

authoritative pronouncements of the Hon'ble Supreme Court of India, the projects/ structures had already been carried out build without prior Environment Clearance are to be demolished.

2. It is submitted that this Hon'ble Tribunal heard this case on 02/09/2021 and directed to implead the concerned officials of Government of Maharashtra as Respondent in the present matter. It is submitted that again on 08/10/2021 heard this case by this Hon'ble Tribunal and directed as under —

"in the light of the fact that the presence of Maharashtra Forest Department and the Pollution Control Board are necessary for proper and effective adjudication of the issues, the Tribunal has ordered the Application for their impleadment vide order of today (08/10/2021) in I.A. 83 of 2021 and before any call to be taken as to the modification or vacating interim order of status quo, response of the itnpleaded parties to be placed on record."

3. After that, this Respondent received the copy of OA and IAs filed in the present case. It is specifically submitted here that this Respondent is added as a party to this proceeding as per order of this Hon'ble Tribunal passed in I.A. No.83.2021 dated 08.10.2021. The Applicant has made averments in Original Application without



impleading the Forest Department as a party. The Applicant alleged in I.A. No.83/2021 with reference to this Respondent that there is violation of conditions of the project approved by this Respondent and therefore, this Respondent has to initiate appropriate action in accordance with law. Hence, reply is submitted considering mainly the allegations in IA No.83.2021.

4. At the very outset, it is respectfully submitted that Shri Jivdani Devi Trust has approached to the Forest Department for diversion of forest land bearing Survey No. 398 situated at Virar (E), District — Palghar (then Thane) for renovation of Shri Jivdani Devi Temple and allied construction activities including Ropeway, vide its letter O.W. No.131/ 97-98 dated 16 February 1998. In response to that, Government of India's Regional Office, Western Region, Bhopal has approved **Stage-1 vide letter No. 8B/37/97-FCW/1513 dated 15 July 1999 (Copy of the letter dated 15.07.1999 is annexed herewith and marked as Article-A).**

5. It is submitted that the conditions Laid down in the said Schedule-I A (one) have been properly complied by Shri Jivdani Devi Trust. The Forest Department of Government of Maharashtra filed report vide its letter No. 1299/CR - 116/ F-10 dated 13 March 2000 to that effect **(Copy of the letter dated 13.03.2000 is annexed herewith and marked as Article-B).**



6. It is submitted that after submission of above-mentioned report Regional Office, Ministry of Environment and Forest, Government of India, approved **Stage - II on 2nd May 2000** with certain conditions. After this, Shri Jivdani Devi Mandir Trust has also complied all the conditions. Hence, the Forest Department i.e. Deputy Conservator of Forests, Thane Forest Division vide its letter dated **1st February, 2005** handed over 1.95 Hector land to Shri Jivdani Devi Mandir Trust for use of non-forestry purpose including Ropeways (**Copy of the letter dated 01.02.2005 is annexed herewith and marked as Article-C**).
7. It is submitted that the present OA/Us filed before this Hon'ble Tribunal for directing the Respondents to ensure that there can be no further work for or in respect of Funicular Ropeway project being illegally constructed by the Respondent No. 4 without prior Environmental Clearance, and also to demolish and/or remove the structure made by the Respondent No. 4 and for restitution of the land to its original condition in as much as it was constructed without an Environmental Clearance.
8. It is submitted that for submitting affidavit before this Hon'ble Tribunal the concerned Forest Officer i.e. Deputy Conservator of Forests, Dahanu Forest Division, Dahanu directed its officer incharge of that particular area to



inspect the area properly and submit its report. Hence the concerned forest officers of that forest area conducted inspection of the disputed forest land and found that there are no violations of the conditions imposed upon the Trust while granting sanction to the proposal. **(The reports of Range Forest officer, Mandvi dated 25.11.2021 and Assistant Conservator of Forest, Paighar dated 29.11.2021 are annexed herewith and marked as Article-D and Article-E respectively).**

9. **It is specifically submitted here that vide Notification dated 14th September, 2006, Government of India, Ministry of Environment, Forest issued as under:**

"Now, therefore, in exercise of the powers conferred by sub-section (1) and clause(v) of sub section (2) of section 3 of the Environment (Protection) Act, 1986, read with clause of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986 and in supersession of the notification number S.O. 60 (E) dated the 27' January, 1994, except in respect of things to be done or omitted to be done before such supersession, the Central Government hereby directs that on and from the date of its publication required construction of new projects or activities or the expansion or modernization of existing projects or activities listed in the Schedule to this notification entailing capacity addition with change in process and



or technology shall be undertaken in any part of India only after the prior environmental clearance from the Central Government or as the case may be, by the State Level Environment Impact Assessment Authority, duly constituted by the Central Government under subsection (3) of Section 3 of the said Act, in accordance with the procedure specified hereinafter in this notification."

9. It is cleared from the above notification that the Environmental Clearance is required for the project approved after the date of 41^o publication of the above said notification and the project in question was cleared by the Government of India in the year 2000 and the forest land 1,95 ha. was also handed over to the Shri Jivdani Devi Mandir Trust in the year 2005 i.e. before enactment of the above provision.

10. It is specifically submitted that, as informed by the Mandir Trust the work in question was allotted to M/s. Damodar Ropeways and Construction Co. (Pvt) Ltd, who applied to State Government, Environment Department, Mantralaya, Mumbai for granting them Environmental



Clearance on the basis of which the Government of Maharashtra vide its letter No. SEAC-2008/CR-26/TC2, dated 17th September, 2009 (**Copy of the order is annexed as Article-F**) accorded sanction for Environmental Clearance and communicated to the agency as under —

"This has reference to your communication letter dated 1st August, 2008 on the above mentioned subject. The proposal was considered as per the EIA Notification-2006, by the State Level Expert Appraisal Committee (Maharashtra) in its 101h meeting and recommended your proposal for prior Environment Clearance to State Level Environment Impact Assessment Authority (SEIAA). Subsequent information submitted by you, vide even number letter dated 1st September, 2009 has been considered by State Level Environment Impact Assessment Authority in its 13th meeting held on 4th September, 2009

It is noted that the proposal is for grant of environmental clearance for Shri Jivdani Mata Temple



Ropeway Project at Shri Jivdani Temple Trust, Jivdani Road, Virar (E),"

Hence it is cleared that the **Government of Maharashtra also issued Environmental Clearance to this Project** as quoted above and therefore, when the forest officers inspected the said area they found no violation of the conditions imposed upon the trust while granting sanction to the proposal.

