

**PUNE**

**Original Application No.58/2020 (WZ)**

**APPLICANTS** : Manoj Arjun Golhar & another

**VERSUS**

**OPPONENTS** : The Collector and District Magistrate  
& others

**SUBMISSIONS ON BEHALF OF THE OPPONENT NO.5.**

**MAY IT PLEASE YOUR HONOR;**

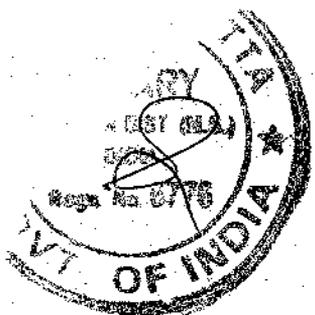
The opponent no.5 above named most respectfully submit as under that:-

1. By the instant original application, the applicants seek maintenance of green belt at village Chirvaha and demolition of construction carried out in green belt.
2. The instant submissions are filed by the opponent no.5 without prejudice to their right to file fuller and more detailed parawise reply to the averments made in the original application at latter state, if necessary.
3. At this stage, it is respectfully submitted that the applicants have prayed amongst others a direction to demolish the construction carried out in the green belt and restoration of green belt at village Chirvaha as per sanctioned layout filed



by them at Annexure-A. This opponent no.5 is at pains to submit that 5 plot owners, who have been allotted plots due to their displacement from village Sonarvahi have started construction of their houses. These constructions are at various stages of completion. In the event, the said prayer of the applicants is allowed, these houses belonging to 5 plot holders will have to be demolished. None of these 5 plot holders are made a party to this original application. This opponent no.5 submits that the said prayer therefore cannot be allowed in the absence of those 5 plot holders, whose houses are likely to be demolished in view of the prayer made by the applicants. In fact the original application itself is bad for non-joinder of necessary party.

4. Without prejudice to the above, this opponent no.5 most respectfully submits that Gosikhurd Project which is a National Irrigation Project included under the Prime Minister Krushi Sinchan Yojana is situated in 3 Districts i.e. Nagpur District, Bhandara District and Chandrapur District. 179 villages are affected due to submerge. 21407 Ha. land is to be acquired for the said purpose, of which only 150 Ha. of land remains to be acquired. The irrigation project is to benefit 60 villages from Nagpur District, 286 from Bhandara District and 371 villages from Chandrapur District. It is likely to create an irrigation potential from 250800 Ha. out of which at the moment 115587 Ha. potential has been achieved.



5. In order to complete the narration of facts, it is necessary to submit that initially The Sonarwahi villagers in Tah- Kuhi were initially allotted plots at Mouza Bothali, Tahsil Kuhi. But the Sonarwahi villagers demanded the resettlement at Village Marodi, Tahsil Mouda where villagers of village Kharada in Tahsil Kuhi were resettled. But villagers of Kharada resettled at Marodi opposed resettlement of Sonarwahi villagers. Therefore their resettlement was proposed at Mouda, Tah. Mouda where villagers of Chichaghat of Tahsil Kuhi were resettled. But the villagers of Chichaghat resettled at Mouda opposed resettlement of Sonarwahi villagers in their layout at Mouda. That after due deliberation with the project affected person it was ultimately decided to rehabilitate the project affected person of village Sonarvahi at Chirvaha. Accordingly, a layout plan was created in an area of about 19.42 Ha. Residents of villages Sonarvahi and Tekepaar were rehabilitated at this village in this layout. As per the rehabilitation policy of the State Government, the district administration had undertaken to provide all civic amenities including road, light, drinking water, schools, play ground, market place and grampanchayat office at Mouza: Chirvaha. Tekepar villagers had began the "Jal Satyagraha" against allotment of plots to Sonarwahi villagers at Chirvaha. Hence Sonarwahi villagers approached the Hon'ble High Court, Mumbai, Bench at Nagpur seeking direction to protect their plot allotments for resettlement at village Chirvaha, where Tekepar villagers also to be resettled. (Writ Petition No.6692/2019). In view of the undertaking given by



