

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
PUBLIC INTEREST LITIGATION NO.176 OF 2012

Rajesh Madhukar Pandit

...Petitioner

vs.

Nashik Municipal Corporation
and others

...Respondents

Mr.Pralhad Paranjape i/b Pravatak Pathak for the
petitioner

Mr.M.L.Patil for respondent nos.1 and 2

Mr.R.B.Raghuwanshi i/b Ms Rutuja Ambekar for the
respondent no.3

Ms S.S.Bhende, A.G.P for respondent no.5

CORAM : A.S. OKA & K.K.TATED, JJ

DATE : FEBRUARY 25, 2013

P.C:

1 Under the order of the Hon'ble the Chief Justice passed on 18th January 2013, this petition has been assigned to this Court. We have heard the learned counsel for the petitioners, learned counsel for the respondent nos.1 and 2 and the learned counsel for the respondent no.3. We direct the petitioners to serve a private notice to the respondent no.4 returnable on 14th March 2013.

2 The learned counsel for the respondent no.3 has invited our attention to the communication dated 31st January 2013 issued by the respondent no.3 to the Superintending Engineer (Sewerage Department) of the first respondent-Corporation. He also invited our attention to the minutes of the meeting dated 7th

November 2012.

3 We direct the respondent no.3 to file an affidavit within a period of two weeks from today. The affidavit will set out the compliances made by the municipal corporation in terms of the directions issued by the respondent no.3. The affidavit shall also specify various steps which the respondent no.3 expects the municipal corporation to take to ensure that the river Godavari is cleaned and it remains clean. It will also open for the respondent no.3 to call for the parties for further meetings/hearing and to issue further directions in the meanwhile.

4 The learned counsel for the petitioner has invited our attention to the prayer clause (d). He submitted that the direction in terms of prayer clause (d) will have to be issued in the light of the report of the Pollution Control Board which is annexed to the petition at Exhibit-C.

5 As of today, it appears that the river water is unfit for human consumption and is dangerous to the health. Therefore, it is necessary that the respondent nos.1 and 2 should display boards at prominent places warning the public at large that the water in the river is unfit for human consumption and dangerous to the health. We direct the respondent nos.1 and 2 to display such boards at various prominent places. Other grievance made by the petitioner is regarding throwing of garbage in the river. In the paragraph 26 of the affidavit

filed by Shri Shivkumar Ramchandra Vanjari, Deputy Engineer (Civil) and Incharge Environment Conservation Officer, Nashik Municipal Corporation, it is stated that the Corporation has installed at various places "Nirmalya Kalash" in which "Nirmalya" is supposed to be collected. A detailed affidavit shall be filed by the said Officer or any other Officer of the Corporation setting out the details of the places at which such "Nirmalya Kalash" have been installed. The Officer will also state the number of "Nirmalya Kalash" available which can be used by the members of the public. The Corporation shall erect the boards around the river at prominent places informing the members of the public not to throw any articles or garbage including the "Nirmalya" in the river. The boards must also disclose that an arrangement is made for collecting the "Nirmalya" in "Nirmalya Kalash" installed by the municipal corporation. The steps shall be taken to erect boards within a period of two weeks from today.

6 The learned counsel for the petitioner has tendered a compilation across the bar. We direct the learned counsel for the petitioners to supply a copy of the compilation to the learned counsel for the respondent no.3. The respondent no.3 in the affidavit will have to deal with the grievances which are reflected from the photographs forming part of the compilation. The affidavit shall be filed by the respondent nos.1 and 3 on or before 13th March 2013. We direct that this petition shall be

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placed on board on 14th March 2013 at 3.00 p.m.

(K.K.TATED, J)

(A.S. OKA, J)

Bombay High Court