WITHOUT PREJUDICE to above, I would like to deal with the averments raised by the Applicant at seriatim:

As to Para 1 : It is submitted that the contents are introductory. According to this Respondent the proposal is approved by Regional Office, Ministry of Environment and Forest, Government of India under the provisions of Forest (Conservation) Act, 1980 in the year 2000. The forest officers of the concerned forest area conducted inspection of the disputed forest land and found that there are no violations of the conditions imposed upon the Trust while granting sanction to the proposal. The reports of Range Forest officer, Mandvi dated 25.11.2021 and Assistant Conservator of Forest, Palghar



dated 29.11.2021 are annexed herewith and marked as **Article-D** and **Article-E** respectively). Thus, **the contents in this para that 'Forest clearance had also not been obtained at the time of construction' are incorrect.**

As to Para 2 : It is submitted that the contents are matter of record. **There is no violation of any condition of approved proposal under Forest (Conservation) Act, 1980.**

As to Para 3 : It is submitted that the contents are introductory and matter of record, hence no comments offered.

As to Para 4 : It is submitted that the contents 'the project has been constructed on the forest land' are not disputed. As mentioned above, there is no violation of conditions imposed upon the proponent, so far as Forest (Conservation) Act, 1980 is concerned.

As to Para 5 : It is submitted that the contents are not related to this Respondent, hence no comments offered.

As to Para 6 : It is not disputed that the project is constructed on forest land and if there is violation or breach of any condition imposed upon the proponent while according



approval to the proposal, the Forest Department shall initiate action against any violation of condition. **In the present case, the proposal for diversion of forest land has been sanctioned / approved under sanction 2 of Forest (Conservation) Act, 1980 following entire procedure. The proponent has made compliance of all requirements.**

As to Para 7 : It is submitted that, the contents are not related to this Respondent, hence no comments offered.

As to Para 8 to 11 and PRAYER : It is respectfully submitted that as per order dated 08.12.2021, mentioned above, this Respondent has been added as a party and submitting the present affidavit-in-reply. In the light of above submission, it is respectfully submitted that necessary orders may kindly be passed.




Deponent

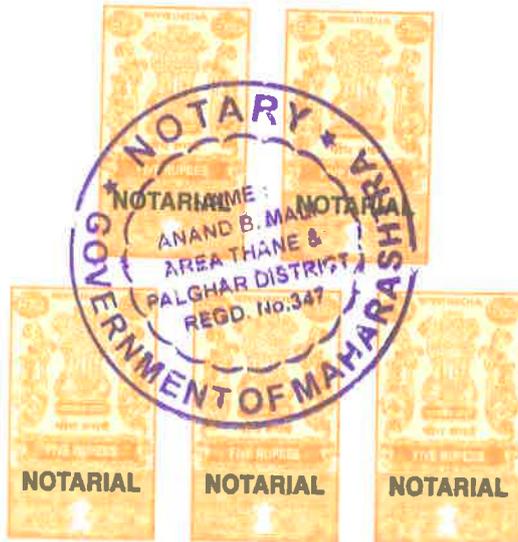
For Respondent No. 7 § 6

SOLEMN AFFIRMATION

I GAJANAN V. SANAP, Assistant Conservator of Forests, Palghar Forest Division, Dahanu, Age 54 years do hereby solemnly affirm on behalf of Respondent No. 6 and 7 as I have been authorised to file this affidavit.

I crave leave of this Hon'ble Tribunal to further add or amend the affidavit and/or file additional affidavit if necessary.

I am filing the present affidavit based on the records maintained in the Forest Department.



[Handwritten Signature]
07/03/22

DEPONENT
GAJANAN V. SANAP
Assistant Conservator
of Forest Palghar

Solemnly Affirmed
and Executed before
me at Palghar on 25/03/2022

[Handwritten Signature]
ANAND B. MALI
B.A. LL.B
ADVOCATE & NOTARY
DIST. THANE & PALGHAR



NOTED & REGISTERED	
AT Serial No. 950	/2022
Register No. 950	Dated, 25-03-2022
This Document Contains	
Total 11	Pages

SCHEDULE I

भारत सरकार
GOVERNMENT OF INDIA
पर्यावरण एवं वन मंत्रालय
MINISTRY OF ENVIRONMENT & FORESTS

क्षेत्रीय कार्यालय, पश्चिम क्षेत्र
Regional Office, Western Region
E-3/240, अर्वा कालोनी Arera Colony
भोपाल Bhopal-462016 (म.प्र.) M. P.
तार/Telegram : CENTFOREST
दूरभाष/Phone : 566525, 563102
Dated: 15/07/85 563496, 565054
Tele Fax : 0755-563102

No.: BE/37/97-FCW/1513

To,
The Principal Secretary (Forests),
Govt. of Maharashtra,
Revenue and Forest Department,
Mantralaya,
Mumbai - 400032.

15/07/1985

Sub: Diversion of 1.95 ha. of forest land for renovation of Shri Jivdani Devi Temple and its allied construction under Thane Forest Division in Thane district.

Sir,

I am directed to invite a reference to your letter No. FLD.1299/CR-116/F-10 dated 02.7.1999 on the above mentioned subject seeking prior approval of the Central Government under section 2 of the Forest (Conservation) Act, 1980.

