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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
PUBLIC INTEREST LITIGATION NO.36 OF 2016**

Dr. (Kum) Heta C. Shah & Ors.

... Petitioners

Versus

State of Maharashtra and Ors.

... Respondents

Mr. Harish Pandya a/w Mr. Aagam Joshi & Ms. Shalaka Waghmare i/by
Raju Gupta For Petitioner.

Mr. Chandrakant N. Chavan for Respondent No.2 to 4.

Ms. P.H.Kantharia, Government Pleader a/w Ms. Jyoti Chavan, AGP for
Respondent No. 1 & 5 to 9.

Mr. Sagar Patil a/w Ms. Kejali Mastakar for Respondent No.10.

Mr. F.A.Wasif & Mr. N.R. Bubna for Respondent No 11.

Mr. Mandar Bagkar a/w Mr. Sandip Marne for Respondent No.13.

Mr. Vaibhav Prakash Patankar for Respondent No.14.

Mr. Pradeep J. Thorat for Respondent No.17.

Mr. Shivaji Annappa Masal for Respondent No. 19.

Mr. G.H. Keluskar for Respondent No.21.

**CORAM : A.S. OKA &
P.N. DESHMUKH, JJ.**

DATE ON WHICH SUBMISSIONS WERE HEARD : 12.02.2018

DATE ON WHICH JUDGMENT IS PRONOUNCED : 05.07.2018

JUDGMENT (PER A.S. OKA, J.)::-

(Signed Judgment is pronounced by Shri A.S.Oka and P.N. Deshmukh, JJ., as per Chapter XX Rule 296(iii) of the Bombay High Court (Original Side) Rules, 1960 in absence of Shri P.N. Deshmukh, J. is sitting at Nagpur).

1 This Public Interest Litigation has been filed essentially for bringing it to the notice of the Court drought conditions in the State of Maharashtra in the year 2016 as a result of which the entire State faced acute water shortage. It is pointed out by the petitioner that for commercial and industrial use, adequate water is being supplied but the common man and animals in the State had to face the serious situation arising out of lack of water supply.

2 There are diverse prayers made in the Petition. Prayers (b) to (m) of the Petition are material which read thus :-

- “ (b) That this Hon'ble Court be pleased to order and direct the Respondents to make, uninterrupted supply of, drinking water available to man and animal alike in the State of Maharashtra and only thereafter, make the water available to various industries and other purposes and strictly abide by and enforce the water policies and laws;
- (c) That this Hon'ble Court be pleased to order and direct the Respondents to make uninterrupted water supply to various hospitals and medical facilities including ambulances in the State of Maharashtra and to various animal shelters and veterinary hospitals;
- (d) That this Hon'ble Court be pleased to order and direct the Respondents to ensure that private water suppliers supply water only at the rates fixed by the respective Respondent municipalities or at the rates as this Hon'ble Court may fix;
- (e) That this Hon'ble Court be pleased to order and direct the Respondents to take steps to increase the ground water level and take strict and effective steps to ensure that industrial pollutants are not released without treatment and under no circumstances such pollutants

be permitted in water bodies including ground water and the relevant norms to keep checks on it should not be relaxed;

- (f) That this Hon'ble Court be pleased to order and direct the Respondents to make necessary arrangements within time bound schedule for completion of various irrigation projects and necessary steps be taken for conserving and supply of water to all the citizens in our State as also to the animal world;
- (g) That this Hon'ble Court be pleased to order and direct the Respondents to take steps to connect rivers in Country in order to equally and effectively distribute water in Country more particularly to drought affected areas within such time as this Hon'ble Court may deem fit and proper;
- (h) That this Hon'ble Court be pleased to order and direct the Respondents to not to supply water during the period of drought/ drought like period;

(i) to water intensive industries including but not limiting to (a) soft drink manufacturing industry, (b) slaughter houses and abattoirs, (c) sugar industry, (d) chemical industry, (e) for growing BT Cotton and Sugarcane (f) construction industry and any other water intensive industries and crops as this Hon'ble Court may deem fit and proper;

