

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

APPLICATION NO.33(THC)/2013 (WZ)

Janardan Chandar Patil Vs. Union of India I& Ors.

**CORAM: HON'BLE MR JUSTICE V.R. KINGAONKAR, JUDICIAL MEMBER
HON'BLE DR. AJAY A. DESHPANDE, EXPERT MEMBER**

Present: Applicant/ Appellant : None Appeared

Respondent No.3 : K.D. Kelkar Adv

Respondent No.4 : D.D. Pawar Adv

**Respondent No.5 : D.M.Gupte Adv w/
Supriya Dangare Adv**

Date and Remarks	Orders of the Tribunal
Item No.4 January 22, 2014 Order No.4	<p>We have heard Learned Counsel appearing for the Respondent No.3, CIDCO, learned Counsel appearing for the Respondent Nos. 2 and 5, as well as learned Counsel appearing for the Respondent No.4.</p> <p>None has appeared for the Applicant. Mr. Gupte, learned Counsel for the MPCB, submits that due intimation is given to the Applicants to appear in the matter, but they are not appearing since last dates from 10th December, 2013 onwards. Issue Show-cause Notice to the Applicants, as to why coercive action will not be taken against them to secure their presence in the matter. The Notices to be served through the responsible officer of the MPCB.</p> <p>Mr. Kelkar, learned Counsel appearing for the CIDCO, has filed affidavit of Shri. Haresh Thadani, Executive Engineer of the Respondent No.3. As per the affidavit, the CIDCO is ready and willing to remove the garbage/debris/litters etc. from the site in the question, within period of three (3) months from today. We accept the statement and grant time of three (3) months to do the work.</p> <p>The learned Counsel Mr. Kelkar, states that the site is handed over to the Navi Mumbai Municipal Corporation (NMMC) in 2008.</p> <p>Perusal of the inspection Report shows that there is extension of approach road to the extent of 15 meters, as mentioned in paragraph-D of the Report. Thus, the road called 'Talavali' road is extended up to 15 meters in the CRZ area, without proper approval. In view of such <i>prima facie</i> material on record, we direct the MCZMA, CIDCO and NMMC, who so ever may be responsible by such kind of unauthorized extension of the road, to remove the illegal extension part of the road within period of three (3) months hereafter. This work shall be carried out under the supervision of the MCZMA, in as much as there is no approval for extension of road. In case, the NNMC has any objection to such work</p>

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of removal of extension part, the NMMC may file Intervention Application along with record for approval of such extended road and same will be considered for the purpose of passing of further orders. In the meanwhile, no further activity shall be taken on extended part of the road in question.

Stand over to 10th February, 2014.

....., JM
(Justice V. R. Kingaonkar)

....., EM
(Dr.Ajay A. Deshpande)

