao Deshmukh Krishi Vidyapeeth to Dr. Jaydeep Das under the Right to Information Act, this position has been disclosed by the Office of Estate Officer II, College of Agriculture, Nagpur. The Copy of letter dated 18/04/2019 alongwith information supplied by the Office of Estate Officer II, College of Agriculture, Nagpur under reference No. No.CAN/E.O.-II/RTI/01/19 is annexed hereto and marked as **ANNEXURE-"K"**. The Petitioner submits that in a curious letter of No-Objection to the so-called beautification project viz. Musical fountain, laser & multimedia show at Futala Tank given to Respondent No. 5 herein, the Respondent No. 6 has mentioned in Condition No. 5 that:

"The half portion of the income of the proposed project be given to the University and for that a Joint Agreement for 15 years be executed in the first place".

The Copy of the letter dated 06/07/2018 sent by Respondent No. 6 to Respondent No. 5 herein is annexed herewith and marked as ANNEXURE-"L". The Petitioner submits that the Petitioner is not aware as to whether in fact such an agreement has been executed or not, however, the expression of desire by Respondent No. 6 in its letter indicates the outlook that the Respondents bear towards a natural resource and the nature of project that has been proposed at Futala Tank. The Petitioner submits that the artificial nature of the project and the wish of sharing the income of the project that is expressed by none other than the University i.e. Respondent No. 6 herein shows the commercial nature of the project and the fact that the natural resource is not used for the natural purposes but for commercial purposes and therefore against the principles of public trust. The Petitioner submits that it also shows the anthropocentric attitude of Respondents towards a natural resource instead of eco-centric

approach.

9. The Petitioner further submits that the proposed construction site is near Futala Tank as such an aspect of Environmental Impact if any of proposed construction to the extent of 26668.86 Sq.mts on the water body and surrounding should have been done by Respondent Nos. 3 & 4 herein. The Petitioner submits that on the contrary the Environment Management Plan (EMP) has been done by Respondent No. 4 which lacks study from aspect of the impact on the Waterbody. The Petitioner submits that hence the construction of Parking Plaza is illegal.

10. The Petitioner further submits that by letter dated 17th April 2022, Respondent No. 4 gave information relating to details of the project and its cost. The Petitioner states and submits that the information discloses that the project is approved by Respondent No. 1 herein under Central Road Fund and the same is for improvement of Traffic Congestion at Futala Lake road and construction of concrete road with Viewing

Gallery in Nagpur. The said work has been transferred by Respondent No. 2 herein to Respondent No. 4 on "deposit work basis". The amount of the project is Rs.112.89 Cr. Funded by Respondent No.2 under Central Road Fund. The length of viewing Gallery is 350.00 RMT. The Parking Plaza construction is to the extent of 26668.86 Sqm. The Petitioner further submits that under caption 1.2 (5) it has been mentioned that work relating to musical fountain has been executed by NIT. It also has multimedia show and music fountain comprising flames and mist, designed and patented product of Crystal Group of France synchronized with light and songs of Hindi, Marathi & English Movies. The copy of the letter dated 17th April 2022 under Reference No.Maha-Metro/RTI/Anusaya Kale Chhabrani/ 351/2022/5640 issued by Respondent No. 4 under Right to Information Act, 2005 and the information supplied in pursuance thereof is annexed hereto and marked as ANNEXURE-"M". The Petitioner further submits that in another letter dated 29/3/2022 issued by Respondent No. 5 under outward No. Ex. Eng. (Project) 2900 it has been informed that the musical

fountain, light, sound & multimedia show at Futala Tank has been raised by NMRDA and that as per project initiation work order contract amount of Rs. 48.44 Cr. Plus Project implementation & maintenance repairing cost of Rs. 10 Cr (for five years) plus 1.50 Cr. (five years) for purchasing IPR of songs plus for technical/steering committee 0.10 Cr plus Rs.5.81 Cr. Towards GST totalling to Rs. 65.85 Cr. Expenditure is expected. The said project is being implemented out of Nagpur Improvement Trust (NIT) Funds. The copy of the letter dated 29/3/2022 issued by Respondent No. 5 under outward No. Ex. Eng. (Project) 2900 to the president of Petitioner organization under Right to Information Act, 2005 is annexed hereto and marked as **ANNEXURE-"N"**.

11. The Petitioner is annexing the photographs showing the construction of Viewer's Gallery on the bank of Futala Tank as well the musical fountain installed into the waterbody and photographs showing the waterbody before carrying out the construction work for giving an idea of extent of change that has

been made due to the so-called beautification of Futala Tank. The Petitioner is also annexing the Photographs showing the work of Parking Plaza near Futala Tank on the land of Respondent No. 6. The copy of photographs of Viewer's Gallery on the bank of Futala Tank as well the musical fountain installed into the waterbody & the construction work of Parking Plaza near Futala Tank as well as earlier photographs are annexed hereto and collectively marked as ANNEXURE-"O". The Petitioner submits that the work relating to Viewer's Gallery as well as musical fountain and laser show is complete and the trials are also conducted from August 2022.

12. The Petitioner submits that the site where the parking plaza is being constructed belongs to Respondent No. 6. The Petitioner submits that the said land falls in the zone shown with light green colour in the sanctioned Development Plan for the city of Nagpur where 9th storied Parking Plaza with Restaurant, Gazebo etc. cannot be constructed by law. The Petitioner further submits that for the construction of the said Parking Plaza, lot of trees have been cut in contravention of the relevant laws as

applicable to the cutting of Trees. The Petitioner further submits that the information supplied under the Right To Information Application brings out this position. The Petitioner submits that the google image of the site gives the idea about the density of trees that existed before the project and the situation as it exists after the project starts. The google image of the place before commencement of the construction of the parking plaza and google image after commencement of the construction of Parking plaza as well as the information supplied under RTI Application filed have been annexed herewith and collectively marked as ANNEXURE-"P". The Petitioner submits that cutting of trees contrary to provisions of relevant laws applicable in this bahalf is illegal. It is also in violation of Article 21, Article 48- A & Article 51 A (g) of the Constitution of India.

13. The Petitioner submits that realizing the importance of wetlands as ecosystems, high dependence of human society on wetlands for their sustenance and the pressures exerted by the society on wetlands resulting in degradation of wetlands, it was decided by the Government of India to have an appropriate

geospatial database of natural resources based on unambiguous scientific methods. The Petitioner submits that the Wetland atlas of Maharashtra, which is part of the National Wetland Atlas of India, is such a database. The Petitioner submits that the said document has updated database and status of wetlands, compiled in Atlas format. The wetlands are categorised under 19 classes and mapped using satellite remote sensing data from Indian Remote Sensing Satellite: IRS P6- LISS III sensor. The results are organised at 1: 50, 000 scales at district, state and topographic map sheet (Survey of India reference) level using Geographic Information System (GIS). This publication is a part of this national work and deals with the wetland status of a particular State/Union Territory of India, through text, statistical tables, satellite images, maps and ground photographs. The National Wetland Atlas as well as Wetland Atlas for Maharashtra State recognise the fact that "India with its vast geographical extent supports a large and diverse wetland classes, some of which are unique. Wetlands, variously estimated to be occupying 1-5 percent of geographical area of the country, support about a

fifth of the known biodiversity. Like any other place in the world, there is a looming threat to the aquatic biodiversity of the Indian wetlands as they are often under a regime of unsustainable human pressures. Sustainable management of these assets therefore is highly relevant. Realising this, Govt. of India has initiated many appropriate steps in terms of policies, programmes and plans for the preservation and conservation of these ecosystems". The Petitioner further submits that at page 58 of the said Atlas wetlands in Nagpur region have been mapped. The Atlas mentions about the Nagpur region that "Total 1053 wetlands are mapped including 335 small wetlands (< 2.25 ha) with 41791 ha area. The district is dominated by man made wetland types. The tank/pond is the major wetland type. There are 601 Tank/pond mapped with 17920 ha area (42.87%). The reservoir/barrages with 11420 ha area occupy 27.32 %. Rivers/streams contribute 24.68 %." The Petitioner submits that at Page 59 of the Atlas, in the Wetland Map of Nagpur District, Futala Tank is clearly shown in the map. The relevant pages of the National Wetland Atlas : Maharashtra as published by Space

Application Centre (ISRO) Ahmedabad is annexed hereto and marked as ANNEXURE-"Q".

14. The Petitioner submits that the National level wetland inventory was carried out by SAC, Ahmedabad using multi-date IRS-LISS-III Data of 2006-07 timeframe on 1:50,000 scale under project "National Wetland Inventory and Assessment (NWIA)" funded by MoEF&CC. The mapping was carried in collaboration with State Remote Sensing Applications Centres and Academic Institutes. The 2,01,503 wetlands having an area more than 2.25 ha have been listed in the said inventory. The Petitioner submits that in the National Wetland Inventory and Assessment (NWIA) Futala Tank has been mentioned as *Phutal* at Page 1448, Serial No. 101170. The latitude and longitude of the Lake has been mentioned as 79.04179 & 21.15433 respectively. The Petitioner submits that the wetland type code of Futala Lake has been mentioned as 1202 as such the Futala has been categorised in the said document as 'Inland - Man-made – Tank/Pond' having an area of 55.98 ha. bearing Wetland Code 2709105515040013. The National Wetland Inventory and

Assessment (NWIA) document is available on the Wetlands of India Portal as provided by the Ministry of Environment, Forest & Climate Change, Government of India. The relevant pages of the National Wetland Inventory And Assessment as downloaded from the official website https://indianwetlands.in showing listing of Futala Tank/Pond is annexed hereto and marked as **ANNEXURE-"R"**.

15. The Petitioner submits that it is a significant fact that Futala Tank has been mapped as Wetland in the National Wetland Atlas: Maharashtra as well as listed as such in National Wetland Inventory and Assessment. The Petitioner therefore submits that the fact that Futala Tank is a wetland needs no separate evidence and as such all the protections afforded to wetland are available to the Futala tank. The Petitioner submits that Hon'ble Supreme Court of India in the matter of *M.K. Balakrishnan & Oths.* v. *Union Of India* has taken note of mapping of 2,01,503 wetlands in National Wetland Inventory and Assessment. The Hon'ble Supreme Court in its order dated 8th February 2017 has directed that "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 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 Microorganisms/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 meters 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."

The Petitioner further submits that the Hon'ble Apex Court has reiterated the directions passed on 8th February 2017 and has said in its order dated 4th October 2017 that "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". The copy of order dated 8th February 2017 as well as 4th October 2017 in Writ Petition No. 230 of 2001 by the Hon'ble Supreme Court are annexed hereto and collectively marked as ANNEXURE –"S".

16. The Petitioner therefore submits that as per Hon'ble

Supreme Court's order mentioned above, Futala Tank is protected under Rule 4 of the Wetlands (Conservation & Management) Rules, 2010 that prescribes activities prohibited with respect to the Wetlands declared as such under the said Rules. The Petitioner submits that the Rule 4 of the Wetlands (Conservation & Management) Rules, 2017 which are in existence today is *ad verbatim* as Rule 4 of 2010 Rules. The Petitioner further submits that Government of India, Ministry of Environment, Forest & Climate Change (Wetlands Division) in its Office Memorandum bearing No. F. No. W-4/4/2022-WTL dated 6th March 2022, has referred to the Order dated 4th October 2017 of Hon'ble Supreme Court and in turn has directed in Paragraph 3 that "In view of above, it is once again clarified/reiterated that the 2,01,503 wetlands (>2.25 ha) as per the National Wetland Inventory and Assessment (NWIA), 2011 should be protected as per Rule 4 of the Wetlands (Conservation and Management) Rules, 2017. This protection is irrespective of the applicability of/notification as per the said Rules". The Copy of O.M. bearing No. F. No. W-4/4/2022-WTL dated 6th March

2022 as issued by the Government of India, Ministry of Environment, Forest & Climate Change (Wetlands Division) is annexed hereto and marked as ANNEXURE-"T". The Petitioner therefore submits that the fact that the Futala Tank has not been notified under the Wetlands (Conservation & Management) Rules, 2017 has no bearing whatsoever on its protection value and significance and the same is to be afforded same degree of protection and treatment as the Wetland notified under the Rules of 2017.

17. The Petitioner submits that this Hon'ble Court is also seized with the Public Interest Litigation bearing No. 87 of 2013 filed by Vanashakti Public Trust for preserving the wetlands in the state of Maharashtra. The Petitioner submits that this Hon'ble Court (Coram: Hon'ble V.M. Kanade & Hon'ble S.C. Gupte JJ) by Order dated 14th October 2013 was pleased to direct that "In the meantime, however, we deem it fit and proper to give a direction, in respect of the areas which have been identified as Wetland Areas in the Wetland Atlas by the Central Government, that no reclamation of land and any kind of

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construction shall be permitted without leave of this Court". The Petitioner further submits that the same direction has been referred to by this Hon'ble Court (Coram: Hon'ble A.S. Oka & Hon'ble S.A.Sayyed JJ) in Paragraph 2 of the order dated 25th July 2016. The copy of order passed by this Hon'ble Court dated 14th October 2013 as well as 25th July 2016, in Public Interest Litigation No. 87 of 2013 are annexed hereto and collectively marked as **ANNEXURE-"U"**. The Petitioner submits that therefore this Hon'ble Court has in unequivocal terms made it clear that leave of this Court shall be necessary before carrying out any kind of construction on areas/lands identified as Wetland areas in the Wetland Atlas by the Central Government. The Petitioner therefore submits that Respondents before commencing any construction of Viewer's Gallery on the bank of Futala Tank as well as installation of machinery for musical fountain inside the Tank should have sought for the Leave of this Hon'ble Court and hence such construction of Viewers Gallery as well as installing musical fountain is illegal and in blatant breach of order dated 14th October 2013 as well

as 25th July 2016, passed by this Hon'ble Court in Public Interest Litigation No. 87 of 2013.

18. The Petitioner submits that the protection and preservation of Wetlands has also received impetus from orders passed in this behalf by the National Green Tribunal in various matters. The Petitioner submits that some important orders/directions need mention here in order to demonstrate the degree of protection and its different aspects unfolded from these orders. The Petitioner submits that the need to conserve Wetlands has been highlighted by the National Green Tribunal in O.A. No. 325/2015 in matter of *Lt.Col. Servadaman SinghOberoi* v. *Union of India & Oths* in following words:

"There can be no dispute that the water bodies play significant role in recharge of ground water, preventing soil erosion, harnessing rain water and maintaining micro-climate in the area. Need for conservation and protection of water bodies is thus obvious. This requires involvement not only at the level of the State but also at the level of the community for which State needs to take initiative. The threat caused to the water bodies is

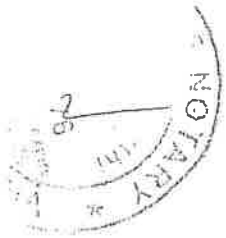
by dumping of waste, discharge of effluents and encroachments. The steps required for restoration will include preparation and implementation of catchment area treatment plans, setting up of green belt and wherever viable setting up of biodiversity parks around the water bodies, cleaning up of the garbage/debris and demarcation by the Revenue Department on identification survey and demarcation. Each water body is required to be given a geo-referenced-UID and an action plan is required for restoration and protection of each of the water bodies. In this view of the matter, need for conservation and protection of water bodies is not confined to the State of Haryana alone but extends to the whole country". The Petitioner further submits that the NGT had noted further in the said Order that "indicative guidelines for restoration of water bodies have been uploaded on the website of the CPCB on 18.06.2019 but most the States have not submitted their action plans". The Order of NGT dated 25th February, 2020 passed in M.A. No. 26/2019 in O.A No. 325/2015 is annexed hereto and marked as **ANNEXURE–"V"**. The Petitioner submits that in view of this Order the State is

obliged to protect and conserve the Futala Tank and to frame an action plan for the same. In the humble opinion of the Petitioner, instead of moving forward in direction of protection and conservation of the Tank, Respondents are exploiting the natural resource to its detriment. The Petitioner submits that NGT in its final Order dated 18th November 2020 in O.A. No. 325/2015 directed that:

"(I) All States/Uts may forthwith designate a nodal agency for restoration of water bodies, wherever no such agency has so far been so designated.

(ii) Under oversight of the Chief Secretaries of the States/Uts, the designated nodal agency may

a. Hold its meeting not later than 31.1.2021 to take stock of the situation and plan further steps, including directions to District authorities for further course of action upto Panchayat levels and to evolve further monitoring mechanism as well as Grievance Redressal Mechanism (GRM)". The Petitioner submits that the Report submitted in the said matter before NGT discloses the fact that State of Maharashtra has identified only 354 Water bodies and has not furnished any information with respect to



Status on Restoration of Water bodies, whereas as per the Wetland Atlas for Maharashtra, in State there are 23,046 wetlands which are more than 2.25 ha & 21,668 wetlands having area of less than 2.25 ha. The Petitioner thus submits that the Respondent has failed to comply with the orders/directions passed from time to time by Courts and Tribunals.

19. The Petitioner submits that the Ministry for Environment, Forest and Climate Change has notified Wetlands (Conservation & Management) Rules, 2017. The Petitioner submits that Respondent No. 9 is the Authority established under the rules and given powers and function for preservation and management of wetlands notified under the Rules. The Petitioner submits that the Ministry has also published guidelines to support the State Governments / Union Territory (UT) Administrations in the implementation of the Rules by providing guidance on various aspects relating to conservation of wetlands. The Petitioner submits that in the said document some examples of wetlands uses that may not be 'wise-use' are mentioned in which in case of urban lakes Concretization of

shoreline for beautification has been mentioned. The Petitioner submits that the document mentions that "In several cases, the impact on ecosystem structure and functions, or tradeoffs in ecosystem services may not be immediately apparent. It is, therefore, recommended that the 'precautionary approach' is adopted to ensure that wetlands conservation is prioritized in the case of information uncertainty". The Petitioner submits that the Respondent No. 1 to 5 have not studied the impact of construction of Viewer's Gallery, Musical fountain, laser & multimedia show, the accompanied noise and light on waterbody, serenity, fauna & flora present in and around the Futala Tank. The Petitioner therefore submits that application of Precautionary approach becomes inevitable and apt in this case. The Petitioner further submits that point No. 68 of this document draws our attention to an important aspect that "Aquatic and terrestrial ecosystems are intimately linked by the process of the water flowing through them. *Every land use decision has a consequence on water availability (emphasized)*...Delineating a basin or a coastal zone enables demarcation of a distinct

hydrological unit which is the natural integration of all hydrological processes within its boundary and therefore an ideal and rational unit for soil, water and bio-resources conservation and management. Thus, management planning for wetlands should not be restricted to a defined administrative boundary, but rather take into account wider planning and management context of the basin or coastal zone within which the site is located *(emphasized)*".

The copy of the document titled Guidelines for Implementing Wetlands (Conservation and Management) Rules, 2017 as published in 2020 by the Ministry For Environment, Forest and Climate Change, Government Of India is annexed hereto and marked as **ANNEXURE -"W"**. The Petitioner submits that Respondents should have acted on lines of this document for achieving health and conservation of Futala Tank instead of planning & executing expensive beautification project which does not fit into the compass of any scientific and policy document as issued by the Government from time to time as well as laws applicable.

for from the Maritime Board under the Right to Information Act, 2005. The Petitioner further submits that the Home Department (Ports & Transport) Maharashtra Maritime Board vide its reply dated 9th May 2023 bearing Outward No. MMB/Niyojan-1/Mahiticha Adhikar/2023/2082 gave information to the Petitioner in form of the copy of letter dated 20/3/2023 send to the Maritime Board by the Respondent No. 4 herein as well as Reply dated 18/04/2023 by the Marine Engineer & Chief Surveyor, Maharashtra Maritime Board, Mumbai to Respondent No. 4. The copy of the letter dated 9/05/2023 bearing Outward No. MMB/Niyojan-1/Mahiticha Adhikar/2023/2082 sent by the Maharashtra Maritime Board to the Petitioner is annexed hereto and marked as ANNEXURE – "Y". The Petitioner submits that by the letter dated 20/03/2023 bearing reference No. Maha–Metro/NMRP/CRF-II/FUTALA/Correspondence/ 2022/004, the Respondent No. 4 has disclosed that it has undertaken the work for Respondent No. 2 for providing a Floating Stage with walkway, including 2 Rescue Boats. The Letter further informs that the PWD intends to use the floating Pontoon for live music

and/or other shows, as part of developing the Futala Lake area as a major tourist attraction in Nagpur. The Petitioner submits that the letter also mentions that the copies of all drawings of project vetted by the department of civil engineering of IIT, Bombay have also been enclosed along with the letter. The Petitioner submits that the said letter in the end seeks approval of the Maharashtra Maritime Board to the project as described in the said letter. The Copy of the letter dated dated 20/03/2023 bearing reference No. Maha–Metro/NMRP/CRF-II/FUTALA/ Correspondence/2022/004 as sent by Respondent No. 4 to the Maharashtra Maritime Board is annexed hereto and marked as ANNEXURE- "Z" . The Petitioner further submits that the Maharashtra Maritime Board in turn replied by letter dated 18/04/2023 bearing reference No. MMB/MECS/IV/ Floating deck at Futala /245 informed the Respondent No. 4 herein that for the reasons as disclosed the Paragraph A) of the said reply, the Maharashtra Maritime Board highly recommended to refer the project details to an IACS member having relevant experience in executing such projects for further action. The

sought is voluminous, MahaMetro will have to divert its resources disproportionately to get these details in consolidated form. Therefore, Under section 7 (9) of Act 2005 same cannot be provided. The Petitioner submits that however, It was mentioned that inspection can be taken and after that documents required can be made available after payment of fees. The copy of the Application dated 15/02/2023 filed by Mr. Sharad Paliwal to Respondent No. 4 is annexed hereto and marked as **ANNEXURE- "Z2"**. The Petitioner submits that the said inspection was taken on 5/06/2023 and certain drawings and other relevant documents were obtained by the Petitioner on 5/06/2023. The Petitioner submits that in one of the documents viz. Letter dated 24/09/2022 bearing reference No. Maha–Metro/NMRP/CRF-II/FUTALA/ Correspondence/2022/105849 given by Respondent No. 4 to the Senior Police Inspector, Ambazari Police Station, regrading obtaining No-Objection Certificate to Water Sports Activity at Futala Lake, the Respondent No. 4 has disclosed the scale and the nature of construction that is going to be made inside Futala Lake. The

construction proposed by the Respondent No. 2 to be carried out by Respondent No. 4 inside the Lake and that too for commercial and entertainment use. The Petitioner submits that the drawings show that it is nothing but a civil engineering work that is proposed inside a protected wetland. The drawings obtained by the Petitioner on 5/06/2023 pertaining to installation of Banyan Tree as well as for Stage pontoon frame, General Arrangement of stage pontoon, inside Futala Lake are annexed hereto and collectively marked as ANNEXURE - "Z4". The Petitioner submits that Respondents do not have power under any law to convert a water body viz. Protected wetland to Banquet, Floating Stage for events and Floating Restaurant with such construction. The Petitioner submits that on the contrary Respondent No. 2 & 4 are duty bound under law to protect and conserve the Lake in capacity of 'Trustee' of natural resource and cannot act as owners of lake and put the Wetland to 'non-wetland' use or commercial use with artificial elements inside the natural body.

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ANNEXURE – "Z5". The Petitioner submits that a large fabricated frames had been constructed by the Respondents No. 4 on the bank of lake and the same might have been immersed into lake water for providing base for the proposed construction. The Petitioner as such submits that the news item clearly shows that the construction activity is involved in installation of artificial banyan tree and that too is carried out inside the wetland. The Petitioner submits that it is clear from the new item that the Respondent No. 4 is carrying out this construction inside the water body and that is with the sole object of providing artificial entertainment by exploiting the natural resource and changing its nature. The Petitioner on 1st June 2023 took photographs of the poles erected inside the water body near musical fountain. The copy of the photographs of the poles erected inside the water body by Respondent No. 4 that is part of installation of banyan tree inside Futala lake as well as photograph showing Fabrication Frame are annexed hereto and collectively marked as ANNEXURE "Z6".

20. The Petitioner submits that two different and parallel tracks are seen when this subject viz. Wetland Conservation is seen from an angle of third party. First track is the track that perceives wetlands having intrinsic value and therefore seeks to conserve wetlands by trammeling the path of human actions with reference to wetlands. The Courts seem to have taken this path and issued various directions for preservation and protection of wetlands. The Petitioner submits that Respondent No. 8 also has issued plethora of material including documents, guidelines for this purpose as well as a dedicated Wetlands of India Portal https://indianwetlands.in. The Petitioner submits that, however, State i.e. Respondent No.1 to 5 in this case seems to have taken second track i.e. they are perceiving wetlands as units to provide artificial entertainment like musical fountain, laser and multimedia shows by charging tickets, that too by spending crores of rupees of taxpayers on such projects. The Petitioner therefore approaching this Hon'ble Court for justice.

The Petitioner thus aggrieved by the approach of the

Respondents towards wetland and actions in pursuance of such an approach which is ex-facie against the Constitutional as well as statutory provisions and simultaneously in blatant breach of the Orders passed by Hon'ble Apex Court as well as this Hon'ble Court in matters pertaining to the preservation of water bodies/ wetlands, is approaching this Hon'ble Court for justice through this Petition filed under Article 226 of the Constitution of India on the following grounds which have been taken in alternate and without prejudice to each other:

GROUNDS

A) The Petitioner submits that, the Futala Tank is also protected under the provisions of the Constitution of India and as such the action of Respondents must also be tested on the touchstone of Constitutional provisions and certain principles arising therefrom. The Petitioner submits that Article 21 viz. Right to life has been interpreted by the Hon'ble Supreme Court so as to include the right to clean air, clean water, clean environment, hygienic atmosphere and ecological balance. The Petitioner submits that Article 48-A lays down the duty of the State to

protect and improve the environment and safeguard forest and wildlife of the country. The article 51-A (g) of the Constitution mentions the duty of every citizen of India to protect and improve the natural environment including forests, lakes, rivers, wildlife and to have compassion for living creatures. The Petitioner therefore submits that this trio forms the bedrock of protection of the environment and preservation of natural resources including wetlands. The Respondents being state should have been mindful of their duties under Article 48-A & Article 51-A (g) while granting sanction to the project and plans. Hence action of Respondents of sanctioning plans allowing construction on the bank of Tank as well as installing musical fountain machinery inside the body of the Tank, is contrary to Constitutional provisions and hence not tenable as it endangers ecological balance.

B) The action of Respondent No. 5 of raising musical fountain inside the Futala Tank by installing machinery as well as construction of Viewers Gallery on the bank of the Futala Tank is in violation of Order dated 14/10/2013 & 25/07/2016 passed

in Public Interest Litigation No. 87 of 2013 by this Hon'ble Court as admittedly no leave has been sought by concerned Respondents before carrying out these activities.