After careful consideration of the proposal of the State Government, the undersigned on behalf of the Central Government hereby agrees in principle for diversion of 1.95 ha. of forest land for renovation of Shri Jivdani Devi Temple and its allied construction including installation of ropeway under Thane Forest Division in Thane district subject to the following conditions:-

1. The legal status of the forest land shall remain unchanged.
- 2(a) Compensatory afforestation shall be raised over 1.95 ha non-forest land under survey No. 217/3, 217/4 at Vill. Veluk (Thane) at the cost of the Shri Jivdani Temple Trust. This non-forest land shall be notified as RF/FF.
- (b) Transfer and mutation of equivalent non-forest land shall be done in favour of the State Forest Department.
- (c) Cost of raising compensatory afforestation will be deposited by the Trust in advance with the State Forest Department as per the current wage rates.
3. At least 500 ha. degraded forest area around the temple site (village Virar comp. No. 1132, 1133, 1134 & 1135 etc.) will be rehabilitated, through Joint Forest Management as envisaged in the State Government's resolution on the subject.

(contd.2.



- 2 -

4. Microplan for the rehabilitation works will be prepared indicating clearly the responsibilities to be discharged by the three agencies namely the Trust, the Forest Protection Committee of the village and the Forest Department. The payment schedule, flow of funds etc. will also be specified in the plan.
5. The microplan will be approved by a Committee headed by the concerned Conservator of Forests and copy of this plan will be sent to this office for record.
- 6(a) The Trust will pay Rs.5 lakhs initially & give a bank guarantee for another Rs. 25 Lakhs which will be paid in annual instalments in 5 - 6 years period in accordance with the projections made in the microplan.
- (b) This amount will be deposited with the Divisional Forest Officer as "Forest Deposits" and will be released in instalments to the Executive Body of the Forest Protection Committee of the village directly. The Executive Body will submit the account to the Divisional Forest Officer as per his directions.
7. Proper utilisation of funds and implementation of programme will be supervised by committee comprising the DFO and representatives of the Trust and Village Protection Committee.
8. Forest Protection Committee will be responsible for the protection of the entire 500 ha (app.) forest land under compartment No.1132, 1133, 1134 & 1135 etc. against fire, grazing and illicit felling etc. and will share the produce/income as admissible under Joint Forest Management Resolution of Maharashtra for the area under the control of Maharashtra Forest Department and as per the policy of the Forest Development Corporation, Maharashtra for the forest area under the control of the Corporation.
9. Trust will promote awareness among the devotees for the development and protection of forests.
10. The forest land shall not be used for any purpose other than that specified in the project proposal.
11. Any other condition which State Govt. may stipulate.

Contd. . . . 3



- 3 -

After receipt of the compliance report on the fulfillment of the condition No. 2(b), (C) and 6(a) from the State Government formal approval will be issued in this regard under section 2 of the Forest (Conservation) Act, 1980.

The order for diversion of forest land to trust should not be issued by the State Government till formal approval order is issued by this office.

Yours faithfully,

sd/-

(S.P. Yadav)
Dy Conservator of Forests (Central)
Regional Office, Bhopal

Copy to :-

1. The Director (FC), Ministry of Environment and Forests, Paryavehan Bhawan, CGO Complex, Lodi Road, New Delhi - 110 003.
 2. The Conservator of Forests and Nodal Officer, O/o P.C.C.F., Maharashtra State, Forest Department, Jaika Building, Civil Lines, Nagpur.
 3. The Dy. Conservator of Forests, Thane Forest Division, Thane.
- Shri. Jivani Devi Temple Trust, Virar East, Thane, Dist. Thane.

Order file.

15.7.77
(S.P. Yadav)
Dy Conservator of Forests (Central)
Regional Office, Bhopal



By Speed Post

'B'

Government of Maharashtra

No.FLD 1299/CR 116/F-10,
 Revenue and Forests Department,
 Mantralaya, Mumbai- 400 032,
 Dated : 13th March, 2000.

To,

The Regional Chief Conservator of Forests
 Ministry of Environment and Forest,
 Government of India,
 Regional Office, Western Region,
 E-3/240, Arera Colony,
 Bhopal-462016, Madhya Pradesh.

Subject : Forest Land : Thane

Diversion of 1.95 hectares of
 forest land for renovation of
 Shri Jivdani Devi temple
 and its allied construction.



Sir,

I am directed to refer to your letter No.8-B/37/97-FCW/1513, dated 15th July, 1999 on the above mentioned subject and to forward herewith the compliance report is under :-

Condition No. (II)(b):- The non forest land of 1.95 hectares has been transferred in favour of State Forest Department and mutation entry thereof has also been carried out. The xerox copies of the 7/12 record rights of Survey No.217/3 and 317/4 of village Veluk, Tal. Shahapur, District Thane.

Condition No.(II)(c): The project authority has deposited the amount of Rs. 70,785/- @ Rs. 35,083/- per hectare towards the cost of compensatory afforestation on non forest land as per existing wage structure in the special fund budgeted head.

Condition No.5 :- The microplan is approved by the Conservator of Forest, Thane. The copy of the same is enclosed.

Condition No. 6 :- The Trust deposited of Rs. 5 lacs, in Thane Forest Division as reported by the Deputy Conservator of Forest, Thane and Conservator of Forest, Thane Circle, Thane and given a bank guarantee of another Rs 25 lacs. The copy of Bank guarantee is enclosed herewith.

2. Thus, the project authority has complied the conditions laid down by the Government of India, I am directed to request you that the matter may kindly be placed before the Government of India for its approval under section 2 (ii) of the Forest (Conservation) Act 1980 and its approval may please be obtained and communicated to this Government and the Chief Conservator of Forest (Conservator), Maharashtra State, Nagpur as early as possible.

Yours faithfully,

K. M. Thakur

(K. M. Thakur)

Under Secretary to Government,
Revenue and forests Department,

Encl: 1 set of casepapers.

Copy forwarded for information and necessary action to :

- 1) The Conservator of Forests, Thane Circle, Thane.
- 2) The Deputy Conservator of Forests, Thane Forest Division, Thane.
- 3) The Shree Jeevdani Devi Temple Trust, Virar (East) 40/303, District Thane.
- 4) F-10 Desk, Revenue and Forests Department, Mantralaya, Mumbai-32.

