

Item No.4

(Pune Bench)

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

THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)

**Original Application No.49/2023(WZ)
[Earlier Original Application No.290/2022(PB)]**

Sachin Kadam

.....Applicant

Versus

State of Maharashtra

....Respondent(s)

Date of hearing: 03.10.2023

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

Applicant : Ms. Yogita More, Advocate
Respondent(s) : Ms. Manasi Joshi, Advocate for R-2/MCZMA
Mr. Mukesh Chavan, SDO, Alibag, for R-3

ORDER

1. From the side of applicant, learned Counsel Ms. Yogita More has appeared, who submits that she is appearing on behalf of learned Counsel Mr. Sanjay R. Haritwal, who is the main Counsel for applicant.
2. We find from record that the complaint dated 12.01.2022 was moved by Advocate Mr. Sanjay R. Haritwal on behalf of his client i.e. Mr. Sachin B. Kadam, on the basis of which the present Original Application has been registered.
3. The learned Counsel for applicant submits that a copy of the Joint Committee inspection Report, which was conducted on 20.06.2023, annexed at page nos.12 to 14 of the paper book, has not been served upon the applicant's Counsel because of which no objection could be filed against the same. Therefore, we direct the learned Counsel Ms. Manasi Joshi representing respondent No.2/MCZMA to serve a copy of the same

upon the learned Counsel for applicant through e-mail, who may file objection within a week.

4. From the side of respondent No.3/District Collector and District Magistrate, Raigad, Mr. Mukesh Chavan, S.D.O., Alibag has appeared, who has filed the reply affidavit today through e-mail dated 03.10.2023, which is in Marathi language along-with annexures, which are also in Marathi language. He states orally that there were two inspections conducted of the site in question, one was on 20.06.2023 of which the report is already filed earlier in the form of Joint Committee Report and 2nd inspection was conducted on 21.09.2023 and at that time, the applicant himself was present at the site. The Panchanama of that has been annexed in Marathi language and the applicant had stated before the officials, who made this inspection that he did not file any complaint in this case.

5. We direct the respondent No.3 to file an English translation of these documents, which have been filed today with the direction that a copy of the same shall also be served upon the learned Counsel for applicant and other respondents within a week. If any objection is required to be filed against these reports, the same may be filed by the applicant within one week thereafter.

6. The learned Counsel Ms. Manasi Joshi representing respondent No.2/MCZMA has apprised us that the respondent No.2 could not ascertain the names of those persons, who had constructed the structures/platforms in the CRZ area, which is mentioned in the Joint Committee Report. She further apprised us that the said land belongs to the Maharashtra Maritime Board, therefore, the respondent No.2 has

sought the names of those persons, who have raised the structures and the respondent No.2 is likely to receive the same very soon.

7. Since, it is being said that the Maharashtra Maritime Board(MMB) is the body, which owns the land over which these structures have been raised, we direct the Registry to implead the Maharashtra Maritime Board through its Chief Executive Officer, 3rd floor, Indian Maercantile Chambers, Ramjibhai Kamaji Marg, Ballard Eastate, Fort, Mumbai-38 as respondent No.4 in the present application and issue Notice to the said respondent after serving a copy of the letter petition along-with the relevant documents through e-mail.

8. We also want from the learned Counsel for applicant to place before us the prayer made in the petition before the Hon'ble Supreme Court and all orders pertaining thereto, which find mention in the Joint Committee Report, by the next date positively.

Put up this matter for further consideration on 24.01.2024.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

October 03, 2023

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