C) The Petitioner submits that the Petitioner has the right to expect that the Futala Tank shall be maintained in its natural state and for particular types of uses only. The Petitioner submits that Respondents are trustees of Futala Lake and not owners of it. The Petitioner submits that Respondents being State are bound by the Principle of Public Trust as enunciated by the Hon'ble Apex Court in *M.C. Mehta* v. *KamalNath*. The action of installation of musical fountain, laser light shows by installing machinery inside the lake as well as construction of Viewer's Gallery on the bank of the Tank is contrary to Public Trust Principle and hence illegal. The Petitioner submits that due to acts of Respondents, the Futala Tank has not remained in its natural state but has been converted to an open theater which is used for entertainment by charging fees.

D) The construction of Viewer's gallery on the bank of Futala

Tank and installation of Musical Fountain and related machinery inside the Tank body has resulted into change in the nature of water body as well as use of water body. A Tank having an undeveloped, pristine environment has been converted into an open air theater for public entertainment. Petitioner submits that this is not tenable in law and also contrary to Public Trust Principle as well as other statutory & Constitutional provisions.

E) The Petitioner submits that power vested by law cannot be exercised in this fashion by Respondent No. 1 to 5 so as to exploit the wetland as place of artificial entertainment by carrying out permanent changes on its shore and body, thus martyring its soul that too in contradiction with duties vested by law and the Constitution.

F) The Petitioner submits that it is for Respondent No. 3 & 4 to prove it to the satisfaction of this Hon'ble Court that they have considered the requisites of Rule 4 (vi) of the Wetland (Conservation and Management) Rules, 2017 before according sanction to the plan submitted for approval of Construction of

Viewer's Gallery in view of the Principle of Reversal of Burden of Proof.

G) The Petitioner submits that the construction of Viewer's Gallery on the bank of Futala Tank, Musical fountain and associated machinery inside the waterbody is absolutely against the precautionary principle and hence illegal.

H) The Petitioner submits that the proposed beautification project of the Futala lake consisting of construction of Viewer's Gallery on the bank of Futala Tank, musical fountain inside the Tank body is in violation of orders of Hon'ble Apex Court in W.P. No. 230 of 2001 whereby all 2,01,503 wetlands as shown in the National Wetland Inventory & Assessment have been protected and as the Futala Tank is mentioned in the said document.

I) The Petitioner submits that the relaxation granted by the Commissioner of Respondent No. 3 Corporation under the Development Control Rules for Nagpur City to mandatory distance to be maintained from a waterbody is arbitrary, illegal and granted under the provisions that are non-applicable to the

facts and circumstances of the case.

J) The Petitioner submits that the Respondent No. 3 has no such power under the law to relax the condition in such manner so as to by-pass the mandatory distance to be maintained of construction from waterbody, results into making such mandatory provision nugatory and therefore such exercise of power on behalf of Respondent No. 3 is colourable and not valid.

K) The Petitioner submits that the discretionary powers as claimed to be exercised by Respondent No. 3 while granting relaxation to 15 meters distance rule is totally irrelevant to the facts and circumstances of the case & hence inapplicable. It amounts to arbitrary exercise of power and hence the relaxation granted by Respondent No. 3 while sanctioning the plan of Viewer's Gallery is illegal and liable to be quashed.

L) The Petitioner submits that the decision of the Heritage Committee to accord sanction to the construction of Viewer's Gallery, musical fountain as well as Parking Plaza is absolutely

contrary to the purpose for which power has been vested in the Committee under Heritage Regulations and hence the same is arbitrary and liable to be quashed.

M) The Petitioner submits that the Heritage Committee lacks power under the relevant law to grant sanction to such a project which proposes to change the basic structure of the Grade I heritage that too contrary to its natural status.

N) The Petitioner submits that the Respondents while exercising powers under the law while sanctioning the project, plans for construction and providing for so called beautification of Futala Tank, have failed to exercise power for the purposes for which the power has been vested in Respondents under the law viz. protection, preservation of wetland in its natural state and hence such exercise of power is bad in law, unreasonable, arbitrary and hence violative of Article 14 & 21 of the Constitution of India.

O) The Petitioner submits that Respondent No. 3 has acted in contravention of its mandatory duty as provided under the Section 63 (1b) of the Maharashtra Municipal Corporation Act,

1949 while sanctioning the plans pertaining to the so-called beautification project at Futala Tank.

P) The Petitioner submits that mandatory duties of Respondent No. 3 under Section 63 (1b) of the Maharashtra Municipal Corporation Act, 1949 cannot be sacrificed by discretionary duties of Respondent No. 3 under Section 65 (9) & (14) (9) of the Maharashtra Municipal Corporation Act, 1949

Q) The Petitioner submits that action of Respondent No. 3 of sanctioning plans relating to construction of Viewer's Gallery is in violation of provisions of Rule 4 (vi) of the Wetland (Conservation and Management) Rules, 2017 and consequently against the Order dated 8th February 2017 passed by Hon'ble Apex Court.

R) The Petitioner submits that Respondent No. 1 to 5 are bound by principle of reversal of burden of proof & hence they must prove it to the satisfaction of this Hon'ble Court that their action is benign and construction of Viewer's Gallery, installation of musical fountain and associated machinery inside the Tank is not

detrimental to the Wetland.

T) The Petitioner submits that Respondents should have taken an eco-centric approach in the matter and should have exercised powers vested in them for protection and preservation of the Water body instead of execution of artificial entertainment plan like the beautification project at Futala tank.

U) The Petitioner submits that action of Respondents of not carrying out directions of Hon'ble Apex Court as well as Hon'ble High Court & the National Green Tribunal passed from time to time for protection and preservation of wetland, and instead undertaking activities not connected with improvement of ecological character/health of wetland viz. the beautification of Futala Tank is a fraud on public power and hence illegal.

V) The Petitioner submits that the amount that is being spent for the beautification project viz. Construction of the viewer's gallery on the bank of Futala Tank, musical fountain, laser and multimedia show & parking plaza runs into crores of rupees. The Petitioner submits that Respondents are failing on the other hand

in implementing the directions passed by the Hon'ble Apex Court as well as this Hon'ble Court with respect to protection of Wetlands. The Petitioner submits that this amount could have been spent for rejuvenation, biodiversity preservation, promotion of ecological aspects, of not only Futala but other lakes in Nagpur also. Hence action of Respondent No. 1 to 5 is arbitrary, irrational and illegal.

W) The Petitioner submits that the action of Respondent No. 3 & 4 of sanctioning plan of 9 storied parking plaza on land bearing Khasra No. 13/3 & construction of parking plaza with Food court and restaurant there is absolutely illegal and contrary to provisions of law and Constitution. The said action is not in conformity with the zone and hence cannot be undertaken. Therefore arbitrary, illegal and unsustainable in the eyes of law.

21. The Petitioner states that being aggrieved by the conduct of the Respondents, the Petitioner has left with no option but to approach this Hon'ble Court by way of Public Interest Litigation seeking appropriate direction to the Respondents.

22. The Petitioner submits that the grievance of the Petitioner is with respect to the preservation of Futala Tank which is a wetland listed in National Wetland Inventory and Assessment document and also protected in terms of orders passed by Hon'ble Supreme Court in W.P. 230 of 2001. is situated in Nagpur City. The Petitioner submits that however, this Hon'ble Court is already in session of Public Interest Litigation No. 87 of 2013 filed by Vanashakti Public Trust for protection and preservation of Wetlands in the state of Maharashtra. The Petitioner submits that this Hon'ble Court is monitoring the said Petition since 2013 and all departments as well as authorities concerned with this task have been made answerable to this Hon'ble Court at Bombay. The Petitioner states that this Hon'ble Court has also passed an order in PIL No. 87 of 2013 that leave of Court is necessary before undertaking any construction on areas identified as Wetlands in National Wetland Atlas by Central Government. The Petitioner submits that leave of this Hon'ble Court was must before undertaking any activity with respect to Futala Tank beautification and since

X) The construction carried out by Respondent No.4 inside the body of the Futala Lake for installation of banyan tree is contravention of the orders passed by this Hon'ble Court in Public Interest Litigation No. 87 of 2013 as well Orders of the Apex Court in Writ Petition No. 230 of 2001 and as such, absolutely illegal and hence liable to be removed.

Y) The proposed installation of Floating stage, walkway inside the wetland by carrying out construction as undertaken by the Respondent No. 4 is illegal and against the orders passed by this Hon'ble Court in Public Interest Litigation No. 87 of 2013 as well Orders of the Apex Court in Writ Petition No. 230 of 2001.

Z) The construction carried out by the Respondent No. 4 for installing artificial Banyan Tree and proposed construction to be carried out for Floating stage, walkway inside the wetland is also against the O.M. dated 08.03.2022 as issued by the Ministry of Environment, Forest and Climate Change.

are acting as owner of natural resource which is not permissible in eyes of law.

Zd) The action of Respondent No.2 & 4 of proposing and taking step in construction of Banquet, Floating Stage, Floating Restaurant, artificial banyan tree are all foreign and artificial elements being introduced in the natural lake ecosystem which apart from being harmful cannot be permitted under law. The same would change the nature of Lake and would convert it into entertainment place, restaurant and banquet hall which is illegal.

Ze) The Respondent No. 2 & 4 should have appreciated the fact that there is ample place in city where a Banquet hall. Restaurant and Stage for holding cultural events could have been constructed by following legal procedure, but a Wetland which is protected is not as place to provide for such uses which are non wetland uses.

the Hon'ble Court at Bombay is seized with this matter, the Petitioner has chosen to file this matter before Hon'ble High Court at Bombay so as to avoid conflicting orders. The Petitioner submits that even the Bombay High Court Appellate Side Rules under Chapter XXXI by Rule 4A that has been inserted vide Notification No. Rule/P. 3601/2022, Dated-21-04-2022 provide that:

"4A. The Chief Justice may in his discretion order that any case arising in any of the Judicial Districts of Maharashtra as well as Goa, shall be heard at the Principal Seat. Provided that the Chief Justice may in his discretion order that any case presented at the Principal Seat be heard at Nagpur Bench or Aurangabad Bench or the Bombay High Court at Goa.]"

The Petitioner is therefore seeking leave of Hon'ble Chief Justice to allow Petition to be filed and heard at Principal Seat in view of the fact that parent matter covering the subject of wetlands in Maharashtra is pending before the Principal Bench at Bombay.

23. The Petitioner solemnly declares that he has not approached this Hon'ble High Court or Hon'ble Supreme Court of India any time before, on the subject matter of the petition. Instant petition is filed by the Petitioner in pursuance of duty under Article 51-A (g) of the Constitution of India. The Petitioner solemnly declares that he does not have any direct or indirect interest.

24. **Source of information:-**

The Petitioner declared that the Petitioner has received the information through Information received by the President of Petitioner Organization in response to the applications under the Right to Information Act, applications filed with Respondents.

25. **Nature of extent of injury caused / apprehended :-**

The nature of the injury is well explained herein above. The Orders of Hon'ble Apex Court as well as this Hon'ble Court have not been followed thereby jeopardizing the natural resource viz. Futala Tank which is against Constitutional principles and other doctrines in the field of environmental law.

26. Any representation etc. made :-

The Petitioner had made representation dated 17th May 2022 to the Wetlands Conservation Body Maharashtra. However, Petitioner submits that no action seems to have been taken on the same by the Authority.

27. **Delay, if any, in filing the petition and explanation therefore: -**

The Petitioner states that the Petitioner was advised to seek for information under the Right to Information Act and as such it was in the month of March 2022 the President of Petitioner sought for information by filing Application under the Act. The Petitioner received information in batches. The Petitioner thereafter sought for legal advice and time was taken thereafter by the Advocate for filing the Petition. The Petitioner further submits that since the subject matter involved in the present Petition pertains to preservation of Futala Tank and obligation of Respondents under the Constitution of India in preservation of Wetlands there is no delay in filing the present Public Interest Litigation and the Petitioner has approached this Hon'ble Court at the earliest.

28. **Documents relied upon :**

As Exhibited in the petition.

29. **Reliefs prayed for :-**

A) This Hon'ble Court may be pleased to declare that the installation of musical fountain & associated machinery inside the body of the Futala Tank is illegal and against the Principle of Public Trust as enunciated by the Hon'ble Apex Court.

B) This Hon'ble Court may be pleased to declare that the Construction of the Viewer's Gallery on the bank of Futala Tank is illegal.

C) This Hon'ble Court may be pleased to issue appropriate Writ, Order or direction to Respondent No. 5 for removal of musical fountain and associated machinery installed inside the body of the Tank and further direct the Respondent No. 5 to restore the Tank to its original natural state.

D) This Hon'ble Court may be pleased to issue an appropriate Order, direction or Writ to Respondent No. 3 & 4 directing them to demolish the Viewer's Gallery constructed on the bank of Futala Tank and restore the bank to its original state.

E) This Hon'ble Court may be pleased to declare that the Construction of Parking Plaza undertaken on land bearing Khasra No. 13/3 at Mauje Futala is contrary to the zone as shown in the sanctioned Development Plan for Nagpur and as such illegal.

F) This Hon'ble Court may be pleased to issue an appropriate Order, direction or Writ to Respondent No. 3 & 4 directing them to demolish the building under Construction on land bearing Khasra No. 13/3 at Mauje Futala.

G) Pending hearing and final disposal of this Petition, the Hon'ble Court may kindly be pleased to restrain Respondent No. 4 from carrying out further construction of the parking plaza on land bearing Khasra No. 13/3 at Mauje Futala forthwith.

H) Pending hearing and final disposal of this Petition, the Hon'ble Court may kindly be pleased to restrain Respondent No. 5 from holding shows of musical fountain, laser and multimedia on the Futala Tank.

I) Ad-interim relief in terms of prayer clause G) & H) above may kindly be granted.

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J) Grant any other relief as this Hon'ble Court deems fit and proper in the facts and circumstances of the case and in the interest of justice.

K) This Hon'ble Court may be pleased to issue appropriate Order, direction or Writ to Respondent No. 1 & 9 directing the Respondents to prepare 'Brief Document' of Futala Tank in accordance with the Guidelines issued by Ministry for Environment, Forest & Climate Change for implementation of Wetland (Conservation & Management) Rules, 2017.

L) This Hon'ble Court may be pleased to issue appropriate Order, direction or Writ to Respondent No. 9 directing the Respondent to formulate integrated management plan of Futala Tank in accordance with the Guidelines issued by Ministry for Environment, Forest & Climate Change for implementation of Wetland (Conservation & Management) Rules, 2017 & implement the same.

M) This Hon'ble Court may be pleased to issue appropriate Order, direction or Writ to Respondent No. 9 directing the Respondent to define strategies for conservation and wise use of wetlands for Futala Tank in accordance with the Guidelines issued by Ministry for Environment, Forest & Climate Change for implementation of Wetland (Conservation & Management) Rules, 2017 & implement the same.

F-a) This Hon'ble Court may be pleased to issue an appropriate Order, Direction or Writ to Respondent No. 4 herein directing Respondent No. 4 to remove the construction made for installing the artificial banyan tree inside the Fultala Lake and restore the lake to its natural original condition and the cost of restoration may kindly be recovered from the Respondent No. 4.

F-b) Pending hearing and final disposal of this Petition, the Respondent No. 4 may kindly be restrained from carrying out any/further construction inside the Futala Lake in execution of construction of banyan tree and/or Floating Stage inside the Futala Lake.

F-c) An appropriate Order, Direction or Writ may kindly be issued to Respondent No. 1 to 5 herein restraining the said Respondents from carrying out any construction inside the wetland for the purposes of non-wetland use.

F-d) Ad-interim relief in terms of prayer clause (F-b) & F0c) above may kindly be granted.

N) This Hon'ble Court may be pleased to issue appropriate Order, direction or Writ to Respondent No. 9 directing the Respondent to set-up grievance mechanism having jurisdiction over the entire State of Maharashtra for entertaining grievances of general public relating to Wetlands, on lines of directions as issued by this Hon'ble Court in its order dated 25/07/2016 in Public Interest Litigation No. 87 of 2013.

O) This Hon'ble Court may be pleased to issue appropriate Order, direction or Writ to Respondent No. 9 directing the Respondent to carry out its functions as mentioned under Rule 5 (4) of the Wetland (Conservation & Management) Rules, 2017 with respect to all water bodies in Nagpur District as mapped and shown in National Wetland Atlas : Maharashtra, prepared by the Central Government.

50] **Caveat :-**

That no notice has been received of lodging a Caveat by the opposite party.

NAGPUR.
DATE : 19.12.2022

Mr A.V. Chhabrani
PETITIONER

COUNSEL FOR PETITIONER.

SWACCH ASSOCIATION NAGPUR

Nadita R. Tripathi
Nagpur
Reg No. 10225

VERIFICATION

I, Mrs. Anusaya Vinod Chhabrani, Aged about 53 years, the President and the authorized person by the Petitioner organization, do here take oath and state on solemn affirmation that contents of paragraph No. 1 to 42 and 44 to 52 are the statement of facts are true and believed to be true by me. The contents of the paragraph no. 43 is the legal submission, which I believe to be true and correct and the contents of paragraph no. 53 is the Prayer clause, which I believe is correct to my personal knowledge and belief.

Hence verified and signed at Nagpur on this 19 day of December, 2022.

Mrs A.V. Chhabrani

DEPONENT

I KNOW AND IDENTIFY THE DEPONENT.

G.S. Namwade

ADVOCATE.

NOTARIAL REG. 17072 19.12.22

Sworn before me on this 19 day of 12 2022 at Nagpur by Shri/Smt./Ku. Anusaya Vinod Chhabrani R/o Nagpur who has been identified by Shri/Smt. G.S. Namwade Advocate Nagpur

NOTARY NANDITA R. TRIPATHI DIST. NAGPUR (M.S.) INDIA Reg. No. 11276 GOVT. OF INDIA

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT NAGPUR

CIVIL APPELLATE JURISDICTION

[RULE 4(e) OF THE BOMBAY HIGH COURT PUBLIC INTEREST LITIGATION RULES, 2010]

PUBLIC INTEREST LITIGATION NO. OF 2022

DIST: NAGPUR

Swacch Association .... PETITIONER

Versus

STATE OF MAHARASHTRA and Ors. .... RESPODNENTS.

AFFIDAVIT IN SUPPORT OF THE PUBLIC INTEREST LITIGATION AS REQUIRED UNDER THE NOTIFICATION.

I, Anasuya Vinod Chhabrani, Aged about 52 years, Occupation – Homemaker, the President of the Association R/o. 15, Laxmi Apartments, Opposite to Axis Bank, Civil Lines, Nagpur – 440 001, Mobile No.9850489953 Pan No. ASSTS9043H, do hereby solemn affirm as under.:

1. I say that, I have filed the above Petition in public Interest for reasons set out in the petition and for relief prayed for therein. I repeat, reiterate and confirm all that has been stated in the Petition to be true and pray that the reliefs prayed for in the petition be granted with costs.

2. That, the petitioner has no personal interest, gain private motive or oblique reason in filing the present Public Interest Litigation.

3. I undertake to pay costs as may be ordered by the Hon'ble Court, if it is ultimately held that the petition is frivolous

or has been filed for extraneous consideration or that it lacks bona fides.

4. I undertake to disclose the source of petitioner's information, leading to the filing of the above Public Interest Litigation, if and when called upon by Hon'ble Court, to do so.

5. That, the petitioner is not involved in any other Civil Revenue or Criminal Litigation in any capacity before Court or Tribunal.

6. That, to the petition,.I have annexed a copy of registration certificate and on authorization resolution to file Public Interest Litigation is annexed to the Petition.

Whatever stated hereinabove is true and correct to the best of my knowledge and belief.

Hence this affidavit.

NAGPUR.
DATE :19.12.2022

Mr A.V. Chandrani

PETITIONER/ DEPONENT.

VERIFICATION

Verified that the contents of the above affidavit from paras 1 to 6 are true and correct to my personal knowledge and belief.

Hence verified and signed at Nagpur on this 19 day of December, 2022.

Ms A.V. Chhabrani

DEPONENT

I KNOW AND IDENTIFY THE DEPONENT.

K.S. Nawande

ADVOCATE.

Sworn before me on this 19 day of 12 22 at Nagpur by Shri/Smt. Anusaya V. Chhabrani R/o Nagpur and has been identified by Shri/Smt. K.S. Nawande Advocate Nagpur

NAVDITA R. TRIPATHI
NOTARY
Maharashtra State
Nagpur Dist. Nagpur

Reg. No. 12073
19.12.22

NOTARY NAVDITA R. TRIPATHI DIST. NAGPUR (M.S.) INDIA Reg. No. 11276 GOVT. OF INDIA

SEAL OF NOTARY Navdita R. Tripathi Dist. Nagpur Reg. No. 11276 GOVT. OF INDIA

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2023:BHC-NAG:16604-DB

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Public Interest Litigation No.4 of 2023

Swacch Association, Nagpur ... **Petitioner**

Versus

The State of Maharashtra and others ... **Respondents**

Shri S.A. Rajeshirke with Shri Amogh Parlikar and Shri K.S. Narwade, Counsel for Petitioner.

Shri S.K. Mishra, Senior Advocate, assisted by Shri A.S. Fulzele, Additional Government Pleader for Respondent Nos.1, 2 and 9.

Shri S.K. Mishra, Senior Advocate, assisted by Shri J.B. Kasat, Counsel for Respondent No.3.

Shri Anand Parchure, Counsel for Respondent No.4.

Shri S.M. Puranik, Counsel for Respondent No.5.

Shri A.R. Patil, Counsel for Respondent Nos.6 and 7.

Shri N.S. Deshpande, Deputy Solicitor General of India for Respondent No.8.

CORAM : A.S. CHANDURKAR & MRS. VRUSHALI V. JOSHI, JJ.

Date when arguments were heard : 11th October, 2023.

Date when the judgment was pronounced : 30th November, 2023.

JUDGMENT (PER A.S. CHANDURKAR, J.) :

1. The present proceedings have been filed in public interest by Swacch Association, a Society registered under the Societies Registration Act, 1860 as well as under the Maharashtra Public Trusts Act, 1950. It seeks to raise the issue with regard to impermissibility of installation of musical fountain and associated machinery inside the body of Futala Tank. It also seeks to object to the construction of the viewer's gallery on the bank of Futala Tank and prays that the Tank be

restored to its original state after demolishing the viewer's gallery. The prayer for interim relief was made by the petitioner during the pendency of the present proceedings and by the order dated 5-7-2023, the interim relief as prayed for was not granted. However, directions were issued to the respondents to ensure that the spirit behind imposing restrictions under Rule 4 of the Wetlands (Conservation and Management) Rules, 2017 ('the Rules of 2017') is strictly observed and no construction of a permanent nature within Futala Lake is undertaken. In the aforesaid backdrop, the present proceedings are being considered.

2. According to the respondents, the order dated 5-7-2023 takes into consideration all the apprehensions expressed by the petitioner. They submit that as Futala Lake is not a 'wetland' as defined under Rule 2(1)(g) of the Rules of 2017, the interim order dated 5-7-2023 be made absolute and the parties be directed to act in accordance with the directions issued therein. The petitioner however contends otherwise to urge that the prohibition, as contemplated by Rule 4 of the Rules of 2017 to undertake any activity of a permanent nature in a wetland be implemented insofar as Futala Lake is concerned.

3. Shri S.A. Rajeshirke, learned counsel for the petitioner, submitted that Futala Lake, though not declared as a 'wetland' in terms of Rule 2(1)(g) of the Rules of 2017, was an identified wetland and the same found mention in the National Wetland Inventory and Assessment (NWIA). The said inventory having been taken in the year

2006-07 and Futala Lake having been identified as a wetland, the provisions of the Rules of 2017 ought to be applied with full rigor. Referring to the very same decisions that were pressed into service when the prayer for interim relief was considered, the learned counsel submitted that no construction of any nature whatsoever was permissible in such water body. Referring to Rule 4(2) of the Rules of 2017, it was urged that the activities undertaken by the respondents were prohibited for being so undertaken at a wetland. Such activities amounted to committing an encroachment on a water body. Referring to the provisions of the Unified Development Control and Promotion Regulations for the State of Maharashtra, it was submitted that even for a construction of a temporary nature, permission of the Planning Authority was necessary. Such permission was not taken, thus resulting in breach of the said Regulations as well as violation of Rule 4 of the Rules of 2017. A similar contention was raised insofar as construction of viewer's gallery on the bank of Futala Lake was concerned. Though the said area fell within the green zone, commercial activities were sought to be undertaken therein. This construction was within 50 metres of the water body and there was no power whatsoever with the Planning Authority to relax such criteria. The parking plaza being constructed across the road also fell within the green zone wherein construction was not permissible. Giving a go by to the Regulations and without changing the user of such land, the construction had been undertaken which required interference at

the hands of the Court. The learned counsel then referred to the Environment Status Report of the City of Nagpur that was prepared by the National Environmental Engineering Research Institute, Nagpur to submit that the quality of the Lake water would deteriorate with the user of the Lake for such activities. Huge amounts were likely to be spent on the said venture which was highly arbitrary. Commercial interests of the respondents could not be given precedence over environmental concerns of the general public. Reference was made to the provisions of Section 63 of the Maharashtra Municipal Corporations Act, 1949 to indicate the nature of duties and responsibilities of the Municipal Corporation in that regard.

4. To substantiate the stand of the petitioner, the learned counsel referred to the Public Trust Doctrine as envisaged in the decisions in ***M.C. Mehta Versus Kamal Nath and others [(1997) 1 SCC 388]***, and ***Hinch Lal Tiwari Versus Kamala Devi and others [(2001) 6 SCC 496]*** that had been referred to in ***Navi Mumbai Environment Preservation Society and another Versus Ministry of Environment through its Secretary, Department of Environment and others [2018 SCC OnLine Bom 4074]***. The learned counsel also referred to the decision in ***Jitendra Singh Versus Ministry of Environment and others [(2020) 20 SCC 581]*** in that regard. Attention was also invited to the Precautionary Principle that stands accepted by the Hon'ble Supreme Court in its decisions and it was submitted that the activities undertaken by the respondents ought to

be discontinued. The said venture itself could be shifted to a place otherwise than a green belt so as to protect Futala Lake. On this premise, it was prayed that this Court may pass appropriate directions in public interest.

5. Shri S.K. Mishra, learned Senior Advocate for the respondent Nos.1, 2 and 9 which included the State Wetland Authority, opposed aforesaid submissions. He reiterated the stand taken by the said respondents while opposing the prayer for interim relief. He submitted that though the activities in question had commenced in 2019, the present proceedings had been filed in December 2022 and thereafter by amending the prayers in June 2023, the petitioner had sought to raise a belated challenge to such activities. There was no explanation whatsoever furnished by the petitioner for the delay in approaching the Court in the present proceedings. The construction activities that had commenced after obtaining due sanction were on the verge of completion. Reference was made to the sanction orders dated 18-10-2019 and 1-9-2022 issued by the Competent Authorities. It was pointed out that these orders of sanction had not been challenged by the petitioner nor was a prayer made that the sanctions granted were illegal. As long as the orders of sanction operated, there was no question of demolishing the construction that was undertaken on that basis.

