

SQP

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

Rajesh Madhukar Pandit & Ors. ...Petitioners  
Versus  
The Nashik Municipal Corporation & Ors. ...Respondents  
.....

Mr. P. S. Pathak for Petitioners

Mr. M. L. Patil for Respondent Nos. 1 and 2

Mr. M. L. Raghuwanshi i/b Ms. Rutuja Ambekar for Respondent No.3

Mr. Ravindra A. Nalawade i/b Mr. D. A. Nalawade for Respondent No.4

Mr. A. B. Vagyani, A.G.P. for Respondent No.5

Mr. P. P. Chavan with Ms. Shyamali Gadre i/b Little & Co. for Respondent No.6  
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**CORAM:- A. S. OKA AND  
REVATI MOHITE DERE, JJ.  
DATED:- OCTOBER 17, 2013**

**P.C.**

1. We have heard the learned Counsel appearing for the parties.

We have perused the affidavit of Shri J. C. Borse, Deputy Engineer of the 6<sup>th</sup> respondent MIDC and in particular, paragraph 15 thereof.

2. We accept the assurance stated therein with a rider that if the Association of Industries fails to set up CETP in reasonable time, the MIDC

cannot contend that it will cause CETP to be constructed only if user industries are willing to bear the cost.

3. The learned A.G.P. states that though the Deputy Commissioner of Police (Zone-I), Nashik has ensured that staff of four Sub-Inspectors of Police and 30 Police Constables is made available for the purposes of helping the Municipal Corporation to stop pollution of Godavari River, the State Government has not approved the proposal for deputing additional police personnel for this work. He has produced on record communication dated 16<sup>th</sup> October, 2013 addressed to the learned Government Pleader by the Deputy Collector, Zone-I, Nashik.

4. We direct the State Government to immediately take appropriate decision on the proposal for making available additional police force for the protection of Godavari river. Appropriate decision be taken within a period of one month from today.

5. We have perused the letter dated 17<sup>th</sup> October, 2013 addressed by the Deputy Collector (Land Acquisition) No. II, Nashik. It records that

as regards land required for setting up STP Plant at village Pimpalgaon, a Notification under Section 4 (i) of the Land Acquisition Act, 1894 is likely to be issued in the next week. We accept the statement. As regards the plant at Gangapur, he states that in the pending Special Leave Petition filed by the Nashik Municipal Corporation, the Apex Court has passed an order of status-quo and therefore, the State is unable to take any steps in the matter of acquisition of the land at Gangapur.

6. We have perused the affidavit of Shri Shivkumar Ramchandra Vanjari, Executive Engineer (Environment) of the Nashik Municipal Corporation. Various steps taken by the Municipal Corporation have been set out in the affidavit. The affidavit also records the steps taken by the Corporation for prevention of pollution during the Ganesh Visarjan. In paragraph 16 of the affidavit, it is stated that the Municipal Corporation has decided to create a separate and dedicated Godavari Conservation Department and the proposal for approval of the required staff has been submitted to the State Government vide letter dated 20<sup>th</sup> February, 2013 bearing No.480/2013. If the said proposal is pending, we direct the State Government to take appropriate decision on the said proposal within a

period of six weeks from today.

8. The learned Counsel appearing for the petitioners submitted that the said affidavit does not satisfactorily deal with the compliances suggested by MPCB in its letter dated 31<sup>st</sup> July, 2013. We permit the petitioners to file affidavit in this behalf.

9. Learned Counsel appearing for the MPCB states that he will make a statement on the further steps taken on the next date.

10. We are informed that Kumbh Mela festival is likely to be held in August, 2015. Considering the large number of devotees who will attend the said festival, the possibility of adding to the existing pollution to the River cannot be ruled out. We have appointed the National Environment Engineering Research Institute (NEERI) to suggest long term measures and the NEERI is working on the said measures. It will be appropriate if NEERI submits an interim report suggesting steps to be taken during the Kumbh Mela to avoid any further pollution to enable us to issue appropriate directions. We direct the Advocate for the petitioners to serve private

notice to NEERI, informing that its representative shall remain present in Court on the next date i.e. 25<sup>th</sup> October, 2013 at 3.00 p.m.

11. Some other suggestions made in the affidavit of Nashik Municipal Corporation will have to be considered in presence of the representatives of the NEERI. Stand over till 25<sup>th</sup> October, 2013 at 3.00 p.m.

12. At this stage, learned Counsel appearing for the petitioners submitted that large number of vehicles are being brought to the bank of the River and activity of washing the vehicles by using the river water is being continued in large scale and some of the local newspapers have taken cognizance of the same. We direct the Deputy Commissioner of Police, Zone-I, Nashik to look into this aspect and take appropriate steps in that behalf.

**(REVATI MOHITE DERE, J.)**

**(A. S. OKA, J.)**