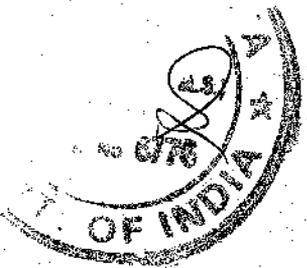
District Administration before the Hon'ble High Court that the Sonarwahi villagers will be resettled in village Chirvha in writ petition no. 6692/2019 the Honble High Court has passed order on 14/1 /2020 directing Collector, Nagpur to abide by the undertaking and disposed off the said Writ Petition In view of rehabilitation policy, the Sonarwahi villagers started construction of building their houses on the allotted plots on rehabilitation site at Mouza Chirvha, Tah mouda, Dist.Nagpur. Total 14 families from Sonarwahi Village were shifted to this Rehabilitation site out of which 5 families built up their houses on allotted plots. Copy of the chart showing the fact with regard to rehabilitation of these 14 families is annexed herewith at **ANNEXURE-O-5-A.**

6. On the date of filing of that affidavit on 06.12.2019, 70% of work was already completed and the rest was sought to be completed within 2 months. The district administration had also provided the building funds and incidental allowances to the project affected persons. Copy of the affidavit in reply filed in Writ Petition No.6692/2019 is annexed herewith at **ANNEXURE-O-5-B.**

7. This opponent no.5 also filed its affidavit in reply in the said writ petition. Based on these contentions, the Hon'ble High Court vide its order dated 14.01.2020 disposed of the petition. Copy of the order dated 14.01.2020 is annexed herewith at **ANNEXURE-O-5-C.**



8. It is respectfully submitted that pursuant to the order passed by the Hon'ble High Court based upon the statement of the opponent no.1 plots were allotted to the 14 families on an area which is said to be a green belt and its restoration as such is sought vide this original application.
9. A Layout plan for 203 plots at Village Chirvha, Tah.Mouda, Dist.Nagpur for the rehabilitation of Villagers of Tekepar, Tahsil Kuhi was sanctioned on dtd. 21.02.2014 by State Town Planning Department. The said layout is located on Nagpur-Bhandara National Highway having total area 19.90 Ha. At the relevant time the said layout did not require Nagpur Metro Region Development Authority (NMRDA) sanction, as this village Chirvha was under Regional Development Plan.
10. In this sanctioned layout plan, 75 meters from the center of Highway is reserved for control line out of which 33 m. is Green Belt.
11. It is further humbly submitted that in the entire process of carving out of the plots in the layout, the plots have been carved out after due authorization from the Nagpur Metro Region Development Authority since village Chirvaha was incorporated in the said Metro Region Development Authority (NMRDA) on 05.01.2018, hence revised layout was prepared by Town Planning Department on 19.09.2018 on direction of the then Collector. The Nagpur Metro Region Development Authority (NMRDA) as a planning authority as per MRTP (Maharashtra Regional Town Planning) Act, 1966 has jurisdiction over Village Chirvha, Tah.Mouda, Dist.Nagpur. NMRDA has its



own Development Control Rules (DCR). As per the DCR of NMRDA, there is a provision of no development zone up to 60-meter width of National Highway but not beyond that. There is no provision of green belt in this DCR. The Deputy Director, Town Planning, NMRDA, has given concurrence to the revised layout on 20.10.2018 and additional 20 plots were incorporated. Accordingly, 14 families from Sonaryahi have been shifted to the rehabilitation site and 5 families have already build their houses on allotted plots as stated herein above.

Hence these submissions.

Hence these submissions.

  
Deputy Engineer  
Rehabilitation Divisional Unit  
Nagpur.

Nagpur

Date: 07/11/2020

Opponent No.5



**SOLEMN AFFIRMATION**

I, Manik Modakoji Indurkas <sup>57 years</sup> Aged, Major, Occu.:

Service, duly authorized officer of the opponent no.5, do hereby take oath and state as under:-

That the contents of above Paras are true and correct to the best of my personal knowledge, information and available office records. The Legal submissions are drafted by our counsel as per our instructions. Hence verified and signed at \_\_\_\_\_ on this the \_\_\_\_\_ day of November 2020.