It was submitted that as a Wetland Authority constituted by the Ministry of Environment of the State Government, it had taken a

specific stand that Futala Lake was not a 'wetland' under Rule 2(1)(g) of the Rules of 2017. The contents of the affidavit filed on behalf of the Wetland Authority were neither disputed nor controverted. Since Futala Lake was a man-made water body, it did not answer the definition of a 'wetland' under Rule 2(1)(g) of the Rules of 2017. While the petitioner sought to support its stand by contending that Futala Lake was an identified wetland, the Wetland Authority had specifically asserted that it was not a declared 'wetland' under the Rules of 2017. There was no reason whatsoever to disregard the opinion of the Competent Authority that was placed on record. It was then submitted that after obtaining all due permissions and without disturbing the ecology, the activities in question had been undertaken. Due permission of the Heritage Committee had also been obtained which had not been challenged by the petitioner. The requisite plans were sanctioned by the Planning Authority under the relevant regulations which again were not subjected to challenge. Since all activities were being undertaken in accordance with the sanctioned plans, there was no illegality in the same. The learned Senior Advocate submitted that the State was conscious of the responsibilities envisaged by Articles 48-A and 51-A of the Constitution of India. Since it was clear that the provisions of Rule 4(2) had not been violated, no relief whatsoever be granted to the petitioner. The directions issued in the interim order dated 5-7-2023 were being complied with by the respondents.

6. Shri Anand Parchure, learned counsel appearing for the respondent No.4- Maharashtra Metro Rail Corporation Limited (MMRCL), submitted that the said respondent was merely an executing agency of the plans that had been duly sanctioned by the Competent Authority. He referred to the affidavits filed on behalf of the said respondent dated 14-6-2023 and 25-8-2023. It was reiterated that no permanent structure was being constructed in the water body. The artificial banyan tree was in fact a projection on a screen and the same was not to be constructed. The plans as well as the drawings undertaken under the guidance of Visvesvaraya National Institute of Technology, Nagpur were also referred to. It was further submitted that various activities had been undertaken to restore the precincts of the Futala Lake at the instance of the Heritage Committee. The activities in the Lake would result in agitating the surface of the water which would ultimately result in maintaining its quality. There was no threat to aqua life in that regard. The respondent No.4-MMRCL would ensure that none of the activities undertaken would result in causing any damage to the Tank. It was reiterated that the directions issued in the interim order would be obeyed by the said respondent. Since no permanent structure was being constructed, the apprehensions expressed by the petitioner were misconceived.

7. Shri S.M. Puranik, learned counsel appearing for the respondent No.5- Nagpur Metropolitan Regional Development Authority reiterated the stand that was taken earlier. He too

questioned the delay on the part of the petitioner in approaching the Court and submitted that after obtaining all due permissions, the work in question had been undertaken.

Shri A.R. Patil, learned counsel for the respondent No.6-Dr. Punjabrao Deshmukh Krishi Vidyapeeth, Nagpur referred to the resolution dated 9-6-2020 that was passed by the respondent No.6 permitting use of the land for construction of the parking plaza. Since the said land was not of much use to the respondent No.6, the same was permitted to be used as parking plaza. The ownership of the said land continued with the respondent No.6 while permitting such user. Reference was also made to the sanction granted in that regard along with the permission for change of user dated 6-2-2023 issued by the Urban Development Department of the State of Maharashtra. It was thus submitted that no further directions ought to be issued in the present proceedings.

8. We have given due consideration to the respective submissions and we have also perused the documentary material on record. At the outset, we may state that most of the contentions now urged were also urged when the prayer for interim relief was considered. The said contentions find mention in the order dated 5-7-2023 and hence with a view to avoid repetition, a separate reference to the same is not being made herein. Suffice it to observe that the order dated 5-7-2023 was not subjected to any further challenge and the same continues to operate. On the basis of the material on record, a finding has been

recorded based on the affidavit filed by the Director, Environment and Climate Change Department of the State Government/Principal Secretary to the State Wetland Authority that Futalaka Lake being a man-made water body, it does not fall within the definition of the term 'wetland' under Rule 2(1)(g) of the Rules of 2017. There is no additional material placed on record thereafter for this Court to re-consider the said issue afresh. It may be noted that the learned counsel for the petitioner reiterated that the petitioner was relying on the fact that Futala Lake was an identified wetland as per the NWIA 2006-07 while the respondents urged that the said Lake being a man-made water body is not a declared wetland. Since the field is covered by the Rules of 2017 and Futala Lake does not answer the definition of the term 'wetland', we hold that being a man-made water body, Futala Lake is not a 'wetland' under Rule 2(1)(g) of the Rules of 2017.

9. Notwithstanding the aforesaid position on record, we may refer to the Office Memorandum dated 8-3-2022 issued by the Ministry of Environment, Forests and Climate Change of the Government of India. In the light of the order passed by the Hon'ble Supreme Court on 4-10-2017 in Writ Petition (Civil) No.230 of 2001 ***[M.K. Balakrishnan and others Versus Union of India and others]***, it was clarified/reiterated by the said Office Memorandum that the wetlands identified as per NWIA 2011 should be protected as per Rule 4 of the Rules of 2017.

Thus even if Futala Lake is not a declared wetland by the State Wetland Authority, the restrictions imposed vide Office Memorandum dated 8-3-2022 ought to apply to the said Lake. It is in this backdrop that the respondents had been directed to ensure that the spirit behind enacting the Rules of 2017 is not violated by undertaking any construction of a permanent nature within Futala Lake. We are inclined to continue this direction with a view to protect and preserve Futala Lake from any construction of permanent nature being undertaken therein. At this stage, we may refer to the affidavit dated 25-8-2023 filed on behalf of the respondent No.4-MMRCL. In Paragraph 13 of the said affidavit, it has been stated as under :

> *"13. ... It is submitted that the Respondent No.4 assures this Hon'ble Court that none of the above activities would be carried out without appropriate sanctions and permission of which are already obtained and it would be ensured that not only the guiding provisions and rules are adhered to but even the cleanliness, hygiene and associated items as contemplated under the Swacch Bharat Mission would be implemented. It is further ensured that any of the activities undertaken would not result in causing any damage to the tank. It is further ensured that during the construction by this Respondent, the water body where the floating banquet hall, floating restaurant as well as Artificial Banyan Tree are proposed is kept clean and is properly maintained by taking all necessary precautions/steps in this regard."*

10. Notwithstanding the fact that Futala Lake is not a declared wetland, we cannot be oblivious of the expectations envisaged in Part IV and Part IV-A of the Constitution of India. Article 48-A requires the State to protect and improve the environment and to safeguard the forest and wildlife of the country. Article 51-A(g) recognizes the duty of every citizen of India to protect and improve the natural environment including lakes. Thus even if Futala Lake is not a declared wetland, the duties and responsibilities imposed by the aforesaid provisions would have to be adhered to in true letter and spirit. The learned counsel for the petitioner is justified in invoking the Public Trust Doctrine that has been recognized by the Hon'ble Supreme Court in its various decisions including the decision in ***Animal and Environment Legal Defence Fund Versus Union of India and others [(1997) 3 SCC 549]***. In ***M.C. Mehta*** (supra), it has been observed that the Public Trust Doctrine primarily rests on the principle that certain resources like air, sea, waters and the forests have a great importance to the people as a whole that it would be wholly unjustified to make them a subject of private ownership. The said resources being a gift of nature, they should be made freely available to everyone irrespective of one's status in life. The said doctrine enjoins upon the Government to protect the resources for the enjoyment of the general public rather than to permit their use for private ownership or commercial purposes.

The Precautionary Principle has also been recognized by the Hon'ble Supreme Court in its various decisions including the decision in ***A.P. Pollution Control Board Versus M.V. Nayudu [(1999) 2 SCC 718]***. According to the said principle, it is better to err on the side of caution and prevent environmental harm that could be irreversible in future. It would be better to anticipate environmental harm and take measures to avoid it or to choose the least environmentally harmful activity. The said principle has been thereafter consistently applied by the Courts in larger public interest. A Co-ordinate Bench in ***Navi Mumbai Environment Preservation Society*** (supra) has applied both the aforesaid principles while considering measures to be taken to safeguard lakes and water bodies in Navi Mumbai. We are of the view that an approach based on a fusion of the Public Trust Doctrine as well as the Precautionary Principle would be required to be adopted in the present case so as to preserve Futala Lake which is a man-made water body.

11. We may state that the efforts taken by the petitioner in highlighting the present issue deserve to be recognized as the present proceedings have been initiated in public interest and they are not adversarial in nature. Preservation of Futala Late is of paramount importance and the respondents are duty bound to act responsibly in a manner consistent with Articles 48-A and 51-A(g) of the Constitution of India. It is for this reason that the aspect of unexplained delay and laches on the part of the petitioner, as urged by the respondents, is not

considered a formidable reason for not entertaining the present proceedings in public interest.

12. It is not in dispute that the activities of construction of the viewer's gallery and parking plaza are preceded by various requisite permissions and sanctions granted by the concerned authorities. The documents on record indicating the same supported by affidavits of the concerned authorities have not been specifically challenged by the petitioner. In effect, therefore, the sanctions granted including the sanctions dated 18-10-2019 and 1-9-2022 continue to operate. Similarly, the permissions granted by the Heritage Committee on 30-6-2022 as well as 6-2-2023 granted by the Urban Development Department permitting change of user continue to operate. In absence of any challenge to the same, a total prohibition on such activities as sought by the petitioner cannot be imposed. At the same time, it would be necessary to ensure that in accordance with the spirit of the Rules of 2017, no permanent construction would be undertaken at the man-made water body- Futala Lake.

13. Thus, by applying the Public Trust Doctrine as well as the Precautionary Principle, it is directed that the respondents shall ensure that the spirit behind the Rules of 2017 and especially Rule 4(2)(vi) thereof is not violated by undertaking any construction of a permanent nature within Futala Lake. The respondent No.4-MMRCL alongwith the respondent No.3- Nagpur Municipal Corporation are directed to ensure that the activities undertaken by them do not result in causing

any damage to the Lake. They shall also ensure that the water body where the floating banquet hall, floating restaurant as well as the artificial banyan tree are proposed is kept clean and is properly maintained by taking all necessary precautions/steps in that regard. In addition, the statements made in the affidavit dated 25-8-2023 filed on behalf of MMRCL that have been reproduced hereinabove would also be binding on the said respondent.

It is expected that the respondents would also be alive to the need for preserving the man-made water body- Futala Lake to enable the future generations also to be able to witness the Lake in its present form. It would therefore be necessary for the respective respondents to ensure that their activities do not result in causing any ecological damage to the water body and that the quality of aqua life is not adversely affected. Though the present proceedings are being disposed of with a hope that the respondents would abide by the expectations referred to hereinabove, it is made clear that it would be open for any public-spirited citizen to bring to the notice of the Court any acts that could result in causing damage to the water body in future.

14. The Public Interest Litigation is disposed of in aforesaid terms leaving the parties to bear their own costs.

(MRS. VRUSHALI V. JOSHI, J.) **(A.S. CHANDURKAR, J.)**

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY, NAGPUR BENCH, NAGPUR

[PUBLIC INTEREST PETITION UNDER RULE 4(e) OF THE BOMBAY HIGH COURT PUBLIC INTEREST LITIGATION RULES, 2010]

PUBLIC INTEREST LITIGATION NO. 16 /2025

In the matter of Public Interest Litigation under Rule 4 (e) of the Bombay High Court Public Interest Litigation Rules 2010 read with Article 226 of the Constitution of India

&

In the matter of devolvement of PDKV Land Parcels for commercial and non-agricultural use in contravention to the GR of 2004 and 2011 of Agriculture Department of the State

&

In the matter of right to healthy environment and right to protect the green cover of Nagpur City under Article 21 of the Constitution of India

PETITIONER: Swachh Association, Nagpur through its authorized representative Smt. Anusaya Chhabrani aged 54 years, Occupation:-Private, R/o 15, Laxmi Apartment, Civil Lines, Nagpur - 440001

//VERSUS//

RESPONDENTS:

1. State of Maharashtra, through its Secretary, Forest Department, Mantralaya, Mumbai

2. State of Maharashtra, through its Secretary, Agriculture Department, Mantralaya, Mumbai

3. Dr. Punjabrao Deshmukh Krishi Vidyapeeth, Akola through its College of Agriculture, Maharajbagh, Sitaburdi, Amravati Road, Nagpur

4. Maharashtra Council of Agriculture Education and Research, 132/B, Bhamburda, Bhosale Nagar, Pune, 411007

5. The Collector, Nagpur

6. India Air Force, Vayusena Nagar, Nagpur.

7. Nagpur Improvement Trust, through its Chairman, Station Road, Sadar, Nagpur

8. Nagpur Municipal Corporation through its Commissioner, Near Vidhan Bhavan, Collector's Colony, Nagpur.

I. PARTICULARS OF PETITIONER

1. Petitioner organization is a Nagpur based non-profit organization registered on 5th July 2015 under the provisions of Maharashtra Public Trust Act, 1950 bearing registration no. F-33478(NAG). The organization aims to create responsible citizens, to have a holistic approach towards segregation, reutilization, recycling of waste and its proper disposal. The organization also focuses and gives importance to environmental issues regarding nature, wildlife and bio-diversity. In addition to this, the organization is also vigilant with respect to environmental and agricultural issues in Nagpur District. The petitioner has always been watchful to protect the interests of the society at large with respect to the aforementioned issues. The present petition is being filed through its authorized representative who has been authorized regarding the same by virtue of resolution dated 06/12/2024. A copy of the registration certificate and board resolution dated 06/12/2024 is annexed hereto and marked as **ANNEXURE-A.**

2. It is submitted that the petitioner organization has previously raised it concern with respect to deforestation in Nagpur City by

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9. **J.P. Enterprises Engineers and Contractors**, through its Authorized Signatory, Having its office at 802, Impressa Rise, 8 North Ambazari Road, Shivaji Nagar, Nagpur 440010

AMENDED VIDE COURT'S ORDER DATED 08.07.2025

C.F. PETITIONER
Adv. Parth Malviya

10. **DP Jain & Co. Infrastructure Pvt. Ltd.** through its authorized representative, having office at U/6 Himalaya Accord Apartments, Opposite Law College, Amravati Road, Nagpur.

AMENDED VIDE COURT'S ORDER DATED 08.07.2025

C.F. PETITIONER
Adv. Parth Malviya

11. **Maharashtra State Infrastructure Development Corporation**, through its Chief Engineer, 4th Floor, Bandhkam Bhavan, 25 Murzban Road, Fort, Mumbai – 400001 also having office at Nagpur at A1/A2, Forest Colony, Forest Officer Colony, Civil, Nagpur, Maharashtra, 440001.

approaching this Hon'ble Court by filing PIL No.15/2021. Petitioner has challenged the Ajni Deforestation Scheme in that PIL which is pending adjudication before this Hon'ble Court. Petitioner has filed PIL No. 4/2023 before this Hon'ble Court challenging the legality and propriety of musical fountain and associated machinery at Futala Lake. Petitioner further approached this Hon'ble Court vide PIL No. 34/2023 challenging illegal mining operations proposed in 99 Hectares of forest in Guguldoh Block falling between Wildlife Corridor or Pench and Nagzira Reserve. A copy of orders in PIL No.15/2021, PIL No.4/2023 and PIL No. 34/2023 is annexed hereto and marked as **ANNEXURE-B.**

II. PARTICULARS OF RESPONDENT

3. The respondents mentioned in the title clause of the petition are all departments, branches or instrumentalities of the State. These Respondent-bodies are discharging governmental functions as per the laws and regulations applicable to them framed by the Legislature. The above named respondents are necessary parties

to the instant petition. Hence, all the above named respondents are instrumentalities of the State in regard of their discharge and performance of public functions. Hence, they fall within the meaning of Article 12 of the Constitution of India and are amenable to the Writ Jurisdiction of this Hon'ble Court under Article 226 of the Constitution of India.

III. DECLARATION AND UNDERTAKING OF THE PETITIONER

4. The present petition is being filed by way of public interest litigation. The Petitioner is approaching this Hon'ble Court vide the instant petition being a pro bono public and have no personal interest whatsoever to the reliefs claimed in the instant petition. The entire litigation cost, including the advocates fee and other charges are being borne by thc petitioner.

5. It is submitted that before approaching this Hon'ble Court through the instant petition, the petitioner has extensively carried out adequate research and vigilantly gathered all information necessary to support the claim in the instant Public Interest

Litigation. The petitioner has understood that during hearing of this petition, the Hon'ble Court may require any security to be furnished towards cost or any other charge and the petitioner shall have to comply with such requirements.

IV. FACTS IN BRIEF CONSTITUTING THE CAUSE

6. The present petition in the nature of public interest litigation brings to surface the gross and patent illegalities in the allotment of Punjbarao Deshmukh Krishi Vidyapeeth (PDKV) Land Parcels for commercial purposes which are solely meant for agricultural education and research in the city of Nagpur. It further sheds light over the gross neglect and abandonment of PDKV Land Parcels having lush green flora and fauna which are essentially the lungs of the prosperous Nagpur City. This would not be the first time that a litigant has knocked the doors of this Hon'ble Court for the well-being of PDKV Lands. This Court has time and again issued directions for preserving the PDKV Land Parcels and utilizing them for agricultural research and education purposes. In fact, the state had allotted these land

parcels to the PDKV University for the betterment of agriculture sector. Government Resolutions (GRs) have been passed by respondent no.2 which would demonstrate that PDKV Land Parcels can only be used for agricultural research and education. There is an express prohibition by the state to devolve these crucial land parcels for commercial and non-agricultural use. Notwithstanding, the events which have transpired during last couple of years would make it apparent that these GRs are not followed in their true letter and spirit. The petitioner in the forthcoming paragraphs will show that PDKV Land Parcels are blatantly being utilized for commercial purposes for the financial gains of the University. As the narration would proceed, it would become abundantly clear that the University has allotted lands to private individuals which is in complete contravention to the norms laid down in GRs. This has constrained the petitioner to knock the doors of this Hon'ble Court by mode of Public Interest Litigation under its extra-ordinary writ jurisdiction since preservation of PDKV Lands is indispensable for Nagpur City's environmental concerns as well as its agriculture sector. In order

to make the submissions intelligible, the gravamen of dispute is as follows:-

7. Dr. Punjabrao Deshmukh Krishi Vidyapeeth, Akola (PDKV) i.e. respondent no.3 was established on 20th October, 1969 with its headquarter at Akola, Maharashtra. Respondent no.3 is an agricultural university having Pan-Vidarbha presence. The Agricultural University's name has been coined in honour of the then Hon'ble Minister for Agriculture of Govt. Of India Dr. Punjabrao Deshmukh. It is one of the four agricultural university in the state of Maharashtra which has been recognised under the Maharashtra Agricultural Universities (Krishi Vidyapeeths) Act, 1983 (hereinafter referred to as 'the Act of 1983' for the sake of brevity). The other universities are The Mahatma Phule Krishi Vidyapeeth, Rahuri, The Marathwada Krishi Vidyapeeth, Parbhani, Dr. Balasaheb Sawant Konkan Krishi Vidyapeeth, Dapoli. The primary objectives for establishing these universities includes providing education in agriculture and allied sciences, furthering the advancement of learning and research in agriculture, co-ordinating agriculture education. On 20/05/1968

and 13/10/1969, State Government allotted several land parcels to respondent no.3 to fulfill its objectives. The instant petition is concerned with the land parcels allotted to PDKV in Nagpur.

8. The University has its main campus at Akola whereas its sub-campus is at Nagpur with constituent college of Agriculture which offers B. Sc and M. Sc Degree Programs in Agriculture. The Nagpur Campus of the University is spread across the city. It also consists of a Zoo widely known as the 'Maharaj Bagh Zoo', separate Botanical Garden on 22 Hectares etc. During the establishment of PDKV, the University at Nagpur received numerous land parcels across the heart of the city purely for agricultural and research purposes. The lush green flora and fauna of the lands would show that these lands play a significant role in acting as the lungs of the city. Several photographs depicting the flora and fauna of PDKV Lands in Nagpur City along with certain pressing newspaper articles depicting usage of PDKV lands for commercial purpose are attached herewith and marked as **ANNEXURE-C**

9. It is submitted that respondent no3. has a total of 422.72 hectares in Nagpur City. Mouza Futala has highest share having 122.17 Hectares, whereas Mouza Lendra has 111.32 hectares. Remaining portions are spread across the city in Mouza Ambazari, Dabha, Sitabuldi etc.

10. Maharashtra Council of Agriculture Education and Research Council (MCAER) was also established on 10/09/1984 to achieve effective co-ordination among these four agriculture universities. MCAER has been entrusted with the responsibility of reviewing, evaluating, supervising and guiding the work of agriculture universities. Section 12 of the Act of 1983 provides for the establishment of MCAER. The organization has been working continuously for the past 35 years for development in the field of agriculture and overall progress of farmers.

11. The state government has allocated numerous land parcels to these agriclutural universities with the sole intent to promote agricultural education, experimentation and research. It would not be out of place to state that these land parcels are to be utilized by the University to realize the legislative intent behind

allocating these lands. Even the state government through several Government Resolutions has postulated that the land parcels are not be made available for non-agricultural or commercial purposes. Secretary, Agriculture Department of respondent no.2 vide its Government Resolution dated 30/07/2004 has stated that large amount of land parcels have been made available to four agricultural universities (including PDKV) for education, research, development in agriculture and allied subjects. These lands especially in urban areas are vital considering the environmental aspect and needs to be utilized carefully and in an efficient manner. Since these land parcels hold immense environmental significance and act as lungs of the city, it was resolved through the aforementioned Government Resolution that lands parcels under no circumstances should be given to any authority for non-agricultural or commercial purpose. In any event, if the land is to be given for agricultural purpose, approval from the Executive Council of the University should be sought. A copy of government resolution dated 30/07/2004 (hereinafter

referred to as 'GR of 2004' for the sake of brevity) is attached herewith and marked as **ANNEXURE-D**.

12. Thereafter, Agriculture Department of respondent no.1 passed another Government Resolution Dated 30/05/2011 highlighting that the lands allotted to the agricultural universities including respondent no.3 are exclusively for agricultural education, experiment and research purposes. Although surplus lands have been allotted to these universities, these lands are not be allotted for non-agricultural or commercial purposes. Any land given for agricultural purpose should only be done with the permission of state government. GR dated 30/05/2011 (hereinafter referred to as 'GR of 2011' for the sake of brevity) also recognized the contents of GR dated 30/07/2004. A copy of GR dated 30/05/2011 is attached herewith and marked as **ANNEXURE-E.** A bare perusal of the GR of 2004 and GR of 2011 makes it apparent that the legislative intent of the allotting the land parcels to these universities was purely for agricultural purpose.

13. MCAER in its 97th Apex Body meeting held at Pune also unanimously held that the land owned by the institutions of all

the four agricultural universities of Maharashtra and their affiliated colleges, research centres and other universities should not be transferred to any non-governmental as well as private organization/individuals. A copy of Minutes of Meeting (MOM) is attached herewith and marked as **ANNEXURE-F.**

14. Nonetheless, there have been several instances wherein it is *prima facie* evident that respondent no.3 is giving the land parcels to private entities for purely non-agricultural and commercial purposes. This is being done by respondent no.3 with the motive of financial gains for the university. Such acts are in blatant violation of the GRs of 2004 and 2011. The instances are as follows:-

    i. **PDKV Land given to DP Jain and Company for setting up RMC Plant**

15. During the time-frame of September, 2019 it was proposed before the Land Conservation Committee of the respondent no.3, that 1 hectare (Ha) vacant piece of PDKV Land at Mouza Dhaba (Bhivsankhori) be given on rental basis for setting up a Ready-Mix Concrete (RMC) Plant. It was opined that the land is not fit

for agricultural purpose and should be given on lease/rent to a private party which would generate revenue for the University. In the council meeting one member opposed that the land of PDKV should not be given for private purpose. Nonetheless, on 01/01/2019 respondent no.4 granted permission to D.P Jain and Company for setting up a RMC Plant on PDKV Land an rent basis for two years. Rent was agreed at the rate of Rs.1,20,000/- per month. This decision of respondent no.4 *ex-facie* shows that PDKV Land is being squared off for commercial purposes by the university. Such action of respondent no.4 is in teeth of Government Resolutions dated 30/07/2004 and 30/05/2011. It is also against the letter and spirit of resolution passed by MCAER. The resolution of University has made a reference to the GR of 2007 published by respondent no.1 on 03/03/2007. The GR of 2007 is with respect to vacant government lands/grounds in the state which can be used for the purpose of exhibitions, ceremonies such as weddings and receptions, religious programs for a limited period on rent basis. The GR of 2007 has provided uniform rates of rent to be charged by the state while allotting the

land to private entities for temporary usage. It is pertinent to mention that GR of 2007 is not concerned with PDKV Lands. It does not explicitly mention that PDKV Land can be given on rent basis to private entities. The PDKV Lands are governed by the Act of 1983 and the GR of 2004 and 2011. The reliance on GR of 2007 by respondent no.3 while leasing out PDKV Land Parcels for commercial activities is illegal and bad in law. A copy of GR of 2007 and resolution dated 01/01/2019 are attached herewith and marked as **ANNEXURE-G.**

ii. **PDKV Land given to J.P. Enterprises for Commercial Purpose**

16. Again on 22/02/2023, respondent no.4 has accorded permission to a private entity J.P. Enterprises to use the agriclutural land more particularly agricultural land situated at Mouza – Kacchimet bearing Survey No. 13/14 admeasuring 11 Hectares 91R of university on leave and license basis for storing company's construction material under temporary tin sheds. Again, reliance was placed on the GR of 2007. J.P Enterprises is a partnership firm involved in the business of construction of

roads. It has been awarded contract of up-gradation of four lane road with estimate for the length of 4.890 Kms on Amravati Road, National Highway No.53. JP Enterprises was in need of an area admeasuring 20R of land for the purpose of establishment of their office for material, machinery yard, RMC Plants, labour camp etc. Accordingly, JP Enterprises approached the respondent university with respect to agricultural land situated at Mauza – Kacchimet, Taluka and District – Nagpur, bearing survey no. 13/14 admeasuring 11 Hectares 91R which has been allotted to them in terms of the provisions laid down in the Maharashtra Agricultural University Act, 1983. Subsequently, respondent university and J.P Enterprises has executed leave and license agreement for a period of 21 Months commencing from 01/10/2022 to 30/06/2024. The license fee has been agreed at Rs.72,600/- every months. Thus the total amount of license fee for the entire period comes down to Rs.15,24,600/- + GST. Since 01/10/2022 J.P Enterprise has been occupying the agricultural land of respondent university for carrying out its commercial activities. On 23/03/2024, J.P Enterprises sent a letter to the

respondent university seeking extension of the leave and license agreement for a term of five years from 30/06/2024.

