

Annexure A

Application under the Right to Information Act, 2005.

(See Rule 3)

To,

PIO, Nagar Sachiv Department नगर सचिव विभाग
Mira Bhayandar Municipal Corporation नगर सचिव विभाग
Bhayandar (w) - 401101. स.प./न.प./ज.प.



- आवक क्र... 43/2094-95.
दिनांक: 20/12/2018
1. Full Name of the Applicant : Brijesh Sharma
 2. Address : Flat No 403, Jupiter Wing A Building, Behind Deepak Hospital, P.K. Road, Bhayander, Thane-401105. Mobile# 9322683456
 3. Information Sought : Lawyer Hiren Mehta legal notice for disqualification of Mrs. Dimple Vinod Mehta from the post of Corporator (Nagar Sewak) and Mayor of Mira Bhayander Municipal Corporation for the alleged involvement of her husband Mr. Vinod Lalchand Mehta in destruction of mangroves for the construction of 711 club (Henceforth called "the said complaint") (Copy enclosed "Annexure-1").
 4. The period to which the information relates: 09-Jan-2018 to till date of RTI reply.
 5. Description of the information required: Certified copy as per circular 1.2.17 and as per section 2(J) (2) RTI act and as per STATE Government circular of G.A.D. no. SIC 216 / C.R. (178/16) six dt. 1.2.2017.
 - 1) Certified copy of note sheet indicating notings by various officials and decision of competent authority on my above mentioned complaint/grievance.
 - 2) Certified copy of investigation report or feedback obtained with respect to the grievances raised in my above mentioned complaint.
 - 3) Certified copy of the note sheet indicating notings by various officials and decision of competent authority on investigation report or feedback obtained with respect to the issues raised in my above mentioned complaint.
 - 4) Certified copy of letter, directions and/or instructions issued to concerned authority / subordinate office as a follow up action based on investigation report or feedback on my above mentioned complaint.
 - 5) In case no action is taken on my complaint, please inform me the name of officer(s) and staff responsible, but failed to take action on my above mentioned complaint.
 - 6) Certified copies of order passed by Mira Bhayandar Municipal Commissioner for disqualification from Nagar Sewak.
 6. Whether information is required by post or in person? : By speed Post. But convey me the charges of the information within 10 days by speed post as per para no.2 of State Government Circular of G.A.D.No. Misc. 2017/C.R(208/17) six.; dt 17.11.2017

Place : Mira Bhayander
Date : 05/12/2018

[Brijesh Sharma]