5) The Nodal office c/o office of the Principal Chief Conservator of forests Maharashtra State Nagpur with reference to his letter no. Desk-17/NC/11/3069/1999-2000 dated-2-3-2000

Rate F10



उप वनसंरक्षक, ठाणे वन विभाग यांचे कार्यालय

तात्काळ

विषय : वनजमीन-ठाणे

श्री जिवदानी देवी मंदिर ट्रस्ट, विरार, ता. वसई
यांना १.९५ हेक्टर वनजमीन वनेतर वापरास
हस्तांतरीत करण्याबाबत ..

जा क्र. कक्ष-१/२०/जमीन/ ६३५७

/२००४-२००५

ठाणे - ४०० ६०२

दिनांक : १

जानेवारी २००५

ज्ञापन :

- संदर्भ : १) केंद्र शासनाचे पत्र क्रमांक ८बी/३७/९७-एफसीडब्ल्यू/१५१३ दिनांक १५.७.१९९९
- २) केंद्र शासनाचे पत्र क्रमांक ८बी/३७/९७-एफसीडब्ल्यू/९८२ दिनांक २.५.२०००

उपरोक्त प्रकल्पांतर्गत विरार, ता. वसई, जि. ठाणे येथील स.नं. ३९८ मधील १.९५ हेक्टर वनजमीन वनेतर वापरास हस्तांतरीत करण्यास संदर्भीय पत्रान्वये दिलेल्या अटीस अधीन राहून अतिमतः मंजूरी दिलेली आहे.

संस्थेने मागणी केलेल्या १.९५ हेक्टर क्षेत्राचा तपशील खालील प्रमाणे आहे.

अ.क्र.	कामाची बाब	क्षेत्र (चौ.मी.)
१.	श्री जिवदानी देवी मंदिर, सभामंडप व रोप-वे (वरील बाजू)	२५००.००
२.	रोप-वे रस्ता	३६००.००
३.	श्री जिवदानी मंदिराकडे जाणाऱ्या रस्त्याची दुरुस्ती	११००.००
४.	अस्तित्वात असलेल्या पार्कीक रोडची दुरुस्ती	९६२०.००
५.	रोप-वे बेस स्टेशन	६००.००
६.	श्री बारोंडा मंदिर	३००.००
७.	श्री महाकाली मंदिर	३००.००
८.	श्री दत्त मंदिर	३००.००
९.	श्री गणेश मंदिर, सभामंडप, कार्यालय व त्यासंबंधीची बांधकामे	५००.००
१०.	टॉयलेट्स	१८०.००
११.	भंडारा शेड	५००.००
एकूण		१९५००.००
		१.९५ हेक्टर

वनक्षेत्रपाल मांडवी यांना कळविण्यात येते की, वरील क्षेत्राचे प्रकल्प यंत्रणेच्या खर्चाने सिमांकन करून घ्यावे व काँक्रीट बुरुज बसवावेत जेणेकरून प्रकल्प यंत्रणेस हस्तांतरीत केलेल्या मंजूर क्षेत्रा बाहेरील वनजमीनीवरील अतिक्रमण दूर करावे लागेल.

वरील प्रमाणे प्रकल्प यंत्रणेस हस्तांतरीत झालेल्या क्षेत्राचे वनसर्वेक्षक, ठाणे यांचेमार्फत सिमांकन करून घेऊन काँक्रीट बुरुज बसविण्याचे काम प्राधान्याने/पुर्ण करावे व नकाशासह अहवाल सादर करावा.

उप वनसंरक्षक,
ठाणे वन विभाग, ठाणे.

प्रति,

वनक्षेत्रपाल मांडवी



१५/१०/०५
१५/१०/०५

८०५ दिवसांत

तात्काव

- प्रतिलिपी - सहाय्यक वनसंरक्षक मांडवी यांच्याकडे माहिती तथा आवश्यक कार्यवाहीसाठी अग्रेषित.
- प्रतिलिपी - वनसर्वेक्षक, ठाणे यांच्याकडे आवश्यक कार्यवाही करून पुर्तता अहवाल सावर करण्यासाठी रवाना.
- ✓ प्रतिलिपी - अध्यक्ष, श्री जिवदानी देवी मंदिर ट्रस्ट, विरार-४०१ ३०३ यांच्याकडे माहितीसाठी व आवश्यक कार्यवाहीसाठी सन्नेह अग्रेषित.
- २/- वनक्षेत्रपाल मांडवी व वनसर्वेक्षक, ठाणे यांचेशी संपर्क साधून जरूरी सिमांकनाचे काम करून घेण्यास विनंती आहे.

उप वनसंरक्षक
 वन विभाग, ठाणे
 २०/०५/२०२३





वनक्षेत्रपाल

यांचे कार्यालय, वनविभाग डहाणू

मांडवी वसई .ता, जिल्हा पालघर , पिन नं: 401303

फोन क्र. 02502571999 Email ID-mandvirange@gmail.com

पत्र

विषय :-Original application No.100/2020(WZ).

IA No.138/2020(WZ)

IA No.42/2021(WZ)

IA No.83/2021(WZ)

Udyasankara samudrala Applicant(S)

Versus

Union of India & Ors. Respondent(S)

जा.क्र.कक्ष-अ/जमीन /कोर्ट केस/ ७६० /सन २०२१-२२
मांडवी , ४०१ ३०३ दिनांक २५/११/२०२१

प्राति,

मा.सहा.वनसंरक्षक,

(प्रादेशिक व कॅम्पा)पालघर.

संदर्भ-१)मा.उप वनसंरक्षक,डहाणूकडील पत्र क्र.कक्ष- ब/२०/जमीन/२०८५/डहाणू दि.२९/१०/२०२१.

२)वनपाल विरार कडील जा.क्र. १४२/विरार दिनांक ०८/११/२०२१.

३)या कार्यालयाकडील पत्र क्र.कक्ष अ/जमीन/कोर्टकेस/७१६/मांडवी दि.०८/११/२०२१.

४)आपले कडील पत्र क्र.कक्ष-सवस/७६७/पालघर दि.०९/११/२०२१.

