

**BEFORE THE NATIONAL GREEN TRIBUNAL,  
PRINCIPAL BENCH, NEW DELHI**

**M.A. No. 549 of 2013  
In  
Original Application No. 01 of 2013**

**Sarang Yadwadkar & Ors.  
Vs.  
Mrs. Anjali Dinkar Datar & Ors.**

**CORAM :** HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON  
HON'BLE MR. JUSTICE U.D. SALVI, JUDICIAL MEMBER  
HON'BLE DR. G. K. PANDEY, EXPERT MEMBER  
HON'BLE PROF. A.R. YOUSUF, EXPERT MEMBER  
HON'BLE DR. R. C. TRIVEDI, EXPERT MEMBER

**Present:** **Applicant:** Mr. Asim Sarode, Advocate and Mr. Sarang Yadwadkar  
Applicant in person  
**Respondent No. 1:** Mr. Arvind S. Avhad, Mr. Ankur Gupta, Advocate  
**Respondent No. 4:** Mr. Mukesh Verma

<b>Date and Remarks</b>	<b>Orders of the Tribunal</b>
<b>Item No. 2 August 16, 2013</b>	<p>Having heard the Learned Counsel appearing for the parties, it is noticed that the Corporation in its affidavit dated 5<sup>th</sup> July, 2013 has stated that the land belongs to the Respondent No. 1. However, this land falls in the river blue line which is a green belt and no construction is permissible on it as it is a submersible area.</p> <p>These averments are supported by the joint map/sketch prepared by the Corporation in presence of the parties including the Applicant as well as Respondent No. 1. In this map it has been reflected that the blue line has been marked as provided by the Irrigation Department.</p> <p>Learned Counsel appearing for Respondent No. 1, however, submits that subsequent to preparation of this map, they have obtained map from the Irrigation Department showing the blue line at the place beyond the green belt possessed by the Respondent No. 1. Correctness of this map is questioned by the Applicant as well.</p> <p>However, at this stage, we will rely on the map/sketch prepared by the Corporation upon the joint inspection and have no reason to disbelieve the affidavit of the Corporation. In light of above, we direct the Respondent No. 1 to remove all the debris that he had thrown and dumped on the river bed and has thus risen the platform by nearly 5 meters.</p> <p>These debris which are upon the river bed, green belt and/or within the blue line of original blue line of the river</p>

should be removed by the Respondent No. 1 within 4 weeks from today. In the event of default the Corporation shall be empowered to remove the said debris at the cost of Respondent No. 1 and ensure their proper disposal in accordance with law.

We make it clear that the Chief Engineer, Department of Irrigation, Pune shall file a personal affidavit stating what is the original blue line of the river Mutha demarcated as per Govt. Circular dated 21.9.1989 and whether the same has been altered as a result of dumping by the Respondent No. 1. The Commissioner of the Pune Municipal Corporation shall file a personal affidavit stating as to whether any construction including dumping is permissible on the green belt which is either the part of the blue line or is adjacent to the blue line.

We also restrain Respondent No. 1 or any other person in this matter from dumping any debris or waste on the river bed, i.e., the blue line or even the green area of river Mutha.

At this stage the Respondent No. 1 makes a statement that he will neither use land for any purpose nor would dump any debris on the land in question irrespective of the fact that the land belongs to him. He shall not use the land for putting any debris and even use it for parking or for any other purpose till the next date of hearing. The above order for removal of debris shall remain deferred till that date. Let the affidavits of the Commissioner of Corporation as well as Chief Engineer of Irrigation Department be filed with one week from today.

Stand over to 23<sup>rd</sup> August, 2013.

**M.A. No. 549 of 2013**

Rejoinder to this application may be filed before the next date of hearing. Stand over to 23<sup>rd</sup> August, 2013.

.....,CP  
(Swatanter Kumar)

.....,JM  
(U.D. Salvi)

.....,EM  
(Dr. G.K. Pandey)

.....,EM  
(Prof. A. R. Yousuf)

.....,EM  
(Dr. R. C. Trivedi)