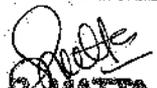
I know & identify the deponent

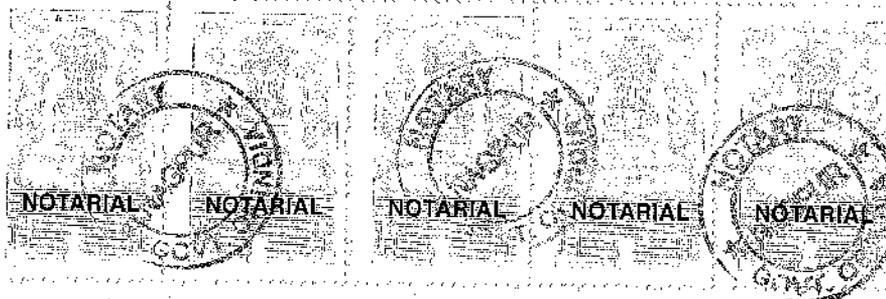
  
Executive Engineer  
Cookburd Rehabilitation Divisional Unit  
Nagpur.  
Deponent

Advocate

SWORN BEFORE ME ON THIS 7  
DAY OF Nov 20 20 AT NAGPUR BY  
SHRI/SMT. KU Manik M. Indurkas  
R/O. NAGPUR WHO HAS BEEN IDENTIFIED  
BY SHRI/SMT \_\_\_\_\_  
ADVOCATE, NAGPUR

NOTARIAL REG  
ENTRY NO 119  
DATE 7/11/2020

  
Mrs. S. R. MATTA  
Advocate & History  
972-4, Clerk Tower, Nagpur-4



**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL (WZ)****PUNE****Original Application No.58/2020 (WZ)****APPLICANTS** : Manoj Arjun Golhar & another**VERSUS****OPPONENTS** : The Collector and District Magistrate  
& others**LIST OF ANNEXURES**

Sr.N.	Particulars	Date	Annexure No.	Page No.
1.	Copy of the chart showing the fact with regard to rehabilitation of these 14 families.		<b>O-5-A</b>	
2.	Copy of the affidavit in reply filed in Writ Petition No.6692/2019.		<b>O-5-B</b>	
3.	Copy of the order in Writ Petition No.6692/2019.	14.01.2020	<b>O-5-C</b>	

Place

Date:

Counsel for Opponent No.5

**List showing plots allotted to affected Village Sonarawahi at various rehabilitated villages  
Tah.Kuhli/Mouda, Dist.Nagpur**

Sr. No.	Name of Plot owners	Bothali, Tah. Kuhl		Marodi, Tah.Mouda		Mouda, Tah.Mouda		Chirvha, Tah.Mouda	
		Plot No.	Area (Sq.M.)	Plot No.	Area (Sq.M.)	Plot No.	Area (Sq.M.)	Plot No.	Area (Sq.M.)
	<b>Allotted Date</b>	03/12/2009		21/02/2015		11/04/2018		30/09/2018	
1	Shalik Shravan Dahake	155	370	246	370	144	370	3-S	370
2	Lakshman Shravan Dahake	144	555						
3	Narayan Savaji Dahake	152	370			133	370	4-S	370
4	Manik Narayan Dahake	73	370	106	370	134	370	2-S	370
5	Vaman Narayan Dahake	157	370	105	370	135	370	6-S	370
6	Dada Narayan Dahake	150	370	104	370	136	370	11-S	370
7	Bala Shravan Dahake	154	370	245	370	143	370	9-S	370
8	Kisan Shravan Dahake	158	370	257	370	131	370	12-S	370
9	Sunita Darnodhar Shivanakar, Devala Raju Makode	136, 137	370	297	370	142	370	10-S	370
10	Rama Shravan Dahake	151	370	152(A)	370	138	370	7-S	370
11	Karu Shravan Dahake	156	370	152(B)	370	137	370	5-S	370
12	Anandarao Shravan Dahake	153	370	258	370	132	370	14-S	370
13	Balakrushna Manik Thakare	22, 23	740	23	740	140	740	1-S	740
14	Ishwar Jumma Badage	145	555	36	555	141	555	8-S	555
15	Gopichand Jumma Badage	217, 218	740	33	740	139	740	13-S	740
16	Bhaskar Shravan Dahake	147	370						

In the High Court of Judicature at Bombay;  
Nagpur Bench Nagpur.

Writ Petition No.6692/2019.