५)वनपाल विरार कडील जा.क्र. १५३/विरार दिनांक १७/११/२०२१.

होदय.

उपरोक्त संदर्भिय विषयांन्वये मांडवी वन परिक्षेत्रातील मौजे विरार राखीव वन सर्व्हे नंबर ३९८ (कं.नं.११३५)ता.वसई,जि.पालघर मधील क्षेत्राबाबत मा.राष्ट्रीय हरित न्यायाधिकरण पश्चिम प्रदेश पुणे यांचे कडे याचिका क्र.1.A.No.83/2021 (WZ)दाखल करण्यात आलेली आहे.

संदर्भ क्र.३अन्वये सदर प्रकरणी अहवाल सादर करण्यात आलेला असून संदर्भ क्र.४ अन्वये आपलेकडून दिलेल्या आदेशान्वये सदर प्रकरणी मा.राष्ट्रीय हरित न्यायाधिकरण,पश्चिम प्रदेश,पुणे येथे वन विभागाचे प्रारूप मसुदा तयार करून घेणेचे आदेश देण्यात आलेले आहेत.करिता दि.१९/११/२०२१ ते दि.२१/११/२०२१ दरम्यान शासकीय सुट्टी होती व तदनंतर निम्न स्वाक्षरीकर्त्या स्वतः दि.२३/११/२०२१ रोजी मा.क्षत्रिय साहेब.विधी सल्लागार,ठाणे वनवृत्त यांचे कार्यालयात गेले असता विधी सल्लागार रजेवर गेले आहेत व पुढच्या आठवड्यात येणार असल्याचे सांगितले.तरी सदरचे प्रकरण न्यायप्रविष्ट असल्याने व अतितातडीने कार्यवाही करण्याचे असल्याने संदर्भ क्र.४ अन्वये काढलेल्या त्रुटीची पूर्तता करून खालीलप्रमाणे फेर अहवाल सादर करण्यात येत आहे.



संदर्भ क्र.५ अन्वये मा.उप वनसंरक्षक,ठाणे वन विभाग ठाणे यांचे कडील पत्र क्र.१/२०/जमीन/६३५७/सन २००४-०५ ठाणे दिनांक ०१/०२/२००५ अन्वये श्री जीवदानी देवी ट्रस्ट,विरार यांना मौजे विरार राखीव वन सर्व्हे नं.ब३९८(कं.नं.११३५)ता.वसई,मधील १.९५.० हे.आर.वन जमीन वनेत्तर वापरास हस्तांतरित करण्यात आलेले आहे.सदर क्षेत्रात श्रीजीवदानी देवी ट्रस्ट,विरार चे अध्यक्ष श्री.प्रदीप तेंडोलकर यांचेसह पाहणी केली असता त्यांनी हस्तांतरित करण्यात आलेल्या क्षेत्रात काम केले आहे.तसेच सदरचे क्षेत्रास चुरस वसवून घेतल्याचे दिसून आले आहे.त्या क्षेत्राचे GPS मशीनचे सहय्याने GPS Polygon घेतले ते वरील संदर्भ क्र.३ अन्वये सादर करण्यात आलेले आहेत.

फनिक्च्युलर (रोप वे)बाबत विचारणा केली असता सदरचा फनिक्च्युलर(रोप वे)हा श्री जीवदानी देवी ट्रस्ट,विरार यांना वनेत्तर कामासाठी दिलेल्या क्षेत्र १.९५.० हे आर.मध्येच करण्यात आलेला आहे.हे सदरचे फनिक्च्युलर (रोप वे) च्या बाजूस हद्दीचे खुणावरून दिसून येते.तसेच सदर फनिक्च्युलर हे इलेक्ट्रिक वर आधारित असल्याने कोणत्याही प्रकारचे प्रदूषण होण्याचा संभवना नाही.

मा.नोडल ऑफिसर,महाराष्ट्र राज्य,नागपूर यांचे कडील पत्र क्र.D-17/NC/II/3069 /1999 - 2000 नागपूर दि.02/03/2000 अन्वये श्री जीवदानी देवी मंदिर,विरार यांनी वन संवर्धन अधिनियम १९८० अंतर्गत प्रस्तावातील अटी व शर्ती नुसार मौजे वळूख सर्व्हे नंबर २१७/३ आणि २१७/४ क्षेत्र १.९५.० हे.आर. ता.शाहापूर,जिल्हा ठाणे हे वनविभागास हस्तांतर करण्यात आलेले आहे.

तरी सदरचे बांधकाम हे त्यांना मंजूर केलेल्या क्षेत्रात केल्यामुळे वन संवर्धन अधिनियम १९८० चा भंग झालेले दिसून येत नाही.

करिता माहिती व पुढील कार्यवाहीसाठी सविनय सादर.

संलग्न:-वरीलप्रमाणे मूळ प्रकरण पान नं.१ ते २५




वनक्षेत्रपाल,मांडवी,
ता.वसई,जि,पालघर

ASST. CONSERVATOR OF
FORESTS, PALGHAR
At Post Chovira Tal Dist
Palghar 401404
Tel. - 02525-254971
E mail - palgharacf@gmail.com



Annexure
E

वनसंरक्षक(प्रादेशिक वकेंमा)
पालघर
मु.पा.पालघर ना.जि.पालघर 401404
दुरध्वनी 02525-254971
ई-मेल:- palgharacf@gmail.com

विवरण:-Original application No.100/2020(WZ).

IA No.138/2020(WZ)

IA No.42/2021(WZ)

IA No.83/2021(WZ)

Udyasankarasamudrala Applicant(S)

Versus

Union of India &Ors. Respondent(S)

जा.क्र./स.व.स./जमिन/ /सन 2021-22
पालघर 401 404 दि.

प्रती,
मा.उपवनसंरक्षक,
डहाणू वनविभाग,
डहाणू

संदर्भ-१)मा.उप वनसंरक्षक,डहाणूकडील पत्र क्र.कक्ष- व/२०/जमीन/२०८५/डहाणू दि.२९/१०/२०२१.

