

Item No.2

(Pune Bench)

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

[THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)]

ORIGINAL APPLICATION NO.84 OF 2022 (WZ)

Lalit Kumar Namdeo Chaudhari

.... Applicant

Versus

State of Maharashtra & Ors.

....Respondents

Date of Hearing : 22.05.2023

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

Applicant : Applicant-in-person present

Respondents : Mr. Aniruddha Kulkarni, Advocate for R-1
Mr. Preshit Surshe, Advocate for R-7
Mr. Nirmal Dayama, Advocate for R-8

ORDER

1. From the side of the applicant, the applicant has appeared in person. He has filed three service affidavits. When we enquired from him as to why he has filed three service affidavits, he submits that there are several lacuna left in the service upon the respondents. He is relying on the service affidavit dated 17.01.2023 (page 175 to 180 of the paper-book), as per which, we find that according to him, he has sent notice to respondent No.1 – Principal Secretary, Department of Environment, State of Maharashtra, respondent No.2, Principal Secretary, Urban Development Department, State of Maharashtra and respondent No.3 – the Divisional Commissioner, Nasik by registered post, but out of them, from the side of respondent No.1, learned standing counsel Mr. Aniruddha Kulkarni has appeared and states that he does not want to file reply-affidavit. But as regards respondent Nos.2 and 3, service is not sufficient as no track report has been submitted by the learned counsel

for the applicant. The learned counsel for the applicant is directed to file track report in respect of these two respondents within a week.

2. As regards respondent No.4 – the District Level Committee, Jalgaon, respondent No.5 – the Executive Engineer, Minor Irrigation Department, Jalgaon, respondent No.6 – the Executive Engineer, Maharashtra Jeevan Pradhikaran and respondent No.8 – the Chief Officer, Faizpur Municipal Council, service is effected in inward section of the concerned office, which means he has served these respondents dasti. Therefore, we find service on these respondents sufficient.

3. None has appeared from the side of respondent No.4 – District Level Committee, respondent No.5 – Executive Engineer, Minor Irrigation Department and respondent No.6 – Executive Engineer, Maharashtra Jeevan Pradhikaran, despite sufficient service.

4. From the side of respondent No.7 – the Assistant Director, Town Planning and Pricing Department, learned counsel Mr. Preshit Surshe has appeared and seeks two weeks' time to file the reply-affidavit. The same is allowed.

5. From the side of respondent No.8 – the Chief Officer, Faizpur Municipal Council, learned counsel Mr. Nirmal Dayama has appeared and prays that he be granted two weeks' time for filing the reply-affidavit as well as vakalatnama. The time is granted as prayed for.

6. Looking to the prayer made in this application that some illegal constructions have been made in the bed of Dhadi river at Faizpur, Taluka Yawal, District Jalgaon, which is likely to create danger to the property and human calamities, we deem it appropriate to constitute a Joint Committee comprising of one member each of the District Collector, Jalgaon, the Executive Engineer, Minor Irrigation Department, Jalgaon and the Chief Officer, Faizpur Municipal Council. The District Collector, Jalgaon shall be the Nodal Agency of the said Committee. We direct the

Committee to visit the spot, after giving the notice thereof to the applicant and submit factual as well as action taken report in the light of the contents made in this application, within four weeks. The said report shall be submitted 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.

7. A copy of this order shall be served upon all the members of the Joint Committee by the District Collector, Jalgaon for compliance as above.

8. Put up this matter for next consideration on 16.08.2023.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

May 22, 2023
O.A. No. 84/2022 (WZ)
npj