

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD

Office Notes, Office
Memoranda of Coram,
appearances, Court's
orders or directions
and Registrar's orders

Court's or Judge's orders

WRIT PETITION NO. 1268 OF 2018

AJITSINGH AMARSINGH RAJPUT

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for petitioner : Mr.K.D. Jadhav
AGP for the respondent/State:Mr.S.S. Dande

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CORAM: S.S.SHINDE & S. M. GAVHANE, JJ.

Dated: February 02, 2018

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Heard learned counsel appearing for
the petitioner.

2. Keeping in view the grievance raised
in this Petition, the immediate
directions are necessary to be issued to
Respondent Nos.2 and 3.

3. The grievance raised by the
petitioner is that, though the petitioner
has filed various representations to
Respondent Nos.2 and 3 on 12.12.2017,
15.12.2017, 30.12.2017, 10.01.2018 and

12.01.2018, the cognizance of the said representations is not taken and as a result of it, since drainage line in the vicinity where the petitioner is residing, is damaged and broken, dirty smell spread in the vicinity. The said situation continued for about two months even then Respondent Nos.2 and 3 have not taken cognizance of the grievance raised by the petitioner on his representations referred hereinabove.

4. The Supreme Court in the case of **Municipal corporation of Greater Mumbai and others V/s Rohinoor CTNL Infrastructure Company Private Limited and another¹** has taken a view that, the right to a clean and healthy environment is within the ambit of Article 21 of the Constitution of India. Furthermore, the right to a clean and pollution free environment, is also a right under our common law jurisprudence. In view of the above, to enjoy the said clean air and unpolluted environment is the fundamental right of the citizen. Keeping in view above said fact and the petitioner and the other citizens residing in the vicinity, where the petitioner is

1 (2014) 4 SCC 538

residing, we direct Respondent Nos.2 and 3 to take decision on the representations of the petitioner, as expeditiously as possible, and preferably on or before 7th February, 2018 and ensure that, the grievance of the petitioner and adjoining neighbours residing in the said vicinity stands redressed.

5. With the above observations the Petition stands disposed of.

6. The parties shall act upon authenticated copy of this order.

(S. M. GAVHANE, J)

(S.S. SHINDE, J)

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