

REPORT OF THE JOINT COMMITTEE IN COMPLIANCE WITH ORDER DATED 16/01/2023 OF THE HON'BLE NATIONAL GREEN TRIBUNAL (NGT) IN THE MATTER OF OA NO. 57/2022 (WZ), MAHESH KASHINATH RANAWADE VS THE STATE OF MAHARASHTRA & ORS.

1.0 Background

Grievance in the Original Application No. 57 of 2022 (WZ), titled Mahesh Kashinath Ranawade vs The State of Maharashtra & Ors, as per order dated 07/07/2022 of the Hon'ble NGT is about illegal construction of road on the bank of the Mula River which is said to be adversely affecting the agricultural fields of the applicant who has undivided agricultural land in survey no. 1/2/2 admeasuring 00 H R 54 situated at Mouje Nande, Taluka-Mulshi, District-Pune. Further, it is alleged that the aforesaid construction being raised by the respondents no. 6 to 9 are in the blue line of Mula River, where no construction is legally permissible.

Hon'ble NGT directed vide order dated 07/07/2022 and relevant order is reproduced as below:

".. 10. We deem it just and proper to call for a report on the matter in issue in present application, from a Joint Committee consisting of:-

- (i) One Representative from the Central Pollution Control Board (CPCB);*
- (ii) One Representative from the Maharashtra State Pollution Control Board (MSPCB);*
- (iii) District Magistrate, District Pune.*

11. The Committee is directed to visit the site and submit a factual and action taken report within one month. The Maharashtra Pollution Control Board (MPCB) will be the nodal agency for coordination and logistic support.

12. The report in the matter be filed by the Committee 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..."

In order to comply with the aforesaid Hon'ble NGT order, the joint committee carried-out inspection of the area under reference on 24/08/2022. Based on the information submitted vide letter no. PB-1/NGT OA No. (57/2022)/5329/2022, dated 10/10/2022 by the Dy. Executive Engineer, Pune Irrigation Division, Pune to the joint committee through the nodal agency i.e. MPCB it was mentioned that the alleged road under reference is outside the blue line of Indrayani River. Accordingly, the joint committee based on the aforesaid information provided Dy. Executive Engineer, Pune Irrigation Division, Pune, dated 10/10/2022; site visit of the joint committee and other records/documents submitted by various agencies had submitted its report to the Hon'ble NGT on 25/11/2022.

Based on the joint committee report submitted, the applicant has filed objections in the form of affidavit and requested the Hon'ble NGT to verify the blue line of the area under reference through the joint committee. Thereafter, the matter was heard by the Hon'ble NGT on 16/01/2023. Hon'ble NGT directed vide order dated 16/01/2023 (copy of Hon'ble NGT order, dated 16/01/2023 is given at **Annexure-1**) and relevant paragraphs of the Hon'ble NGT order is reproduced as below:

“4. Since the reliance is being placed on a map prepared by the Irrigation Department in the year 2018, based on which the dispute has been raised that road is constructed within the blue line, we direct the Joint Committee to verify as to whether the averments made in the objection to the above effect are correct in the light of the documents, which have been relied upon by the Applicant, particularly whether the road in question is situated within blue line of Mula or not? We would also like to enlarge the Joint Committee by adding one Representative of Respondent No. 3/Irrigation Department in the said Committee.

5. Therefore, we direct that the Joint Committee would visit the site on a specified date, information of which shall be given to the Applicant in advance so that he may remain present on the date of inspection and the said Committee shall submit its report within a period of 15 days along-with a map distinctly showing the position of the road as to whether the same is lying within the blue line of Mula River or not.”

In compliance to the aforesaid Hon'ble NGT order dated 16/01/2023, the nodal agency i.e. MPCB vide email dated 03/02/2023 communicated to the joint committee members including the applicant regarding the scheduled inspection of the joint committee on 14/02/2023. The following joint committee members were present during the inspection:

- i. Shri Nishchal C., Scientist 'D', CPCB, Regional Directorate, Pune
- ii. Shri Nitin Shinde, Sub-Regional Officer, MPCB, Pune-II
- iii. Shri Rajendra Dhodapkar, Executive Engineer, Pune Irrigation Department-Pune

Also, Shri Arun B. Kadam, Nahib Tahsildar – Mulshi, Shri Andhale, Surveyor – Pune Irrigation Department-Pune and Shri Sandeep, Field Officer – MPCB were accompanied the joint committee during the inspection. Also, the Applicant i.e. Shri Mahesh Kashinath Ranawade, was present during joint committee inspection.