- Petitioner :-
1. Shalik s/o Shrawan Dahake  
Aged 50 years,  
Occu: Labour
  2. Kisan s/o Shrawan Dahake  
Aged \_\_ years,  
Occu: Labour
  3. Rama s/o Shrawan Dahake  
Aged \_\_ years,  
Occu: Labour
  4. Karu s/o Shrawan Dahake  
Aged \_\_ years,  
Occu: Labour
  5. Bala s/o Shrawan Dahake  
Aged \_\_ years,  
Occu: Labour
  6. Manik s/o Narayan Dahake  
Aged \_\_ years,  
Occu: Labour
  7. Anandrao s/o Shrawan Dahake

10/12  
Office of the Government Pleader  
High Court of Bombay  
Nagpur Bench

Aged \_\_\_ years,  
Occu: Labour

8. Narayan s/o Sawaji Dahake  
(D) Through his legal heir  
Shankar s/o Manik Dahake  
Aged \_\_\_ years,  
Occu: Labour
9. Dada s/o Narayan Dahake  
Aged \_\_\_ years,  
Occu: Labour
10. Waman s/o Narayan Dahake  
Aged \_\_\_ years,  
Occu: Labour
11. Sunita w/o Damodhar Shiwankar  
Aged \_\_\_ years,  
Occu: Labour
12. Ramkrushna s/o Manik Thakare,  
Aged \_\_\_ years,  
Occu: Labour
13. Ishwar s/o Jumma Badge,  
Aged \_\_\_ years,  
Occu: Labour
14. Gopichand s/o Jumma Badge,  
(D) through his legal Heir  
Sudam s/o Gopichand Badge  
Aged \_\_\_ years,  
Occu: Labour

All are Resident of  
At Sonarwahi, Post Sirsi  
(Navegaon), Tah. Kuhi,  
Dist. Nagpur.

-Versus-

*Se*

- Respondents :-
1. State of Maharashtra  
Through, the Collector,  
Civil Line, Nagpur.
  2. The Executive Engineer  
V.I.D.C. Collectorate,  
Nagpur.
  3. The Special Land Acquisition  
Officer No.2 V.I.D.C.,  
Collectorate, Nagpur.
  4. The Sub Divisional Officer,  
Umred, Tah - Umred,  
Dist. Nagpur.

AFFIDAVIT-IN-REPLY ON BEHALF OF RESPONDENT NO. 1

The respondent No.1, above named most respectfully begs to submit its reply to the petition as under:

1. The petitioners who are Project Affected Persons and who are original residents of Mouza Sonarwahi, have filed present petition by which the petitioners have prayed to this Hon'ble Court to direct the respondents to open the gates of Gosikhurd dam and reduce the water level for the protection of their families till the actual rehabilitation of the petitioners at the site assigned to them for the purpose of rehabilitation. The

petitioners have also prayed to this Hon'ble Court to direct the respondents to release the relief funds for the damages caused to the petitioners, due to water logging in the village Sonarwahi. The petitioners have also prayed to this Hon'ble Court to direct the respondents for rehabilitation of the petitioners i.e. residents of Sonarwahi as early as possible and till then not to shift the petitioners from the village Sonarwahi till their actual rehabilitation. The petitioners have also prayed to direct the answering respondent to vacate the stay order dated 13.12.2018 (Annexure-D) passed by the Sub Divisional Officer, Umred by which the stay was granted by the Sub Divisional Officer to the allotments of the plots at Mouza Chirva, Tah. Mauda, Dist. Nagpur.

2. The answering respondent is filing present reply in order to place on record the factual position in this matter in respect of the steps taken by the answering respondent for rehabilitation of residents of Mouza Sonarwahi including the petitioners from time to time. The answering respondent hereby crave leave of this Hon'ble Court to file additional reply if so

necessitated in future in order to assist this Hon'ble Court to resolve the controversy involved in the present petition.

3. It is respectfully submitted that, Sonarwahi, village falling under Kuhl Tahsil, Dist. Nagpur is affected by Gosikhurd Project and therefore the residents of said village require rehabilitation. The said village comes under the Gat Gram Panchayat Sirsi (Navegaon). The said village Sonarwahi has 16 families.