(ii) to water intensive recreational activities like (a) water parks/ resorts, (b) swimming pools, (c) golf courses, (d) gardens and lawns meant/ maintained by luxury hotels/ clubs and the residences of private/ Government servants and offices and any other activities which this Hon'ble Court may deem fit and proper;

(i) That this Hon'ble Court be pleased to order and direct the Respondents to construct and provide shelter for man and animal alike to escape the heat wave throughout the State of Maharashtra at such places as this Hon'ble Court may deem fit and proper;

(j) This Hon'ble Court be further pleased to order and direct the Respondents to equip such heat wave protection shelters with adequate water and sanitation facilities and further ensure that such heat wave protection shelters are not encroached upon;

(k) That this Hon'ble Court be pleased to order and direct the Respondents to provide for the heat wave protection shelters for man and animal alike and take necessary steps to provide for medical treatment to those suffering the ill effects of the drought and heat wave as may be provided for by this Hon'ble Court;

(l) That this Hon'ble Court be pleased to order and direct the Respondent to take immediate steps to provide for food, water, shelter and sanitation facilities to drought displaced persons and take effective steps to effectively resettle them in their homeland and frame appropriate guidelines/ policy in this regard;

(m) That this Hon'ble Court be pleased to frame guidelines as regards use of water during drought/ drought like period for man and animal consumption on priority and further be pleased to order prompt implementation thereof by the Respondents.”

3 The petitioners are relying upon the reports appearing in various newspapers regarding acute water shortage in the State and its effect on human beings, animals, birds, agriculture, etc. The petitioners are relying upon the order dated 14th September 2015 passed by a Division Bench of this Court in PIL No.154 of 2015 as well as order dated 13th April, 2013 passed by a Division Bench of this Court in PIL (L) No.33 of 2016. We may note here that the said PIL (L) No.33 of 2016 has been disposed of by this Court by Judgment and Order dated 13th April 2013. There is an additional affidavit filed by the third petitioner on 5th May 2016 pointing out that in the year 2016, about 29,700 villages were affected by drought. It is pointed out on the basis

of newspaper reports that the situation in District Latur was so bad that water was required to be transported to the said town by trains. Reliance is placed on some other newspaper reports in the additional affidavit.

4 There are affidavits in reply filed on record. Shri Sanjiv A. Tatu, Superintending Engineer & Deputy Secretary, Water Resources Department of the State of Maharashtra has filed an affidavit dated 20th June 2016 on behalf of the State Government and especially for complying with the directions contained in paragraph 19 of the order dated 24th May 2016. There is an affidavit in reply dated 20th November 2017 filed by Dr.Pralhad Mariappa Kamble, Regional Joint Commissioner of Animal Husbandry, Mumbai Region on behalf of the State Government which essentially deals with supply of water to the slaughter houses. There is an affidavit filed by Shri Pratap Venkatrao Gite, Section Officer, Agriculture, Animal Husbandry, Dairy Development and Fisheries Department of Government of Maharashtra which is of 5th October 2017. An affidavit in reply dated 5th October 2017 has been filed by Shri Sanjay Gaikwad, Executive Engineer on behalf of Nagpur Municipal Corporation. The said affidavit deals with water supply to slaughter houses. Shri Ranjitkumar Bhimrao Chavan, Assistant Engineer, M/East ward has filed affidavit in reply dated 13th November 2017 on behalf of Mumbai Municipal Corporation bringing

on record various factual aspects regarding consumption of water at Deonar Abattoir. There is an affidavit in reply filed by Shri P.C. Gupta, Executive Engineer, Ministry of Water Resources of the Government of India.