17. This permission granted by respondent no.4 to J.P Enterprises to set up and run RMC plant makes it evident that same was done with the intent to generate revenue for the University. The operations run by J.P. Enterprises has gravely impacted the green cover on the land. Nonetheless, the decision is *ex-facie* illegal and in teeth of afore-mentioned resolutions passed by respondent no.1. A copy of resolution dated 22/02/2023 passed by respondent no.4 is attached herewith and marked as **ANNEXURE-H**. Copy of letter dated 23/03/2024 and leave and license agreement between the parties is attached herewith and marked as **ANNEXURE-I**. Copies of photographs of the RMC plant running on the agricultural land thereby depleting its green cover is attached herewith and marked as **ANNEXURE-J.**

iii. **International Agricultural Convention Centre**

18 In the year 2018, respondent no.4 has proposed establishment of International Agricultural Convention Center on the land parcel

owned by respondent no.4 admeasuring 9.58 Hectares on Mouza Dhaba, Khasra Number 175 (hereinafter referred to as 'the said land'). Initially on 24/12/2018, the office of Executive Engineer, Public Works Department, Nagpur sent a communication to respondent university intimating that on 26/8/2018 the Hon'ble Chief Minister and Hon'ble Union Minister for Transport has suggested the construction of Agriculture Convention Centre and Training Center on the said land. As on date, tender has been allotted for commencing the construction work of the Convention Centre.

19. The proposed convention centre is adjacent to the Nagpur Headquarters of India Air Force. Although the land is being utilized for agricultural research and education, it is the apprehension of the petitioner that the respondent university has not taken the required 'No Objection Certificate' from respondent no.6 as warranted by their Circular dt.18/05/2011 which has been amended from time to time.

20. It is explicitly stated that petitioner does not oppose the concept of International Agricultural Convention Centre on land parcel of

PDKV. Notwithstanding, the same concept should not be jeopardized due to non-compliance of procedure established by law. It is also the anxiety of petitioner that the entire concept of Convention Centre be not exploited for commercial purposes and defeat the intent of Act of 1983.

iv. **PDKV Land Parcel opposite Rahate Colony Square**

21. Recently, petitioner has also come across a very disturbing article wherein another pristine green space of PDKV land more particularly the piece of land on Wardha Road next to the boarding ramp of Shaheed Gowari Flyover on Rahate Colony Square is proposed to be converted to theme park on Chhatrapati Shivaji Maharaj by Nagpur Improvement Trust i.e. respondent no.7. This land parcel belongs to PDKV and is categorised as Grade-III heritage precinct. It is pertinent to mention that this land has been used by PDKV as a nursery and for farming experiments. Assuming a theme park is constructed on this land, tickets will be charged from visitors leading to commercial exploitation of the open green land. Copies of relevant news

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20A. In the resolutions passed by respondent no.3 university in 2019 and 2023, it is evident that, respondent no.3 has accorded permission to grant 9.58 hectares of Dabha Land bearing Khasra Number. 175. These resolutions also demonstrate that the International Convention Center will also be used for private and commercial purpose which is against the mandate of the Act of 1983 and GRs of 2004 and 2011. Copies of resolutions are attached herewith and marked as **ANNEXURE-X**

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20B. It is submitted that the if the 7/12 extract of the Khasra No. 175 is perused, it shows that the land allotted to respondent no.3 is classified as "Zudpi Jungle". At this juncture, it becomes pertinent to refer the significant ruling of the Hon'ble Apex Court in the case of *In Re: Zudpi Jungle Lands, 2025 SCC Online SC 1227* rendered on 22.05.2025. The Hon'ble Apex Court has held that "Zudpi Jungle" lands should be considered as Forest Lands. It has been further held that for the proposal regarding the allotments of Zudpi Jungle Lands made post 12th December, 1996, the State of Maharashtra shall give reasons in the proposal as to why such allotments were made with the list of officers who had made such

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allotments in violation of the order of this court. It has been explicitly clarified that the processing of proposal for such allotments shall be done by the Union Government only after ensuring that punitive action has been taken against the concerned officers under Sections 3A and 3B of the Forest (Conservation) Act, 1980. The apex court also clarifies that as and when these lands are required for non-forestry purposes by the state government, the proposal shall be submitted as per the provisions of the Forest (Conservation) Act, 1980. It is further clarified that in no case such land shall be diverted to any non-governmental entity for any purpose whatsoever and the remaining lands should be given back in the possession of the Forest Department. A copy of the 7/12 extract of Khasra No. 175 and copy of order of the Hon'ble Apex Court is attached herewith and marked as **ANNEXURE-Y** and **ANNEXURE-Z** respectively.

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20C. Thereafter, on 18.01.2024, respondent no.2 published a Government Resolution thereby sanctioning the establishment of "International Agricultural Convention Center" on PDKV land at "Dabha" for an estimated budget of Rs.227 Crores. The GR further

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states that the Maharashtra State Infrastructure Development Corporation (MSIDC) i.e. respondent no.11 has been given the responsibility for the construction of the project. A copy of the GR dated 18.01.2024 is attached herewith and marked as **ANNEXURE-AA.** Petitioner submits that in the entire GR dated 18.01.2024, there is a conspicuous absence of the fact that the land at "Dabha" bearing Khasra No. 175 is classified as "Zudpi Jungle". There is no deliberation by respondent no.2 that land is question is classified as "Zudpi Land". The lack of due diligence on part of respondent no.2 has put the humongous state exchequer to the tune of Rs.227 Crores at stake.

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20D. As on date, construction activities for "International Convention Center" has commenced at full flow on the Dabha Land of respondent no.3 bearing Khasra No.175. Respondent no.3 has completed the tendering process for the same. Nonetheless, in light of the decision of the Hon'ble Apex Court, this allotment of Zudpi Land for non-forestry use and construction carried out thereon is illegal and unsustainable. The GR now being contrary to law also needs to be quashed and set aside. Copies of recent photographs

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of being carried out at Dabha Land bearing Khasra No. 175 are attached herewith and marked as **ANNEXURE-BB.**

20E. Petitioner submits it was incumbent upon respondent no.2 and 3 to take appropriate permissions under the Forest (Conservation) Act, 1980 as laid down by the Hon'ble Apex Court for diverting the Dabha Land for non-forestry use. It is evident from the GR itself that respondent no.2 has failed to mention the land as "Zudpi Jungle" much less the Khasra Number of the said land. It also transpires that respondent no.2, respondent no.3 and respondent no.11 have failed to seek appropriate permissions under the Forest (Conservation) Act, 1980 before commencing construction activities. Ergo, considering the judgment rendered by the Hon'ble Apex Court In Re: Zudpi Jungle Lands, this conduct of the respondent authorities reeks of malafide in squandering a crucial land parcel which has now been granted the status of forest land by the Hon'ble Apex Court.

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articles and photos lush green space where the theme park is proposed are attached herewith and marked as **ANNEXURE-K.**

v. **Kachipura Lands**

22. The Kachipura Area falls under Laxminagar Zone of Nagpur. PDKV has been fighting a prolonged legal battle over encroachments on its land in Kachipura. PDKV had permitted Kachi Community to utilize the land for agriculture purpose. Thereafter, Kachi Community began to utilize the land for commercial purpose. Over the years, many of these lands have been sub-leased to eateries, marriage lawns, garages etc.

23. In a significant ruling of this Hon'ble Court in Second Appeal No.95/2005 and 97/2005, it has been held vide order dated 10/11/2022 that, PDKV is the owner of 1 acre land in Bajaj Nagar where eateries operate. It was held that PDKV is the owner of the land which has been transferred to it by the government vide Gazette Notifications dated 28/05/1968 and 13/10/1969. The land belonging to agriculture department of the state was transferred to PDKV Akola. A copy of the judgment

dated 10/11/2022 and relevant news articles are attached herewith and marked as **ANNEXURE-L.**

vi. **Earlier Court Orders with respect to PDKV Lands.**

24. Petitioners submit that this is not the first instance wherein the issue with respect to PDKV Lands has been cropped up before this Hon'ble Court. In 2010 this Hon'ble Court took *suo moto* cognizance with respect to illegal construction carried out on land bearing Khasra No. 83/4 of Mouza Lendra in the city of Nagpur. The primary issue for adjudication was if the agricultural university had any authority in law to make construction of communication centre on the agricultural fields in its possession reserved for the extension of the adjoining Maharajbagh Zoo. The agricultural fields have been in existence since times immemorial and are described in the Heritage List as ancient. The agricultural fields have always been attached to the agricultural university and have been used by colleges as a laboratory for carrying out experiments in agriculture. The fields present a picturesque sight and act as lungs of the city. This Hon'ble Court held that the act of university to be unfortunate

since it was oblivious of the need for open green areas in urban green spaces in town and cities including Nagpur. It was further held that diversion of such large green urban spaces should not be allowed in Nagpur. It further emphasized the need for laying down standards of certain area of green spaces per capita for reaching a balance between carbon-dioxide and oxygen to meet the ecological balance of human well-being. Ultimately, this Hon'ble Court vide its order dated 21/10/2011 directed to carry out the demolition of communication centre and the adjacent structure up to plinth level and any other structure which may be found on the land in question. A copy of order dated 21/10/2011 in PIL No. 34/2010 is attached herewith and marked as **ANNEXURE-M.**

25. In 2018, this Hon'ble Court again took Suo Moto Cognizance for felling of trees in Bharat Nagar area for construction of DP Road on PDKV land. Respondent authority therein informed the Hon'ble Court that the proposal submitted for construction of road is not needed for the present and the petition was disposed in the aforesaid terms vide order dated 26/02/2020. A copy of

order dated 26/02/2020 is attached herewith and marked as **ANNEXURE-N.**

26. Again in 2020, this Hon'ble Court took suo moto cognisance on the basis of news item published in "The Hitavada City Line" that there is encroachment over about 26.69 Hectares of land belonging to the prestigious PDKV College. This is the third instance wherein this Hon'ble Court had to indulge in the affairs of PDKV Lands in Nagpur on its own accord. The PIL was registered as Suo Moto PIL 3/2020 and notices were issued to respondents vide order dated 27/08/2020. Thereafter, the matter is yet to be listed before this Hon'ble Court. A copy of order dated 27/08/2020 and the news report is attached herewith and marked as **ANNEXURE-O**. As stated hereinabove, this Hon'ble Court has time and again expressed its concern and apprehension with respect to the well-being of PDKV Lands. Nonetheless, respondent no.4 university without considering the decisions of this Hon'ble Court much less the GRs of respondent no.1 is yet again perpetrating illegalities by squaring off indispensable PDKV Lands for commercial purposes.

27. On 09/03/2023, petitioner sent a representation to the Hon'ble Prime Minister of India thereby highlighting the aforementioned issues. Copy of the same representation was also sent to the Divisional Commissioner, Nagpur. On 10/03/2024, the same representation was also sent to this Hon'ble Court. A copy of the representation sent to PM office and this Hon'ble Court is attached herewith and marked as **ANNEXURE-P.**

V.REPRESENTATIONS

28. On 28/03/2023, the office of Hon'ble Prime Minister's Office sent a letter to the Divisional Commissioner, Nagpur to inquire into the matter. Subsequently, the Divisional Commissioner sent a letter to respondent no.5 thereby requesting them to look after the contentions of the petitioner made in representation dt. 09/03/2024. Petitioner also sent a reminder letter to respondent no.5 on 29/05/2023. Nonetheless, respondent no.5 has taken no steps as on date to address the issues highlighted in representation dated 09/03/2023. Copies of communications are attached herewith and marked as **ANNEXURE-Q.** This has left

petitioner no choice but to invoke the extra-ordinary writ jurisdiction of this Hon'ble Court in the nature of Public Interest Litigation for the safeguarding and preservation of green land parcels of PDKV. The petitioner would now endeavour to demonstrate the grounds of challenge each independent and without prejudice to one another:-

VI. NATURE AND EXTENT OF INJURY CAUSED/APPRHENDED vis-à-vis GROUNDS OF CHALLENGE

29. Agriculture is one of the key sector for a developing nation like India. Agriculture growth is a driver of economic growth. As on date, agriculture is facing acute crisis of decline in availability of land and water. Agriculture in Vidarbha region which is dominated by small and marginal farmers is facing various challenges such as drought, climate change, globalization of trade and economy etc. It is of utmost importance that agriculture be redefined in the context of this changing scenario. To address the aforementioned issues PDKV University plays an

indispensable role. It has been established with the motto of developing outstanding human resource, generate the need based innovative technologies to serve the agricultural community of the state and the country. It has been further tasked to provide education in agriculture and allied sciences, provide research base to improve the productivity of agri-horticulture, livestock, to carry out research for improving agricultural productivity in the influenced area. In order to realize and fulfill the objectives of the agricultural university, they have been allotted significant land parcels in the heart of the city by the state government. These land parcels are crucial for the farming community. Even if certain land parcels are non-cultivable, they can be utilized for establishing research and education centres thereby giving effect to the purpose behind establishing the agricultural university. The PDKV University has also published its Vision Statement – 2050 which resonates with the above-mentioned ideology. A copy of the relevant portion of the Vision Statement is attached herewith and marked as **ANNEXURE-R.**

30. The Maharashtra Agricultural Universities (Krishi Vidyapeeths) Act, 1983 (Maharashtra Act No. XLI of 1983) was brought into force on 24/08/1983. The legislative intent and the purpose of the Act of 1983 is to provide better facilities for education in Agricultural and allied matters and in particular for the development of agricultural sciences and for carrying out or undertaking such schemes or activities to help and support Agricultural Development Programmes for the state. Section 3 of the Act of 1983 empowers the University to acquire and hold property, both movable and immovable, to lease, sell or otherwise transfer or dispose of which vests in for the purposes of the University and do all things necessary for the purposes of the Act. It has been further provided in the proviso clause that no such lease, sale or transfer of immovable property shall be made without the prior consent of the state government. A copy of Act of 1983 is attached herewith and marked as **ANNEXURE-S.**

31. Section 31 highlights the powers and duties of the executive council of the University where it has been laid down in explicit terms that any transfer of movable or immovable property on

behalf of the University shall be done subject to the conditions laid down under the Act. Hence, a conjoint reading of Section 3 and 31 makes it perspicuous that the actions taken by the University has to be in furtherance to the purposes of the Act. It has already been established in the aforementioned paragraphs that the legislative intent is to promote agriculture education and research.

32. Subsequently, the State Government has allotted various land parcels in favour of the PDKV to give effect to the legislative intent of the Act. These land parcels were given for the sole purpose of helping and improving the agricultural sector of the state. Government Resolutions dated 30/07/2004 and 30/04/2011 has also been passed by the respondent authority which in explicit terms lay down that the land parcels allotted to Agricultural Universities cannot be utilized for commercial or non-agricultural purpose. The lands are to be utilized only for agricultural research, development and education.

33. Nonetheless, the aforementioned instances pleaded in facts of the petition explicitly demonstrate that respondent no.4 university by

blatantly disregarding the GR of 2004 and 2011 have allotted the land parcels to private entities for commercial usages. This ground alone warrants the intervention of this Hon'ble Court by issuing appropriate order, directions for preservation of PDKV Lands.

34. While devolving these land parcels to private universities, it is their contention that the same is not fit for agricultural purpose. The university has time and again sought the shelter of GR of 2007. It is respectfully submitted that even if the land is not fit for agricultural purpose, it can still be utilized for agricultural research and education purpose. Allotting them to private entities for financial gains of the university is in utter disregard to the intent and motive of the legislature to allot these land parcels to the university.

35. It would not be out of place to mention that these land parcels are lungs of the Nagpur City. Their preservation and maintenance is of utmost importance. Although some of these land parcels may not be fit for agricultural purposes, the Act of 1983 does not

empower the University to square it off to private entities for generating revenue for the University.

36. The Hon'ble Apex Court in the landmark case of ***M.C. Mehta v. Kamal Nath*** has evolved the doctrine of Public Trust with regards to protection and preservation of natural resources. The doctrine primarily operates on the principle that certain resources like air, sea, water and forests have significant importance to the people at large and it would be unjustified to make them subject of private ownership. The resources meant for public use cannot be converted into private ownership. The doctrine has very much applicability in the present factual scenario since the lush green covers of PDKV land are indispensable for the city of Nagpur considering the growing environmental concerns.

37. The diversion of land belonging to institutions like PDKV, which have a public mandate related to agricultural research and education, would not only undermine the public purpose but could also contravene key constitutional provisions enshrined under Article 48A of the Constitution of India. Universities such as respondent no.3 which have been solely established for the

purpose of agricultural education and research are custodians of these land parcels. They have a duty towards the public at large to utilize these land parcels in its true purport. All these grounds warrant intervention of this Hon'ble Court by issuing appropriate order, directions for preservation and protection of PDKV Lands.

38. This Hon'ble Court has time and again passed appropriate directions to ensure that the land is used as per its original designated purpose. Since this is not the first time that the issue of PDKV Lands is put forth before this Hon'ble Court, it is quintessential that an unbiased and impartial expert committee be formed to assess and take stock of the situation with respect to PDKV lands in Nagpur City.

39. Petitioner has *prima facie* demonstrated that PDKV Land is being utilized for commercial and non-agricultural purpose. Irreparable loss will be caused to the public at large if such permissions are still being granted by respondent no.3. Balance of convenience also lies in favour of petitioner. Ergo, this Hon'ble Court be kindly please to direct respondent no.3 to not give any PDKV Land Parcel to any private university for

commercial or non-agricultural purpose till the pendency of the PIL. It be further directed to restrain the present private entities from carrying out commercial works on PDKV lands till the pendency of the petition.

VII. SOURCE OF INFORMATION

40. The petitioner declares that the information is true and correct to the best of its knowledge and the petition is filed on the basis of the information gathered by way of applications filed under Right to Information Act, 2005 with the concerned authorities based on the records and undisputed facts. Petitioner has also resorted to newspaper reports in support of its pleadings. In addition to this, rest of the documents have been procured from the official websites of the respondent authorities available in public domain.

VIII. DELAY IN FILING THE PETIITON IF ANY

41. Petitioner submits that the cause of action for filing the petition is a continuing one. Petitioner in the facts has amply demonstrated

that the respondent university has diverted several land parcels to private entities for commercial and non-agricultural use. The agreement with J.P Enterprise for their ongoing RMC Plant has already been extended. The news reports for Botanical Garden as well as Telangkhedi Garden demonstrate that PDKV Land is given for commercial purpose. Any delay if caused is due to compilation of documents through RTI. The delay if any is neither deliberate nor intentional. The petition is not hit by the doctrine of delay and laches.

42. Petitioner submits that they have not approached this Hon'ble Court or the Hon'ble Supreme Court any time before with respect to the present petition.

43. The petitioner craves leave to add or amend the petition if necessary. The petitioner craves leave to file more documents as and when required.

44. Petitioner submits that since the present petition is concerned with PDKV land parcels in the city of Nagpur, this Hon'ble

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39A. At the outset, it is submitted that the landmark ruling of the Hon'ble Apex Court in the case of *In Re: Zudpi Jungle Lands*, 2025 SCC Online SC 1227 which settles the position of law with respect to the "Zudpi Jungle" land renders the GR dated 18.01.2024 bad in law. The apex court states that proposal regarding the allotments of Zudpi Jungle Lands made post 12th December, 1996, the State of Maharashtra shall give reasons in the proposal as to why such allotments were made with the list of officers who had made such allotments in violation of the order of this court. It has been explicitly clarified that the processing of proposal for such allotments shall be done by the Union Government only after ensuring that punitive action has been taken against the concerned officers under Sections 3A and 3B of the Forest (Conservation) Act, 1980. However, no such procedure has been followed in the present case. For the sake of repetition it is submitted that there's not a single whisper in the GR dated 18.01.2024 thereby declaring that the Dabha Land bearing Khasra No.175 as "Zudpi Land". Thereafter, the entire process of tendering and construction has commenced without seeking

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permissions from the appropriate authorities. On these grounds alone, the GR dated 18.01.2024 being bad in law needs to be quashed and set aside and the construction activity commenced at Khasra No. 175 needs to stopped with immediate effect.

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39B. Petitioner submits that they are not against the concept of International Agricultural Convention Center. However, the manner in which the events have transpired as demonstrated above warrants this Hon'ble Court intervention. A humungous amount of Rs.227 Crores is being utilized from the state exchequer for construction of a convention centre by defying all the mandates of law. Petitioner with deep regret states that such a magnanimous amount could have been utilized on PDKV Land Parcels of Nagpur in furtherance of the legislative intent of the act of 1983. Notwithstanding, respondent authorities in a mechanical fashion has published the impugned GR and commenced the construction without proper due diligence of the fact that the said land is Zudpi Land which is now identified as Forest Land.

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39C. The petitioner is aware of the law with respect to judicial review of policy decisions. The scope is narrow and limited

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wherein court cannot interfere with the wisdom and soundness of the policy makers since court is not advisor to the executive on the matters of policy. However, the court can always exercise its power of judicial review to examine the legality of the policy. If the policy is contrary to law, contrary to constitutional principles, it can always be quashed and set. Petitioner has amply demonstrated that the impugned GR nowhere mentions that the Dabha land bearing Khasra No. 175 where the convention centre is proposed is classified as "Zudpi Jungle". The GR is silent with respect to the permissions required from appropriate authorities for diverting the land for non-forestry purpose. The subsequent ruling of Hon'ble Apex court has also settled the position of law with respect to Zudpi Lands. Therefore, the impugned GR dated 18.01.2024 is contrary to law as set out by the Apex Court with respect to "Zudpi Land" and needs to be quashed and set aside. Considering the fact that the petitioner has prima facie demonstrated the illegalities perpetrated by respondent authorities, the respondent no.11 should also be directed to stop the construction activity at Khasra No. 175 forthwith.

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Court has the territorial jurisdiction to entertain and adjudicate the present PIL.

45. It is further most respectfully submitted that the petitioner undertakes to furnish the true translation in English of the documents, which are in vernacular, as and when directed by this Hon'ble Court.

Hence this PIL.

PRAYER

It is therefore most humbly and respectfully prayed before this Hon'ble Court to:-

a) Hold and declare that in view of the scheme of Maharashtra Agricultural Universities (Krishi Vidyapeeths) Act, 1983 and the Government Resolutions dated 30/07/2004 and 30/05/2011 published by Respondent No.2, the land parcels allotted in favour of Dr. Punjabrao Deshmukh Krishi Vidyapeeth in Nagpur City

cannot be utilized for commercial and non-agricultural purpose;

b) Hold and declare that the reliance placed by Dr. Punjabrao Deshmukh Krishi Vidyapeeth on the Government Resolution dated 03/03/2007 published by respondent no.1 while allotting the land parcels to private entities for commercial and non-agricultural purpose is illegal and bad in law;

c) Hold and declare that the agreements executed by Dr. Punjabrao Deshmukh Krishi Vidyapeeth with private entities such as D.P. Jain and J.P. Enterprises thereby giving the land parcel of Dr. Punjabrao Deshmukh Krishi Vidyapeeth for construction of RMC Plant is illegal and bad in law;

d) Hold and declare that any other land parcel of Dr. Punjabrao Deshmukh Krishi Vidyapeeth which could not be traced by petitioner but has been given by the

University for commercial or non-agricultural purpose is illegal and bad in law;

e) By way of an appropriate writ, order or direction, form an unbiased and impartial expert committee to assess the situation of Punjabrao Deshmukh Krishi Vidyapeeth Land Parcels in the city of Nagpur;

f) By way of an appropriate writ, order and direction, direct Punjabrao Deshmukh Krishi Vidyapeeth University to rescind all their subsisting agreements with private entities wherein land parcels of University have been given for commercial or non-agricultural purpose;

g) By way of an appropriate writ, order and direction, direct Punjabrao Deshmukh Krishi Vidyapeeth University to restrict all the public and private entities from carrying out commercial or non-agricultural work on PDKV Land Parcels till the pendency of petition;

h) By way of appropriate writ, order and direction, direct Punjabrao Deshmukh Krishi Vidyapeeth University to not allot any land parcels in future in the city of Nagpur to any public or private entity for commercial or non-agricultural purpose;

i) Grant ex-parte ad-interim relief in terms of prayer clause 'g' and 'h';

j) Allow the present PIL

k) Grant any other relief which this Hon'ble Court deems fit in the facts and circumstances of the case.

NAGPUR

DATE: **COUNSEL FOR PETITIONER**

ADV. PARTH MALVIYA

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k.1) Hold and declare that in view judgment of the Hon'ble Supreme Court in the case of *In Re: Zudpi Jungle Lands, 2025 SCC Online SC 1227*, the Government Resolution dated 18.01.2024 proposing construction of International Convention Center on "Zudpi Land" of respondent no.3 bearing Khasra No. 175, Mouza – Dhaba is illegal and bad in law;

k.2) By way of appropriate writ, order and direction, quash and set aside the Government Resolution dated 18.01.2024 proposing construction of International Convention Center on "Zudpi Land" of respondent no.3 bearing Khasra No. 175, Mouza – Dhaba in view judgment of the Hon'ble Supreme Court in the case of *In Re: Zudpi Jungle Lands, 2025 SCC Online SC 1227*;

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k.3) By way of appropriate writ, order and direction interim in nature, direct respondent no.11 to stop all the construction activities on "Zudpi Land" of respondent no.3 bearing Khasra No. 175, Mouza – Dhaba forthwith till the pendency of the petition.

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SOLEMN AFFIRMATION

I, Anusaya W/o Vinod Chhabrani, aged 53 Occ: Private R/o 15, Lakshmi Apartment, Civil Lines, Nagpur do hereby take oath and state on solemn affirmation as under;

(I) I am the authorized representative/President of the Petitioner in the instant Matter and in known of the facts of the case and competent to swear affidavit. I say that I have read and understood the contents of the present Public Interest Litigation and the same has been explained to me in vernacular. I say that the contents of the above Public Interest Litigation from para 1 to ___ are true and correct to the best of my personal knowledge and belief.

(II) I say that the aforesaid Public Interest Litigation is drafted by my counsel under my instructions they are true and correct as per my personal knowledge and belief.

Hence verified, signed and affirmed on this ___day of _____, 2025 at Nagpur.

Mrs A.V. Chhabrani

DEPONENT

I know & identify the deponent

SWACCH ASSOCIATION NAGPUR Regn. No. F-33478 (N)

ADVOCATE

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

PUBLIC INTEREST LITIGATION NO. 16 OF 2025

Swachh Association, Nagpur **Vs.** State of Maharashtra & Ors.

