

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
PUBLIC INTEREST LITIGATION NO. 19 OF 2014

Grampanchayat Urali Devachi & Ors. .. Petitioners
V/s
Pune Municipal Corporation & Ors. .. Respondents

WITH
PUBLIC INTEREST LITIGATION NO. 70 OF 2014

Vineet Dhanda .. Petitioner
V/s
The Chief Secretary
State of Maharashtra & Ors. .. Respondents

Mr. A.A. Anturkar with Mr. Ajinkya Udane and Mr. S.B. Deshmukh
for the petitioners in PIL No. 19/2014.
Mr. Zaman Ali i/b C.K. Thomas & Associates for the petitioner in PIL
No.70/2014.
Ms. Rupali Dixit for respondent no.6 in PIL No.19/2014.
Mr. A.P. Kulkarni for the respondent – Corporation.
Ms. Neeta Masurkar with Mr. Vinay Masurkar for Union of India.
Ms. S.S. Bhende, AGP for the State.

CORAM: DR. MANJULA CHELLUR, CJ. &
M.S. SONAK, J.

DATE : 2nd DECEMBER 2016

P.C.:

The issue raised in the present PIL petitions is with regard to non-compliance of statutory obligations on the part of the 1st respondent – Municipal Corporation by attending to solid waste

disposal generated within the 1st respondent Municipal Corporation area. The petitioners have referred to several writ petitions which were filed on earlier occasion before this Court in the year 2000 and even prior to that with regard to the same subject matter.

2. One must note that this is a universal problem especially in our country where the public becoming more aware of the civic amenities to be provided to them, but the amenities provided by the Local Authorities are lagging behind the demand of the public. The clean atmosphere, healthy drinking water without any pollutant and clean air for breathing must be the basic necessities for a person to have a reasonable, good and healthy living. The Local Authorities are meant for attending to several aspects of civic amenities to be provided to the people who reside within the area of the said Local Authorities. It is rather an obligation and responsibility of the respondent Corporation.

3. So far as solid waste disposal is concerned, the problem is becoming more and more complicated without finding any permanent solution. Though ideal and novel ideas are placed on record with reference to research and survey made by several people, who have some knowledge on the subject, when it comes to implementation of the same, we do not see the same zeal and enthusiasm. This is on account of lack of many things, including lack of commitment on the part of the people who have to segregate things. This requires awareness even among residents, who live

within that local authority, who must have basic knowledge of how certain things need to be recycled and how certain things cannot be recycled when they segregate the solid waste. We hope the respondent Municipal Authority is attending to awareness programme in this regard as well. However, with the challenge to the health of human being with the increase of manifold infections in the form of virus and bacteria, we need to give attention to this problem. By making cosmetic capping of the solid waste by digging earth and concealing it totally will not solve the problem since during the monsoon, this could pollute the drinking water exists nearby. If such exercises are undertaken, this would only solve problem temporarily, i.e. only the visual appearance of solid waste in a huge quantity, but the consequences and the impact on the health of residents will not be addressed.

4. In that view of the matter, we are of the opinion that in the light of several matters pertaining to National Green Tribunal Act, which deals with different kinds of pollution, i.e. air, water and environment, the National Green Tribunal can look into the matter and give necessary directions. We are of the opinion that the National Green Tribunal, Pune Bench itself can not only give directions but keep a vigil with regard to day to day problems arising or the solution the respondent Corporation may suggest, which would not only address the grievance raised by the petitioners but in reality some solution could be given to the people of city of Pune.

5. In these circumstances, we are of the opinion that the entire matter deserves to be sent to the National Green Tribunal, Pune Bench forthwith. Registry is directed to immediately attend to the same.

6. The parties are directed to appear before the National Green Tribunal, Pune Bench on 9th January 2017. It is made clear that no further notice needs to be given by the Pune Bench of National Green Tribunal.

(M.S. SONAK, J.)

CHIEF JUSTICE