

Item No. 04

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
(Through Video Conferencing)**

Original Application No. 194/2018 (WZ)
(M.A. No. 764/2018 & M.A. No. 1623/2018)
(Earlier O.A. 17 of 2018(WZ))

Ashish Rohidas Shinde & Anr.

Applicant (s)

Versus

Lonavala Municipal Council & Ors.

Respondent(s)

Date of hearing: 27.02.2019

**CORAM: HON'BLE MR. JUSTICE S.P. WANGDI, JUDICIAL MEMBER
HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

For Applicant (s):

Mr. Sangram Singh, R. Bhonsle, Ms. Aditee V. Donrawat, Mr. Siddharth A. Mehta and Ms. Samridhi S. Jain, Advocates

For Respondent (s):

Mr. Ajay Gadegaonkar, Advocate for R-1
Mr. Saurabh Kulkarni, Advocate for R-5
Mr. Mukesh Verma, Advocate for MPCB
Mr.

ORDER

1. The moot question involved in this case is as to whether the construction raised by the Respondent No. 5 falls within the impermissible area of the bank of river Indrayani. The other question is as to whether the disposal of the soil on banks of the river by the Respondent No. 5 is in breach of the prohibition under the Rules.

2. While noting that the under Municipal laws, the Municipal Corporation has already held the construction to be illegal and unauthorised, in order to arrive at the issue falling within our jurisdiction on the violation of the environmental laws, we deem it essential to call for an inspection and survey to be conducted in respect of the area to determine as to whether any illegality has been committed as alleged in the application. This relates specifically to the matter related to the alleged dumping of soil and debris. This direction is being passed notwithstanding any other such order passed earlier.

3. We, therefore, constitute a joint Committee for survey and demarcation of the area comprising of the Maharashtra Pollution Control Board, Irrigation Department, Executive Engineer, Municipal Council of Lonavala, Tehsildar Maval. The Nodal Agency shall be Municipal Council of Lonavala.

4. The Committee shall survey and demarcate the area in dispute confined to survey number 24, village Bhushi, Taluka Maval, District Pune. The Committee shall ascertain as to whether the dumping of soil and debris has been done in areas in excess of legitimate holding of Respondent no. 5 and whether or not the dumping of soil and debris is being done within the prohibited area, having regard to the prohibited and regulatory lines

defining such zones published by such Irrigation Department,
Government of Maharashtra.

5. Report shall be filed within one month hence by e-mail at ngt.filing@gmail.com.
6. We also permit the parties to participate in the entire exercise.
7. List for consideration of report on 29.04.2019.

S.P. Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

February 27, 2019
Original Application No. 194/2018 (WZ)
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