4. It is respectfully submitted that, earlier the said village had to be resettled at Mouza Bothli, Taluka Kuhl as per the resolution passed by the Gram Panchayat. When the villagers of the affected village Sonarwahi were invited for allotment of plots, the villagers made a representation that they ought to be resettled on plots lying at front portion of the layout and further they should be jointly and fully resettled. It is submitted that, the plots demarcated in the layout at Mouza Bothli were already allotted by draw to the project affected person of Mouza Sirsi (Navegaon) and Umari and since it was necessary to allot the plots at resettlement layout by way of Sp

draw hence the representation made by project affected persons of Mouza Sonarwahi could not be accepted.

5. It is respectfully submitted that, several round of discussions from time to time were held with the project affected persons of Mouza Sonarwahi. However, final decision could not be taken about their resettlement as there was some opposition from the residents of Marodi for rehabilitation of said project affected persons. It is further submitted that, after individual interaction with each and every family of Sonarwahi, ultimately the project affected persons of Mouza Sonarwahi agreed to get resettled at Mouza Moradi, Tq. Mouda where the rehabilitation of project affected persons of Mouza Kharada, Tq. Kuhl was already completed on layout demarcated for them. It is further submitted that, some plots on the said rehabilitation site are still vacant at Mouza Marodi and therefore, the District Administration had decided to rehabilitate the residents of Sonarwahi at Mouza Marodi. However, thereafter again because of opposition from the residents of Mouza Marodi, the District Administration has now chosen land for rehabilitation of the petitioners at Mouza Chirva and also has demarcated the layout

III  
at Mouza Chirva in the area of about 19.42 HR. It is respectfully submitted that, the residents of village Sonarwahi and Tekepur will be rehabilitated at Mouza Chirva in the said layout.

6. It is further submitted that, as per rehabilitation policy the District Administration has undertaken to provide all civic facilities including road, light, drinking water, schools, playgrounds, market place and office of grampanchayat at the said place. Almost 70% of work is already completed and rest of the 30% of work will be completed within two months. It is respectfully submitted that, the District Administration has also provided the building funds and other incidental allowances to the project affected persons of Sonarwahi as per rehabilitation policy so that they can build their respective houses at the rehabilitation site as per their choice. The table showing the disbursement of the said funds per family is filed herewith and marked as Annexure R-1-1 for kind perusal of this Hon'ble Court. It is respectfully submitted that, the petitioners Nos. 3, 7 & 13 have already constructed the plinth of their houses on the plots allotted to them at Mouza Chirva. It is respectfully submitted that, the other allottees of the plots may also



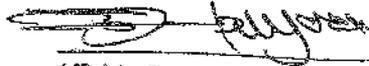
Sonarwahi by the District Administration. It is respectfully submitted that, the District Administration is taking all efforts to rehabilitate the residents of Sonarwahi as stated above which shall be completed within two months.

9. It is therefore, respectfully submitted that, the reliefs as prayed by the petitioners now do not subsist for the reason stated above & in view of on going development work at Mouza Chirva. Under these circumstances and for the reasons stated above the answering respondent hereby pray to this Hon'ble Court to dismiss the present writ petition in the interest of justice.

Hence this reply.

Nagpur,  
Dt/- 06.12.2019

Drafted by

  
(S.Y. Deopujari)  
Government Pleader.

  
(Avinash Khatke)

Dt. 10.12.2019

For Respondent No.1

~~Property Collector (Goswami)~~  
Nagpur

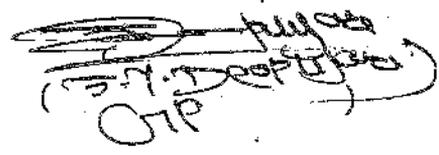
SOLEMN AFFIRMATION

I, Avinash s/o Jannao Katade, aged about 54 years  
 working as Deputy Collector, Nagpur, <sup>deputy authorized by Collector Nagpur</sup> do hereby state on  
 solemn affirmation that the contents of above paragraphs 1 to 9  
 are drafted by my counsel in accordance with my instructions  
 and documents supplied to him. I have gone through the said  
 contents and found them to have been correctly drafted. I say  
 that the contents of above paragraphs 1 to 9 are based on  
 information received from official records and believed to be true  
 by me.