Office Notes, Office Memoramda of Coram, appearances, Court's orders of directions and Registrar's Orders.	Court's or Judge's orders.

Mr. S.P. Bodalkar, Advocate with Mr. Parth Malviya, Advocate for the petitioner.
Mr. S.M. Ghodeswar, Assistant Government Pleader for respondent nos.1, 2 & 5.

CORAM : NITIN W. SAMBRE AND MRS. VRUSHALI V. JOSHI, JJ.
DATE : 26th FEBRUARY, 2025.

P.C.

1. Heard.

2. Issue notice to the respondents.

3. Learned Assistant Government Pleader waives service of notice on behalf of respondent nos.1, 2 and 5.

4. Notice to the remaining respondents, returnable on 26.03.2025.

5. The counsel appearing for the petitioner has invited our attention to the Government Resolutions dated 13th July, 2004 and 31st May, 2011, whereby the lands owned by the Agriculture University are not permitted to be allotted for any other purpose than the purpose of the university. In spite of the above, our attention is invited to the resolutions passed in the meeting of the respondent no.3 – University allotting the land

in favour of the private parties.

6. In the aforesaid background, we deem it appropriate to direct the Registrar of the respondent no.3 – University to file an affidavit on or before the returnable date, dealing with the issue.

7. We further restrain the private respondents, to whom the land is allotted, from carrying out any development or construction over the said land, until further orders.

8. We also expect the State Government through its Secretary to file reply in the matter.

9. We expect the respondents to go through the observations made in the judgment delivered by the Division Bench of this Court on 21st October, 2011 in Public Interest Litigation No. 34 of 2010 and Writ Petition No. 125 of 2011 *(The Court on its own motion Vs. The State of Maharashtra & Others)*, which is placed at Annexure-M.

10. We direct the Assistant Government Pleader to communicate this order to the State Government.

11. To be heard with Suo Motu PIL No.03 of 2020.

(MRS. VRUSHALI V. JOSHI, J.) **(NITIN W. SAMBRE, J.)**

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY BENCH AT NAGPUR.

P.I.L. NO. 16/2025

PETITIONER : Swachh Association, Nagpur through its authorized representative Smt. Anusaya Chhabrani aged 54 years, Occupation:-Private, R/o 15, Laxmi Apartment, Civil Lines, Nagpur 440001

//VERSUS//

RESPONDENTS 1. State of Maharashtra, through its Secretary, Forest Department, Mantralaya, Mumbai

2. State of Maharashtra, through its Secretary, Agriculture Department, Mantralaya, Mumbai

3. Dr. Punjabrao Deshmukh Krishi Vidyapeeth, Akola through its College of Agriculture, Maharajbagh, Sitaburdi, Amravati Road, Nagpur

4. Maharashtra Council of Agriculture Education and Research, 132/B,

Bhamburda, Bhosale Nagar, Pune, 411007

5. The Collector, Nagpur Collector Office, Collector Compound, Civil Lines, Nagpur.

6. India Air Force, Vayusena Nagar, Nagpur.

7. Nagpur Improvement Trust, through its Chairman, Station Road, Sadar, Nagpur

8. Nagpur Municipal Corporation through its Commissioner, Near Vidhan Bhavan. Collector's Colony. Nagpur.

9. J.P. Enterprizes Engineering and Contractors,
Thorough it's Authorised signatory
Office at – 802, Impresse Rise,
8 North Ambazari Road,
Shivaji Nagar, Nagpur-10

10. D.P. Jain & Co Infrastructure Pvt Ltd
Through It's Authorised Representative,
Office at- U/6 Himalaya Accord, Opposite Law College, Nagpur- 10

11. Maharashtra State Infrastructure Development Corporation,
Through It's Chief Engineer,
Fort , Mumbai
Nagpur office – A/1 & A/2,
Forest Colony, Civil Lnes, Nagpur-

AFFIDAVIT OF RESPONDENT NO.3 – DR. PUNJABRAO DESHMUKH KRUSHI VIDYAPEETH, AKOLA IN COMPLIANCE TO THE ORDER OF THIS HON'BLE COURT DATED 08.07.2025.

The Respondent No.3 most respectfully begs submit affidavit, as under:-

1. That, in the original petition, the petitioner raised an objection to the proposed establishment of International Agricultural Convention Centre on the land parcel owned by Respondent No.4 Maharashtra Council of Agricultural

Education and Research at Dabha , Nagpur. It is denied that Respondent No.4 is the owner of the land. It is respectfully submitted that the land was originally owned by department of Revenue, State of Maharashtra, admeasuring 34.11 Hector bearing survey No.175 only. It was shown under Agricultural College, Nagpur. The revenue entry in 7/12 extract maintained by Revenue Department under the Land Revenue Code 1966 shows that as per the notification of the State of Maharashtra, Department of Agriculture and Cooperative – Respondent No.2 dated 20.05.1968 and 13.01.1969, the land was handed over to Respondent No.3. The copy of 7/12 extract of 1988-89 is annexed herewith and marked as **ANNEXURE-R3/A** to this reply.

2. The petitioner has further alleged in paragraph No.18 of the petition that the Executive Engineer of Public Works Department, which is not a party Respondent, had forwarded a communication to Respondent No.3 – University informing that the Hon'ble Chief Minister, State of Maharashtra and Hon'ble Minister for Transport, Union of

India has suggested construction of International Agricultural Convention Centre, Training Centre and the tender has been allotted for commencement of construction. This was the only allegation. Therefore, suitable reply was submitted to that effect by the Respondent No.3.

3. The Petitioner has further alleged in paragraph Nos.19 & 20 of the petition that the proposed International Agricultural Convention Centre is adjacent to the Nagpur Headquarter of Indian Air Force. Thus, the petitioner apprehends the Respondent No.3 has not taken required no objection certificate from Respondent No.6. It was clarified that International Agricultural Convention Centre is being developed through Maharashtra Infrastructure Development Corporation. Which is now added as Respondent No.11. Thus the allegations are denied in toto.

4. So far as para No.20 is concerned, petitioner has categorically stated that the Petitioner does not oppose the concept of International Agricultural Convention Centre on the land and parcel of Respondent No.3. The only concern is

that, there should be compliance of the procedure established by law. It is respectfully submitted that all possible efforts are made by the concerned authorities to comply with the procedural part as per law. There is no question of exploitation of the land for commercial purposes. The land is utilized to achieve objectives of the Maharashtra Agricultural University Act, 1983 only.

5. The petitioner for the first time produced the judgment of the Hon'ble Supreme court of India in the case of T.M Godavarmam ...versus... Union of India dated 22.05.2025 along with 7/12 extract of survey no.175, admeasuring 23.68 Hector, Mouza - Dabha to show that it is a Zudpi Jangal and orally submitted that no development can be made on Zudpi Jangal lands and hence this Hon'ble Court directed the Respondent No.3 to file an affidavit dealing with the subject categorically. The Petition has now been amended and Para 20 A to 20 E are added. Therefore the Respondent No.3 has filed it's reply to the contents of these paragraphs.

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6. **As to para 20 A to 20 E of the Petition**:- It is respectfully submitted that the land in question was initially admeasuring 34.11 Hector and allotted to PDKV, Akola in 1968-69. Subsequently, 10.43 Hector was allotted to Union of India, Department of Defence to establish Respondent No.6. Accordingly the Respondent No.6 is established with planned development comprising of roads, buildings, offices and it is in existence for last more than 50 years. The copy of 7/12 extract shows that survey no.175/2 is mutated in the name of Raksha Mantralaya Bharat Sarkar and is shown as Local Zudpi Jungle. The copy of 7/12 extract is annexed herewith and marked as **ANNEXURE-R3/B**. However, the entries in side column clearly indicate that here are roads and buildings in this Khasara. The Petitioner has never objected the said entires.

7. The remaining land admeasuring 23.68 Hector is in the possession of Respondent No.3 bearing survey no.175/1. It is also recorded as Zudpi jungle in 7/12 extract. The Revenue entries clearly indicate that there are buildings,

164 600

roads, barren land called as Charai. There is no entry in these columns that there is any Zudpi Jungle in existence. It is respectfully submitted that only because local people call it as Zudpi jungle, the same is recorded as Zudpi jungle by the revenue authority. The allegations in this regard are thus denied. It is respectfully submitted that, after 1968-69, the land being transferred to Respondent No-3 by a specific G.R of Revenue Department for Agriculture and research purpose, the alleged status of Zudpi Jungle has become nonest in view of subsequent events and development.

8. It is respectfully submitted that, for the first time, the petitioner has placed on record the judgment of the Hon'ble Supreme Court of India delivered in the matter of T.N. Godavrman ..versus.. Union of India and others and relied upon para Nos.138 and 140 of the said judgment. It is respectfully submitted that, the entire submission of the petitioner that the Hon'ble Supreme Court has declared Survey No.175/1 of Mouza Dabha as Zudpi jangal is misleading, misconceived and liable to be rejected. The

entire reading of the judgment clearly indicates that Hon'ble Supreme Court had appointed a committee to examine the issue. The said committed submitted a detailed report alongwith list of lands referred to as Zudpi Jungle in Nagpur city before the Hon'ble Supreme Court of India. The Hon'ble Supreme Court of India observed in para No.120 of the judgment as under-

"As discussed hereinabove, on the land in question, various developmental activities have already been undertaken viz. irrigation dams have been constructed, roads have been laid down, schools, public health centres, other public utilities, facilities have been provided for the citizens. All these public utilities are necessary for the citizens living in the areas. We have annexed herewith the list of various institutions/buildings/residential areas/public utilities which will be affected in the city of Nagpur. The said list would show that even the buildings wherein the High Court, the High Court Judges' residences, the State Governments' Secretariat, the Central Government's buildings, the Defence Buildings, the Air

Force buildings, the establishment of Agricultural University, the graveyards etc. are situated, they all would be affected."

Considering all these aspects the Hon'ble Supreme Court of India, in the particular facts and circumstances of the case involved in the judgment issued directions to the State of Maharashtra to seek approval under Section 2 of the Forest (Conservation) Act, 1980 in respect of the Zudpi Jungle lands allotted by the competent authority up to 12th December 1996 and for which land classification has not been changed, for their deletion from the "List of Forest Areas".

9. It is respectfully submitted that, so far as Nagpur City is concerned, enclosure Annexure-1 shows many lands being shown as Zudpi jungle and therefore Hon'ble Supreme Court of India has observed that in terms of report of the committee for suggesting changes required in simplifying procedure for diversion of Zudpi jungle land under Forest Conservation Act, 1980, titled as resolving Zudpi jungle

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issue, the development perspective Chaired by Divisional Commissioner, Nagpur.

10. It is respectfully submitted that the lands in question is allotted to the Agricultural University, Akola - Respondent No.3 in 1968-69 before commencement of the Forest Conservation Act 1980 and since then the University is using it as the Agricultural land. It is respectfully submitted that only because it is mentioned in 7/12 extract that the locally it is called Zudpi jangal whether it would be Zudpi jangal under the Act of 1980. It is respectfully submitted tha the issue can be very much resolved by the Hon'ble Divisional Commissioner, Nagpur in view of the directions of Hon'ble Supreme Court of India, however, Divisional Commissioner is not a party to the petition.

11. So far as the establishment of International Agricultural Convention Centre is concerned, the policy decision was taken by the State of Maharashtra, Department of Agricultural Animal Husbandry, Dairy Development, Mantralaya, Mumbai – 32 to establish the centre at Nagpur

being 13th biggest city in India and famous being Orange City centrally located and therefore with objectives enumerated in Clause-3 of GR, the proposal was sanctioned vide GR dated 14.09.2023. Copy of said GR is annexed herewith and marked as **ANNEXURE-R3/D** and subsequently the State of Maharashtra has issued a GR dated20.08.2024, department of Agricultural, Animal Husbandry, Dairy, Mantralaya, Mumbai – 32 sanctioning the amount of Rs.235.62 crores. The coy of GR is annexed herewith and marked as **ANNEXURE-R3/E**.

12. The State of Maharashtra, Department of Urban Development has made all efforts to clear the development of the centre and as such issued a GR dated 04.07.2025 sanctioning the proposal sent by Nagpur Improvement Trust as per revised development plan of Nagpur city, which was sanctioned on 07.01.2000. In that development plan survey no.175, admeasuring 23.68 Hector is included and cabinet of the State of Maharashtra has approved the said plan with notification in its meeting dated 29.06.2025 as per

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requirement of provision of Sub section 2 of section 37 of the Maharashtra Regional Town Planning Act. Copy of the said GR dated 04.07.2025 is annexed herewith and marked as **ANNEXURE-R3/F**.

13. It is humbly submitted that the International Agricultural Convention Centre is for the betterment of the agriculturists in India, to avoid their suicidal attitude and to provide them Social Economic Status. The facilities of International Standards are developed. The Petitioners are not opposing the same, however they are only concerned about the procedural part. It is respectfully submitted that from the GR's dated 14.09.2023, 20.08.2024 nd 04.07.2025 it is evident that the State authorities have examined the entire issue and project in its proper perspective and then sanctioned it.

14. So far as issue of Zudpi jungle is concerned, as per the directions of the Hon'ble Supreme Court of India, Divisional Commissioner, Nagpur, is the appropriate authority to clarify the situation.

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Hence this affidavit.

NAGPUR

DATE: 14/07/2025

(P.R.Kadu)

RESPONDNET NO.3

Associate Dean,
College of Agriculture
Nagpur

COUNSEL FOR RESPONDENT NO.3
(Arun R. Patil, Advocate)

SOLEMN AFFIRMATION

I, Prakash S/o Ramaaji Kadu, aged about 58 years, Occupation: Associate Dean of Agricultural College, Nagpur being authorized by the Registrar of Respondent No.3 - University, do hereby take an oath and state that the content of the above affidavit in para 1 to 14 have been drafted by the counsel as per my instructions. I have read and understood the said contents. The said contents are true and correct to the best of my personal knowledge and I believe them to be true from the record available before me.

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Hence, solemnly affirmed, verified and signed at Nagpur on this 14 day of July, 2025.

I know & identify the deponent.

(Arun R. Patil, Adv.)

(P.R. Kadu)
DEPONENT
Associate Dean,
College of Agriculture
Nagpur

CFB. 2/-

(6)

Solemnly affirmed before me by
Prakash s/o. Ramaji Kadu
Who is identified by Advocate whom
personally know. A.R. Patil Adv
This 14th day of July 2025

Section Officer
High Court of Bombay
Nagpur Bench, Nagpur

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Copy of Section 7 of Maharashtra Act, IX of 1969

The Punjabrao Agricultural University (Krishi Vidyapeeth)Act,1968.

Transfer of certain colleges and Institutions to the University.

7. (I) Notwithstanding anything contained in the Maharashtra Agricultural University(Krishi Vidyapeeth)Act, 1967, the colleges of agriculture at Parbhani,Nagpur and Akola and the Veterinary College at Nagpur shall cease to be constituent colleges of the Maharashtra Krishi Vidyapeeth, and shall pass to and be maintained by the University as its constituent colleges, from such date as the State Government may by notification in the Official Gazette specify :

Mah. XXIII of 1967.

Provided that, the Maharashtra Krishi Vidyapeeth shall be competent to declare the results and to award degrees, diplomas, certificates or other academic distinctions to the students of the said colleges or to any post-graduate or other students, who may have appeared at any examination held by or on behalf of that University before such specified date.

The control and management of the colleges specified in sub-section (1) as from the said date shall stand transferred to the University, and all properties and assets and liabilities of the Maharashtra Krishi Vidyapee--th in relation there to shall stand transferred to, and vest in, the University.

(3) Where before the date notified under sub-section (1), the Maharashtra Krishi Vidyapeeth has made any contract in relation to any of the said colleges, that contract shall be deemed to have been made by the University, and any reference therein to the Maharashtra Krishi Vidyapeeth shall be construed as a reference to the University.

(4) Notwithstanding anything contained in this Act or the Statutes and Regulations made thereunder, any student of a college specified in sub-section(1), or any post-graduate or other student who immediately before the said date was studying or was eligible for any examination of the Maharashtra Krishi Vidyapeeth, shall be permitted to complete his course in preparation therefor, and the University shall provide for such period and in such manner as may be prescribed for the instruction, teaching, training and examination of such students in accordance with the courses of studies of the concerned University.

(5) The control and management of such research and other institutions of the Department of Agriculture and of other Departments of the State Government as the State Government may, by notification in the Official Gazettee, specify in this behalf shall, from such date as may be specified in that notification, be transferred to the University; and thereupon all properties and assets and liabilities of the State Government in relation to such institutions shall also likewise stand transferred to, and vest in, the University.

(6) Within a period of three years from the date on which this section comes into force, 1(or such further period as the State Government may by notification in the official Gazette specify,) the State Government shall arrange to transfer to the University, and the University shall thereupon assume responsibility for, the maintenance —

Cont'd 2/-

Annexure : R-2/VI

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रजिस्टर्ड नं. एम्.एच्.-९

महाराष्ट्र शासन राजपत्र

असाधारण

प्राधिकृत प्रकाशन

सोमवार, मे २०, १९६८/वैशाख ३०, शके १८९०

स्वतंत्र संकलन म्हणून फाईल करण्यासाठी या भागाला वेगळे पृष्ठ क्रमांक दिले आहेत

भाग चार-ब

महाराष्ट्र अधिनियमांन्वये महाराष्ट्र शासनाने तयार केलेले (भाग एक, एक-अ व एक-ब यांमध्ये प्रसिद्ध केलेले नियम व आदेश यांव्यतिरिक्त) नियम व आदेश

AGRICULTURE AND CO-OPERATION DEPARTMENT.

Sachivalaya Annexe, Bombay-32, 17th May 1968

MAHARASHTRA AGRICULTURAL UNIVERSITY (KRISHI VIDYAPEETH) ACT, 1967.

No. AGU. 1067-16953-V.—In exercise of the powers conferred by sub-section (3) of section 1 of the Maharashtra Agricultural University (Krishi Vidyapeeth) Act, 1967 (Mah. XXIII of 1967), the Government of Maharashtra hereby directs that the following provisions of the said Act shall come into force on the 1st day of June 1968, namely:—

Section 7.
Section 22.
Section 38.
Sections 43 to 48 (both inclusive).

By order and in the name of the Governor of Maharashtra,

V. Y. MASUREKAR,
Deputy Secretary to Government.

शासकीय मध्यवर्ती मुद्रणालय, मुंबई.

-of agricultural schools, gramsevak training centres, home science wings, workshop wings, soil conservation training centres and short term courses such as gardening or mali training, oil engine training in the use and maintenance of oil engines, stockmen training, poultry training, mass training, refresher training, and the like, which are suitated in the University area and which are or may be under the control of the Department of Agriculture or any other Department of the State Government.2* * *

Mah. XVII of 1972.

1(7) Nothwithstanding anything hereinbefore in this section contained, with effect from the date of commencement of the Marathwada Agricultural University (Krishi Vidyapeeth) Act, 1972, the college of agriculture at Parbhani and certain other institutions shall cease to vest in the University and shall pass to and be maintained by the other University as provided in section 7 of that Act.)

Mah. V of 1972.

Mah. XXIV of 1973.

Transfer of management and maintenance and control of certain agricultural schools from Zilla Parishads to the University.

2(7 A. Nothwithstanding anything contained in the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961, with effect from such date or dates, not being later two years from the commencement of the Maharashtra Agricultural Universities and Zilla Parishads and Panchayat Samitis(Amendment) Act, 1973, as may be appointed and subject to such terms and conditions (if any) as may be specified, by the State Government by notification in the Official Gazette, the management and maintenance of agricultural schools (together with any property appertaining thereto) vesting in the Zilla Parishads and situated in the University area shall cease to vest in the Zilla Parishads and shall stand transferred to the University. The University shall thereupon assume responsibility for the management and maintenance as in the case of other institutions transferred to it under sub-section (6) of section 7. The responsibility of the Zilla Parishads to give grants to aided agricultural schools shall also, with effect from the date aforesaid, cease and shall become the responsibility of the University, subject to such terms and conditions (if any) as may be specified by the State Government by notification in the Official Gazette.

Transfer of certain institutions to Government.

7B. If in the opinion of the University, any college, research institution, school, centre, activity or other institution transferred and and vesting in it under section 7 or 7A, is surplus to its requirements, the University may request the State Government that the same may be transferred to the State Government. Upon such request, the State Government may, by notification in the Official Gazette, direct that such institution shall, from such date and subject to such terms and conditions (including those relating to the employees serving therein or thereunder) as may be specified in the notification, cease to vest in the University and pass to and be maintained by the State Government; and thereupon all properties and assets and liabilities of the University in relation to such institution shall stand transferred to, and vest in, the State Government. The conditions of service of employees, if any, transferred to the State Government along with the institution shall not be less favourable than those applicable to them immediately before such transfer.

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महाराष्ट्र शासन राजपत्र

असाधारण

मंत्रालय, बुधवार, ऑक्टोबर १३, १९६९/आश्विन २१, शके १८९१

स्वतंत्र संकलन म्हणून फाईल करण्यासाठी या भागाला वेगळे पृष्ठ क्रमांक दिले आहेत.

भाग चार-ब

महाराष्ट्र शासनाने महाराष्ट्र अधिनियमांच्या तयार केलेले (भाग एक, एक-अ आणि एक-ब यांमध्ये प्रसिद्ध केलेले नियम व आदेश याव्यतिरिक्त) नियम व आदेश.

AGRICULTURE AND CO-OPERATION DEPARTMENT

Sachivalaya Annexe, Bombay-32, 13th October 1969

PUNJABRAO AGRICULTURAL UNIVERSITY (KRISHI VIDYAPEETH) ACT, 1968.

No. AGU 1069/4561-(III)-V.—In exercise of the powers conferred by sub-section (2) of section 1 of the Punjabrao Agricultural University (Krishi Vidyapeeth) Act, 1968 (Mah. IX of 1969), the Government of Maharashtra hereby directs that the following provisions of the said Act shall come into force on the 19th day of October 1969, namely :—

Sub-sections (1) and (2) of section 3

Section 69

By order and in the name of the Governor of Maharashtra,

R. J. LATKAR,
Deputy Secretary to Government.

Annexure: R-2/VII

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८९५ महाराष्ट्र शासन राजपत्र, भाग ४, मंगळवार, १३, १९९१, आश्विन २१, शके १८९१ [भाग चार-अ

AGRICULTURE AND CO-OPERATION DEPARTMENT

Sachivalaya Annexe, Bombay-32, 13th October 1969

PUNJABRAO AGRICULTURAL UNIVERSITY (KRISHI VIDYAPEETH) ACT, 1968.

No. AGU. 1069/4561-(III)-V.—In exercise of the powers conferred by sub-section (2) of section 1 of the Punjabrao Agricultural University (*Krishi Vidyapeeth*) Act, 1968 (Mah. IX of 1969), the Government of Maharashtra hereby directs that the following provisions of the said Act shall come into force on the 20th day of October 1969, namely :—

Sub-section (*1*) of section 4,
Sections 5 to 8 (both inclusive),
Section 13,
Section 22,
Sections 38 to 52 (both inclusive),
Sub-section (3) of section 54,
Sections 55 to 57 (both inclusive),
Sections 61 and 62,
The First Schedule.

By order and in the name of the Governor of Maharashtra,

R. J. LATKAR,
Deputy Secretary to Government.

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महाराष्ट्र शासन

गाव नमुना सात (अधिकार अभिलेख पत्रक)

[महाराष्ट्र जमीन महसुल अधिकार अभिलेख आणि नोंदवह्या (तयार करणे व सुस्थितीत ठेवणे) नियम १९७१ यातील नियम ३,५,६ आणि ७]

गाव :- दामा (९४३०८४) तालुका :- नागपूर (शहर) जिल्हा :- नागपूर

PU-ID : 21389498435 भूमापन क्रमांक व उपविभाग १७५/१ 21389498435

भुधारणा पद्धती सरकार शेताचे स्थानीक नाव : झुडपी जंगल

क्षेत्र, एकक व आकारणी	खाते क्र.	भोगवटादाराचे नाव	क्षेत्र	आकार	पो.ख.	फेरफार क्र	कुळ, खंड व इतर अधिकार
क्षेत्राचे एकक हे.आर.चौ.मी	५०७	सरकार जे.ई.पंजाबराव कृषी विद्यापिठ अकोला कृषी महाविद्यालय नागपूर			२३.६८.००	(९३३)	कुळाचे नाव व खंड
अ) लागवड योग्य क्षेत्र							इतर अधिकार
जिरायत –							इतर
बागायत –							आदेश प्रकरणी दि. ०७/०९/२०११ (९३३)
ा –							
का.यो. क्षेत्र							प्रलंबित फेरफार : नाही.
ब) पोटखराब क्षेत्र (लागवड अयोग्य)							शेवटचा फेरफार क्रमांक : १८८४ व दिनांक : ०७/०८/२०२५
वर्ग (अ) –							
वर्ग (ब) २३.६८.००							
एकुण पो.ख.क्षेत्र २३.६८.००							
एकुण क्षेत्र (अ+ब) २३.६८.००							
आकारणी ०.००							
जुडी किंवा विशेष आकारणी							

जुने फेरफार क्र : (-१) (१८८४) (१८८५)

सीमा आणि भुमापन चिन्हे : पोट चांदे २ मुनारे ३ दु.जि.गांव

सदर सर्वे हा नगर भूमापन हद्दीत आहे.

हा गाव नमूना क्रमांक ७ दिनांक १५/१२/२०२५:०९:५७:५९ PM रोजी डिजिटल स्वाक्षरीत केला आहे व गाव नमूना क्रमांक १२ चा डेटा स्वयंप्रमाणित असल्यामुळे ७/१२ अभिलेखावर वर कोणत्याही सही शिक्क्याची आवश्यकता नाही.

७/१२ डाउनलोड दि. : १२-०२-२०२६ : १४:५५:३८ PM. वैधता पडताळणीसाठी https://digitalsatbara.mahabhum.gov.in/dslr/ या संकेत स्थळावर जाऊन 0910100001073392 हा क्रमांक वापरावा.

