

Item No. 3 (Pune Bench)

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

(Through Video Conferencing)

Original Application No. 45/2020 (WZ)

Faheem Akhtar Mohammad Yusuf & Anr. Applicant(s)

Versus

Malegaon Municipal Corporation (MMC) & Ors. Respondent(s)

Date of hearing: 31.08.2020

**CORAM: HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. SATYAWAN SINGH GARBYAL, EXPERT MEMBER**

For Applicant(s) : Mr. Faheem Akhtar Mohammad Yusuf, Applicant in person

For Respondent(s) : Mr. Nitin Kapadnis, Deputy Commissioner, Malegaon Municipal Corporation, Malegaon for MMC

ORDER

1. The issue raised in this application are that dilapidated non-metallic roads full of deadly dust, encroachment and heavy traffic congestion due to non-availability of good quality wide roads along with signals on hot spots all over the town are causing severe damage to the environment & health. Non-availability of pure water, mismanagement of underground sewage system which is the main cause of ever-increasing deadly diseases in Malegaon and damaging health of the people at large, lack of green cover, greenery, gardens (parks) & road-side tree plantation along with

metallic roads without potholes as well as footpaths, in Malegaon city, while it is declared as a Fundamental Right of the citizens (Right to Walk Safely) by the Hon'ble Bombay High Court. Lethargic attitude of MMC officials, non-lifting of tons of garbage/solid-waste by MMC for as long as 3 to 4 months throughout the town which is the main cause behind various deadly diseases in the city, corruption worth hundreds of crores is also suspected and even proved against the contractor company named as "Water Grace Waste Management Company." There has been tremendous surge in pandemic Covid-19 cases at Malegaon city which has been declared as Red- zone. Hon'ble District Collector and renowned Doctors have blamed the prevailing poisonous air & water pollution of Malegaon city. MMC has also failed to lift thousands of tons of garbage from all over the city, no spraying of pesticides was done, MMC also failed in cleaning of open gutters in spite of NGT's orders (O.A. No. 359/2019, (Mohammad Yusuf Abdullah V/s. Govt. of Maharashtra), which affected the immunity system of entire city at large. It was a "Criminal Negligence" due to which hundreds of lives have been lost and thousands are under treatment for various serious diseases including COVID-19, non-implementation of development plan of the Malegaon violation of MRTP-Act 1966, illegalities and huge corruption in IHSDP Govt. Housing Project of 11,000+ unit, sanction of Rs. 425 crores and mis-utilisation of funds, non-

Encroachment over Green Belts, roads, streets, *mohalla* lanes, open drains (gutters), sewerage line, open Spaces and other reserved lands. Encroachment & illegal construction, illegal parking, undisciplined driving, lane violation and encroachment by roadside vendors, cutting of thousands of Trees, no accountability from authorities, illegal Mining/stone crushing, theft of sand in River Girna & River Mausam, unauthorized parking of heavy commercial vehicles, poor/inferior quality constructions, unauthorized construction on forest land, illegal and unapproved construction of speed breakers of various sizes and shapes on roads throughout the town.

2. All are of the subject which is not within the domain of the National Green Tribunal. The applicant may approach the competent authority for maintenance of all these things. The applicant is at liberty to raise the specific issue with remedial measures. A question was asked with the applicant as to give an example of encroachment, he replied that there is an encroachment throughout the city against which no specific direction has been issued. The application is vague and mixed and more matters are involved which are of administrative nature.
3. The application is not maintainable and thus disposed off finally.