

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

[THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)]

**Original Application No.84/2022(WZ)
I.A. No.211/2024(WZ) & I.A. No.214/2024(WZ)**

Lalitkumar Namdeo Chaudhari

.....Applicant

Versus

State of Maharashtra & Ors.

....Respondents

Date of hearing: 22.01.2025

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

Applicant : Applicant in-person
Respondents : Mr. Aniruddha Kulkarni, Advocate for R-1/Env't. Deptt.
Mr. Janardan Pawar, Jt. Commissioner, Urban
Development Department, Jalgaon for R-3 & 9
EE MID Jalgaon, for R-5
Mr. N. R. Dayama, Advocate for R-8

ORDER

1. From the side of respondent No.3 –the Divisional Commissioner, Nasik and for respondent No.9- the District Collector, Jalgaon, Mr. Janardan Pawar, Jt. Commissioner, Urban Development Department, Jalgaon has appeared in-person before us through Video Conferencing. By our previous order dated 11.11.2024, he was directed to make compliance of the following order:-

“7. We fail to understand as to how this could be permissible when these lines were to be drawn by the Irrigation Department, before their drawl, no activity of any kind of construction should have been permitted, even if that was permissible activity, these lines were to be drawn. We direct that a clear affidavit be filed in this regard from the side of respondent Nos.3 & 9 within two weeks, mentioning therein as to why the said lines were not got drawn prior to any kind of

construction being allowed. We also direct the respondent Nos.3 & 9 that these authorities shall get demarcation of that lines and also place before us a sketch map showing the construction existing over there, which is being alleged by the applicant to be there in violation.”

2. In regard to the above, Mr. Janardan Pawar submits before us that he may be allowed additional time for carrying out the said order, but no reason has been indicated as to why the response has not been filed till date despite the previous order having been passed on 11.11.2024 and now, we are in January, 2025. Therefore, we allow him two weeks’ time for the same, subject to payment of cost of Rs.20,000/- (Rs. Twenty Thousand) to be paid in the account of Western Zone Bar Association of NGT at Pune within one week.

3. From the side of respondent No.5 – the Executive Engineer, Minor Irrigation Department, Jalgaon, Executive Engineer himself has appeared before us through Video Conferencing, who submits that he has already filed reply affidavit dated 10.12.2024 in this matter, wherein nothing relevant is found to have been mentioned pertaining to the issue involved in the present Original Application, to which we made a query from him as to whether it is the duty of the Irrigation Department to draw the Blue and Red Lines of the River Dhadi, he declined the same, which appears to be not correct. He seeks additional time to clarify on this point. We allow him one week’s time to file additional affidavit in this regard.

4. We find that the Joint Committee, at page no.209 of the paper book, has recommended that “Municipal Council with the coordination of Irrigation Department, Jalgaon fix the Restriction Level (Blue Line) and Control Level (Red Line) as within reasonable time”. Therefore, it appears from the said recommendation that in their estimation, Municipal Council should have drawn the Blue and Red Lines in coordination with

the Irrigation Department. In this regard, we made a query from learned counsel Mr. N. R. Dayama representing respondent No.8- the Chief Officer, Faizpur Municipal Council as to why this work was not done from their end, it is submitted by him that they have already filed their reply affidavit dated 10.01.2024 earlier. But we do not find anything to have been mentioned about this in this affidavit. He further submits that after submission of the Joint Committee Report, no additional affidavit has been filed from their side. Therefore, we direct respondent No.8 also to make clear before us as to why no action has been taken with respect to the recommendation made by the Joint Committee at page no.209 of the paper book at point no.5.5 recommending therein that the Municipal Council should draw Blue Line and Red Line of the River Dhadi in coordination with the Irrigation Department. The said additional affidavit be filed within one week.

Put up this matter for further consideration on 25.03.2025

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

January 22, 2025

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