

Item No.1

(Pune Bench)

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

THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)

Original Application No.104/2023(WZ)

Charan Bhatt

.....Applicant

Versus

Environment & Climate Change Dept. & Ors.

....Respondent(s)

Date of hearing: 23.08.2023

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

Applicant : Applicant in-person

ORDER

1. In continuation to the earlier orders, we are passing this order.

2. By our previous order, we had directed the applicant to correct the name of respondent No.8, which has not been done so far and the applicant undertakes to move correction in this regard today itself.

3. It is submitted by the applicant that the respondent No.8 is the owner of Survey Nos.47/5, 47/7A, 47/7B, 48/6, 48/10, 48/11, 50/3, admeasuring area of 26,810.00 sq. mtrs. located at Village: Mauje Waliv, Taluka: Vasai, District: Palghar, Maharashtra, over which the District Collector has granted permission to respondent No.8 for residential and commercial purposes, subject to the condition that the pond area of 2903-36 sq. mtrs. will not be used for construction. The said order of the then District Collector, Thane (now Palghar) is dated 18.07.2005.

4. Today, a Map of development plan, which has been approved by the Commissioner of Vasai Virar City on 01.11.2022, has been provided to us

by the applicant, which is taken on record, shows that over pond area, the construction has been allowed, which is impermissible activity in view of the indicative guidelines framed by the CPCB, pursuant to the order of this Tribunal dated 10.05.2019 passed in M.A. No.26/2019 in Original Application No. 325/2015), which has been reproduced by us in para no.4 of our earlier order dated 11.08.2023. Though we are not very sure, as to whether the encroachment, which is prohibited over pond area as per the indicative guidelines, would be applicable on private land or not? But we deem it appropriate to admit this application at this stage and accordingly admit the same.

5. We direct the Registry to issue Notice to the respondent No.3/Commissioner of Vasai Virar Municipal Corporation, which is an authority who has granted permission for construction to respondent No.8/Mona Atul Patel, respondent No.9-who is said to be a developer by the name Mohammad Yusuf Abdul Latif Qureshi and respondent No.14/CPCB, returnable within four weeks.

6. At this stage, to rest of the respondents, we do not find it appropriate to issue notices.

7. Applicant is directed to take necessary steps for service to the said respondents by both ways (Dasti as well as by Registered Post) and also on available e-mail/WhatsApp and submit service affidavit within one week.

8. Applicant is also directed to provide copy of the application and relevant documents to the said respondents within a week.

9. The said respondents are directed to submit their reply affidavits within three weeks and also circulate the same to the applicant as also other respondents by available e-mail.

10. Rejoinder, if any, is directed to be submitted within one week thereafter.

Put up this matter on 11.10.2023

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

August 23, 2023
Original Application No.104/2023(WZ)
P.Kr