5 Before we deal with the submissions made across the bar, it will be necessary to make a reference to an order passed by this Court. There is a common order dated 24th May 2016 passed by a Division Bench of this Court in various petitions including the present PIL. Paragraph 19 of the said order is relevant which reads thus :-

“19. In PIL No.36/2016 it has been stated that the Water Resources Department in the State of Maharashtra has issued Government Resolution wherein the requirement of quarterly inspection for untreated effluents in the water bodies by the Maharashtra Pollution Control Board has been relaxed. We do not find any rational behind issuing such a Government Resolution. The relaxation of inspection would add to the pollution of water in the water bodies and may cause serious health problems to the health of the persons who are drinking that water. We direct the State Government to explain the rational behind such a policy on the next date and also take into consideration as to whether the State Government would withdraw such a irrational policy.”

6 The learned counsel appearing for the petitioners has invited our attention to prayer clause (b) which prays for issuing a writ of mandamus directing the respondents to make uninterrupted supply of drinking water available to man and animal alike in the State of Maharashtra and only thereafter, make the water available to various

industries and other purposes and strictly abide by and enforce the water policies. In this context, some submissions are made on the basis of Maharashtra State Water Policy published in July 2003 which was modified by the Government Resolution dated 18th May 2011 which lays down the priorities for supply of water. The learned counsel invited our attention to the directions issued by this Court in PIL No.154 of 2015 by order dated 14th September 2015 (Hiralal Motilal Desarda Vs. State of Maharashtra and Ors.) which hold that use of water for drinking is given highest priority under the policies of the Central Government and the State Government. He also invited our attention to the observations made by a Division Bench of this Court in Judgment and Order dated 13th April 2016 in PIL (L) No.33 of 2016. He pointed out the observations made in the said Judgment in paragraph No.22. He pointed out that large quantity of water is being supplied by various Municipal Authorities to the abattoirs in breach of the water policy. He has placed on record a handbook prepared for Deonar Abattoir. He submitted that certain directions need to be issued in this behalf.

7 He also pointed out that various private suppliers of water are supplying water at exorbitant rates and there is no policy which governs fixation of rates for supply of water by private suppliers. He submits that directions need to be issued in this behalf to ensure that

these private suppliers do not indulge in profiteering by supplying water at exorbitant rates through tankers especially when there is an acute scarcity of water. He submitted that the provisions of the Maharashtra Water Resource Regulatory Authority Act, 2005 (for short “the said Act of 2005”) have not been implemented in the State. He pointed out that there is no equitable distribution of water throughout the State.

8 Inviting our attention to various annexures to the Petition, he would urge that none of the instrumentalities and Authorities of the State have taken any steps for equitable distribution of the water throughout the State. He relied upon various decisions in support of his contentions.

9 We have also heard the learned counsel appearing for the Mumbai Municipal Corporation as well as the learned Government Pleader and the learned counsel representing various other respondents. Our attention is invited to various statements made in the affidavits filed on record. The learned Government Pleader relied upon affidavit of Shri Sanjiv A. Tatu for dealing with the directions contained in paragraph 19 of the order dated 24th May 2016.

10 We have given careful consideration to the submissions. We have perused the pleadings and other documents on record. We

have already quoted the relevant prayers. The Judgment and Order dated 23rd September 2016 passed by the Division Bench of this Court in PIL No.173 of 2013 (Marathwada Janta Vikas Parishad Vs. State of Maharashtra and Ors.) and other connected matters is relevant for prayer clause (b). In paragraph 1 of the said decision, this Court has noted the effect of ever increasing demand for water supply for drinking and other uses. In paragraph 1, the Division Bench observed thus :-