IMPORTANT TIPS FOR PIO AND FAA

1. The information shall be given with Index and page number and their correlation.
2. The information shall be given point wise in English as required u/s 6(1), 4(3), 7(9) RTI act.
3. The above information are mandatory information which are mentioned in section 4 of RTI act.
4. Certified copies shall be provided as per section 2 (j) (2).
5. Information should be given as per section 7(1) RTI act.
6. Information shall be denied as per section 8 and 9 RTI act only as mentioned in section 7(1).
7. The PIO shall give reasons for such rejection of information, as mentioned in section 7 (8) (one). RTI act.
8. **Section 7(9) RTI act:** The information shall ordinarily be provided in the form in which it is sought
9. The PIO shall be responsible with onus to prove that denial of request was justified as per section 19(5) RTI act.
10. The INFORMATION COMMISSIONER shall be required to compensate the complainant for any loss and other detriment suffered. And impose any of the penalties provided under the act section 19 (8) (b) (C) RTI act.
11. The INFORMATION COMMISSIONER shall in case of information denied by violating of section 7(1) RTI act shall impose penalty as per section 20(1) RTI act.
12. The INFORMATION COMMISSIONER shall recommend disciplinary action u/s 20(2) RTI act.
13. FAA shall be prosecuted for violation of circular dt. 12.12.2007 GAD, RTAA-2007/1182/C.R.154/07/06 (RTI) as mentioned in para 2 of circular dt. 31.3.2008. The para 4 of circular dt. 31.3.2008 empowers the prosecution of FAA for causing harassment and agony by illegal / wrongful denial of information.
14. **Citation of FAA being penalized** : The Hon. Information Commissioner Shri Sambhaji Sarkunde has directed the public authority to initiate disciplinary action against FAA for causing harassment to the RTI application as per para 4 of circular dt. 31.3.2008.
15. Chief Secretary vide circular dt. 21.4.2009 has directed FAA and Information Commissioners compliance of the directions of Justice Daga in W.P. 4101 of 2007 para 17 and 18 while conducting of all Quasi Judicial proceedings. As per GAD circular dt. 12.12.2007 RTI appeals are Quasi Judicial.
16. As per directions in para 17 (18) of Justice Daga the FAA and 2nd appellate authority the order pronounced shall be communicated to the parties immediately.
17. As per directions in para 17 (19) of Justice Daga the FAA and 2nd appellate authority Shall **"Record of hearing be meticulously maintained in a separate Roznama."**
18. कागदपत्रांचा आढळ होत नसल्यास अथवा उपलब्ध होत नसल्यास फौजदारी कारवाई करण्याची तरतूद महाराष्ट्र सार्वजनिक अभिलेख अधिनियम, २००५ मध्ये स्पष्टपणे नमूद केलेली नाही. केवळ अनधिकृतपणे अभिलेख नष्ट केल्यास कलम ९ नुसार फौजदारी कारवाई करण्याची तरतूद सदर कायद्यात आहे.
19. त्यामुळे बरेचसे जनमाहिती अधिकारी या कायद्यातील तरतुदींची पळवाट काढून कागदपत्रांचा आढळ होत नाही अथवा उपलब्ध होत नसल्याचे कळवितात. अशा प्रसंगी महाराष्ट्र सार्वजनिक अभिलेख अधिनियम, २००५ चे कलम ७ नुसार पुनर्गठित करून कलम ९ नुसार फौजदारी गुन्हा नोंद करणेबाबत राज्य माहिती आयोगाने अनेक निर्णय दिलेले आहेत.
20. प्रत्येक वेळी राज्य माहिती आयोगाकडे नागरिकांना दाद मागणे शक्य होत नाही आणि त्यामध्ये नागरिक, माहिती आयोग आणि प्रशासनाचा प्रचंड वेळ, साधनसामुग्री आणि मनुष्यबळ खर्च होत आहे. त्यामुळे यासंदर्भात राज्य शासनाकडून शासन परिपत्रक पारित होणे अत्यावश्यक आहे. तसा शासनाकडे पाठपुरावा करणेकरिता कृपया मला यासंदर्भात राज्य माहिती आयोगाने दिलेले सर्व निर्णय कृपया मला देण्यात यावे, ही विनंती

...



H. P. MEHTA & ASSOCIATES

ADV. HIREN P. MEHTA
B.L.S., LL.B., LL.M. (Human Rights)

ADVOCATE HIGH COURT

Date – 23.09.2018

To,

Shri. Balaji Khatgaokar

(The Commissioner of Mira-Bhayander Municipal Corporation)

Mira - Bhayander Municipal Corporation

At – M.B.M.C Office, Station Road,

Bhayander (west), Dist. Thane

Reference – online Complaint dated 01.06.2018 lodged by my client by my client Mr. Brijesh Sharma against Mrs. Dimple Vinod Mehta for disqualification from the post of corporator and mayor of Mira Bhayander Municipal Corporation for direct/indirect involvement with her husband Mr. Vinod Lalchand Mehta in destruction of mangroves for carrying out illegal construction of 711 club.