2.0 Observations and findings

This report is outcome containing factual and action taken report of the said joint committee based site inspection, survey report submitted by the Pune Irrigation Department-Pune through the nodal agency i.e. MPCB and subsequent discussions of the joint committee. The observations & findings of the joint committee are given as below:

The joint committee along with the applicant and representatives from various State Govt. agencies carried-out detailed inspection of the area under reference on 14/02/2023 especially the alleged construction of road parallel to the River Mula up to the proposed project being developed by M/s Urban Life Ventures. Subsequently, survey of the area under reference was carried-out by the Pune Irrigation Department-Pune on the specified date in presence of the applicant. Thereafter, the same was superimposed on the map prepared by the Water Resource Dept., Pune, dated 07/02/2018.

Based on the survey report submitted by the Pune Irrigation Department-Pune vide letter no. PB-1/NGT OA No. (57/2022)/08/2023, dated 21/02/2023 (copy of the report dated 21/02/2023 is given at **Annexure-2**), the relevant extract of the report is reproduced as below:

“..Red line and blue line demarcation of Mukla river clearly mentioning the blue and red line Reduced Levels (R.L.) and discharge calculations of Mula river from Mulhsi dam to confluence of mula and Mutha river near College of Engineering Pune are approved by Hon. Chief Engineer (WRD), Water Resource Department, Pune (Dtd: 07/02/2018). Joint committee inspection was done on 14/02/2023. In front of Joint committee Members and applicant representatives the survey was done in survey number 1/2/2 village Nande. With reference to survey carried-out of approach road constructed in murum filling. The road demarcation is superimposed on the drawing prepared and sanctioned by Water Resource Department on dt. 07/02/2018 specifying the chainages of road with blue and red line marking with respect to their levels as follows

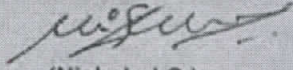
Chainage		Length (Meter)	Remark
From	To		
27/048	27/128	80 M	Outside Blue and Red line area
27/129	27/450	321 M	Inside Blue and Red line area

Thus the area lying inside and outside of blue line is marked on map and enclosed for further action..”

3.0 Conclusions

Based on the survey carried-out at the area under reference by the Pune Irrigation Department-Pune and subsequent superimposition of the same on the drawing prepared & sanctioned by Water Resource Department, dated 07/02/2018 that the alleged construction of approach road (by murum filling) by M/s Urban Life Ventures lies inside the blue & red line area from the chainage 27/129 to 27/450 i.e. the total length of the alleged road constructed inside the blue & red line of Mula River is 321 m. Corresponding earmarking of the aforesaid chainage of road constructed on the map prepared by Water Resource Department, dated 07/02/2018 is given at **Annexure-2**. Based on the above survey report, it is observed that out of total length of 401 m approach road constructed along parallel to the bank of Mula River, 321 m

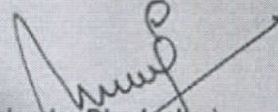
length of approach road constructed by M/s Urban Life Ventures is inside the blue & red line area of Mula River. Hence the joint committee opined that suitable decision may be taken in this regard, as deemed fit by the Hon'ble NGT.



(Nishchal C.)
Scientist 'D'
CPCB, RD-Pune



(Nitin Shinde)
Sub-Regional Officer
MPCB, Pune-II



(Rajendra Dhodapkar),
Executive Engineer,
Pune Irrigation
Department-Pune

Item No. 4

(Pune Bench)

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

(By Video Conferencing)

Original Application No. 57/2022(WZ)
I.A. No. 61/2022(WZ)

Shri. Mahesh Kashinath Ranawade

.....Applicant

Versus

The State of Maharashtra & Ors.