गाव नमुना बारा (पिकांची नोंदवही)

[महाराष्ट्र जमीन महसूल अधिकार अभिलेख आणि नोंदवह्या (तयार करणे व सुस्थितीत ठेवणे) नियम १९७१ यातील नियम २९]

गाव :- दाभा (९४३०८४) तालुका :- नागपूर (शहर) जिल्हा :- नागपूर

भूमापन क्रमांक व उपविभाग १७५/१

			पिकाखालील क्षेत्राचा तपशील					लागवडीसाठी उपलब्ध नसलेली जमीन		शेरा
वर्षे	हंगाम	खाते क्रमांक	पिकाचा प्रकार	पिकांचे नाव	जल सिंचित	अजल सिंचित	जल सिंचनाचे साधन	स्वरूप	क्षेत्र	
(१)	(२)	(३)	(४)	(५)	(६)	(७)	(८)	(९)	(१०)	(११)
					हे.आर.चौ.मी	हे.आर.चौ.मी			हे.आर.चौ.मी	
२०१९-२०	संपूर्ण वर्ष							सैनिकी छावन्यांच्या जागा	१०.४३००	

टीप : ** सदरची नोंद मोबाइल ॲप द्वारे घेणेत आलेली आहे

1843

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गाव: ढामा ता.सा.कु.क

	उपविभाग	खंड
१७५१२	- -	- -

त्याचे स्थानिक नाव: झुडपी जंगल

लागवडीयोग्य क्षेत्र	हेक्टर	आर
.....		
.....		
.....		
एकूण		
पोटखराब (लागवडीयोग्य नसलेले) - अ (अ)	90	83
ब (ब)		
एकूण	90	83
	रुपये	पैसे
आकारणी	—	—
नवी कूळ विशेष आकारणी	—	—

रक्षा मंत्रालय
भारत सरकार

इतर अधिकार

आदेश प्रकरणी क्र क
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6/9/2019

कूळ आणि भूमापन खाडे

गाव नमुना बारा (पिकाची नोंदवही)

[महाराष्ट्र जमीन महसूल अधिकार अभिलेख आणि नोंदवही तयार करणे व सुधारणेबाबत नियम (१९५९ चा नियम २२)]

वर्ष	हंगाम	पिकाखालील क्षेत्राचा तपशील: मिश्र पिकाखालील क्षेत्र: मिश्रणाचा संकेत क्रमांक	जलसिंचित	अजलसिंचित	बटक पिके व प्रत्यक्षाखालील क्षेत्र: पिकाचे नाव	जलसिंचित	अजलसिंचित	निर्मळ पिकाखालील क्षेत्र: पिकाचे नाव	जलसिंचित	अजलसिंचित	लागवडीसाठी उपलब्ध नसलेली जमीन: स्पष्टीकरण	क्षेत्र	चालू पिकाचा तपशील	जमीन कसणाऱ्याचे नाव	शेरा
१	२	३	४	५	६	७	८	९	१०	११	१२	१३	१४	१५	१६
			अ. आ.	अ. आ.		अ. आ.	अ. आ.		अ. आ.	अ. आ.		अ.			
१९९	रब	1	1	1	1	1	1	1	1	1	इमारती व रस्ता	90.83	1	- - - -	वायुसेनाच इमारती
१९२	रब	1	1	1	1	1	1	1	1	1	इमारती व रस्ता	90.83	1	- - -	
१९३	रब		1	1	1	1	1	1	1	1	इमारती व रस्ता	90.83	1	- - -	

तलाठी
ता.सा.कु. 20/09/19
कार्यालय

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डॉ.पंजाबराव देशमुख कृषि विद्यापीठ, अकोला अंतर्गत कृषि महाविद्यालय,नागपूर येथे आंतरराष्ट्रीय कृषि सुविधा केंद्र स्थापन करणेबाबत...

महाराष्ट्र शासन
कृषि, पशुसंवर्धन, दुग्धव्यवसाय विकास व मत्स्यव्यवसाय विभाग,
शासन निर्णय क्रमांक :कृषिवि-३७२३/प्र.क्र.६६/७-अे
मादाम कामा रोड, हुतात्मा राजगुरू चौक
मंत्रालय विस्तार, मुंबई ४०० ०३२
दिनांक: १४/०९/२०२३

वाचा: १. सन २०२३-२४ चे अर्थसंकल्पीय भाषण.
२. कुलसचिव,डॉ.पंजाबराव देशमुख कृषि विद्यापीठ,अकोला यांचे दि.२४/०२/२०२३ चे पत्र.
३.मा.राज्य मंत्रीमंडळाच्या दि.०४/०७/२०२३ रोजी झालेल्या बैठकीचे इतिवृत्त दि.१७/०७/२०२३.

प्रस्तावना :-

नागपूर हे राज्यातील तिसऱ्या क्रमाकांचे मोठे शहर असून महाराष्ट्र राज्याचे उपराजधानीचे शहर आहे. लोकसंख्येनुसार नागपूर शहर भारतातील १३ वे मोठे शहर आहे. महाराष्ट्रातील स्मार्ट शहरांपैकी एक शहर म्हणून प्रस्तावित केले गेले आहे आणि स्मार्ट सिटी प्रकल्पाच्या अंमलबजावणीमध्ये भारतातील पहिल्या दहा शहरांपैकी एक आहे. नागपूर शहर हे "ऑरेंज सिटी" म्हणून ओळखले जाते. भौगोलिकदृष्ट्या नागपूर शहराचे स्थान हे देशाच्या मध्यवर्ती ठिकाणी असून ते रस्ते, रेल्वे व हवाई मार्ग या सर्व वाहतुकीच्या साधनांनी जोडलेले आहे. राज्यात "मल्टी-मॉडेल इंटरनॅशनल पॅसेंजर आणि कार्गो हब एअरपोर्ट नागपूर (मिहान) या नावाने नागपूर येथे संमिश्र प्रकल्प विकसित केला आहे. या प्रकल्पात नागपूरचे विद्यमान देशांतर्गत विमानतळ,आंतरराष्ट्रीय प्रवासी आणि कार्गो हब विमानतळ म्हणून विकसित करणे, सोबतच एका मोठ्या विशेष आर्थिक झोन या योजनेचा समावेश आहे. मध्यवर्ती ठिकाणी असलेल्या या सर्व वैशिष्ट्यांसह नागपूर येथे शेती, कृषी उद्योग आणि कृषि संलग्न उद्योगांसाठी "आंतरराष्ट्रीय कृषी सुविधा केंद्र" स्थापन करणे प्रस्तावित आहे.

आंतरराष्ट्रीय कृषि सुविधा केंद्राची संकल्पना ही कृषी क्षेत्राचे राष्ट्रीय आणि आंतरराष्ट्रीय स्तरावर नेतृत्व प्रदान करण्याच्या उद्देशावर आधारित असून, गुणवत्तापूर्ण शिक्षण व संशोधन आणि कृषी/संलग्न क्षेत्राला लाभ देण्यासाठी नाविन्यपूर्ण माहिती/तंत्रज्ञानाचा प्रसार करणे या केंद्राचे उद्दीष्ट आहे. तसेच,उपलब्ध संसाधनांचा जास्तीत जास्त वापर करणे आणि उपजीविकेची सुरक्षितता साध्य करणे ही दुहेरी उद्दिष्टे साध्य करण्यासाठी कृषी आणि संबंधित विज्ञानाच्या विविध शाखांचे एकत्रीकरण करण्यासाठी अशा कृषि सुविधा केंद्राची आवश्यकता आहे.

भारतीय कृषी क्षेत्रासमोर नवीन आव्हाने आहेत आणि कृषी विकासाला चालना देण्यासाठी नवीन कौशल्ये आणि ज्ञानाने सुसज्ज असलेल्या मानव संसाधनाच्या नवीन वर्गाच्या विकासाची आवश्यकता आहे. लहान आणि अल्पभूधारक शेतकऱ्यांचे वर्चस्व असलेल्या विदर्भातील शेतीला दुष्काळ, हवामान बदल, व्यापार आणि अर्थव्यवस्थेचे जागतिकीकरण इत्यादी विविध आव्हानांचा सामना करावा लागत आहे. सदर आव्हानांना सामोरे जाण्यासाठी कुशल मनुष्यबळाची आवश्यकता आहे. विद्यापीठाच्या शिक्षण, संशोधन आणि विस्तार कार्यक्रमांमुळे ज्ञान आणि तंत्रज्ञानाच्या माध्यमातून मानव संसाधन विकास होईल. त्या कुशल मनुष्यबळाद्वारे कृषी आणि संलग्न उद्योगांमध्ये रोजगाराच्या संधी निर्माण करणे आवश्यक आहे.

सन २०२३-२४ च्या अर्थसंकल्पीय भाषणात मा.उपमुख्यमंत्री तथा वित्त मंत्री यांनी कृषि व संलग्न क्षेत्रातील अत्याधुनिक तंत्रज्ञानाचे उपयोजन व प्रसार करण्यासाठी,डॉ.पंजाबराव देशमुख कृषि महाविद्यालय, नागपूर येथे, **"आंतरराष्ट्रीय कृषि सुविधा केंद्र"** स्थापन करण्यात येईल व या केंद्रासाठी रुपये २२७ कोटी ४६ लाख रुपये खर्च अपेक्षित आहे,अशी घोषणा केली आहे. सदर अर्थसंकल्पीय घोषणेनुसार डॉ.पंजाबराव देशमुख कृषि विद्यापीठ,अकोला अंतर्गत कृषि महाविद्यालय, नागपूर येथे **"आंतरराष्ट्रीय कृषि सुविधा केंद्र"** स्थापन करण्याची बाब शासनाच्या विचाराधीन होती.

शासन निर्णय :-

१. डॉ.पंजाबराव देशमुख कृषि विद्यापीठ,अकोला अंतर्गत कृषि महाविद्यालय,नागपूर येथील कृषि विद्यापीठाच्या **"दाभा"** येथील जागेवर **"आंतरराष्ट्रीय कृषि सुविधा केंद्र"** स्थापन करण्यास मान्यता प्रदान करण्यात येत आहे.

२. नागपूर येथे **"आंतरराष्ट्रीय कृषि सुविधा केंद्र"** स्थापन करण्यासाठी एकूण रुपये २२७ कोटी ४६ लाख इतक्या खर्चास मान्यता देण्यात येत आहे.

३. आंतरराष्ट्रीय कृषि सुविधा केंद्राची उद्दिष्टे:-

आंतरराष्ट्रीय कृषि सुविधा केंद्राची संकल्पना राष्ट्रीय आणि आंतरराष्ट्रीय स्तरावर कृषि क्षेत्राचे नेतृत्व प्रदान करण्याच्या उद्देशावर आधारित आहे. आधुनिक शेती व तंत्रज्ञान याबाबत शेतकऱ्यांना मार्गदर्शन करणे,संशोधनावर आधारित शेतीची माहिती शेतकऱ्यांमध्ये प्रसारीत करणे,ग्रामीण भागातील महिलांना कृषि आणि कृषि संबंधित तंत्रज्ञानाबाबत सक्षम करणे, विद्यार्थ्यांना कृषि शिक्षणाची माहिती देवून त्यांच्यात शेतीचे महत्व व शेतीव्यवसायाबाबतची आवड निर्माण करणे, शेतीव्यवसायाचे ज्ञान, तंत्रज्ञान व शेतीबाबतचा दृष्टीकोन याबाबत जागरुकता निर्माण करणे, शेती,कृषि उद्योग आणि कृषि संलग्न उद्योग विकसित करणे अर्थात गुणवत्तापूर्ण शिक्षण,संशोधन,क्षमता निर्माण,सल्लामसलत आणि कृषी/संलग्न क्षेत्राला लाभ देण्यासाठी नाविन्यपूर्ण माहिती/तंत्रज्ञानाचा प्रसार करणे ही या केंद्राची उद्दीष्टे आहेत.

उद्योजकांना भाडे तत्वावर देण्यास, तसेच, उर्वरित भाग Occasional Exhibitions करीता उपलब्ध करण्यास मान्यता देण्यात येत आहे.

६. आंतरराष्ट्रीय कृषि सुविधा केंद्रामध्ये शिक्षण,प्रशिक्षण व मार्गदर्शनासाठी येणाऱ्या शेतकरी, विद्यार्थी व कृषि उद्योजक यांच्या निवासव्यवस्थेसाठी सदर सुविधा केंद्रामधील वसतीगृहाचा वापर करण्यास मान्यता देण्यात येत आहे.

७. आंतरराष्ट्रीय कृषि सुविधा केंद्राचे इमारत बांधकाम, नियोजन विभाग,शासन परिपत्रक दि.११.०६.२०१८ अन्वये,मा.मुख्य सचिवांच्या अध्यक्षतेखालील उच्चाधिकार समितीच्या मान्यतेच्या अधीन राहून करण्यास मान्यता देण्यात येत आहे.

८. याप्रित्यर्थचा खर्च मागणी क्र.डी-३, ०१ पीक संवर्धन, (००) (०८) डॉ.पंजाबराव देशमुख कृषि विद्यापीठाला सहायक अनुदान (कार्यक्रम) (२४१५ ००९९) या लेखाशिर्षाखाली त्या-त्या आर्थिक वर्षात मंजूर केलेल्या अर्थसंकल्पीय तरतूदीमधून भागविण्यास मान्यता देण्यात येत आहे.

९. सदर आंतरराष्ट्रीय कृषि सुविधा केंद्राच्या उभारणीनंतर या केंद्रातील मनुष्यबळावरील खर्च, देखभाल दुरुस्ती व दैनंदिन खर्च इत्यादीबाबतचा खर्च या सुविधा केंद्राच्या प्राप्त महसुली उत्पन्नातून कायमस्वरुपी भागविण्यास मान्यता देण्यात येत आहे.

१०. सदर शासन निर्णय मा.मंत्रीमंडळाच्या दि.०४/०७/२०२३ रोजी दिलेल्या मान्यतेच्या अनुषंगाने तसेच, वित्त विभाग अनौपचारिक संदर्भ क्र.२०७/२०२३/व्यय-१,दि.२५/०७/२०२३ अन्वये मिळालेल्या सहमतीने निर्गमित करण्यात येत आहे.

११. सदर शासन निर्णय महाराष्ट्र शासनाच्या www.maharashtra.gov.in या संकेतस्थळावर उपलब्ध करण्यात आला असून त्याचा संकेतांक २०२३०९१४१९०६१३३८०१ असा आहे. हा आदेश डिजिटल स्वाक्षरीने साक्षांकित करून काढण्यात येत आहे.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने

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Date: 2023.09.14 19:09:17 +05'30'

(प्रतिभा पाटील)
उप सचिव,महाराष्ट्र शासन

प्रति,

१. मा.राज्यपाल महोदय यांचे प्रधान सचिव,राजभवन,मुंबई.
२. मा.मुख्यमंत्री, यांचे प्रधान सचिव, मंत्रालय, मुंबई,
३. मा.उपमुख्यमंत्री यांचे खाजगी सचिव, मंत्रालय, मुंबई.
४. मा.मंत्री (कृषि) यांचे खाजगी सचिव,मंत्रालय, मुंबई.
५. मा.मुख्य सचिव यांचे सहसचिव,महाराष्ट्र शासन,मंत्रालय, मुंबई,

४. आंतरराष्ट्रीय कृषि सुविधा केंद्रातील अंतर्भूत बाबी:-

१) सदर आंतरराष्ट्रीय कृषि सुविधा केंद्रात ॲग्रीकल्चर इव्हेंटकरीता प्रत्येकी ५०० बैठक क्षमतेचे ४ सभागृह व १५०० बैठक क्षमतेचे १ सभागृह बांधण्यात येणार आहे.

२) आंतरराष्ट्रीय कृषि सुविधा केंद्रामध्ये शिक्षण व प्रशिक्षणाकरीता ५० ते ५०० बैठक क्षमतेचे प्रशिक्षण हॉल बांधण्यात येणार आहेत.

३) या आंतरराष्ट्रीय कृषि सुविधा केंद्रातील काही भाग, देशभरातील विद्यापीठांनी विकसीत केलेल्या विविध पिकांचे वाण, कृषि औजारे, कृषि पध्दती, सेंद्रीय शेती,औषधी शेती, वनशेती, पशुसंवर्धन व दुग्धव्यवसाय इ.संबंधीत तंत्रज्ञान यांचे दृकश्राव्य (Audio/video visual) आणि Statutory model यांच्या प्रदर्शनाकरीता उपलब्ध राहणार आहे. तसेच,उर्वरित भाग Occasional Exhibitions करीता उपलब्ध राहणार आहे.

४) आंतरराष्ट्रीय कृषि सुविधा केंद्रामध्ये शिक्षण,प्रशिक्षण व मार्गदर्शनासाठी येणाऱ्या शेतकरी, विद्यार्थी व कृषि उद्योजक यांच्या निवासव्यवस्थेसाठी एकूण २०४ क्षमता असलेले १०२ खोल्यांचे वसतीगृह बांधण्यात येणार आहे.

५) आंतरराष्ट्रीय कृषि सुविधा केंद्रामध्ये शेतकऱ्यांच्या फायद्यासाठी विविध प्रयोगशाळा आणि उत्पादन युनिट्सची स्थापना करण्यात येणार असून, प्रयोगशाळेतील तज्ञ मार्गदर्शकांकडून शेतकऱ्यांना निविष्ठा उत्पादन करण्याच्या विविध पध्दती शिकविल्या जातील.

६) कृषि,कृषी आणि दळणवळण,आधुनिक आणि हाय-टेक शेतीचा इतिहास समाविष्ट असलेल्या इनडोअर ॲग्रिकल्चर म्युझियमची स्थापना करण्यात येईल.

७) अत्याधुनिक कृषि विषयक तंत्रज्ञानाचे मॉडेल्स तयार करण्यात येतील.

८) शेतीविषयक उपलब्ध तंत्रज्ञान, पिकपध्दती, पिकांचे नवनवीन वाण व चांगल्या प्रतींचे वाण इत्यादींची सर्वसमावेशक माहिती एकाच ठिकाणी उपलब्ध होण्याच्या दृष्टीने या कृषि सुविधा केंद्रात पीक कॅफेटेरिया व कृषि प्रेरणा केंद्राची स्थापना करण्यात येणार आहे. शेतकऱ्यांना मोठया स्तरावर एकत्रीत आणून त्यांच्या कॉन्फरन्स घेणे, त्यांना कृषिविषयक नवीन उद्योगांकरीता प्रेरीत करणे, तसेच, कृषि विषयक उन्नतीकरीता निर्धारित ध्येय राबविण्याच्या दृष्टीने महत्वाकांक्षी प्रकल्प उभारण्याकरीता कृषि प्रेरणा केंद्राची स्थापना करण्यात येईल.

९) भाजीपाला व फुले यांच्या उत्पादनाकरीता हाय-टेक पॉलीहाऊस मॉडेल्स तयार करण्यात येतील.

१०) सदर आंतरराष्ट्रीय कृषि सुविधा केंद्रात कृषि प्रदर्शनांसाठी मोठ्या आकाराचे घुमट (domes) उभारण्यात येणार आहेत.

५. आंतरराष्ट्रीय कृषि सुविधा केंद्रातील काही भाग देशभरातील विद्यापीठांनी विकसित केलेल्या विविध पिकांचे वाण, कृषि औजारे, कृषि पध्दती, सेंद्रीय शेती, औषधी शेती,वनशेती,पशुसंवर्धन व दुग्धव्यवसाय इ.संबंधित तंत्रज्ञान यांचे दृकश्राव्य (Audio/video visual) आणि Statutory model इत्यादीच्या तसेच, प्रस्तावित कृषि सुविधा केंद्रातील काही भाग कायम प्रदर्शनाकरीता कृषि

६. अपर मुख्य सचिव (कृषि) यांचे स्वीय सहायक,कृषि व पदुम विभाग,मंत्रालय,मुंबई.
७. सदस्य सचिव तथा महासंचालक, महाराष्ट्र कृषि शिक्षण व संशोधन परिषद,पुणे.
८. कुलगुरू,डॉ.पंजाबराव देशमुख कृषि विद्यापीठ,अकोला.
९. कुलसचिव,डॉ.पंजाबराव देशमुख कृषि विद्यापीठ,अकोला.
१०.विद्यापीठ अभियंता/नियंत्रक,डॉ.पंजाबराव देशमुख कृषि विद्यापीठ,अकोला.
११.जिल्हाधिकारी,नागपूर.
१२.उपविभागीय कृषि अधिकारी,नागपूर.
१३. महालेखापाल,महाराष्ट्र १/२ (लेखापरीक्षा/लेखा व अनुज्ञेयता),मुंबई/नागपूर.
१४. जिल्हा कोषागार अधिकारी,नागपूर/उप कोषागार अधिकारी,नागपूर.
१५. मुख्य लेखा परीक्षक,स्थानिक निधी लेखा, कोकण भवन,नवी मुंबई.
१६. उप लेखा परीक्षक (वरिष्ठ),स्थानिक निधी लेखा,कोकण भवन,नवी मुंबई.
१७. अधिदान व लेखा अधिकारी,मुंबई.
१८. निवासी लेखा परिक्षा अधिकारी,मुंबई.
१८. उप सचिव,वित्त विभाग (व्यय-१),मंत्रालय,मुंबई.
१९. उप सचिव,नियोजन विभाग (कार्यासन-१४३१),मंत्रालय,मुंबई.
२०. निवडनस्ती (कार्यासन-७ अे).

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डॉ.पंजाबराव देशमुख कृषि विद्यापीठ,अकोला अंतर्गत आंतरराष्ट्रीय कृषि सुविधा केंद्र,नागपूर या प्रकल्पाच्या इमारत बांधकामास प्रशासकीय मान्यता देणेबाबत.

महाराष्ट्र शासन
कृषि,पशुसंवर्धन,दुग्धव्यवसाय विकास व मत्स्यव्यवसाय विभाग,
शासन निर्णय,क्रमांक: पंदेवि-१३२३/प्र.क्र.२६८/७-अे,
मादाम कामा मार्ग,हुतात्मा राजगुरु चौक,
मंत्रालय विस्तार,मुंबई - ४०००३२.
दिनांक : १८/०१/२०२४.

वाचा : १) सन २०२३-२४ चे अर्थसंकल्पीय भाषण.
२) कुलसचिव,डॉ.पंजाबराव देशमुख कृषि विद्यापीठ,अकोला यांचे दि.२४/०२/२०२३ रोजीचे पत्र.
३) मा.राज्य मंत्रीमंडळाच्या दि.०४/०७/२०२३ रोजी झालेल्या बैठकीचे इतिवृत्त दि.१७/०७/२०२३.
४) कृषि व पदुम विभाग,शासन निर्णय सम क्रमांक,दि.१४/०९/२०२३.
५) मा.केंद्रीय मंत्री(रस्ते वाहतूक आणि महामार्ग) यांच्या अध्यक्षतेखाली दि.१७.०९.२०२३ रोजी झालेल्या बैठकीचे इतिवृत्त.
६) महासंचालक,महाराष्ट्र कृषि शिक्षण व संशोधन परिषद,पुणे यांचे क्र.मकृप/ वि.शि.२/ ३४३१/२०२३,दि.२३.११.२०२३ रोजीचे पत्र.
७) मा.मुख्य सचिव यांच्या अध्यक्षतेखालील उच्चस्तरीय सचिव समितीच्या दि.२४/११/२०२३ रोजीच्या बैठकीचे इतिवृत्त दि.०१.१२.२०२३.
८) व्यवस्थापकीय संचालक,महाराष्ट्र स्टेट इन्फ्रास्ट्रक्चर डेव्हलपमेंट कार्पोरेशन, मुंबई यांचे दि.२७.११.२०२३ रोजीचे पत्र.

प्रस्तावना :-

सन २०२३-२४ च्या अर्थसंकल्पीय भाषणात मा.उपमुख्यमंत्री तथा वित्त मंत्री यांनी कृषि व संलग्न क्षेत्रातील अत्याधुनिक तंत्रज्ञानाचे उपयोजन व प्रसार करण्यासाठी नागपूर येथे, डॉ.पंजाबराव देशमुख कृषि महाविद्यालय,नागपूर येथील जागेवर आंतरराष्ट्रीय कृषि सुविधा केंद्र स्थापन करण्यात येईल व या केंद्रासाठी रुपये २२७ कोटी ४६ लाख रुपये खर्च अपेक्षित आहे,अशी घोषणा केली होती. सदर घोषणेच्या अनुषंगाने, आंतरराष्ट्रीय कृषि सुविधा केंद्र स्थापन करणेबाबतच्या प्रस्तावास मा.मंत्रिमंडळाच्या दि.०४/०७/२०२३ रोजी झालेल्या बैठकीत मान्यता देण्यात आली आहे.

आंतरराष्ट्रीय कृषि सुविधा केंद्राची संकल्पना ही कृषी क्षेत्राचे राष्ट्रीय आणि आंतरराष्ट्रीय स्तरावर नेतृत्व प्रदान करण्याच्या उद्देशावर आधारित असून, गुणवत्तापूर्ण शिक्षण व संशोधन आणि

कृषी/संलग्न क्षेत्राला लाभ देण्यासाठी नाविन्यपूर्ण माहिती/तंत्रज्ञानाचा प्रसार करणे हे या केंद्राचे उद्दीष्ट आहे. मा.मंत्रिमंडळाने दिलेल्या मान्यतेनुसार, कृषि व पदुम विभाग, शासन निर्णय दि.१४/०९/२०२३ अन्वये डॉ.पंजाबराव देशमुख कृषि विद्यापीठ,अकोला अंतर्गत कृषि महाविद्यालय, नागपूर येथील कृषि विद्यापीठाच्या **"दाभा"** येथील जागेवर **"आंतरराष्ट्रीय कृषि सुविधा केंद्र"** स्थापन करण्यास व त्यासाठी एकूण रुपये २२७ कोटी ४६ लाख इतक्या खर्चास मान्यता देण्यात आली आहे.

आंतरराष्ट्रीय कृषि सुविधा केंद्रामध्ये १०,००० क्षमतेचे कृषि प्रदर्शनी कक्ष,त्याचप्रमाणे रस्ते व वाहनतळ इत्यादी बाबींचा समावेश करण्यात आल्याने या प्रकल्पाची किंमत रु.३०५.६३ कोटी इतकी झालेली होती. सदर सुधारित रक्कमेचा अंदाजपत्रकीय प्रस्ताव मा.मुख्य सचिवांच्या अध्यक्षतेखालील उच्चस्तरीय सचिव समितीच्या दि.२४/११/२०२३ रोजी झालेल्या बैठकीत सादर करण्यात आला होता. उच्चस्तरीय सचिव समितीने आंतरराष्ट्रीय कृषि सुविधा केंद्राच्या बांधकामाकरीता एकूण रुपये २३५.६२ कोटी इतक्या किंमतीच्या अंदाजपत्रकीय प्रस्तावास मान्यता दिलेली आहे.