“1. A well known author Leonardo da Vinci once said “Water is the driving force of all nature. It is the water which gives life to everything.” Justice Holmes said “A river is much more than amenity, it is a treasure”. During last few decades, due to population explosion and climatic changes, the entire scenario has undergone a change. There has been unsustainable growth in many areas which has led to destruction of environment. Ever depleting green cover of the mother Earth and various other man made factors have brought about major climatic changes. The climatic changes have resulted into swings between floods and drought. There is an ever increasing demand of water supply for drinking and other domestic use, agriculture, industrial use etc. All this has made the water management as one of the most important and challenging issues of 21st Century. There is a huge challenge faced by the policy makers and the Governments when it comes to equitable distribution of water. The failure of the State to make equitable distribution of water is leading to serious conflicts. In fact, a leading author and economist Ismail Serageldin once observed in the year 1995 that the wars of 21st century will be fought over water. Though this observation may appear be exaggerated, during the past few years, the State of Maharashtra has witnessed agitations near various dams in the State in protest against release of water for the benefit of other regions. This Court has dealt with legal battles between the groups of people belonging to

different regions on sharing of water. This group of Petitions also is an instance of such a legal battle.”

11 In paragraph 90 of the said decision, the Division Bench dealt with the issue of equitable distribution of water. Paragraph 90 reads thus :-

“90. Considering the fact that some of the submissions were made across the bar claiming existence of vested rights to get a particular quantity of water from the dams/reservoirs/irrigation schemes on the basis of block system, it is necessary to consider the law on this aspect. During the last 25 years, the law on the doctrine of “public trust” has been evolved in India. The ancient Roman Empire developed a legal theory of doctrine of “public trust”. It was founded on the idea that certain common properties such as rivers, sea-shore, forests and the air were held by Government in trusteeship for the free and unimpeded use of the general public. Under the Roman Law, these resources were either owned by no one (Res Nullious) or by every one in common (Res Communious). The doctrine of public trust has been dealt with by the Apex Court in *M.C. Mehta v. Kamal Nath and Others*¹². Paragraph 25 of the said decision reads thus:

“25. The Public Trust Doctrine primarily rests on the principle that certain resources like air, sea, waters and the forests have such a great importance to the people as a whole that it would be wholly unjustified to make them a subject of private ownership.

The said resources being a gift of nature. They should be made freely available to everyone irrespective of the status in life. The doctrine enjoins upon the Government to protect the resources for the enjoyment of the general public rather than to permit their use for private ownership or commercial purposes. According to Professor Sax

the Public Trust Doctrine imposes the following restrictions on governmental authority:

“Three types of restrictions on governmental authority are often thought to be imposed by the public trust: first, the property subject to the trust must not only be used for a public purpose, but it must be held available for use by the general public; second, the property may not be sold, even for a fair cash equivalent; and third, the property must be maintained for particular types of uses.”

12 After laying down the aforesaid principles, the Division Bench held that considering clause (b) of Article 39 which is a part of the Directive Principles of State Policy under the Constitution of India, it is the duty of the State to ensure that water is distributed so as to subserve common good and therefore, there has to be an equitable distribution of water by the State by acting justly and fairly.

13 As far as equitable distribution of water is concerned, the water policy formulated by the State in the year 2003 is also relevant. In clause 4 of the Water Policy, priorities of the water usage have been laid down. The order of priorities underwent a change on 18th May 2011. Now, priority of the water usages in clause 4 of the policy reads thus :-

- “(a) Domestic use for Drinking water including animals, as well as cooling, hygiene and sanitation needs including livestock.
- (b) Agriculture (Irrigational Water use)
- (c) Industrial, Commercial use and agro based industrial use

- Hydro power.
- (d) Environment & recreation uses
- (e) All other uses.”

Thus, the domestic use for drinking water including animals, as well as cooling, hygiene and sanitation both for human beings and animals is given the topmost priority. The second priority is given to the use of water for agricultural purposes. The third priority is to usage of water for industrial and commercial use.

