

Item No. 4

(Pune Bench)

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

(By Video Conferencing)

Original Application No. 14/2023 (WZ)

Vanshakti & Anr.

.....Applicant(s)

Versus

Chief Conservator of Forests, Thane & Ors.

....Respondent(s)

Date of hearing: 13.02.2023

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

Applicant : Mr. Zaman Ali, Advocate

ORDER

1. From the side of Applicant, learned Counsel Mr. Zaman Ali has appeared.

2. This application has been filed under Section 14, 15 and 18(1) read with Section 20 of the National Green Tribunal Act, 2010 praying there-in the unauthorized illegal structures constructed by the Respondent No. 5/Vajreshwari Shikshan Prasarak Mandal on the forest lands situated at Survey No. 106, Village: Ganeshpuri, Taluka: Bhiwandi, District: Thane be directed to be demolished and further direct restoration of the same, apart from consequential reliefs.

3. The submission made by the learned Counsel for the Applicant is that the Survey No. 106 mentioned above, is a forest land, which is evident from the Final Regional Plan of Mumbai Metropolitan Region, which is annexed at page nos. 27-28 of the paper book, where-in at page no. 28, it is recorded clearly that "106 Reserved Forest". It is further

submitted that Respondent No. 5 is proceeding with further expansion of the structures by carrying out of deforestation, removal of shrubs & trees, cutting & degradation of the forest hill, removal of top soil of the forest and replacing it with RCC structures that involves concretization and flattening of forest soil. This has led to an environmental hazard as there is a chance of the entire hill collapsing during the monsoon, which could possibly endanger the school-going kids and innocent citizens.

4. We find that the substantial question relating to environment is made out in the present case, therefore, we deem it proper to admit this application.

5. Registry is directed to issue notices to the Respondents, returnable within 4(four) weeks.

6. Applicant is directed to provide copy of the application and relevant documents to the Respondents within a week.

7. Respondents are directed to submit their reply within 04(four) weeks providing copies of the same to the other parties in advance.

8. Applicant is also directed to take necessary step for service upon the Respondents by both ways and also through available e-mail.

9. We deem it just and proper to call for a report on the matter in issue in present application, from the Joint Committee comprising one member each from:-

- (i) The Chief Conservator of Forest, Forest Department, Thane;
- (ii) The State Environment Impact Assessment Authority (SEIAA);
- (iii) The District Magistrate, Thane

10. The Committee is directed to visit the site and submit a factual and action taken report with regard to the violation, if any action taken thereon, within one month.

11. The Chief Conservator of Forest, Forest Department, Thane shall be the nodal agency for coordination and logistic support.

12. The report in the matter be filed by the Committee by e-mail at ngt-pune@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.

13. Applicant is directed to supply the required documents and copy of the application to the Members of the Committee within three days from today.

14. A copy of this order be communicated to the above-mentioned Committee forth-with for compliance.

Put up this matter on 10.04.2023

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

February 13, 2023
Original Application No. 14/2023 (WZ)
P.Kr