Sir,

Under the instructions from and on behalf of my client Mr. Brijesh Sharma R/at – Flat no. 403, Jupiter A CHS LTD., P.K.Road, Behind Deepak Hospital, Mira Road (East), Thane 401 105 I have to state as under –

- i. My client states that as mentioned above my client has made Online Complaint dated 01.06.2018 lodged by my client by my client Mr. Brijesh Sharma against Mrs. Dimple Vinod Mehta for disqualification from the post of corporator and mayor of Mira Bhayander Municipal Corporation for the alleged involvement of her husband Mr. Vinod Lalchand Mehta in destruction of mangroves for the construction of 711 club.
- ii. My client states that Mr. Vinod Lalchand Mehta is a husband of Mrs. Dimple Vinod Mehta, a mayor of Mira Bhayander Municipal Corporation who have constructed illegal and unauthorized structure and made destruction of mangroves for carrying out the said illegal and unauthorized construction thereby violated the provision of MMC Act, 1949, MRTP Act, 1966 and various

Shop No.3, Sai Prem Bldg., 60 Feet Road, Bhayandar (West), Dist. Thane - 401 101. • Email : mehtahiren4@gmail.com

Scanned by CamScanner

norms of MANGROVES, WETLANDS. Thereby also contempt the order of the Hon'ble Bombay High Court.

- iii. My client states that Mrs. Dimple Vinod Mehta Corporator any mayor of MBMC have directly or indirectly been responsible or helped in her capacity as Mayor in carrying out such illegal and unauthorized construction on Non-Development Zone and wetlands.
- iv. My client states that there are several F.I.R have been registered against the husband of a Mayor Mrs. Dimple Vinod Mehta.
- v. My client states that being corporator and a mayor Mrs. Dimple Vinod Mehta is misused her position as public servant and fails to discharge her duty properly and with dishonest intension directly and indirectly supporting her husband in committing illegal and unlawful activities.
- vi. That section 10 of MMC Act, 1949 provides that -
 - (1) Subject to the provision of sections 13[* * *] and 404, a person shall be disqualified for being elected and for being a councilor, if such person -
"[(1D) A Councillor shall be disqualified for being a Councillor, if such Councillor has constructed or constructs by himself, his spouse or is dependent, any illegal or unauthorized structure Violating the provisions of this Act or the Maharashtra Regional and Town Planning Act, 1966 or the rules or bye laws framed under the said Acts; or has directly or indirectly been responsible for, or helped in his capacity as such Councillor in, carrying out such illegal or unauthorized construction or has by written communication or physically, obstructed or tried to obstruct any Competent Authority from discharging its official duty in demolishing any illegal or unauthorized structure. Such disqualification shall be for the remainder of his term as a Councillor from the date of the declaration of such structure to be illegal or unauthorized by the concerned authority under the provisions of the said Acts or, as the case may be, from the date of commission of the act of interference or obstruction by the councillor against the Competent Authority]"
- vii. My client states that along with the abovesaid complaints my client has provided you all relevant information and photographs to proves that how the mayor Mrs. Dimple Vinod Mehta indirectly or directly supporting her husband and responsible for, or helped in his capacity as such Councillor in, carrying out such illegal or unauthorized construction.

Scanned by CamScanner



H. P. MEHTA & ASSOCIATES

ADV. HIREN P. MEHTA
B.L.S., LL.B., LL.M. (Human Rights)

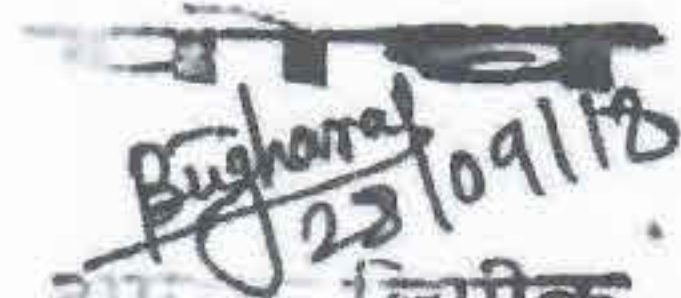
ADVOCATE HIGH COURT

Therefore, I on behalf of my client call upon you to impart fair justice for citizen of Mira-bahayander by disqualifying Mrs. Dimple Vinod Mehta from the post of corporator and mayor of Mira Bhayander Municipal Corporation for direct/indirect involvement with her husband Mr. Vinod Lalchand Mehta in destruction of mangroves for carrying out illegal construction of 711 club failing which my client shall be constrained to approach the Hon'ble High court to take appropriate steps against you and all wrong-doers and offenders.


