

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

Application No.92/2015 (WZ)

Devrai Foundation & Ors. Vrs. S.N. Infrastructures & Ors.

**CORAM: HON'BLE MR JUSTICE U.D. SALVI, JUDICIAL MEMBER
HON'BLE DR. AJAY A. DESHPANDE, EXPERT MEMBER**

Present: Applicant/ Appellant : Mr.Asim Sarode, Adv. a/w.
Mrunalini Shinde, Adv.
Respondent No.2 : Mr.S.M. Karve, Adv.
Respondent No.4 : Mr.Amol S. Patayeet, Adv.
Respondent No.7 : Mrs. Vaidya, Law Officer,
Collectorate, Pune.
Respondent No.8 : Mrs.Supriya Dangare, Adv.
Respondent No.9 : Mr.Shashank Vakil, Adv.
Respondent No.10 : Mr.Abhijit V. Sakurkar, Adv.

Date and Remarks	Orders of the Tribunal
Item No.10 16th November, 2015, Order No.5	<p>Heard. Perused record.</p> <p>In the present Application, a grievance is made about developmental activities for commercial gain in village Dongarwadi, Tq. Mulshi, District Pune and its precincts lying within ten (10) k.m. from Tamini Wildlife Sanctuary-Eco Sensitive Zone.</p> <p>According to the Applicant, Respondent Nos.1 to 4 are engaged in such developmental activities.</p> <p>We have before us, learned counsel appearing for Respondent No.2 Yashraj Developers, Respondent No.4-Goka Engineering, Respondent No.7 District Collector, Pune, Respondent No.8 Maharashtra Pollution Control Board (MPCB), Respondent No.9 Maharashtra State Bio-diversity Board, Respondent No.10-State of Maharashtra, Forest Department. Learned counsel appearing for Respondent No.8, MPCB waives service of notice on behalf of Respondent No.6-State of Maharashtra-Department of Environment and Forest. Learned counsel appearing on behalf of Respondent No.7 waives the service on behalf of Respondent No.10 Department of Revenue. Notices to the Respondents have been despatched by R.P.A.D. Affidavit of service dated 29th August 2015 is filed with the accompanying proof of service of notice effected on Respondent No.1, 3 and 5. Despite of service of notice, none appears on behalf of Respondent Nos.1, 3 and 5.</p> <p>Respondent No.2 has filed an application on 15-10-2015, seeking permission to place on record certain documents received from Forest</p>

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Department under R.T.I. Act. Let this Application moved by Respondent No.2 for production of documents be duly registered. We find that the documents are relevant. Application is, therefore, allowed. The Application, thus stands disposed of.

We have before us, the affidavits in reply of Respondent Nos.2, 4, 7 and Department of Forest-State of Maharashtra-Respondent No.10. Maps annexed to the affidavit in reply of the Department of Forest through Mr. Sudhakar Khalate, Range Forest Officer of Pune, Forest Division and the aforesaid application reveal that the project location of Respondent No.2 lies within ten (10) k.m. from Tamhini Wildlife Sanctuary.

Learned counsel appearing on behalf of Respondent No.2 submits that they have undertaken project of construction of farm house (Vanaghare) as per the permission granted by the Collector, Pune and it is a regulated activity within Eco Sensitive Zone, subject to grant of permission by the Forest Department. However, he admits that there is no permission from the Forest Department, granted for carrying out for construction of such farm houses on the land in question i.e. S.No.125/1 village Tamhini, Tal. Mulshi, District Pune.

Learned counsel appearing on behalf of Respondent No.4 submits that they have undertaken work of development of residential houses/commercial premises etc on S.No.54/1B, 54/2, 54/4, 55/0, 57/0, 58/9, 58/10, 58/11, 58/14, 80/4B, 80/5, 80/8, 80/9A, 81/7B, 81/8, 81/10A, 81/10B, 81/10C, 81/10D, 81/10E, 81/10F, 81/11, 83/0, 86/2, 80/10 and 80/13, S.No.58/12 and S.No.58/13 totally admeasuring 8 H. 71.21 R. situated at village Sanaswadi, Tal. Mangaon, District Raigad, as per the lay out plan sanctioned by the competent authorities, Collector office, Raigad and said land is not falling within 10 k.ms. distance from Tamhini Wildlife Sanctuary.

All said and done, it is incumbent upon the developers-Respondent Nos.1 to 4 not to carry out any work of development/construction within 10 k.ms. of Tamhini Wildlife Sanctuary without lawful sanction from the Forest Department/NBWL. We, therefore, direct that the Respondent Nos.1 to 4 shall not carry out any developmental or construction work within the range of 10 k.ms. distance from Tamhini Wildlife Sanctuary-Eco Sensitive Zone without lawful sanction from Forest Department/NBWL during the pendency of this Application. These directions shall be binding on the purchasers/assignees of plots situate on the lands in question, and any

