

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

(By Video Conferencing)

Original Application No. 02/2023(WZ)
I.A. No.12/2023(WZ)

Sunil S. Mulye & Ors.

.....Applicant(s)

Versus

Union of India through MoEF & Ors.

....Respondent(s)

Date of hearing: 31.03.2023

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

Applicant : Mr. Bipin Joshi, Advocate

Respondent(s) : Mr. Mukesh Verma, Advocate for R-8/SWA

ORDER

1. From the side of Applicant, learned Counsel Mr. Bipin Joshi has appeared.

2. This matter is listed today for admission as per our last order dated 08.02.2023. The Respondent No. 8/State Wetland Authority, which was being represented by the learned Counsel Mr. Mukesh Verma, who had prayed four weeks' time to clarify as to whether the survey numbers in question were identified as wetlands and were notified so or not. But, today, he has stated that he has communicated the same to the authority concerned to give input in this regard, as to whether the said area has been identified as wetland but no response has been received. It is astonishing that the learned Counsel representing the party is not getting any reply from the authority concerned. It is a thing of great concern but by way of last opportunity, two weeks' time as prayed is allowed to file

reply affidavit positively, failing which some coercive steps would have to be adopted by this Tribunal.

3. Since the Applicants are claiming the survey number in question to be wetland and orally it has been argued by him that in the said wetland, the Respondent No. 6/Vasai Virar City Municipal Corporation is raising burial ground, which is a prohibited activity as per Rule 4 Sub-Clause (2) Sub-Clause (i) which prohibits conversion of wetland for non-wetland uses, therefore, it is prayed by him that this matter should be treated covered under Section 14 of the National Green Tribunal Act, 2010 being environmental issue. When inquired from the learned Counsel for the Applicant as to why he has prayed relief (b) seeking quashing of direction/observation dated 09.09.2019 passed by Respondent No. 2/Secretary, Environment under Section 2(g) of the National Green Tribunal Act, 2010 and also to get set aside the Resolution 134 dated 24.05.2019 passed by Respondent No. 6, in respect of the property in question, which described the said property to be outside the CRZ as per CZMP of Palghar, the learned Counsel for the Applicants has stated that he would modify the relief clauses and that the actual relief he wants to claim from this Tribunal is relating to direction to be issued that the Survey Numbers in question should be treated to be Wetlands and no burial ground should be allowed to be constructed over there.

4. In view of above, we direct the learned Counsel for the Applicants to move appropriate amendment in the prayer clause of Original Application and in this regard, the learned Counsel states that he would be bringing amendment application during course of the day seeking amendment in the prayer clause, therefore, Registry is directed to place this matter at 03:30 PM today.

5. This matter is heard again at 03:30 PM today and from the side of Applicants, learned Counsel Mr. Bipin Joshi has appeared, who has moved I.A. No. 84/2023(WZ) seeking amendment in the prayer clause of Original Application. Since the matter is still at the admission stage, therefore, we do not find any objection to this application being allowed as the notices to the Respondents are yet to be issued. We direct the learned Counsel for the Applicants to carry out amendment today itself and thereafter Registry is directed to issue Notices to the Respondents, returnable within 04(four) weeks.

6. Since learned Counsel Mr. Mukesh Verma accepts notice on behalf of Respondent No. 8/State Wetland Authority, hence, notice is waived against Respondent No.8.

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

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

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

10. I.A. No. 84/2023(WZ) stands disposed of accordingly.

Put up this matter on 18.05.2023

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

March 31, 2023
Original Application No. 02/2023(WZ)
I.A. No.12/2023(WZ)
P.Kr