

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

4 PUBLIC INTEREST LITIGATION NO.52 OF 2012

NAGNATH BABUAPPA BARDALE

VERSUS

ABHIJIT UTTAMRAO DESHMUKH AND OTHERS

...

Advocate for Petitioner : Shri Warad Sunil V.

Advocate for respondent no.1: Shri G.V. Mohekar

AGP for Respondent nos.2,3 & 5: Shri S.B. Yawalkar

Advocate for Respondent no.4 : Shri P.P. More

**CORAM: PRADEEP NANDRAJOG, CJ &
R.G. AVACHAT, J.**

DATE: 25.09.2019

PER COURT :

1] Having perused the averments made in the petition, we find that the petition is completely is mis-directed.

2] From the pleadings in the petition, it appears that the respondent No.1 as the Managing Director of M/s Maharashtra Shetkari Sugar Ltd. submitted a proposal to establish a sugar co-generation plant and distillery at Devinagar Tanda Tq.Sonpeth Dist.Parbhani and that the project required necessary clearances and permissions. As per the petition, the respondent No.1 is falsely proclaiming a no objection in his favour

issued by the Sarpanch of village Saikheda Tq.Sonpeth Dist.Parbhani.

3] Now the issue has to be pleaded and decided in the context of Environmental Clearance Notification dated 14.9.2006 promulgated by the Ministry of Forest and Environment under Section 3 of the Environment Protection Act, 1986. The said notification lists project activities in Category 'A' and Category 'B'. It stipulates the manner and the stages of granting approvals. As per Clause 7, public consultation is required.

4] There being no pleadings in the petition concerning the notification in question, we reject the petition on account of the petition not disclosing a proper cause of action. Needless to state since the petition is rejected as not disclosing a cause of action, a fresh petition can always be filed after making pleadings which show the existence of a cause of action.

(R.G. AVACHAT, J.)

CHIEF JUSTICE