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

Rajesh Madhukar Pandit

...Petitioner

vs.

The Nashik Municipal Corporation
and others

...Respondents

Mr.Pravartak Pathak for the Petitioner

Mr.A.B.Vagyani, GP a/w Ms M.P.Thakur, AGP for State

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

Mr.Ratnesh Dube i/b Ms Rutuja Ambekar for the
respondent No.3Mr.Ankit Kulkarni i/b Little & Co. for respondent
No.6.

CORAM : A.S.OKA, &

V.L.ACHLIYA, JJ.

DATE : OCTOBER 29, 2015

P.C.:

1 Though as per the order dated 14th October 2015, this petition ought to have been listed on Board, the same is not listed today. Therefore, taken on board. The learned Government Pleader seeks extension of time by a period of five weeks to comply with the directions contained in order dated 11th September 2015.

2 We direct the State Government to take a decision in terms of the said order on or before 11th December 2015. No further extension shall be granted.

3 While dealing with the PIL No.154 of 2015, this

Court noticed that there was a letter dated 5th September 2015 addressed by the Executive Engineer, Nashik Irrigation Division to the District Collector requesting the District Collector to release water from Gangapur dam for the purpose of cleaning and washing away the dirt created by Kumbhamela in the river Godavari. Though by the affidavit tendered today by the State Government in the said PIL, it is tried to be contended that water is not required to be released for that purpose, the fact remains that the Executive Engineer has reported that there is a lot of dirt created by Kumbhamela. This must have increased the pollution. Perusal of several orders passed by this Court from time to time in this PIL will show that all the Authorities were under an obligation to implement the recommendations of National Environmental Engineering Research Institute (for short 'NEERI') as regards the measures to be taken during the Kumbhamela. In fact, a specific order has been passed in terms of clause (iii) of Paragraph 25 of the order dated 11th September 2015.

4 On the basis of the several orders passed by this Court starting from 7th March 2014, several measures were taken for purification of the river Godavari. But now it appears that due to Kumbhamela, river water has become dirty and there is a lot of pollution created in and around the river. NEERI has been already appointed in the present PIL to suggest measures for cleaning and rejuvenation of river Godavari and in fact this

Court has issued various directions based on recommendations of NEERI.

5 Due to the situation created by Kumbhamela, we direct that the experts/Scientists of NEERI shall visit the relevant spots for the purposes of assessing the damage, if any, done by the ongoing Kumbhamela. NEERI shall suggest the remedial measures. The remedial measures shall be in two parts. The first part will be of immediate remedial measures and the second part will be of long term remedial measures. The report containing immediate remedial measures required to be taken shall be submitted by the NEERI on or before 11th December 2015. The Advocate for the petitioner will serve an authenticated copy of this order to NEERI on which NEERI shall act upon.

6 As per the earlier orders passed by this Court from time to time, directions were issued to the Nashik Municipal Corporation to pay necessary expenses and charges to NEERI. The said order shall continue to operate and the Nashik Municipal Corporation will have to pay necessary charges as per the bill which will be raised by NEERI for carrying out the work in terms of this order.

7 For considering the recommendations of NEERI, the petition shall be listed on 16th December 2015 under the caption 'Directions'. On that day, compliance report submitted by the State Government in terms of the directions issued in terms of clause

(1) of order dated 11th September 2015 will also be considered.

8 There is a typographical error in the order dated 15th October 2015. The year mentioned in the last line of the order shall be corrected as 2015 instead of 2012. Correction shall be carried out to the original order as well as the order uploaded on server.

(V.L.ACHLIYA, J.)

(A.S.OKA, J.)

Bombay High