

**BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE**

(By Video Conferencing)

ORIGINAL APPLICATION NO.18 OF 2023 (WZ)

Umesh Jagannath Phadte

.... Applicant

Versus

G.C.Z.M.A. & Ors.

....Respondents

Date of hearing : 23.03.2023

**CORAM: HON'BLE MR. JUSTICE DINESH KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. VIJAY KULKARNI, EXPERT MEMBER**

Applicant : Applicant-in-person present

Respondents : Ms. Supriya Dangare, Advocate for R-1

ORDER

1. From the side of the applicant, the applicant-in-person has appeared through video conferencing and submits that he wants to withdraw this application on health ground.

2. By our order dated 06.03.2023, we had desired the current position of the spot to be brought before us by respondent No.1 – GCZMA as to whether any illegal structure was standing at the place in question and for that, two weeks' time was granted. Accordingly, pursuant to that order, respondent No.1 – GCZMA has filed its reply-affidavit stating in paragraph No.17 that the inspection was carried out on 15.03.2023 and following structures were found at the site:-

- “i. Ground plus one wooden structure abutting to the beach towards the landward side. P.C.C. and tiled flooring;*
- ii. Bar Counter with kitchen permanent structure R.C.C. slab/Staircase;*

- iii. *Behind the bar cottage permanent structure comprising of two rooms;*
- iv. *Behind toilet was observed with water tank, Toilet is permanent structure;*
- v. *Cottage of permanent nature comprising of 2 rooms;*
- vi. *G+1 R.C.C. permanent structure villa comprising of 3 rooms on the first floor and 3 rooms on the Ground floor;*
- vii. *Stage was observed. It is in concrete/P.C.C.*
- viii. *Staircase of laterite to approach the shack from the beach;*
- ix. *27 Sunbeds were observed on the beach.”*

3. It is further submitted in paragraph No. 18 of the said affidavit that GCZMA has found the structure G+1 still standing on the beach alongwith further violation as mentioned in the inspection report dated 15.03.2023, which is annexed as Annexure N to the said affidavit. We find that in the inspection note dated 15.03.2023 annexed, the same structures have been mentioned, which we have re-produced above and these structures are being stated to be illegal although why those have been found to be illegal has not been clarified in the affidavit filed by respondent No.1.

4. This Original Application is at the stage of admission. We find that the prayer made by the applicant for withdrawal of the application does not deserve to be granted because respondent No.1 has found several illegal structures to be there. Therefore, we direct respondent No.1 - GCZMA, at the stage of admission itself without issuing notice to respondent No.4 – Project Proponent, to take appropriate action in respect of the illegal structures/construction cited above after giving an opportunity of hearing to respondent No.4 – Project Proponent, within a period of one month. If respondent No.4 – Project Proponent has grievance against this order, he may approach this Tribunal. The action taken report shall also be filed by respondent No.1 – CGZMA within a period of two months.

5. With above directions, we dispose of the Original Application.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

March 23, 2023
O.A. NO.18 OF 2023 (WZ)
npj