२) वनपाल विरार कडील जा.क्र.१४२/विरार दि.०८/११/२०२१.

३) वनपरिक्षेत्र अधिकारी मांडवी यांचे कार्यालयाकडील पत्र क्र.कक्ष अ/जमीन/ कोर्टकेस/
७१६/मांडवी दि.०८/११/२०२१.

४) आपले कडील पत्र क्र.कक्ष-सवस/७६७/पालघर दि.०९/११/२०२१.

५) वनपाल विरार कडील जा.क्र. १५३/विरार दिनांक १७/११/२०२१.

६) वनपरिक्षेत्र अधिकारी मांडवी यांचे कार्यालयाकडील पत्र क्र.कक्ष अ/जमीन/ कोर्टकेस/
७६१/मांडवी दि. १५/११/२०२१.

महोदय,

मोजे विरार राखीव वन सर्व्हे नंबर ३९८ (कं.नं.११३५)ता.वसई,जि.पालघर मधील क्षेत्राबाबत मा.राष्ट्रीय हरित न्यायाधिकरण पश्चिम प्रदेश पुणे यांचे कडे याचिका क्र.1.A.No.83/2021 (WZ)दाखल करण्यात आलेली आहे. असल्याचे प्रकरण वनक्षेत्रपाल मांडवी यांचे कार्यालयास प्राप्त झाले होते. सदर प्रकरणी वनक्षेत्रपाल मांडवी यांनी संबंधित वनपालांसमवेत चौकशी करून पंचनामा, जबाब सहित प्रकरण पुढील कार्यवाहीसाठी सादर केले होते. आला आहे

वनपरिक्षेत्र अधिकारी मांडवी यांनी त्यांच्या अहवालात त्यांचे कार्यालयाकडील उपलब्ध दफ्तरी अभिलेख तपासणी केली असता संदर्भ क्र.३अन्वये सदर प्रकरणी अहवाल सादर करण्यात आलेला असून संदर्भ क्र.४ अन्वये आपलेकडून दिलेल्या आदेशान्वये सदर प्रकरणी मा.राष्ट्रीय हरित न्यायाधिकरण,पश्चिम प्रदेश,पुणे येथे वन विभागाचे प्रारूप मसुदा तयार करून घेणेचे आदेश देण्यात आलेले आहेत.करिता दि.१९/११/२०२१ ते दि.२१/११/२०२१ दरम्यान शासकीय सुट्टी होती व तदनंतर निम्न स्वाक्षरीकरीता स्वतः दि.२३/११/२०२१ रोजी मा.क्षेत्रिय साहेब.विधी सल्लागार,ठाणे वनवृत्त यांचे कार्यालयात गेले असता विधी सल्लागार रजेवर गेले आहेत व पुढच्या आठवड्यात येणार असल्याचे सांगितले.तरी सदरचे प्रकरण

न्यायप्रविष्ट असल्याने व अतितातडीने कार्यवाही करण्याचे असल्याने संदर्भ क्र.४ अन्वये काढलेल्या त्रुटीची पूर्तता करून खालीलप्रमाणे फेर अहवाल सादर करण्यात आला आहे.

संदर्भक्र.५अन्वये मा.उप वनसंरक्षक,ठाणे वन विभाग ठाणे यांचे कडील पत्र क्र.१/२०/जमीन/६३५७/सन २००४-०५ ठाणे दिनांक ०१/०२/२००५ अन्वये श्री जीवदानी देवी ट्रस्ट,विरार यांना मौजे विरार राखीव वन सर्व्हे नं.ब३९८(कं.नं.११३५)ता.वसई,मधील १.९५.० हे.आर.वन जमीन वनेत्तर वापरास हस्तांतरित करण्यात आलेले आहे.सदर क्षेत्रात श्रीजीवदानी देवी ट्रस्ट,विरार चे अध्यक्ष श्री.प्रदीप तेंडोलकर यांचेसह पाहणी केली असता त्यांनी हस्तांतरित करण्यात आलेल्या क्षेत्रात काम केले आहे.तसेच सदरचे क्षेत्रास वृक्ष वसवून घेतल्याचे दिसून आले आहे.त्या क्षेत्राचे GPS मशीनचे सहय्याने GPS Polygon घेतले ते वरील संदर्भ क्र.३ अन्वये सादर करण्यात आलेले आहेत.

फनिव्युलर (रोप वे)बाबत विचारणा केली असता सदरचा फनिव्युलर(रोप वे)हा श्री जीवदानी देवी ट्रस्ट,विरार यांना वनेत्तर कामासाठी दिलेल्या क्षेत्र १.९५.० हे आर.मध्येच करण्यात आलेला आहे.हे सदरचे फनिव्युलर (रोप वे) च्या वाजूस हद्दीचे खुणावरून दिसून येते.तसेच सदर फनिव्युलर हे इलेक्ट्रिक वर आधारित असल्याने कोणत्याही प्रकारचे प्रदूषण होण्याचा संभवना असल्याचे वनपरिक्षेत्र अधिकारी मांडवी यांनी त्यांच्या अभिप्राय नोंद केली आहे.

मा.नोडल ऑफिसर,महाराष्ट्र राज्य,नागपूर यांचे कडील पत्र क्र.D-17/NC/II/3069 /1999 -- 2000 नागपूर दि.02/03/2000 अन्वये श्री जीवदानी देवी मंदिर,विरार यांनी वन संवर्धन अधिनियम १९८० अंतर्गत प्रस्तावातील अटी व शर्ती नुसार मौजे वेळूख सर्व्हे नंबर २१७/३ आणि २१७/४ क्षेत्र १.९५.० हे.आर. ता.शहापूर,जिल्हा ठाणे हे वनविभागास हस्तांतर करण्यात आलेले असल्याचे वनपरिक्षेत्र अधिकारी मांडवी यांनी त्यांच्या अभिप्राय नोंद केली आहे.

