

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO.2006 OF 2017

Samir A. R. Pathi

... Petitioner.

Versus

State of Maharashtra
and others

... Respondents

....

Mr. a.M. Saraogi a/w Mr. Anand Mishra for the Petitioner.
Mr. Hemant Haryan, AGP for State.
Mr. M.A. Adenwala for Respondent No.3.
Ms. Pallavi Thakar for MCGM

....

***CORAM : Smt.Vasanti A Naik &
Riyaz I. Chagla, JJ.***

DATE : 10th October, 2017.

P.C. :

By this writ petition, the petitioner seeks a direction against the respondent nos.1 and 2 to forthwith take action against the respondent no.3 and the bakery owned by him, as the bakery causes pollution in the locality. The petitioner has sought the closure of the bakery operated by the respondent no.3

In the circumstances of the case, we are not inclined to grant the prayers made in the writ petition. The respondent no.3 has filed his affidavit in reply stating therein that the bakery of the respondent No.3 is in existence since the year 1935. The regulations and rules of the year 1972 are applicable to the bakery

and no authority that has granted the permission to the respondent no.3 to run the bakery has any grievance about the respondent no.3 and the operation of the bakery. The bakery is being run in the premises in the locality where the petitioner resides, since several years and necessary permission from the Corporation, the Maharashtra pollution control board, the Maharashtra Shops and Establishments Act and the food safety and standards authority of India are secured by the respondent no.3 for the operation of the bakery in the premises. In the circumstances, a direction cannot be issued to the Corporation in exercise of the writ jurisdiction to take any action against the respondent no.3 in regard to the closure of the bakery that is functional since past several years. The petitioner is free to avail any other remedy, if so advised.

Since the relief sought by the petitioner cannot be granted, the writ petition is dismissed with no order as to costs.

(Riyaz I. Chagla J)

(Smt.Vasanti A Naik, J)