Mr. Brijesh Sharma


ADVOCATE

H. P. MEHTA & ASSOCIATES
Advocate High Court
Shop No. 3, Sai Prem Bldg., 60 Feet Road,
Near Amar Dairy, Behind Jain Mandir,
Bhayandar (West), Dist. Thane - 401 101.
Mob.: 7208639060


23/09/18
आयुक्त लिपीक
मिरा भाईंदर महानगरपालिका

Sai Prem Bldg., 60 Feet Road, Bhayandar (West), Dist. Thane - 401 101. • Email : mehtahiren4@gmail

Scanned by CamScanner



मिरा भाईंदर महानगरपालिका

स्व. इंदिरा गांधी भवन, मुख्य कार्यालय
छत्रपती शिवाजी महाराज मार्ग, भाईंदर (प.) ता.जि. ठाणे 401101

नगरसचिव विभाग



जा.क्र.मनपा/सचिव/मा.अ./ ७३ /2018

दि. १५ / १२ / 2018.

प्रति,

श्री. ब्रिजेश शर्मा,

रुन नं. 403, ज्युपीटर-ए को.ऑ.हौ.सो.,

दिपक हॉस्पिटल मागे, मिरा भाईंदर हायवे (पूर्व)

विषय :- महानगरपालिका नगरसेविका श्रीम. डिम्पल विनोद मेहता यांचे नगरसेवकपद रद्द करणेबाबत दाखल केलेल्या तक्रारीसंबंधी माहिती मिळणेबाबत.

संदर्भ :- आपणांकडील दि. 05/12/2018 रोजीचा माहिती अधिकारातील अर्ज.
(नगरसचिव विभागास प्राप्त दि. 10/12/2018)

महोदय,

उपरोक्त विषयांकित संदर्भित पत्रान्वये, महानगरपालिका नगरसेविका व मा. महापौर श्रीम. डिम्पल विनोद मेहता यांचे नगरसेवकपद रद्द करणेबाबत दाखल केलेल्या तक्रारीसंबंधी माहितीची मागणी केलेली आहे. त्यानुसार आपणांस पुढीलप्रमाणे माहिती देण्यात येत आहे.

मुद्दा क्र.	माहिती
1)	उक्त प्रकरणातील मुळ नस्तीचे अवलोकन केले असता मुळ नस्तीमध्ये टिप्पणी अहवाल दिसून येत नाही.
2)	उक्त प्रकरणातील मुळ नस्तीचे अवलोकन केले असता मुळ नस्तीमध्ये तपासणी अहवाल दिसून येत नाही.
3)	मुद्दा क्र. 1 व 2 प्रमाणे
4)	नगरसचिव कार्यालयाकडील पत्र क्र. मनपा/सचिव/जप/29/2018-19, दि. 07/06/2018 नुसार सदर प्रकरणी अहवाल सादर करणेबाबत सहा. नगररचनाकार, नगररचना विभाग, मिरा भाईंदर महानगरपालिका यांना लेखी कळविल्याचे मुळ नस्तीचे अवलोकन केले असता दिसून येते. सदर पत्राची सत्यप्रत सोबत जोडून देत आहोत. (एकुण पाने 01)
5)	एखाद्या प्रकरणी कार्यवाही झालेली नसेल तर जबाबदार अधिकारी कोण व त्यांची नावे काय अशी प्रश्नार्थक माहिती माहिती अधिकार नियमांतर्गत विचारणे अपेक्षित नाही.
6)	उक्त प्रकरणातील मुळ नस्तीचे अवलोकन केले असता महानगरपालिका आयुक्त यांनी नगरसेवक अनर्हतेबाबत आदेश पारित केल्याचे दिसून येत नाही.

