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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

**CIVIL APPLICATION NO. 2931 OF 2015
IN
WRIT PETITION NO. 918 OF 2015**

R.R. Stone Crusher ... Applicant

IN THE MATTER BETWEEN :

Samaj Prerana Mandal Satara and anr. ... Petitioners

Versus

State of Maharashtra and Ors. ... Respondents

Mr. A.V. Anturkar, Sr. Advocate I/by Mr. Dormaan J. Dalal for the applicant and the respondent no. 7 in W.P. No. 918 of 2015.

Mr. Siddhesh Pilankar I/by Mr. Uday P. Warunjikar for the petitioners in WP No. 918 of 2015.

Mrs. M.P. Thakur, AGP for the respondent State.

Mrs. Sharmila Deshmukh for the respondent no. 6.

**CORAM : A.S.OKA AND
V.L.ACHLIYA, JJ.
DATED : 30th OCTOBER, 2015**

P.C. :-

1. Heard the learned senior counsel appearing for the applicant in this application who is seventh respondent in the writ petition. We have also heard the learned counsel for the writ petitioners.

2. The seventh respondent in the writ petition has moved

this Court for vacating the ad interim relief granted on 24th July, 2015 in the main writ petition. It is contended that pending the petition on 19th September, 2015, the Maharashtra Pollution Control Board, Regional Office, Pune has granted consent to operate under Section 26 of the Water (Prevention and Control of Pollution) Act, 1974 read with Section 21 of the Air (Prevention and Control of Pollution) Act, 1981 in favour of the seventh respondent. It is pointed out that the said Consent is to operate till 28th February, 2020. The learned counsel representing the Maharashtra Pollution Control Board has confirmed the said fact.

3. The contention of the seventh respondent in the Civil Application is that the ad interim relief was granted by the order dated 24th July, 2015 on the ground that there was no Consent granted to the seventh respondent under section 21 of the said Act, of 1981. The submission of the learned senior counsel for the seventh respondent is that as now the Consent has admittedly been granted, ad interim relief be vacated. The learned counsel for the writ petitioners states that the writ petitioners intend to challenge the Consent granted to the seventh respondent on 19th September, 2015. He states that the time of seven days may be granted to the petitioners and in the meanwhile, the seventh respondent be restrained from resuming mining and crushing activities.

4. The learned senior counsel for the seventh respondent states that even if ad interim relief is vacated, for a period of seven days from today, the seventh respondent will not resume mining and crushing activities. We accept the said statement. In view of the Consent dated 19th September, 2015, ad interim relief granted in terms of paragraph 3 of the order dated 24th July, 2015 is vacated. Civil Application is accordingly disposed of.

(V.L.ACHLIYA, J.)

(A.S.OKA. J.)