14 Clause 2.2.3 of the water policy of the State Government reiterates that drinking water needs of human beings and animals shall be the first priority on any available water. The meaning of priorities laid down in clause 4 is that the first priority for allocation of water will be for the use covered by category (a) and thereafter allocation will be made in the order specified in clause 4. If at a given time, there is an acute shortage of water and sufficient water is not available to meet the usage covered by category (a), the State will be justified in drastically reducing or restricting the supply to the usages provided in subsequent categories as the first priority has to be given to usage in the category (a). It is obvious that the State Government is bound by its own policy. The Central Government has also its own water policy. There is a National Water Policy of the year 2012 of the Government of India. Sub-clause (iv) of clause 1.3 of the National Water Policy lays down

that safe water for drinking and sanitation should be considered as a pre-emptive need, followed by high priority allocation for other basic domestic needs (including needs of animals). The policy applies the public trust doctrine to management of water. Thus, existing policies of the State and Central Government take care of prayer clause (b). As far as prayer clause (c) regarding water supply to hospitals, animal shelters and veterinary hospitals is concerned, it will be covered by the first priority as it can be categorized as the domestic use covered by the first category. The same is the case with water supply to animal shelters and veterinary hospitals.

15 Prayer clause (d) concerns private water suppliers. Prayer of the petitioners is that the respondents should ensure that private water suppliers supply water only at the rates fixed by the Municipalities. Firstly, there is no legislation which empowers either the State Government or the Municipalities to fix rates at which water can be supplied by private water suppliers. Secondly, in absence of any such legislative measure, a writ Court cannot issue a writ directing the Municipalities or State Government to fix the rates at which the private water suppliers should supply water.

16 However, whenever water is supplied through tankers or trucks from public water resources, the State Government has fixed the

rates of rent payable to tankers or trucks owned by private persons. The rates have been fixed by the Government Resolution dated 30th April 2012 issued by Water Supply Department of the State Government. Therefore, it is not possible to grant prayer (d).

17 Prayer (e) seeks a direction against the respondents to take steps to increase the ground water level and take strict and effective steps to ensure that industrial pollutants are not released without treatment so that polluted water does not enter water bodies including ground water. As far as first part of this prayer is concerned, the Water Policy of the State Government takes care of the steps to be taken for increasing ground water level. Moreover, now under the Development Control Regulations which are applicable to various municipal areas, some measures have been taken to make rain water harvesting compulsory.

18 As far as the second part of the prayer is concerned, some grievance was made by the petitioners regarding cancellation of State Government Resolution dated 12th November 2013 which required non-irrigation water users to get its effluents checked from Maharashtra Pollution Control Board (for short “MPCB”) once in every three months and to produce quarterly certificate to Water Resources Department

certifying that they are not causing pollution. The reasons for modification of the said Government Resolution by the subsequent Government Resolution dated 21st April 2016 have been set out in paragraph 4 of the affidavit of Shri Sanjiv A. Tatu, Superintending Engineer & Deputy Secretary of the Water Resources Department. Paragraph 4 of the said affidavit gives reasons. The relevant part of paragraph 4 reads thus :-

“4. I say that subsequently, it was brought to the notice of Water Resources Department by the Industries Department of Government of Maharashtra, that the said condition of furnishing quarterly non-pollution certificate from Maharashtra Pollution Control Board was very stringent, because not all the industries/agencies taking water from the Water Resources Department are creating pollution. Some industries/agencies are also having zero discharge. Taking quarterly non-pollution certificate from all such industries/agencies was thought to be improper. The basic intention is that the out-flowing effluents of the industries/agencies should satisfy the Maharashtra Pollution Control Board norms on quality. The industries/agencies who are having Zero effluent discharge were unnecessarily being brought into the gamut of the directives prescribed by the Government Resolution dated 12.11.2013. Hereto annexed and marked as Exhibit-1 is the copy of the said Government Resolution dated 12.11.2013 alongwith English Translation.

I further say that with this consideration, it was decided to modify the said Government Resolution, without affecting the basic intention of Water Resources Department that the out-flowing effluents of the industries/agencies should satisfy the Maharashtra Pollution Control Board norms on quality.”

