

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 3433 OF 2015

Pradeep B. Jagtap & Anr. V/s. Sarpanch / Gramsevak Grampanchayat, Kandali & Ors.	...	Petitioners Respondents
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Mr. J. H. Oak for Petitioners.
Mr. G. K. Gole for Respondent Nos. 1 and 2.

**CORAM : NARESH H. PATIL AND
M. S. SONAK, JJ.**

15th December, 2015.

P.C.

The petitioners challenge the communication made by the Grampanchayat, dated 1st September 2014 refusing to grant NOC to the petitioners to run a poultry farm. The Sarpanch directed the petitioners to close down the poultry farm. Since then the poultry farm is closed. Learned counsel submits that the respondent no. 3 has approached the Pollution Control Board for further orders. No order has been passed by the Pollution Control Board.

2] Learned counsel appearing for the Gram Panchayat placed reliance on the affidavit in reply. He submits that due to the subject poultry farm, surrounding atmosphere is affected due to unhygienic activities in and around the poultry farm. The general health of the villagers got affected. The Gram Panchayat received complaints, hence a decision was taken to refuse NOC.

3] Learned counsel for the petitioners submit that there are five to six poultry farms which are established and run in the same village.

4] Without going into the merits of the matter and the contentions raised, we observe that the Gram Panchayat shall get the issue clarified from the Pollution Control Board in respect of the petitioners' poultry farm.

5] We direct the Pollution Control Board to examine the status of all the poultry farms established in and around the Village Kandali, Tal : Junnar.

6] After conducting the aforesaid inspection, the Gram Panchayat shall take a policy decision in this regard. We direct the Collector, Pune to depute a responsible officer who shall keep the Collector informed of the further developments.

7] With these observations and keeping all issues on merits open, petition is disposed of.

(M. S. SONAK, J.)

(NARESH H. PATIL, J.)