

ssp

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION ST.NO.13231 OF 2017 IN
PUBLIC INTEREST LITIGATION NO.176 OF 2012

Rajesh Madhukar Pandit & anr. ...Applicants
vs.
The Nashik Municipal Corporation
and others ...Respondents

Mr.Pravartak Pathak for the applicants
Mr.M.L.Patil for respondent Nos.1 and 2
Mr.R.B.Raghuwanshi a/w Ms Rutuja Ambekar for the
respondent No.3
Mr.D.A.Nalawade and Mr.N.R.Prajapati for respondent
No.4
Mr.A.B.Vagyani, GP a/w Mr.Manish Pabale, AGP and Ms
G.R.Golatkhar,AGP for respondent No.5
Mr.Ankit Kulkarni i/b Little & Co. for respondent
No.6.

CORAM : A.S.OKA, &
SMT.VIBHA KANKANWADI, JJ.

DATE : JULY 6, 2017

P.C.:

1 Heard the learned counsel for the parties. As far as prayer (a) is concerned, the same will have to be considered at the stage of final hearing. As far as prayer (b) is concerned, it will be appropriate if the Nashik Municipal Corporation approaches the Committee headed by the Divisional Commissioner, Nashik constituted under the orders of this Court before proceeding further with the construction of the concrete wall. It appears from the documents tendered across the bar by the learned counsel for the applicants that the National

Environmental Engineering Research Institute (for short 'NEERI') has certain reservations about the manner in which the Nashik Municipal Corporation is proceeding with the work.

2 The Nashik Municipal Corporation will submit a formal application addressed to the Divisional Commissioner requesting him to place the subject before the Committee. The Committee headed by the Divisional Commissioner shall convene a meeting within a period of one month to discuss the issue and to find out the solution after considering the views of the NEERI.

3 We make it clear that further construction will be carried out by the Nashik Municipal Corporation after obtaining a consent of the Committee appointed by this Court.

4 If the Nashik Municipal Corporation wants to carry out a similar work in relation to other tributaries of river Godavari, it will be appropriate if the Nashik Municipal Corporation seeks permission of the Committee before taking any further steps.

5 Place the main petition on 14th July 2017.

(VIBHA KANKANWADI, J.)

(A.S. OKA, J.)