....Respondent(s)

Date of hearing: 16.01.2023

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

Applicant : Mr. Pritam Nigade, Advocate

Respondent(s) : Mr. Aniruddha S. Kulkarni, Advocate for R-1/Env't. Deptt.
Ms. Manasi Joshi, Advocate for R-4/MPCB
Mr. Sameer Khale, Advocate for R-5/PMRDA
Mr. Asim Sarode, Advocate for R-6 & 7**ORDER**

1. From the side of Applicant, learned Counsel Mr. Pritam Nigade has appeared and filed objection against the Joint Committee report in the form of an affidavit, where-in it is submitted that the Joint Committee has failed to reach correct conclusion by saying that the road in question which is prayed to be demolished, is lying outside the blue line and that the same existed much since long. According to the Applicant, he has used Auto Cad Software to fix the Google images with map of Respondent No. 3/Irrigation Department with the help of Surveyor M/s. Ajinkya Surveyors and Engineers, who is an authorized surveyor and got the blue line drawn on Mula River by using the map of Respondent No. 3/Irrigation Department as base. The map dated 07.02.2018 has been submitted by him, issued by Pune Irrigation Division, where-in with yellow colour is the area shown to be the place where the disputed road is

said to have been constructed recently by the Project Proponent (PP) inside the blue line of the River Mula.

2. The learned Counsel for the Applicant has also drawn our attention to the Google image of the area in question which has been taken on 13.01.2015, which shows that there was no road existing within the area in question, while in the Google image taken on 31.01.2022, the road is shown distinctly and it is on the basis of these documents that it is being alleged that the Project Proponent (PP) had constructed this road within the blue line of the River Mula in the year 2022 illegally, which needs to be demolished.

3. We have been told that this objection against the Joint Committee report which has been filed today by him, a copy of the same has already been provided to the other Respondents on Friday i.e. 13.01.2023. Since thereafter, this Tribunal was running closed and today is the first day of hearing on opening, no opportunity of filing the objection against the said written objection against the report filed by Applicant, has been provided to the other parties. We grant them a week's time to file objections, if any, against the same.

4. Since the reliance is being placed on a map prepared by the Irrigation Department in the year 2018, based on which the dispute has been raised that road is constructed within the blue line, we direct the Joint Committee to verify as to whether the averments made in the objection to the above effect are correct in the light of the documents, which have been relied upon by the Applicant, particularly whether the road in question is situated within blue line of Mula or not? We would also like to enlarge the Joint Committee by adding one Representative of Respondent No. 3/Irrigation Department in the said Committee.

5. Therefore, we direct that the Joint Committee would visit the site on a specified date, information of which shall be given to the Applicant

in advance so that he may remain present on the date of inspection and the said Committee shall submit its report within a period of 15 days along-with a map distinctly showing the position of the road as to whether the same is lying within the blue line of Mula River or not.

6. Nodal agency would remain the same.

7. From the side of Respondent No. 1/Environment Department, learned Counsel Mr. Aniruddha S. Kulkarni has appeared and apprised that he does not want to file reply affidavit.

8. From the side of Respondent No. 4/MPCB, learned Counsel Ms. Manasi Joshi has appeared and assured that the information with regard to the Committee having been constituted, shall be communicated to the Irrigation Department by them.

9. The Applicant is directed to provide all the relevant papers on which he has relied upon today to be served upon all the Committee Members forthwith.

10. From the side of Respondent No. 5/PMRDA, learned Counsel Mr. Sameer Khale has appeared. He prays that the Applicant may be directed to provide all the documents which he has relied upon today. We direct the same accordingly.

Put up this matter on 23.02.2023

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

January 16, 2023
Original Application No. 57/2022(WZ)
I.A. No. 61/2022(WZ)
P.Kr



शिंचनाय खास विभाग :
Telephone:
020-26123005/
020-29705167



GOVERNMENT OF MAHARASHTRA
WATER RESOURCES DEPARTMENT
EXECUTIVE ENGINEER,
PUNE IRRIGATION DIVISION, PUNE-01

New Administrative Building, B-wing, West Side, Second Floor, Pune-01
Kindly visit website of water resources department <http://wrd.maharashtra.gov.in>



e-mail ID :
eeipdpn@gmail.com

Out No./PB-1 /NGT OA No.(57/2022) / 08 /2023

Date.21/02/2023

To,

Hon. Regional Officer
Maharashtra Pollution Control Board,
Pimpri Chinchwad Division, Jog Center,
Old Pune-Mumbai Highway, Shivajinagar, Pune.