व्यवस्थापकीय संचालक,महाराष्ट्र स्टेट इन्फ्रास्ट्रक्चर डेव्हलपमेंट कार्पोरेशन,मुंबई यांनी संदर्भ क्र.८ येथील पत्रान्वये केलेल्या विनंतीनुसार, आंतरराष्ट्रीय कृषि सुविधा केंद्र,नागपूर या प्रकल्पाचे बांधकाम, "महाराष्ट्र राज्य पायाभूत सुविधा विकास महामंडळ,मुंबई" या महामंडळामार्फत करुन घेण्यासंदर्भात प्रस्ताव सार्वजनिक बांधकाम विभागाच्या अभिप्रायासाठी सादर करण्यात आला होता, त्यास सार्वजनिक बांधकाम विभागाने मान्यता दर्शविली आहे. वरील सर्व बाबींचा विचार करता डॉ.पंजाबराव देशमुख कृषि विद्यापीठ,अकोला अंतर्गत आंतरराष्ट्रीय कृषि सुविधा केंद्र,नागपूर या प्रकल्पाच्या इमारत बांधकामास प्रशासकीय मान्यता व या आंतरराष्ट्रीय कृषि सुविधा केंद्राच्या इमारत बांधकामाचे काम, "महाराष्ट्र राज्य पायाभूत सुविधा विकास महामंडळ, मुंबई" या महामंडळामार्फत करुन घेण्यास मान्यता देण्याची बाब शासनाच्या विचाराधीन होती.

शासन निर्णय :-

डॉ.पंजाबराव देशमुख कृषि विद्यापीठ,अकोला अंतर्गत **"आंतरराष्ट्रीय कृषि सुविधा केंद्र, नागपूर"** या प्रकल्पाच्या इमारत बांधकामाच्या रुपये २३५.६२ कोटी (अक्षरी रुपये दोनशे पस्तीस कोटी, बासष्ट लाख मात्र) इतक्या रक्कमेच्या अंदाजपत्रकास मा.मुख्य सचिवांच्या अध्यक्षतेखालील उच्चस्तरीय सचिव समितीने मान्यता प्रदान केल्यानुसार खालील अटींच्या अधीन राहून प्रशासकीय मान्यता देण्यात येत आहे. (सविस्तर तपशिल यासोबतच्या **परिशिष्ट-अ** मध्ये नमूद करण्यात आला आहे.)

१. काम सुरु करण्यापूर्वी नमुना नकाशा, मांडणी नकाशा तसेच, विस्तृत नकाशास वास्तुविशारदांकडून मंजूरी घेऊनच काम सुरु करावे.

२. बांधकामाच्या अंदाजपत्रकावर अधिक्षक अभियंता,सार्वजनिक बांधकाम मंडळ, मुख्य अभियंता, सार्वजनिक बांधकाम प्रादेशिक विभाग व उपभोक्ता विभागाच्या वतीने सक्षम प्राधीकाऱ्यांचे साक्षांकन आवश्यक आहे.

३. नियोजीत जागा उपभोक्ता विभागाच्या ताब्यात असल्याचे प्रमाणपत्र प्राप्त करुन सदर कामाच्या निविदा सूचना प्रसिद्ध करण्यात याव्यात.

४. सार्वजनिक बांधकाम विभागाच्या शासन निर्णय क्र.बीडीजी २०१७/प्र.क्र.६०/ईमा-२, दि.०७.०७.२०१७ अन्वये कार्यवाही करण्यात यावी.

५. प्रत्यक्ष काम करतेवेळी पर्यावरण विभाग, शासन निर्णय दि.१०.०१.२०१४ मध्ये उल्लेख करण्यात आलेल्या मार्गदर्शक तत्त्वानुसार कार्यवाही करण्यात यावी.

६. प्रस्तावित इमारतींचे जोते क्षेत्रफळ कर्मचारीवर्ग व शासकीय इमारती यांच्या अनुज्ञेय मानकाप्रमाणे असल्याची खातरजमा करण्यात यावी.

२. आंतरराष्ट्रीय कृषि सुविधा केंद्र,नागपूर या प्रकल्पाचे बांधकाम सार्वजनिक बांधकाम विभागांतर्गत, "महाराष्ट्र राज्य पायाभूत सुविधा विकास महामंडळ,मुंबई" "(Maharashtra State Infrastructure Development Corporation-MSIDC)" या महामंडळामार्फत करण्यास मान्यता देण्यात येत आहे.

३. याप्रित्यर्थ होणारा खर्च "मागणी क्रमांक डी-३, २४१५ कृषि विषयक शिक्षण व संशोधन, ०१, पीकसंवर्धन,१२० इतर संस्थांना सहाय्य, (००) (०८) डॉ.पंजाबराव देशमुख कृषि विद्यापीठाला सहायक अनुदान (कार्यक्रम) (२४१५ ००९९) ३५,भांडवली मत्तेच्या निर्मितीकरीता अनुदान" या लेखाशीर्षाखाली अर्थसंकल्पीत केलेल्या तरतूदीमधून भागविण्यात यावा.

४. आंतरराष्ट्रीय कृषि सुविधा केंद्र,नागपूर या प्रकल्पाच्या बांधकामाकरीता वितरीत केलेला निधी महाराष्ट्र राज्य पायाभूत सुविधा विकास महामंडळ,मुंबई यांना ठेव अंशदान तत्वावर नियंत्रक,डॉ.पंजाबराव देशमुख कृषि विद्यापीठ,अकोला यांचेमार्फत उपलब्ध करुन देण्यास मान्यता देण्यात येत आहे.

५. सदर शासन निर्णय, सार्वजनिक बांधकाम विभागाचा अनौपचारीक संदर्भ क्रमांक १५८/इमा-२, दि.२३/११/२०२३ व मा.मुख्य सचिव यांच्या अध्यक्षतेखालील उच्चस्तरीय सचिव समितीच्या दि.२४/११/२०२३ रोजी पार पडलेल्या बैठकीत प्रदान केलेल्या मान्यतेनुसार तसेच,वित्तीय अधिकार नियम पुस्तिका,१९७८,भाग-पहिला,उपविभाग-पाच अन्वये महाराष्ट्र सार्वजनिक बांधकाम नियमपुस्तिका अंतर्गत परिच्छेदांखालील प्रदान करण्यात आलेले वित्तीय अधिकार या शिर्षाखाली अ.क्र.१, महाराष्ट्र सार्वजनिक बांधकाम नियम पुस्तिकेतील परिच्छेद क्र.१३४ समोरील तरतूदीन्वये प्रशासकीय विभागांना प्रदान करण्यात आलेल्या अधिकारानुसार त्या समोरील विहित अटीच्या अधीन राहून तसेच, नियोजन विभाग, शासन परिपत्रक,क्रमांक:ससमा-२०१०/प्र.क्र.४८(भाग-१)/का. १४६१, दिनांक ११ जून, २०१८ मधील तरतुदीनुसार निर्गमित करण्यात येत आहे.

६. सदर शासन निर्णय महाराष्ट्र शासनाच्या www.maharashtra.gov.in या संकेतस्थळावर उपलब्ध करुन देण्यात आला असून त्याचा संगणक सांकेतांक क्रमांक २०२४०११८१८०४३५१७०१ असा आहे. हा आदेश डिजीटल स्वाक्षरीने साक्षांकित करुन काढण्यात येत आहे.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने,

PRATIBHA MADHAV PATIL

Digitally signed by PRATIBHA MADHAV PATIL
DN: CN = PRATIBHA MADHAV PATIL, C = IN, S = Maharashtra, O = GOVERNMENT OF MAHARASHTRA, OU = URBAN DEVELOPMENT DEPARTMENT
Date: 2024.01.18 18:06:51 +05'30'

(प्रतिभा पाटील)
उप सचिव,महाराष्ट्र शासन.

प्रत,

१. मा.मुख्य सचिव,महाराष्ट्र शासन,मंत्रालय,मुबंई-३२.
२. अपर मुख्य सचिव,वित्त विभाग,मंत्रालय,मुबंई-३२.
३. अपर मुख्य सचिव,नियोजन विभाग,मंत्रालय,मुबंई-३२.
४. अपर मुख्य सचिव,सार्वजनिक बांधकाम विभाग,मंत्रालय,मुबंई-३२.
५. अपर मुख्य सचिव (कृषि),कृषि व पदुम विभाग,मंत्रालय,मुबंई-३२.
६. महासंचालक, महाराष्ट्र कृषि शिक्षण व संशोधन परिषद, पुणे.
७. व्यवस्थापकीय संचालक,महाराष्ट्र स्टेट इन्फ्रास्ट्रक्चर डेव्हलपमेंट कार्पोरेशन,मुंबई.
७. कुलगुरु,डॉ.पंजाबराव देशमुख कृषि विद्यापीठ,अकोला.
८. कुलसचिव, डॉ.पंजाबराव देशमुख कृषि विद्यापीठ,अकोला.
९. नियंत्रक,डॉ.पंजाबराव देशमुख कृषि विद्यापीठ,अकोला.
१०.विद्यापीठ अभियंता,डॉ.पंजाबराव देशमुख कृषि विद्यापीठ, अकोला.
११.महालेखापाल, महाराष्ट्र (लेखा व अनुज्ञेयता/लेखापरीक्षा),मुंबई/नागपूर.
१२.मुख्य अभियंता, सार्वजनिक बांधकाम प्रादेशिक विभाग,नागपूर.
१३.जिल्हा कोषागार अधिकारी, अकोला.
१४.उपकोषागार अधिकारी,अकोला.
१५.मुख्य लेखा परीक्षक, स्थानिक निधी लेखा, कोकण भवन, नवी मुंबई,
१६.जिल्हा लेखापरीक्षा अधिकारी, डॉ.पंजाबराव देशमुख कृषि विद्यापीठ, अकोला.
१७.अधिदान व लेखा अधिकारी, मुंबई,
१८.निवासी लेखापरीक्षा अधिकारी, मुंबई,
१९.कक्ष अधिकारी (इमा-१/इमा-२),सार्वजनिक बांधकाम विभाग, मंत्रालय, मुंबई- ३२.
२०.कक्ष अधिकारी २-अे, कृषि व पदुम विभाग, मंत्रालय, मुंबई ४०० ०३२,
२१.निवडनस्ती, कार्यासन ७-अे, कृषि व पदुम विभाग, मंत्रालय, मुंबई ४०० ०३२.

कृषि व पदुम विभाग, शासन निर्णय क्र : पंदेवि-१३२३/प्र.क्र.२६८/७-अे, दि.१८/०१/२०२४ सोबतचे परिशिष्ट

"परिशिष्ट - अ"

Name of the Department : Agricultural Department

Name of Work : Construction of Agricultural Convention Center at Dabha under college of Agriculture Nagpur Dr. Punjabrao Deshmukh Krishi Vidyapeeth Akola.

RECAPITULATION SHEET

Sr. No.	Particulars of Scope		Unit Rate Norms Rs Per (Sqmt./ Meter/ LumpSum etc.)		Cost Rs. Component Wise	Cost Rs. Total
(A)	**ESSENTIAL ITEMS (Components)**					
1	**Building proper (Built Up Area - Sq.m)**					
	Exhibition Building					
	Ground Floor	22,000.00	Sq. M	28,000	616,000,000	
	First Floor	22,000.00	Sq. M	28,000	616,000,000	
	Service Floor	2,000.00	Sq. M	28,000	56,000,000	
	Pre-Function Area	2,400.00	Sq. M	28,000	67,200,000	
	Total B.U.A. =	**48400.00**	**Sq. M**		**Sub Total (1)**	**1,355,200,000**
2	Electrification	Internal		5% of (a)	67,760,000	
		External		6% of (a)	81,312,000	
	Fire Fighting Arrangements etc.			L.S.	20,000,000	
					Sub Total (2)	**169,072,000**
3	Water Supply & Sanitary Works		5% of (a)		**Sub Total (3)**	**67,760,000**
4	Furniture	33,880.00	Sq. M	5000	**Sub Total (4)**	**169,400,000**
					Sub Total (A)	**1,761,432,000**
(B)	**MISCELLANEOUS ITEMS**					
	Compound Wall & Gate (Rmt.)	1357.00	Rmt	8000	10,856,000	
	Water Main Storage				1,000,000	
	Internal /Approach Roads, Land Development, Parking, Land Scaping, CC Drains Etc.		4.5% of (1)		60,984,000	
					Sub Total (B)	**72,840,000**
					Project Cost (P)= (A) + (B)	**1,834,272,000**
(C)	**PROVISIONS**					
	(i) Contingencies	**4% on (sub total A1)**			**54,208,000**	
	(ii) GST	**18% on (P)**			**330,168,960**	
	(iii) Price Escalation	**5% on (P)**			**91,713,600**	
	(iv) PMC Charges	**1.5% on (P)**			**27,514,080**	
	(v) Labour Insurance	**1% on (P)**			**18,342,720**	
					Sub Total (C)	**521,947,360**
					TOTAL COST OF PROJECT (TPC)	**(A+B+C) 2,356,219,360**
					Say Rs. Lakhs	**23562.19**

PLINTH AREA RATES FOR

1	Bldg Proper Cost	=	Rs	28,000	/Sqm
2	Elect. Work	=	Rs	3,493	/Sqm
3	Water Supply	=	Rs	1,400	/Sqm
4	Furniture	=	Rs	5,000	/Sqm
5	Total	=	Rs	36,393	/Sqm
6	Overall construction rate	=	Rs	37,898	/Sqm

PRATIBHA MADHAV PATIL

Digitally signed by PRATIBHA MADHAV PATIL
DN: CN = PRATIBHA MADHAV PATIL, C = IN, S = Maharashtra, O = GOVERNMENT OF MAHARASHTRA, OU = URBAN DEVELOPMENT DEPARTMENT
Date: 2024.01.18 18:07:17 +05'30'

(प्रतिभा पाटील)

उप सचिव, महाराष्ट्र शासन

1857

डॉ.पंजाबराव देशमुख कृषि विद्यापीठ, अकोला अंतर्गत नागपूर येथील "आंतरराष्ट्रीय कृषि सुविधा केंद्राच्या" इमारत बांधकामासाठी निधी वितरीत करणेबाबत...

महाराष्ट्र शासन
कृषि,पशुसंवर्धन,दुग्धव्यवसाय विकास व मत्स्यव्यवसाय विभाग,
शासन निर्णय क्रमांक: पंदेवि-१३२४/प्र.क्र.१४०/७-अे,
मादाम कामा मार्ग,हुतात्मा राजगुरु चौक,
मंत्रालय विस्तार,मुंबई-४०० ०३२.
दिनांक: २०/०८/२०२४.

वाचा : १) सन २०२३-२४ चे अर्थसंकल्पीय भाषण.
२) कृषि व पदुम विभाग,शासन निर्णय क्र.कृषिवि-३७२३/प्र.क्र.६६/७अे, दि.१४.०९.२०२३.
३)कृषि व पदुम विभाग,शासन निर्णय क्र.पंदेवि-१३२३/प्र.क्र.२६८/७अे, दि.१८.०१.२०२४.
४) वित्त विभाग,शासन परिपत्रक दि.०१.०४.२०२४ व दि.२५.०७.२०२४.
५) नियंत्रक, डॉ.पंजाबराव देशमुख कृषि विद्यापीठ,अकोला यांचे पत्र क्र.अप्रवि/अंदाज/अनुदान/आंकृसुकेंस्था/७५६/२०२४, दि.१५.०७.२०२४.

प्रस्तावना:-

सन २०२३-२४ या आर्थिक वर्षाच्या अर्थसंकल्पीय भाषणात मा.उपमुख्यमंत्री तथा मा.वित्तमंत्री यांनी "कृषि व संलग्न क्षेत्रातील अत्याधुनिक तंत्रज्ञानाचे उपयोजन व प्रसार करण्यासाठी नागपूर येथे, डॉ.पंजाबराव देशमुख कृषि विद्यापीठ,अकोला अंतर्गत "आंतरराष्ट्रीय कृषि सुविधा केंद्र" स्थापन करण्यात येईल," अशी अर्थसंकल्पीय घोषणा केली होती.

वाचा संदर्भ क्र.०२ येथील दि.१४/०९/२०२३ च्या शासन निर्णयान्वये, डॉ.पंजाबराव देशमुख कृषि विद्यापीठ,अकोला अंतर्गत नागपूर येथे "आंतरराष्ट्रीय कृषि सुविधा केंद्र" स्थापन करण्यास मान्यता देण्यात आली आहे.

वाचा क्र.०३ येथील शासन निर्णय दि.१८.०१.२०२४ अन्वये, सदर आंतरराष्ट्रीय कृषि सुविधा केंद्राच्या इमारत बांधकामाच्या रु.२३५.६२ कोटी रक्कमेच्या अंदाजपत्रकीय खर्चास प्रशासकीय मान्यता देण्यात आली असून, या प्रकल्पाच्या बांधकामाकरिता येणारा खर्च डॉ.पंजाबराव देशमुख कृषि विद्यापीठ,अकोला या विद्यापीठास मागणी क्र.डी-३, २४१५ ०१,पीकसंवर्धन (कार्यक्रम) २४१५ ००९९ या लेखाशिर्षातंर्गत ३५,भांडवली मत्तेच्या निर्मितीकरीता अनुदान या उद्दिष्टाखाली, अर्थसंकल्पीत होणाऱ्या निधीमधून भागविण्यास मान्यता देण्यात आली आहे. तसेच, सदर आंतरराष्ट्रीय कृषि सुविधा केंद्र,नागपूर या प्रकल्पाचे बांधकाम सार्वजनिक बांधकाम विभागांतर्गत "महाराष्ट्र राज्य पायाभूत सुविधा विकास महामंडळ, मुंबई" या महामंडळामार्फत करण्यास मान्यता देण्यात आली आहे.

सन २०२४-२५ या आर्थिक वर्षात २४१५ ००९९ या लेखाशिर्षातंर्गत ३५, भांडवली मत्तेच्या निर्मितीकरीता अनुदान या उद्दिष्टाखाली मंजूर तरतूदीमधून निधी उपलब्ध करुन देण्याची विनंती नियंत्रक, डॉ.पंजाबराव देशमुख कृषि विद्यापीठ,अकोला यांनी उपरोक्त संदर्भ क्र.५ येथील पत्रान्वये केली आहे. त्यानुषंगाने आंतरराष्ट्रीय कृषि सुविधा केंद्राच्या इमारत बांधकामासाठी निधी वितरीत करण्याची बाब शासनाच्या विचाराधीन होती.

शासन निर्णय :-

सन २०२४-२५ या आर्थिक वर्षात, डॉ.पंजाबराव देशमुख कृषि विद्यापीठ,अकोला अंतर्गत नागपूर येथील आंतरराष्ट्रीय कृषि सुविधा केंद्राच्या इमारत बांधकामाकरिता, डॉ.पंजाबराव देशमुख कृषि विद्यापीठाला सहायक अनुदान (कार्यक्रम) २४१५ ००९९, या लेखाशीर्षांतर्गत ३५,भांडवली मत्तेच्या निर्मितीकरीता अनुदान या बाबीकरिता मंजूर अर्थसंकल्पीत निधीमधून रु.३६.०० कोटी निधी वितरीत करण्यास शासन मंजूरी देत आहे. याबाबतचा सविस्तर तपशील पुढीलप्रमाणे दर्शविण्यात आला आहे.

(रु.कोटी)

अ. क्र.	लेखाशिर्ष/ उद्दीष्ट	सन २०२४-२०२५ करीता अर्थसंकल्पीय तरतूद	योजना/योजनेतर्गत येणारे महाविद्यालय	प्रशासकीय मान्यता किंमत (अनावर्ती)	या शासन निर्णयान्वये वितरीत करावयाचे अनुदान
१	२	३	४	५	६
१	मागणी क्र. डी-३, ०१ पिकसंवर्धन, १२० इतर संस्थांना सहाय्य, (००)(०८) डॉ.पंजाबराव देशमुख कृषि विद्यापीठाला सहायक अनुदान (कार्यक्रम), २४१५ ००९९, ३५,भांडवली मत्तेच्या निर्मितीकरीता अनुदान	३६.००	डॉ.पंजाबराव देशमुख कृषि विद्यापीठ, अकोला अंतर्गत आंतरराष्ट्रीय कृषि सुविधा केंद्र, नागपूर.	२३५.६२ (यापूर्वी वितरीत निधी रु.१.०० कोटी)	३६.००
	एकूण-	३६.००		२३५.६२	३६.००

२. सदर शासन निर्णयातील अनुदान हे खालील नमूद अटी व शर्तीच्या अधीन राहून वितरीत करण्यात येत आहे.

१) वित्त विभागाच्या दि.०१.०७.२०२४ व दि.२५.०७.२०२४ च्या परिपत्रकामध्ये देण्यात आलेल्या सूचनांची काटेकोर अंमलबजावणी करण्यात यावी.

२) कृषि विद्यापीठांनी योजना आणि बाबनिहाय वितरीत केलेला निधी संबंधीत योजनेतील अनुज्ञेय बाबींसाठीच फक्त खर्च करावा.

३) वितरीत केलेला निधी कोणत्याही कारणास्तव अखर्चित/शिल्लक राहीला/राहणार असेल तर सदर अखर्चित/शिल्लक निधी शासनाचे मान्यतेशिवाय इतर गटांसाठी/ योजनांसाठी/ बाबींसाठी परस्पर वर्ग करु नये किंवा खर्च करु नये.

४) ज्या योजनांतर्गत योजनांचा कालावधी संपलेला आहे, अशा योजना संबंधीत कालावधीनंतर शासनाची मान्यता मिळाल्याशिवाय योजनांतर्गत खर्चाने पुढे चालू ठेऊ नयेत.

५) महाराष्ट्र कृषि शिक्षण व संशोधन परिषदेने, कृषि विद्यापीठांना मंजूर केलेले सहाय्यक अनुदान, अनुदान सूत्राप्रमाणे बरोबर आहे किंवा कसे, तसेच, विहीत आदेश/ कार्यपध्दतीनुसार खर्च करण्यात येत आहे किंवा कसे, याबाबत प्रत्येक आर्थिक वर्षाचा मूल्यमापन अहवाल शासनास संबंधित आर्थिक वर्ष समाप्त झाल्यापासून तीन महिन्यांच्या कालावधीत सादर करावा. तसेच, मागील आर्थिक वर्षाचा अखर्चित निधी किती आहे हे तात्काळ शासनास कळवावे.

६) कृषि विद्यापीठांना त्यांचे महसूली उत्पन्न वापरण्यास शासनाने मान्यता दिलेली आहे. याबाबत विद्यापीठाने विहीत आदेश आणि कार्यपध्दतीनुसार उचित कार्यवाही करावी. तसेच, महसूली उत्पन्न वाढविण्याच्या योजना राबविण्याबाबत कार्यवाही करावी.

७) विद्यापीठांना मंजूर करण्यात आलेले अनुदान महाराष्ट्र कृषि विद्यापीठ अधिनियम १९८३, महाराष्ट्र कृषि विद्यापीठ परिनियम १९९०, आणि महाराष्ट्र कृषि विद्यापीठ लेखा संहिता १९९१ मधील तरतूदीप्रमाणे आणि प्रचलित शासन आदेश व विहित कार्यपध्दतीनुसार सक्षम अधिका-यांची प्रशासकीय व वित्तीय मान्यता घेतल्यानंतर विहीत मर्यादेत खर्च करण्यात यावे. केवळ अर्थसंकल्पीय तरतूद आहे किंवा अनुदान वितरीत केले आहे म्हणून खर्च करु नये.

विद्यापीठाच्या नियंत्रक आणि इतर संबंधित सक्षम प्राधिका-यांनी उपरोक्त अटी व शर्तींचे काटेकोरपणे अनुपालन करावे.

३. याप्रित्यर्थ होणारा खर्च सन २०२४-२५ च्या अंदाजपत्रकात नमूद केलेल्या लेखाशीर्षाखाली मंजूर केलेल्या तरतूदीतून मासिक निधी विवरणपत्राच्या मर्यादेत भागवावा व त्याच लेखाशिर्षाखाली खर्ची टाकण्यात यावा.

४. सहायक लेखाधिकारी, डॉ.पंजाबराव देशमुख कृषि विद्यापीठ,अकोला या आहरण व संवितरण अधिकारी यांनी संबंधित उपशीर्षांतर्गत मंजूर केलेले अनुदान कृषि विद्यापीठांचे संबंधित नियंत्रक यांना अदा करण्याबाबत आवश्यक कार्यवाही करावी.

५. आंतरराष्ट्रीय कृषि सुविधा केंद्र, नागपूर या प्रकल्पाच्या बांधकामाकरिता वितरीत केलेला निधी नियंत्रक, डॉ.पंजाबराव देशमुख कृषि विद्यापीठ,अकोला यांनी, महाराष्ट्र राज्य पायाभूत

सुविधा विकास महामंडळ, मुंबई यांना ठेव अंशदान तत्त्वावर उपलब्ध करुन देण्याची कार्यवाही करावी.

६. सदर आदेश महाराष्ट्र अर्थसंकल्प नियम पुस्तिका (भाग-१),१९७७ अन्वये प्रशासकीय विभागांना प्रदान केलेल्या अधिकारानुसार, तसेच, वित्त विभागाच्या अनौपचारिक संदर्भ क्र.२३१/२०२४/व्यय-१, दि.२९.०७.२०२४ अन्वये देण्यात आलेल्या मान्यतेनुसार निर्गमित करण्यात येत आहेत.

७. सदर शासन निर्णय महाराष्ट्र शासनाच्या www.maharashtra.gov.in या संकेतस्थळावर उपलब्ध करुन देण्यात आला असून त्याचा संगणक सांकेतांक क्रमांक २०२४०८२०११०९५९२८०१ असा आहे, हा आदेश डिजीटल स्वाक्षरीने साक्षांकित करुन काढण्यात येत आहे.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने,

MITALI KALPESH CHAUDHARI

(मिताली चौधरी)
कार्यासन अधिकारी,महाराष्ट्र शासन

प्रति,

१. मा.मंत्री (कृषि) यांचे खाजगी सचिव, मंत्रालय,मुंबई.
२. मा.मंत्री (सार्वजनिक बांधकाम) यांचे खाजगी सचिव, मंत्रालय, मुंबई.
३. सचिव (कृषि), कृषि व पदुम विभाग यांचे स्वीय सहायक, मंत्रालय, मुंबई.
४. महासंचालक, महाराष्ट्र कृषि शिक्षण व संशोधन परिषद, पुणे.
५. व्यवस्थापकीय संचालक, महाराष्ट्र राज्य पायाभूत सुविधा विकास महामंडळ, मुंबई.
६. कुलगुरु / कुलसचिव / नियंत्रक, डॉ.पंजाबराव देशमुख कृषि विद्यापीठ, अकोला.
७. वित्तीय सल्लागार, महाराष्ट्र कृषि शिक्षण व संशोधन परिषद, पुणे.
८. सहायक लेखाधिकारी, डॉ.पंजाबराव देशमुख कृषि विद्यापीठ, अकोला.
९. महालेखापाल, महाराष्ट्र १ / २ (लेखापरीक्षा / लेखा व अनुज्ञेयता), मुंबई / नागपूर.
१०.जिल्हा कोषागार अधिकारी, अकोला/ उपकोषागार अधिकारी,अकोला.
११.अधिदान व लेखा अधिकारी, मुंबई / निवासी लेखापरीक्षा अधिकारी, मुंबई.
१२.मुख्य लेखा परीक्षक, स्थानिक निधी लेखा, कोकण भवन, नवी मुंबई.
१३.उप मुख्य लेखा परीक्षक (वरिष्ठ) स्थानिक निधी लेखा, कोकण भवन, नवी मुंबई.
१४.कक्ष अधिकारी, वित्त विभाग (व्यय-१/अर्थसंकल्प-१३), मंत्रालय, मुंबई - ४०० ०३२.
१५.कक्ष अधिकारी, नियोजन विभाग (१४३१), मंत्रालय, मुंबई - ४०० ०३२.
१६.कक्ष अधिकारी, कार्यासन २-अे, कृषि व पदुम विभाग, मंत्रालय, मुंबई - ४०० ०३२.
१७.कार्यासन ७-अे (निवडनस्ती), कृषि व पदुम विभाग, मंत्रालय, मुंबई - ४०० ०३२.