गिन्नखाक्षरीकार यांनी दिनांक 28/11/2021 रोजी सदर जागेबाबत तपासणी केली आहे. वनपरिक्षेत्र अधिकारी मांडवी यांच्या कार्यालयातील नकाशे व दफतर तपासणी केले असता सदरचे बांधकाम हे त्यांना मंजूर केलेल्या क्षेत्रात केल्यामुळे वन संवर्धन अधिनियम १९८० चा भंग झालेले दिसून येते. असल्याबाबत वनपरिक्षेत्र अधिकारी मांडवी यांच्याशी हे कार्यालय सहमत आहे. आपणास विनंती करण्यात येते कि, आपले कार्यालयातील अभिलेख तपासून वन सर्व्हेअर डहाणू यांना प्रत्यक्ष स्थळावर भेट देवून त्यांच्या अहवाल नंतरच निर्णय घेण्यात यावा.मुळ प्रकरण सादर करण्यात येत आहेत. प्रकरणी पुढील कार्यवाही होणेस विनंती आहे.

करीता माहितीस व योग्य कार्यवाहीकरीता सविनय सादर.


जी. व्ही. राने

सहाय्यक वनसंरक्षक
(प्रादेशिक व कॅम्पा)
पालघर.

सहपत्र:- मूळ प्रकरण पान नं. 01 ते 27.

जयशंकर
३३ 11 2021



This is a draft translation of the original Marathi letter issued by Office of Deputy Conservator of Forests, Thane Forest Department

Office of Deputy Conservator of Forests, Thane Forest Department

Subject: Transfer of 1.95 hectares of non-forest land to Shri Jivdani Devi Mandir Trust, Virar, Taluka Vasai.

O.W. No. Desk-1/20/Land/6357/2004-05

Thane – 400602. Dated:- 1 February, 2005.

Memo:

Ref.:- 1) Central Governments letter No. 8B/37/97-FCW/1513 dt. 15/7/1999.

2) Central Governments letter No. 8B/37/97-FCW/982 dt. 02/05/2000.

Under the above project, 1.95 hectare of forest land in Survey No. 398 at Virar Taluka, Vasai District, Thane has been finally approved subject to the conditions given in the reference letter.

The details of the 195 hectare area demanded by the organization are as follow.

Sr. No.	Nature of work	Area (Sq. Mts.)
1	Shri Jivdani Devi Mandir, Auditorium & Ropeway (Front side)	2500.00
2.	Rope way Marg	3600.00
3.	Repairing of Road towards Jivdani Mandir	1100.00
4.	Repairing of existing Parking Road	9620.00
5.	Rope way base station	600.00
6.	Shri Baronda Mandir	300.00
7.	Shri Mahakali Mandir	300.00
8.	Shri Datta Mandir	300.00
9.	Shri Ganesh Madir, Auditorium & allied constructions	500.00
10.	Toilets	180.00
11.	Bhandara Shet	500.00
Total		19500.00

Forester, Mandavi is hereby informed that, boundary work of this area should be done by project authority's expenses and Concrete Towers should be installed in order to remove encroachment on forest land outside the approved area transferred to the project system.

As per above, demarcation of the area transferred to the project system should be done through Forest Surveyor, Thane and installation of concrete towers should be completed with priority and report with map should be submitted.

Sd/-

Deputy Conservator of Forests
Thane Forest Department, Thane

To,

Forester, Mandavi.

No.	Name of work	Rate
1.
2.
3.
4.
5.
6.
7.
8.
9.
10.
11.
12.
13.

This is a draft translation of the original Marathi Letter issued by Office of Forest Ranger, Forest Department, Dahanu Mandvi.

FOREST RANGER'S OFFICE, FOREST DEPARTMENT DAHANU

MANDVI VASAI, TAL, DIST- PALGHAR, PIN CODE -401303

Ph. NO. 02502571999 Email ID – mandvirange@gmail.com

Sub :- Original application No. 100/2020(WZ).

IA No. 38/2020 (WZ)

IA No. 42/2021 (WZ)

IA No. 83/2021 (WZ)

Udyasankarasamudrala

Applicant (S)

Versus

Union of India & Ors.

Respondent (s)

जा.क्र. कक्ष - अ/जमिन/ कोर्ट केस/७६७/सन २०२१-२२
मांडवी, ४०१ ३०३ दि. २५/११/२०२१

To,
Honorable Asst.Forest Ranger,
(ASST.CONSERVATOR OF FOREST),
PALGHAR.

- Ref.: 1) Letter from Respected Deputy Conservator of Forests,
vide no. Desk- B / 20 / Land / 2085 / Dahanu dt. 29/10/2021.
2) Letter from Forest Ranger Virar vide O. W. No. 142 /
Virar dt. 08/11/2021.
3) Letter from this office, No. Desk A / Land / Court Case / 716 /
Mandvi dt. 08/11/2021
4) Your letter no. Desk - सवस / 767 / Palghar dt. 09/11/2021.
5) Letter from Forest Range Officer Virar : Out Ward No. 153 /
Virar dated 17/11/2021.

Sir,

With reference to above mentioned subject, a Petition bearing No. I.A.83/2021 (WZ) has been filed before the Hon'ble National Green Tribunal, Western Zone, Pune in relation with Survey No. 398 (campa No. 1135) Reserve Forest at Virar within the Mandavi Forest Area.

A report with reference to above mentioned ref. No. 3 has been filed and as per order given by you under reference no.4, it has been directed to prepare a draft of Forest office to be filed before Hon'ble National Green Tribunal, West Zone, Pune. Being a Government holidays from 19/11/2021 to 21/11/2021, as such the undersigned personally had gone to the Office of Res. Kshatriya Sir, on 23/11/2021 when he was

told that the Legal Advisor is on leave and will resume office in the next week. However as the case is a matter of subjudice and it is to be dealt with expeditiously. A re-report is submitted as follow after complying the objections made under reference no.4.