19 The gist of Government Resolution dated 21st April 2016 has been set out in paragraph 5 of the said affidavit. It provides that after receiving complaints or information regarding pollution of water sources, MPCB is under an obligation to carry out inspection of the polluting industries/agencies. The report of inspection is required to be uploaded on website by the MPCB. Apart from applying penal rates to such polluting industries/agencies, there is a power vesting in the Water Resources Department to disconnect water supply to water users in respect of whom MPCB has issued orders of disconnection. According to us, the Government Resolution dated 21st April 2016 provides for adequate machinery for taking steps against the industries/agencies discharging polluted water or causing pollution of the water sources. Moreover, there is no challenge in this Petition to the Government Resolution dated 21st April 2016. The State Government and MPCB will have to implement the said Government Resolution scrupulously. However, we propose to direct the State Government to consider whether a provision regarding regular inspection at regular intervals should be reintroduced in the said Government Resolution.

20 As far as prayer clause (f) is concerned, there is already a direction issued to the State Government by a Division Bench of this Court in the case of Marathwada Janta Vikas Parishad (supra) directing that work of all irrigation projects which was commenced prior to 6th

September 2004 shall be completed by the State Government as expeditiously as possible. Therefore, it is not necessary to issue any further direction. As far as prayer clause (g) is concerned, such a wider prayer having very wide ramifications cannot be considered. We, however, note that in the aforesaid decision in the case of Marathwada Janta Vikas Parishad (supra), in clause (j) of the operative part of the order, a direction has been issued by this Court to the State Government to consider the proposal of diverting the water from the west flowing rivers to Godavari and Tapi sub-basin.

21 As far as prayer clause (h) is concerned, as held earlier, the State Government is bound by its Water Policy and in particular order of priorities laid down in clause 4.0. As far as prayer clause (m) is concerned, in view of clause 4 of the Water Policy, it is not necessary to frame any guidelines. As far as prayers (i) to (l) are concerned, the same are too vague and too wide. In this PIL, such directions cannot be issued.

22 One of the main grievances made by the learned counsel appearing for the petitioners was regarding water supply to abattoirs. His grievance was about consumption of large quantity of water for production of meat. The State Government has filed an affidavit of Dr.

Pralhad Mariappa Kamble, Regional Joint Commissioner of Animal Husbandry in which he has dealt with the issue. On page 269 of his affidavit in paragraph 3, he has stated thus :-

“3.

The Petitioner states that 15,415 litres of water is required for production of 1 Kg beef. According to the Circular No.MPCB/JD(WPC)/B:5404 dated 26/12/2014 published by Maharashtra Pollution Control Board, the total water consumption for slaughter of large animals is 270 litres/animal/day (a). The Medium slaughter house (such as Deonar) is allowed to slaughter 200 large animals per day. The average live weight of large animal is 350 kg and the meat production by one large animal is 40% of its live weight i.e. one large animal produces about 140 kg of meat (b). Comparing these two (a) and (b) figures, it can be clearly noted that the water consumed for production of 1 kg meat is 1.93 Litres. Hereto annexed and marked as EXHIBIT -3 is the copy of the Circular No.MPCB/JD(WPC)/B:5404 dated 26/12/2014 published by Maharashtra Pollution Control Board i.e. 54040 lit/ day for 2800 kg meat production.”

23 In paragraph 7, he has stated that in scarcity prone areas, total 348 animal shelters camps have been opened in which 3,67,514 animals have been admitted. It is stated that necessary veterinary services are being provided in the camp free of cost. It is pointed out that under Section 328 of the Maharashtra Municipal Corporations Act, 1949 the Municipal Commissioner has power to establish municipal slaughter house. In the affidavit, he has relied upon the provisions of the Prevention of Cruelty to Animals (Slaughter House) Rules, 2001 (for short “the said Rules”). It is submitted in the affidavit that even the

said Rules contemplate supply and use of water to the slaughter houses.