सदर माहिती नगरसचिव विभागात, उक्त प्रकरणासंबंधी उपलब्ध मुळनस्तीवरून देण्यात येत आहे. माहितीबाबत आपले समाधान न झाल्यास अपिलीय अधिकारी तथा नगरसचिव श्री. वासुदेव शिरवळकर, नगरसचिव विभाग, तिसरा मजला, मुख्य कार्यालय, स्व. इंदिरा गांधी भवन, भाईंदर (प.) यांचेकडे 30 दिवसात प्रथम अपिल दाखल करता येईल.

कळावे.

Brijesh
19/12/2018

कैलास दामोदर म्हात्रे
9/12/2018
(कैलास दामोदर म्हात्रे)
जनमाहिती अधिकारी तथा लिपीक
नगरसचिव विभाग
मिरा भाईंदर महानगरपालिका
(भ्रमणध्वनी क्र. 9867077799)



मिरा भाईंदर महानगरपालिका

स्व. इंदिरा गांधी भवन, मुख्य कार्यालय
छत्रपती शिवाजी महाराज मार्ग, भाईंदर (प.) ता.जि. ठाणे 401101
नगरसचिव विभाग



जा.क्र.मनपा/सचिव/ ३५१२९/२०१८-१९

दि. ०७/०६/२०१८

प्रति,

मा. नगररचनाकार,

नगररचना विभाग,

मिरा भाईंदर महानगरपालिका

विषय :-

मिरा भाईंदर महानगरपालिका नगरसेविका श्रीम. डिम्पल विनोद मेहता यांचे पती श्री. विनोद मेहता यांनी सर्व्हे नं. २६६/१ ते ६ आणि २६५ / २,४ आणि २६७ / २,३ येथे मॅग्नोजच्या झाडांचा नाश करून सेव्हन इलेव्हन क्लबचे अवैध बांधकाम केल्याप्रकरणी श्रीम. डिम्पल विनोद मेहता यांचे नगरसेवक पद रद्द करणेबाबत.

संदर्भ :-

श्री. ब्रिजेश शर्मा यांचेकडील दि. ०१/०६/२०१८ रोजीची तक्रार.

महोदय,

उपरोक्त विषयांकित संदर्भित पत्रान्वये श्री. ब्रिजेश शर्मा यांनी मिरा भाईंदर महानगरपालिका नगरसेविका श्रीम. डिम्पल विनोद मेहता यांचे पती श्री. विनोद मेहता यांनी सर्व्हे नं. २६६/१ ते ६ आणि २६५ / २,४ आणि २६७ / २,३ येथे मॅग्नोजच्या झाडांचा नाश करून सेव्हन इलेव्हन क्लबचे अनधिकृत बांधकाम केल्याचे कळवून नगरसेविका श्रीम. डिम्पल विनोद मेहता यांचे नगरसेवक पद रद्द करणेची मागणी केलेली आहे.

उक्त प्रकरणी आपल्या विभागामार्फत पडताळणी करून सविस्तर वस्तुस्थितीदर्शक अहवाल कागदपत्रांसह लवकरात लवकर नगरसचिव कार्यालयास उपलब्ध करून द्यावा.

माहिती अधिकार २००५ अंतर्गत
देण्यात आलेली माहिती सहाय्य
जनसंपर्क विभाग
नगरसचिव विभाग
मिरा भाईंदर महानगरपालिका

(वासुदेव शिरवळकर)
नगरसचिव

मिरा भाईंदर महानगरपालिका

सोबत :-

संदर्भित पत्रांची छायांकित प्रत.

पोच
११/६/२०१८
लिपिक
नगरसचिव विभाग
मिरा भाईंदर महानगरपालिका