75022-PS-0095

Subject-

Original Application Number 57/2022 (WZ)

Sri Mahesh Kashinath Ranawade Vs The state of Maharashtra & The chief
Engineer, Pune Irrigation Division, Govt. Of Maharashtra, Sinchan Bhavan,
Barne Road, Magalwar peth, Pune

References-

- 1) Original Application Number 57/2022 (WZ)
- 2) Joint Committee Visit Conducted at Sy. No. 1/2/2 village Nande Tal. Mulshi
- 3) Sub-Divisional Engineer, Khadakwasla Canal Sub-Division No. 2, Pune offices
Letter No. खडक-2/प्रशा/1979/सन 2022 Dated 18/08/2022
- 4) Sub-Divisional Engineer, Khadakwasla Canal Sub-Division No. 2, Pune offices
Letter No. खडक-2/प्रशा/2066/सन 2022 दि. 29/08/2022
- 5) Joint Committee Visit Conducted at Sr No. 1/2/2 village Nande Tal. Mulshi dt
14/02/2023
- 6) Sub-Divisional Engineer, Khadakwasla Canal Sub-Division No. 2, Pune offices
Letter No. खडक-2/प्रशा/524/सन 2023 दि.21/02/2023

With reference to the above subject, Joint committee visit was conducted at survey no.1/2/2, Vill.Nande, Tal.Mulshi in presence of officials of PMRDA, Irrigation Department, MPCB, Tahsildar Mulshi w.r.t. order issued by Hon'ble NGT dated 16/01/2023 in the OA- 57/2022 (WZ) Mahesh Kashinath Ranawade Vs The State of Maharashtra & others

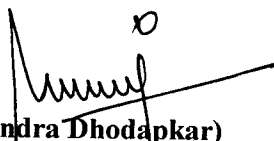
Compliance of following points with regards to water resource department are given below.

	Point	Compliance
4	Since the reliance is being placed on a map prepared by the Irrigation Department in the year 2018, based on which the dispute has been raised that road is constructed within the blue line, we direct the Joint Committee to verify as to whether the averments made in the objection to the above effect are correct in the light of the documents, which have been relied upon by the Applicant, particularly whether the road in question	Joint Committee Visit was Conducted at Survey No. 1/2/2 village Nande Tal. Mulshi on dt. 14/02/2023. Site survey was carried out in front of applicants.

	Point	Compliance																
	is situated within blue line of Mula or not ? We would also like to enlarge the joint committee by adding one representative of Respondent No. 3 / Irrigation Department in the said committee.																	
5.	Therefore, we direct that the joint committee would visit the site on a specified date, information of which shall be given to the applicant in advance so that he may remain present on the date of inspection and the said Committee shall submit its report within a period of 15 days along-with a map distinctly showing the position of the road as to whether the same is lying within the blue line of Mula River or not.	<p>Red line and blue line demarcation of Mukla river clearly mentioning the blue and red line Reduced Levels (R.L.) and discharge calculations of Mula river from mulshi dam to confluence of mula and Mutha river near College of Engineering Pune are approved by Hon. Chief Engineer (WRD), Water Resources Department, Pune (Dtd: 07/02/2018).</p> <p>Joint Committee inspection was done on 14/02/2023. In front of Joint committee Members and applicant represntatives the survey was done in survey number 1/2/2 village Nande. With reference to the survey carried out of approach road constructed in murum filling.The road demarcation is superimposed on the drawing prepared and sanctioned by Water Resource Department on dt. 07/02/20218 specifying the chainages of road with blue and red line marking with respect to their levels as follows</p> <table><tr><th colspan="2">chainage</th><th>Length (Meter)</th><th>Remark</th></tr><tr><th>From</th><th>To</th><th></th><th></th></tr><tr><td>27/048</td><td>27/128</td><td>80 M.</td><td>Outside Blue and Red line area</td></tr><tr><td>27/129</td><td>27/450</td><td>321M.</td><td>Inside Blue and Red line area</td></tr></table>	chainage		Length (Meter)	Remark	From	To			27/048	27/128	80 M.	Outside Blue and Red line area	27/129	27/450	321M.	Inside Blue and Red line area
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Thus the area lying inside and outside of blue line is marked on map and enclosed for further action.

Attachment : maps as mentioned
in 2 copies


 (Rajendra Dhodapkar)
 Executive Engineer
 Pune Irrigation Division,
 Pune-01.

Copy to:

- 1) Sub-Regional Officer, Maharashtra Pollution Control Board, Pune for information and further complainece
- 2) Sub-Divisional Engineer, Khadakwasla Canal Sub-Division No. 2, Pune for information and necessary action.