As regards supply of water to Deonar Abattoir in Mumbai, Shri Ranjitekumar Bhimrao Chavan, Assistant Engineer of Mumbai Municipal Corporation has filed an affidavit. In paragraph Nos.(c) to (e) of paragraph 4 of his affidavit, he has stated thus :-

- “(c) I say that water supply to Deonar Abattoir is made through two nos. of water connections viz. G-5590002 (150x150mm) and F-6050001 (300x300mm). Total water supply through these two connections is reduced from 2.4 MLD in last year to 2.1 MLD at present. Hereto annexed and marked Exhibit -I is the copy of the water consumption report of Deonar Abattoir. The matter was discussed by me with General Manager and Ass. Engineer of Deonar Abattoir on 02.07.2016, when it was appraised by them that water supply is being to meet present requirement as per norms laid by M.P.C.B. and to maintain the health and hygiene on site and therefore, it cannot be reduced further.
- (d) I say that it would be pertinent to note that, supply to Deonar Abattoir is negligible i.e. less than 1.5% of the quantity being supplied to M/E ward and about 06.% of total supply being given to the City. I say that in view of the aforesaid discussion, it is felt that water supply to the Deonar Abattoir need not be reduced further.
- (e) I say that use of Municipal water for construction purpose has been prohibited as per Municipal Commissioner's order dated 29.08.2015. In order to curtail the use of Municipal water for construction purpose, all the construction connections were reduced to 15 mm dia mt. so as to meet only drinking requirement of labour working on site.”

24 To the affidavit, he has annexed water consumption report of Deonar Abattoir signed by the General Manager of Deonar Abattoir

which records that water consumption at Deonar is 2.2 MLD per day. He has given bifurcation of use of water for various purposes. The water consumption report shows that average consumption for drinking per day is 134 kilo litres.

25 Under clause (h) of Section 61 of the Mumbai Municipal Corporations Act, 1888 it is the obligation of the Mumbai Municipal Corporation to construct, maintain and regulate slaughter houses in the city. The same is the obligation of the other Municipal Corporations in view of clause (12) of Section 63 of the Maharashtra Municipal Corporations Act, 1949. Therefore, the Municipal Corporations cannot refuse water supply to slaughter houses. It is the duty of the Municipal Corporations to run and maintain slaughter houses. However, we may note here that the supply of water to slaughter houses will be again governed by clause 4.0 of the said Water Policy as amended on 18th May 2011. The supply of water for drinking purposes to abattoirs or slaughter houses is merely incidental. The main activity of abattoir will fall in the category (c) of clause 4 of industrial/commercial use. Therefore, water supply to the Abattoirs will be governed by clause (c) in the order of priorities mentioned in paragraph 4.0 of the State Water Policy. Therefore, except for holding that the supply to Abattoirs/ slaughter houses will be governed by clause (c), we are unable to issue any directions.

26 The prayers (h) need not be granted in view of clause 4 of the State Water Policy. The prayer (i) is too wide and general in nature. In writ jurisdiction, we cannot grant the same.

27 Accordingly, we dispose of the Petition by passing the following order :-

ORDER

- (i) The State Government and all local authorities which are the agencies and instrumentalities of the State shall be bound by list of priorities set out in clause 4.0 of the State Water Policy as amended on 18th May 2011 and as interpreted by this Court ;
- (ii) We direct the State Government and MPCB to strictly and scrupulously implement the provisions of the Government Resolution dated 21st April, 2016. We direct the State Government to consider suggestion of again incorporating a provision in the said Government Resolution providing for regular/ periodical site visits by the officers of MPCB for checking the pollution of water created by industries;
- (iii) As far as slaughter houses/ abattoirs are concerned, we hold that the water supply to the same will be governed by category (c) in clause 4.0 of the State Water Policy;

- (iv) For the reasons which we have recorded, no other directions are required to be issued in this PIL;
- (v) Accordingly, rule is made partly absolute with no order as to costs.

Pallavi
Mahendra
Wargaonkar
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by Pallavi
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(P.N. DESHMUKH, J)

(A.S. OKA, J)