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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 & Ors. ...Respondents

Mr.Pravartak Pathak for the Petitioner
Mr.M.L.Patil for the respondent Nos.1 and 2
Mr.R.D.Raghuwanshi i/b Rutuja Ambekar for respondent
no.3
Mr.A.B.Vagyani, Addl.G.P for respondent No.5
Mr.P.P.Chavan alw Shyamali Gadres and Ravindra Chile
i/b Little & Co. for respondent No.6

CORAM : A.S.OKA, &
REVATI MOHITE DERE, JJ.

DATE : OCTOBER 25,2013

P.C.:

1 The learned AGP has produced for our perusal a copy of notification under section 4(1) of the Land Acquisition Act,1894 dated 19th October 2013 in relation to the land required for the STP at Pimpalgaon.

2 Dr.Shivani Surendra Dhage, the former Deputy Director and currently Water Expert is present on behalf of NEERI. Mr.Raghuwanshi has explained to the said representative the necessity of preparing action plan to tackle with 'Kumbha Mela' at Nashik. He states that Dr.Dhage has stated that the report on this aspect shall be submitted to this Court on or before 18th November 2013.

3 The learned counsel for the petitioner has tendered additional affidavit of the petitioner to which certain photographs have been annexed. The learned counsel for the Municipal Corporation has assured the Court that the Corporation will look into this aspect. The learned counsel for the Pollution Control Board states that the show causes notices have been issued to certain industries and hearing has been fixed on 12/13th November 2013. He states that a permanent squad of three officers has been specially constituted to deal with the issue.

4 The learned counsel for the MIDC invited our attention to the order passed on 17th October 2013 and the statement which is recorded in paragraph 2 of the said order. He states that a clarification may be issued that if MIDC is forced to set up the plant, it will be entitled to recover cost from the user industries. We clarify the order dated 17th October 2013 by recording that it will be open for the MIDC to recover the cost of setting up the plant from the user industries.

5 The learned counsel for the Municipal Corporation has tendered across the bar correspondence between the District Collector and the Pollution Control Board. The said correspondence is based on the action plan for control of water pollution of river Godavari which involves expenditure of 438.08 crores. He states

that the correspondence has been repeatedly made with the State Government and the matter is under consideration of the State Government.

6 We direct the State Government to take appropriate decision on the pending proposal regarding grant of approval to the said action plan. Progress made in that behalf shall be informed by the State Government on the next date.

7 Place this petition on 20th November 2013 at 3.00 p.m.

(REVATI MOHITE DERE, J.)

(A.S.OKA, J.)

Bombay

High