

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

THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)

Original Application No.12/2023 (WZ)

Anil A. Masurkar

.....Applicant

Versus

Union of India through Secretary MoEF&CC & Ors.

....Respondent(s)

Date of hearing: 01.09.2023

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

Applicant : Mr. Omkar Ajit Keni, Advocate

Respondent(s) : Mr. Raghvendra Kulkarni, Advocate h/f Mr. Rahul Garg,
Advocate for R-1/MoEF&CC
Mr. Saket Mone, Advocate for R-3/MMB

ORDER

1. Prayer is made in this application to the effect that the respondent No.4/District Collector, Sindhudurg be directed not to allot sand dredging/Hatpati for "C" slot, as the same is in violation of Office Memorandum dated 08.11.2011 issued by the MoEF&CC, which is annexed at page no.80 of the paper book.

2. When we enquired from the learned Counsel for applicant, as to what "C" slot is and as to where the same is located, he could not clarify the same, rather the learned Counsel Mr. Saket Mone for respondent No.3/MMB has drawn our attention in this regard to page no.313-314 of the paper book, which contains the Geographical Co-ordinates of Hatpati Dredging Gut of the year 2022-23 related to Kalaval Creek and at serial no.3 of the same, Gut- C is recorded, which is sub-divided into C-1 & C-2 and the Latitude and Longitude are mentioned therein. He says that in

fact slot is the same as Gut and therefore, the learned Counsel for applicant is referring to this place only where he is seeking relief through Prayer no.(i).

3. Thereafter, the learned Counsel for applicant has drawn our attention in this regard to Annexure- A/5 to the present application where-in at page no.81, he pointed out Kava and Measure. These are the Villages but we do not find any reference of Gut/Slot “C” in this map identified. Therefore, it is not possible for us to determine as to where this activity is said to be going on.

4. Since Prayer no. (i) says that the respondent No.4/District Collector and respondent No.5/District Mining Officer be directed not to allow sand dredging/Hatpati for “C” slot, the learned Counsel for respondent No.3/MMB pointed out that in para no.11 of the present application, it is clearly mentioned by the applicant that the respondent No.3 has given permission in slot “C” for the year 2021-2022 to licenser/permitter for 3 brass sizes of 23 boat. But actually, there were more than 48 boats each having capacity of 6 brass for sand dredging/hatpati, which indicated that the permission has already been granted. Hence, the prayer no.(i) becomes infructuous. Therefore, a clarification is required in this regard from the learned Counsel for applicant, failing which we would be compelled to dismiss this application on account of the place where the alleged activity is said to be going on, not being identified. The permission, which is also referred in para no.11, has not been annexed by the applicant. Some documents, which have been filed from the side of other respondents such as respondent Nos.5 & 8, are being tried to be shown by the learned Counsel for applicant, which are in local language. Therefore, we direct that any document, which is filed on record in local language, must be accompanied with its English translation. We direct

the respondent No.8 as well as respondent Nos.4 & 5 to ensure that any documents, which have been filed with their reply affidavits in local language, must contain English translation of the said documents, by the next date positively.

5. We provide the applicant two weeks' time to clarify our query by way of last opportunity.

6. None has appeared from the side of respondent No.4/District Collector, Sindhudurg, who is a necessary party in this case and we wanted to have some clarification from him. Therefore, we direct the Registry to write a letter to the District Collector, Sindhudurg to appear in-person or through Video Conferencing before us on the next date positively, failing which an adverse order would be passed.

7. Registry is directed to communicate a copy of this order to the District Collector, Sindhudurg forth-with for compliance.

Put up this matter on 30.11.2023

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

September 01, 2023
Original Application No.12/2023 (WZ)
P.Kr