With Reference no. 5 Forest land having area of 1.95.0 he.r. Situated at Virar Tal Vasai bearing Reserve forest survey no. B. 398 (Co. no. 1135) has been transferred to Shri Jeevdani Devi Trust, Virar , Mauje Virar for Non-forest use vide Letter Deputy Forest Conservator, Thane Division Thane bearing. No 1/20 / Land / 6357 / 2004-05 Thane dated 1/2/2005. While inspecting the area with Shri Pradeep Tendolkar, the President of Shri Jeevdani Devi Trust, Virar, it has been found that the work has been done in the area which has been handed over to them. It is also revealed Bastions is constructed in the said area. GPS polygon was taken with the help of GPS machine of that area and submitted vide reference no.3.

On inquiry in respect of Funicular (Ropeway) the said Funicular Ropeway is erected in the area of 1.95.0 he .r. which is handed over to Shri Jivdani Devi Trust, Virar for non-forest work. This can be seen from the boundary marks on the side of this funicular (ropeway). Forest Range Officer Mandvi, recorded his opinion that since this funicular rope way is based on electricity, there is no possibility of any kind of pollution.

As per letter from Nodal Officer, State of Maharashtra Nagpur vide No.D-17 NC/II/3069/1999-2000 dated 02/03/2000, a land situated at Velukh Tal. Shahapur, District Thane, bearing Survey no. 217/3 and 217/4 area 1.95.0 he.r. has been transferred by Shri Jivdani Devi Mandir Trust to Forest Department as per the terms and conditions of Forest Conservation Act, 1980.

However, the said work has been done in the sanctioned area hence it does not appear that the Forest Conservation Act, 1980 has been violated.

Submissions for information and further action.

Sd/-

Forest Ranger, Mandavi
Tal Vasai, Dist Palghar.

Encl.: : Pages from 1 to 26 of original matter.

This is a draft translation of the original Marathi letter issued by Asstt. Conservator of Forest, Palghar.

**ASST.CONSERVATOR OF
FOREST, PALGHAR**
At Post Gholvira Tal. Dist.
Palghar 401404
Tel – 02525 – 254971
E mail: - palgharacf@gmail.com

Sub :- Original application No. 100/2020(WZ).

IA No. 38/2020 (WZ)

IA No. 42/2021 (WZ)

IA No. 83/2021 (WZ)

Udyasankarasamudrala

Applicant (S)

Versus

Union of India & Ors.

Respondent (s)

जा.क्र. /स.व.स. /जमिन/

/सन २०२१-२२

पालघर, ४०१ ४०४

To,
Honorable Forest Ranger,
Dahanu Forest Department,
Dahanu.

- Ref.: 1) Letter from Respected Deputy Conservator of Forests, vide no. Desk- B / 20 / Land / 2085 / Dahanu dt. 29/10/2021.
2) Letter from Forest ranger Virar. Out Ward No. 142 / Virar dt. 08/11/2021.
3) Letter from office of Forest Range Officer, No. Desk.A / Land / Court Case / 716 / Mandvi dt. 08/11/2021
4) Your letter no. Desk - सवस / 767 / Palghar dt. 09/11/2021.
5) Letter from Forest Range Officer Virar : Out Ward No. 153 / Virar dated 17/11/2021.
3) Letter from office of Forest Range Officer No. Desk A / Land / Court case / 761 / Mandvi dt. 15/11/2021.

Sir,

A petition bearing I.A.No 83/2021 (WZ) has been filed before Hon. National Green Tribunal West Zone, Pune in connection with Reserve Forest bearing survey no. 398 (Compa No.1135) situated at Virar, Tal Vasai, Dist. Palghar. The same has been received by the office of Forest Ranger Mandvi. In this case, the Forest Ranger Mandvi had inquired with the concerned forest rangers, recorded statement and prepared panchanama and submitted for further action.

After verifying the records available in their office, the Forest Range Officer, Mandvi has submitted his report in accordance with reference No.3 and as per order given by you under reference no.4; it has been directed to prepare a draft of Forest office to be filed before Hon'ble

National Green Tribunal, Western Zone, Pune. Being a Government holidays From 19/11/2021 to 21/11/2021, as such the undersigned personally had gone to the Office of Res. Kshatriya Sir, on 23/11/2021 when he was told that the Legal Advisor is on leave and will resume office in the next week. However as the case is a matter of subjudice and it is to be dealt with expeditiously. A re-report is submitted as follow after complying the objections made under reference no.4.

With Reference no. 5 Forest land having area of 1.95.0 he.r. Situated at Virar Tal Vasai bearing Reserve forest survey No. B. 398 (Co. no. 1135) has been transferred to Shri Jeevdani Devi Trust, Virar , Mauje Virar for Non-forest use vide Letter Deputy Forest Conservator, Thane, Division Thane, bearing. No 1/20 / Land / 6357 / 2004-05 Thane dated 1/2/2005. While inspecting the area with Shri Pradeep Tendolkar, the President of Shri Jeevdani Devi Trust, Virar, it has been found that the work has been done in the area which has been handed over to them. It is also revealed Bastions is constructed in the said area. GPS polygon was taken with the help of GPS machine of that area and submitted vide reference no.3.

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As per letter from Nodal Officer, State of Maharashtra Nagpur vide No.D-17 NC/II/3069/1999-2000 dated 02/03/2000, a land situated at Velukh Tal. Shahapur, District Thane bearing Survey no. 217/3 and 217/4 area 1.95.0 he.r. has been transferred by Shri Jivdani Devi Mandir Trust to Forest Department as per the terms and conditions of Forest Conservation Act, 1980. Forest Range Officer Mandvi has recorded his opinion.

The undersigned, on 28/11/2021 has inspected this place. While perusal the maps and office records in the office of Forest Range Officer Mandvi, this office agrees with the Forest Range Officer, Mandvi, that the construction in the said area does not appear to be in-violation of Forest Conservation Act 1980. You are requested to check the records in your office and ask Forest Surveyor Dahanu for the spot inspection and on perusal his Spot Report then come to conclusion. Further action is requested in the case.
Submitted with respect for information and appropriate action.

Sd/-
G. V. Sanap
Assistant Forest Ranger
(Regional and Campa)
Palghar

Encl.: : Pages from 1 to 27 of original matter.

Land
Sd/-
30/11/2021