विकास योजना - नागपूर
मौजा दाभा, ता. नागपूर, येथील खसरा क्र.१७५ मधील क्षेत्र २३.६८ हेक्टर जागेपैकी २१.४८ हेक्टर जागेमधील ३६.०० मीटर रुंद विकास योजना रस्ता व १८.०० मीटर रुंद विकास योजना रस्ता कायम ठेवून उर्वरीत क्षेत्र "नामनिर्देशित गोल्फ ग्राऊंड", कृषी विभाग, "आरक्षण क्र.MNW-५८- दफन भूमी" (भागशः), "आरक्षण क्र.MNW-५९-डॉ. पंजाबराव स्मृती फलोत्पादक बगीचा" (भागशः), "आरक्षण क्र.MNW-६०-प्राथमिक शाळा" (भागशः) व "आरक्षण क्र.MNW-६१-माध्यमिक शाळा" (भागशः) मधून वगळून सार्वजनिक निमसार्वजनिक विभागात समाविष्ट करण्यासंदर्भात महाराष्ट्र प्रादेशिक नियोजन व नगररचना अधिनियम, १९६६ चे कलम ३७ अन्वये फेरबदल करणेबाबत.

महाराष्ट्र शासन
नगर विकास विभाग,
शासन निर्णय क्र.टिपीएस-२४२५/२५/प्र.क्र.५५/२०२५/नवि-९
चौथा मजला, मुख्य इमारत, मंत्रालय,
मादाम कामा मार्ग, हुतात्मा राजगुरू चौक,
मुंबई-४०० ०३२.
दिनांक- ०४ जुलै, २०२५

शासन निर्णय :- सोबतची अधिसूचना (मराठी / इंग्रजी) महाराष्ट्र शासनाच्या राजपत्रात प्रसिध्द करण्यात यावेत.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नांवाने,

(धैर्यशील ह. पाटील)
कार्यासन अधिकारी, महाराष्ट्र शासन

प्रत :-

१) मा. सभापती, महाराष्ट्र विधानपरिषद, यांचे सचिव, महाराष्ट्र विधानमंडळ सचिवालय, मुंबई.
२) मा. अध्यक्ष, महाराष्ट्र विधानसभा, यांचे सचिव ,महाराष्ट्र विधानमंडळ सचिवालय, मुंबई.
३) मा. मुख्यमंत्री महोदय यांचे अपर मुख्य सचिव, मंत्रालय, मुंबई.
४) मा. उपमुख्यमंत्री महोदय (नगर विकास)यांचे प्रधान सचिव, मंत्रालय, मुंबई.
५) मा. उपमुख्यमंत्री महोदय (वित्त)यांचे प्रधान सचिव, मंत्रालय, मुंबई.
६) मा. राज्यमंत्री महोदय (नगर विकास) यांचे सचिव, मंत्रालय, मुंबई.
७) मा. उपसभापती, महाराष्ट्र विधानपरिषद, यांचे सचिव ,महाराष्ट्र विधानमंडळ सचिवालय, मुंबई.
८) मा. उपाध्यक्ष, महाराष्ट्र विधानसभा, यांचे सचिव ,महाराष्ट्र विधानमंडळ सचिवालय, मुंबई.
९) मा. विरोधी पक्ष नेता, विधानपरिषद, यांचे सचिव ,महाराष्ट्र विधानमंडळ सचिवालय, मुंबई.
१०) अपर मुख्य सचिव (न.वि.-१), नगर विकास विभाग, मंत्रालय, मुंबई.

११) संचालक, नगर रचना तथा सह सचिव, नगर विकास विभाग, मंत्रालय, मुंबई.

प्रति,

१) विभागीय आयुक्त, नागपूर विभाग, नागपूर.
२) संचालक, नगर रचना, महाराष्ट्र राज्य, पुणे.
३) जिल्हाधिकारी, नागपूर.
४) आयुक्त, नागपूर महानगरपालिका, नागपूर.
५) सभापती, नागपूर सुधार प्रन्यास, नागपूर.
६) विभागीय सह संचालक, नगर रचना, नागपूर विभाग, नागपूर.
८) सहायक संचालक, नगर रचना, नागपूर शाखा, नागपूर.

(त्यांना विनंती करण्यात येते की, प्रस्तुत आदेशाच्या अनुषंगाने अधिप्रमाणित करण्यात यावयाच्या भाग नकाशाच्या ५ प्रती शासनास विहीत मार्गाने त्वरीत सादर करण्यात याव्यात.)

९) व्यवस्थापक, शासकिय मुद्रणालय, सिविल लाईन, नागपूर

(त्यांना विनंती करण्यात येते की, सोबतचे आदेश महाराष्ट्र शासनाच्या राजपत्रात नागपूर विभाग, भाग-एक पुरवणीमध्ये प्रसिध्द करण्यात येऊन त्याच्या प्रत्येकी ०५ प्रती या विभागास व संचालक, नगर रचना, महाराष्ट्र राज्य, पुणे, आयुक्त, नागपूर महानगरपालिका, नागपूर, सभापती, नागपूर सुधार प्रन्यास, नागपूर, विभागीय सहसंचालक, नगर रचना, नागपूर विभाग, नागपूर तसेच सहायक संचालक, नगर रचना, नागपूर शाखा, नागपूर यांच्याकडे पाठवाव्यात.)

(१०कक्ष अधिकारी, माहिती व तंत्रज्ञान विभाग, मंत्रालय, मुंबई.

/- त्यांना विनंती करण्यात येते की, सदरची अधिसूचना शासनाच्या संकेतस्थळावर प्रसिध्द करावी.

११) निवडनस्ती (कार्यासन नवि-९)

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महाराष्ट्र शासन
नगर विकास विभाग
चौथा मजला, मुख्य इमारत, मंत्रालय,
मादाम कामा मार्ग, हुतात्मा राजगुरू चौक,
मुंबई- ४०० ०३२.

अधिसूचना

दिनांक: ४ जुलै, २०२५

महाराष्ट्र प्रादेशिक नियोजन व नगररचना अधिनियम, १९६६ :-

क्र.टिपीएस-२४२५/२५/प्र.क्र.५५/२०२५/नवि-९: ज्याअर्थी, नागपूर शहराची सुधारित विकास योजना, महाराष्ट्र प्रादेशिक नियोजन व नगररचना अधिनियम, १९६६ (सन १९६६ चा महाराष्ट्र अधिनियम क्र.३७) (यापुढे "उक्त अधिनियम" असे संबोधले आहे) चे कलम ३१(१) अन्वये शासन अधिसूचना, नगर विकास विभाग क्र.टिपीएस-२४९६/२६४३/प्र.क्र.३००(अ)/९७/नवि-९, दि.०७.०१.२००० अन्वये भागशः मंजूर व क्र.टिपीएस-२४००/१६२८/प्र.क्र.२००/२०००/नवि-९, दि.१०.०९.२००१ नुसार अंतिमतः मंजूर करण्यात आलेली असून त्या अनुक्रमे दि.०१.०३.२००० व दि.२१.०९.२००१ पासून अंमलात आलेल्या आहेत (यापुढे "उक्त विकास योजना" असे संबोधले आहे);

आणि ज्याअर्थी, उक्त विकास योजनेत, मौजा दाभा येथील खसरा क्र.१७५ मधील २३.६८ हेक्टर जागा (यापुढे "उक्त जागा" असे संबोधले आहे) "गोल्फ ग्राऊंड" व कृषी विभाग मध्ये समाविष्ट असुन उर्वरीत जागा "आरक्षण क्र.MNW-५८-दफन भूमी" (भागशः), "आरक्षण क्र.MNW-५९-डॉ. पंजाबराव स्मृती फलोत्पादक बगीचा" (भागशः), "आरक्षण क्र.MNW-६०-प्राथमिक शाळा" (भागशः), "आरक्षण क्र.MNW-६१-माध्यमिक शाळा" आणि ३६.०० मीटर रुंद विकास योजना रस्ता व १८.०० मीटर रुंद विकास योजना रस्त्याकरीता आरक्षित आहे;

आणि ज्याअर्थी, नागपूर सुधार प्रन्यास, नागपूर यांनी नियोजन प्राधिकरण (यापुढे "उक्त नियोजन प्राधिकरण" असे संबोधले आहे) म्हणून, त्यांच्या विश्वस्त मंडळ ठराव क्र.८/१२१९, दि.१८.०९.२०२४ उक्त जागेपैकी, ३६.०० मीटर रुंद विकास योजना रस्ता व १८.०० मीटर रुंद विकास योजना रस्ता कायम ठेवून उर्वरीत जागा "गोल्फ ग्राऊंड", कृषी विभाग, "आरक्षण क्र.MNW-५८-दफन भूमी" (भागशः), "आरक्षण क्र.MNW-५९-डॉ. पंजाबराव स्मृती फलोत्पादक बगीचा" (भागशः), "आरक्षण क्र.MNW-६०-प्राथमिक शाळा" (भागशः), "आरक्षण क्र.MNW-६१-माध्यमिक शाळा" (भागशः) मधून वगळून सार्वजनिक निमसार्वजनिक विभागात समाविष्ट करण्याचे ठरवून, त्याअनुषंगाने उक्त अधिनियमाचे कलम ३७ चे उप कलम (१) मध्ये नमुद वैधानिक कार्यवाही पूर्ण करुन फेरबदल प्रस्ताव मंजुरीसाठी शासनास सादर केलेला आहे (यापुढे "उक्त फेरबदल प्रस्ताव" असे संबोधले आहे);

आणि ज्याअर्थी, आवश्यक त्या चौकशीनंतर व संचालक, नगर रचना, महाराष्ट्र राज्य, पुणे यांचा सल्ला घेतल्यानंतर, उक्त फेरबदल प्रस्ताव काही अटींसह मान्य करावा, असे राज्य शासनाचे मत झाले आहे;

आणि ज्याअर्थी, शासन परिपत्रक, नगर विकास विभाग क्र.टिपीबी-४३२००१/२४४२/प्र.क्र.२६०/[illegible]/नवि-११, दि.२९.०८.२००३ अन्वये, विकास योजनेतील क्रीडांगणाच्या आरक्षणात फेरबदल करावयाचा झाल्यास तसेच शासन आदेश, नगर विकास विभाग क्र.टिपीएस-१८२४/प्र.क्र.१५/२०२४/नवि-[illegible]३, दि.०५.०४.२०२५ अन्वये दफनभुमिच्या आरक्षणात फेरबदल करावयाचा झाल्यास, त्यासाठी मा. राज्य

मंत्रीमंडळाची विवक्षित मान्यता घेण्यात यावी, असे राज्यातील सर्व नियोजन प्राधिकरणांना निर्देश दिलेले आहेत;

आणि ज्याअर्थी, उक्त फेरबदल प्रस्ताव, मा. राज्य मंत्रीमंडळाच्या दि.२९.०६.२०२५ रोजीच्या बैठकीत सादर करण्यात आला असता, मा. राज्य मंत्रीमंडळाने, उक्त जागेचे क्रीडांगण / (गोल्फ ग्राऊंड) दफनभुमि हे नामनिर्देशन बदलून उक्त जागा सार्वजनिक निमसार्वजनिक विभागात समाविष्ट करण्याच्या उक्त फेरबदल प्रस्तावास, उक्त अधिनियमाचे कलम ३७(२) अन्वये मान्यता देण्याच्या अनुषंगाने मान्यता दिलेली आहे;

आता, त्याअर्थी, उक्त अधिनियमाचे कलम ३७ चे उप कलम (२) अन्वये व त्या अनुषंगाने असलेल्या इतर अधिकारांचा वापर करुन उक्त विकास योजनेतील प्रस्तावित फेरबदलास शासन पुढील प्रमाणे मान्यता देत आहे आणि त्यासाठी उपरोल्लिखित दि.०७.०१.२००० ची विकास योजना मंजुरीची अधिसूचना सुधारित करण्यात येत आहे.

"उक्त विकास योजना मंजुरीच्या दि.०७.०१.२००० च्या अधिसूचनेच्या फेरबदल सुचितील शेवटच्या नोंदीनंतर पुढील नव्या नोंदीचा समावेश करण्यात येत आहे –

"नोंद"

मौजा दाभा, ता. नागपूर येथील खसरा क्र.१७५ मधील २३.६८ हेक्टर क्षेत्रापैकी २१.४८ हेक्टर क्षेत्र, "नामनिर्देशित गोल्फ ग्राऊंड" (क्षेत्र १२.६० हेक्टर), कृषी विभाग (अंदाजे क्षेत्र ७.४७ हेक्टर), ईपी-२८ अंतर्गत दफनभुमि (एम.एन.डब्ल्यू-५८) (अंदाजे क्षेत्र ०.५५ हेक्टर), "डॉ. पंजाबराव स्मृती फलोत्पादक बगीचा" (एम.एन.डब्ल्यु-५९) (भागशः) (अंदाजे क्षेत्र ०.७४ हेक्टर), "प्राथमिक शाळा (एम.एन. डब्ल्यु-६०) (भागशः) (अंदाजे क्षेत्र ०.०५ हेक्टर), "माध्यमिक शाळा (एम.एन.डब्ल्यु-६१) (भागशः) (अंदाजे क्षेत्र ०.०७ हेक्टर) मधून वगळून मुक्त झालेले क्षेत्र, खालील अटींच्या अधिन राहुन सार्वजनिक निमसार्वजनिक विभागात समाविष्ट करण्यात येत आहे -

अटी - १. भारतीय वायूसेना यांची, आवश्यकता असल्यास ना-हरकत प्रमाणपत्र घ्यावे.

२. जनहित याचिका क्र.१६/२०२५ व सदर जागेसंबंधित मा. न्यायालयाकडून पारित होणाऱ्या आदेशाचे पालन करणे आवश्यक राहील."

०२. उपरोक्त मंजूर फेरबदल, प्रस्तुत अधिसूचना शासन राजपत्रात प्रसिध्द झाल्याच्या दिनांकापासून अंमलात येईल.

०३. उपरोक्त मंजुर फेरबदल दर्शविणाऱ्या विकास योजना भाग नकाशाची प्रत, आयुक्त, नागपूर महानगरपालिका, नागपूर आणि सभापती, नागपूर सुधार प्रन्यास, नागपूर यांच्या कार्यालयात कामकाजाच्या दिवशी कार्यालयीन वेळेत नागरीकांच्या अवलोकनार्थ एक महिन्याच्या कालावधीसाठी उपलब्ध राहील.

सदर अधिसूचना विभागाच्या www.maharashtra.gov.in या संकेतस्थळावर देखील उपलब्ध राहील.

महाराष्ट्राचे राज्यपाल यांचे आदेशानुसार व नावाने,

(धैर्यशील ह. पाटील)
कार्यासन अधिकारी, महाराष्ट्र शासन

नगर विकास विभाग, मंत्रालय, मुंबई-३२.

GOVERNMENT OF MAHARASHTRA
Urban Development Department
4th Floor, Main Building, Mantralaya,
Madam Kama Marg, Hutatma Rajguru Chowk,
Mumbai – 400 032.

NOTIFICATION

Date – 4th July, 2025.

The Maharashtra Regional and Town Planning Act, 1966:-

No.TPS-2425/25/C.R.55/2025/UD-9:- Whereas, Revised Development Plan of Nagpur City has been sanctioned by the Government *vide* Urban Development Department's Notification No.TPS-2496/2643/C.R.300(A)/97/UD-9, dated the 07.01.2000 and finally sanctioned the Government *vide* Notification No.TPS-2400/1628/C.R.200/2000/UD-9, dated the 10.09.2001 & have come into force with effect from the 01.03.2000 & 21.09.2001 respectively (hereinafter referred to as "the said Development Plan") under section 31*(1)* of the Maharashtra Regional and Town Planning Act, 1966 (Maharashtra Act No. XXXVII of 1966) (hereinafter referred to as "the said Act");

And whereas, in the said Development Plan, land bearing Khasara No.175 admeasuring about 23.68 Hectare of Mouja Dabha (hereinafter referred to as "the said Land") is included in "Golf Ground", Agriculture Zone and remaining land reserved for "Site No.MNW-58-Burial Ground" (Partly), "Site No.MNW-59-Dr. Panjabrao Smruti Falotpadak Bageecha" (Partly), "Site No.MNW-60-Primary School" (Partly), "Site No. MNW-61-Secondary School" (Partly) & 36.00 Mt. & 18.00 Mt. wide Development Plan Roads;

And whereas, Nagpur Improvement Trust, Nagpur (hereinafter referred to as "the said Planning Authority"), *vide* its Board Resolution No.8/1219, dated the 18.09.2024, has resolved to delete the said Land from "Golf Ground", Agriculture Zone, "Site No.MNW-58-Burial Ground" (Partly), "Site No.MNW-59-Dr. Panjabrao Smruti Falotpadak Bageecha" (Partly), "Site No.MNW-60-Primary School" (Partly), "Site No. MNW-61-Secondary School" (Partly) excluding 36.00 Mt. & 18.00 Mt. wide Development Plan Roads and to include the land so released in Public / Semi Public Zone and accordingly submitted a modification proposal to the Government, for its sanction, as per the provisions of sub section *(1)* of section 37 of the said Act, (hereinafter referred to as "the said Proposed Modification");

And whereas, after making necessary inquiries and consultation the Director of Town Planning, Maharashtra State, Pune, the Government is of opinion that the said Proposed Modifications should be sanctioned with some conditions;

And whereas, the Government *vide* letter No.TPB-432001/2442/CR-260/2001/UD-11, dt.29.08.2003 and Order No.TPB-1824/CR-15/2024/UD-13, dated the 07.04.2025, have directed all the Planning Authorities to obtain specific approval of the Hon'ble State Cabinet for modification to be carried out in the reservations of Play Ground (Golf Ground) and Burial Ground;

And whereas, the said Proposed Modification in respect of changing the abovesaid designations of the said Land and including the said Land in Public Semi-public Zone, has been submitted to the Hon'ble State Cabinet in it's meeting dated the 29.06.2025, wherein Hon'ble State Cabinet has given approval in respect of the said Proposal Modification, under section 37*(2)* of said Act;

Now therefore, in exercise of the powers conferred on it under sub section *(2)* of section 37 of the said Act, the Government hereby, sanctions the said Proposed Modification and for that purpose amends the aforesaid Notification dated the 07.01.2000 as follows;

"In the Schedule of Modifications appended to the Notification dated the 07.01.2000, sanctioning the said Development Plan, the following new entry shall be added after the last entry-

ENTRY

"The land bearing Khasara No.175 admeasuring area 21.48 Hectare out of 23.68 Hectare of Mouja Dabha," designated as Golf Ground" (Area 12.60 Hectar), Agriculture Zone (Area Approx. 7.47 Hectar), and "Site No.MNW-58-Burial Ground" (Partly) (Area Approx. 0.55 Hectar),, "Site No.MNW-59-Dr. Panjabrao Smruti Falotpadak Bageecha" (Partly) (Area Approx. 0.74 Hectar),, "Site No.MNW-60-Primary School" (Partly) (Area Approx. 0.05 Hectar),, "Site No. MNW-61-Secondary School" (Partly) (Area Approx. 0.07 Hectar) are deleted, excluding 36.00 Mt. wide Development Plan Road & 18.00 Mt. wide Development Plan Road and the land so released is included in Public / Semi-Public Zone as shown on the plan, subject to the conditions mentioned specified below–

Conditions:- *1. No-objection certificate, if necessary, should be obtained from the Indian Air Force.*

2. It will be necessary to follow the order passed by the Hon'ble High Court regarding the said Land and in Public Interest Litigation No.16/2025 filed in the Hon'ble High Court.

02. The abovesaid sanctioned modification shall come into force from the date of publication of this Order in the *Official Gazette*.

03. A copy of the part plan of the aforesaid sanctioned modification shall be available for public inspection in the office of the Commissioner, Municipal Corporation, Nagpur & the Chairman, Nagpur Improvement Trust, Nagpur on during office hours on all working days for a period of one month.

This Notification shall also be available on the Urban Development Department's web site - www.maharashtra.gov.in

By order and in the name of the Governor of Maharashtra,

नगर विकास विभाग, मंत्रालय, मुंबई-32.

(Dhairyashil H. Patil)
Section Officer to Government

Annexure : R-2/XIV

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Government of Maharashtra
Revenue and Forest Department
Court Office of the Collector and District Magistrate,Nagpur
Akashwani Square, Civil Lines, Nagpur District-Nagpur Pin code - 440001
Phone No.- 0712-2565049 Email ID - dycollrevenuengp@gmail.com

S.no../Rev/ B-3B/No.- R.493 /2026 Date :- 17/03/2026

TO,

Hon'ble Additional Principal Chief Conservator of Forests & Nodal Officer, Forest Department,Nagpur

Sub. :- Submission of proposals for the delisting of survey nos as shrub forest(Zudpi Jungle)

Ref. :- 1) The Hon'ble Supreme Court of India I.A.Nos.66986 and 74569 of 2025 in W.P.(C)No. 202 of 1995 and its judgement dated 22.05.2025

2) The Hon'ble Supreme Court of India I.A.Nos.66986 and 74569 of 2025 in W.P.(C)No. 202 of 1995 and its judgement dated 25.08.2025

3) Official correspondence of Tahsildar **Nagpur City** abearing No. Rev.Asstt./R-2/ Tah.Nag(city)/2318/2025 ,Dated 24.12.2025

Respected Sir,

In accordance with the above mentioned subject it is submitted that as per the order issued by the Hon'ble Supreme Court and also by the Central Empowerment Committee,New Delhi,it was informed to submit the proposal for the delisting of the survey numbers of the shrub forest.

Accordingly,the following proposal regarding the Encroachment/Allotment of this village regarding shrub forest land in taluka **Nagpur City** consisting survey numbers shrub forest are/is being submitted for approval in the attached format

TALUKA NAME	TOTAL VILLAGE NO	Total Survey No.	Total Area in H.R.	Proposed Area in H.R.	Encroachment/ Allotted
Nagpur City	3	22	258.42	258.42	**Allotted**

Hence this submission Format as Annexure –III evidence of the encroachment prior to 1996,Joint site inspection report, demarcation report and KML file have been submitted with the said proposal. The original proposal received is being forwarded to you for approval and appropriate action.

Enclosures :- As stated above

O/c

(Sachin Gosavi)
Dy.Collector Nagpur

Copy To :- Tahsildar **Nagpur City** for information

17/03/26

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1	नागपूर	नागपूर महर				WANJARA	3	2.86	2.86	A1
2						DABHA	5	50.25	60.25	
3						FUTALA	14	195.31	195.31	
							22	253.42	258.42	

Form (Part -I) (A1)

Application form for submitting a proposal for the de-listing of Zudpi Jungle Lands

Sr.No.	Details of Checklist
1	**Details of the person making the application Proposal**
	i.Name:-District Collector
	ii.Designation:-District Collector
	iii.District:-Nagpur
	iv.Correspondance Address:- Collector office,Akashwani chouk Civil Line,Nagpur
2	**Details of the Sub-Users (At Taluka Level)**
	i.Name:-Sub Divisional Office Nagpur City
	ii.Designation:-Sub Divisional Office Nagpur City
	iii.Name of Taluka - Nagpur City
	iv.District - Nagpur
	iv.Address for Correospondance:- Old SP Office,Near Providence School,Civil Line,Nagpur
3	**Details of the Proposal (To be filled by the District Collector)**
	i.Location of the Proposal - **Dabha, Nagpur**
	ii.Total area proposed for de-listing - 60.25 H.R
	iii. Consolidated KML/Shp file of the area proposed for de-listing (At district level) - Enclosed
	iv. Number of blocks covered:- 01
	v Number of Villages:- 01
	vi Number of land holders -
	vii. Total Survey/Gat Numbers - 05 (168, 175/1, 175/2, 178, 178/2)
	viii Undertaking to abide by the direction of the Honble Supreme Court -Enclosed
4	**Description of proposal (Taluka level to be filed by the Sub-Divisional Level officer)**
	i.Name of Taluka -**Dabha, Nagpur City**
	ii.Number of Villages - 01
	iii. Number of land holders -
	iv. Total Survey/Gat Numbers - 05 (168, 175/1, 175/2, 178, 178/2)
	v Consolidated KML/SHp file of the area (Taluka level) proposed for de-listing(at Taluka level) -Enclosed
	vi Undertaking to abide by the direction of the Honble Supreme Court - Enclosed
5	**Decsription of proposal at the village level (to be filed by the Sub-Divisional Level officer)**
	i. Name of Villages:-Dabha, **Nagpur City**
	ii. Number of land holders -
	iii. Total Survey/Gat Numbers - 05 (168, 175/1, 175/2, 178, 178/2)
	iv Consolidated KML/SHp file of the area (Taluka level) proposed for de-listing(at Taluka level):-Enclosed
	v. A Copy of the Record of Rights - Enclosed
	vi Demarcation Certificate (To be provided by the SDO):- Enclosed
6	**Forest Land allotment order by the Competent Authority which include quantum of forest area**
	i Certificate of alotment before 12/12/1996 by the Competent Authority which include quantum of forest area
	ii Certificate for aqantum of forest area allotec by the Competent Authority
	iii Document showing allotment purpose
	iv Actual use of land as on today?
	v Whether for the same purpose of otherwise?

	vi.Map of the forest land allotted
7	**Inspection and verification reports**
	Joint field verification by Revenue/Forest officers
	i.Joint inspections reposrt from Circle fficer o the District Administration and the Forest from the Forest Department:- Enclosed
	ii.Joint site inspection repor from the Tehsildar and Range Forest Officer for 10% of the forest land (Zudpi Jungle) proposed for deilisting :- Enclosed
	iii.Joint Inspection Report by the DFO/CF of the randomly selected survey numbers:- Enclosed

Signature With date of the DCF :-
Name Of The DCF :- Dr. Vinita Vyas

Signature With date of the District Collector :-
Name Of The District Collector :- Dr. Vipin Itankar