Hence verified and signed at Nagpur on this 10<sup>th</sup> day  
 of December, 2019

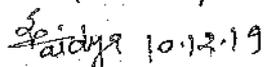
  
 Avinash Katade  
 Dt. 10-12-2019  
 Deponent

Deputy Collector (Goods and  
 Nagpur

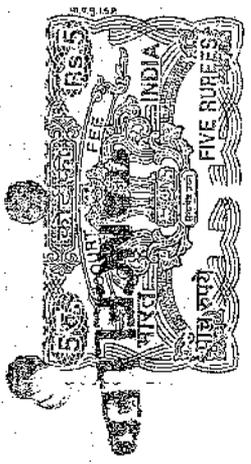
I know the deponent.  
  
 S.Y. Deshpande  
 OTP

(40)

solemnly affirmed before me by  
Avinash Jannao Katade  
 who is identify by Advocate whom I  
 personally know. S.Y. Deshpande  
 This 10 day of 12 2019

  
 Section Officer  
 High Court of Bombay  
 -ur Bench, Nagpur

P



CF 574

P  
 10/12/19

pujari/-



**FARAD CONTINUATION SHEET No.  
IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
NAGPUR BENCH AT NAGPUR**

**WRIT PETITION NO. 6692/2019**

**(SHALIK SHRAWAN DAHAKE & OTHERS VERSUS STATE OF MAHARASHTRA & OTHERS)**

Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions  
and Registrar's orders

Court's or Judge's orders

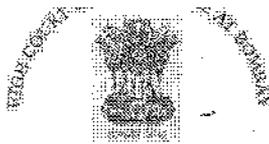
Shri S.N. Nandeshwar, counsel for petitioners.  
Shri S.Y. Deopujari, G.P. for R-1, 3 & 4.  
Shri V.G. Palshikar, counsel for R-2.

**CORAM : R.K. DESHPANDE AND  
A.S. CHANDURKAR, JJ.**

**DATE : JANUARY 14, 2020.**

This petition can be disposed of by recording the undertaking given by the respondent no.1 in paragraph 6 of the reply which is reproduced below:-

“It is further submitted that, as per rehabilitation policy the District Administration has undertaken to provide all civic facilities including road, light, drinking water, schools, play grounds, market place and office of grampanchayat at the said place. Almost 70% of work is already completed and rest of the 30% of work will be completed within two months. It is respectfully submitted that the District Administration has also provided the building funds and other incidental allowances to the project affected persons of Sonarwahi as per rehabilitation policy so that they can build their respective houses at the rehabilitation site as per their choice. The table showing the disbursement of the said funds per family is filed herewith and marked as Annexure R-1-1 for kind perusal of this Hon'ble Court. It is respectfully submitted that, the petitioners nos.3, 7 & 13 have already constructed the plinth of their houses on the plots allotted to them at Mouza Chirva. It is respectfully submitted that, the other allottees of the plots may also commence the construction on the plots allotted to them including remaining petitioners.”



The respondent no.1 shall abide by the aforesaid undertaking and the petition therefore stands disposed of. No costs.

(A.S. CHANDURKAR, J.)

(R.K. DESHPANDE, J.)

APTE

I We am/are not a Member of  
Welfare Fund. Therefore  
Stamp of Rs.2/- are not  
Affixed herewith.

## VAKALATNAMA

In the \_\_\_\_\_

Civil Suit /Criminal Case  
Appeal / Revision Etc. }

No. 58/2020 of 200

Plaintiff / Appellant }

Petitioner / Complainant Etc. }

Manoj Arjun Ghotas Gohar  
and Other's

--VERSUS--

Defendant / Respcndent / }

Opponent / Accused etc. }

The Collectar and District Magistrate  
and Other's

Amount of Claim in Suit etc. \_\_\_\_\_

I/we Manik Modakujji Indurkar

of the \_\_\_\_\_ in the said matter hereby

appoint Shri S. Sanyal & Swayampaloha Advocates

To appear and act for me /us as my / our Advocate/s in the said matter.

Witness my / our hand this \_\_\_\_\_ Day of \_\_\_\_\_ 20

Witness : \_\_\_\_\_

Accepted.

Signature of Advocate \_\_\_\_\_

Filed in Court on \_\_\_\_\_

  
Executive Engineer  
Government Rehabilitation Division, Ballari

Signature