

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 12772 OF 2018

Nandu Rajdhar Pithode and another .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Satej S. Jadhav, Advocate for Petitioners.

Ms. Vaishali N. Jadhav Patil, A.G.P. for Respondent Nos. 1 to 3.

Shri Sandeep Gorde Patil, Advocate for the Respondent No. 4.

**CORAM : S. V. GANGAPURWALA AND
A. M. DHAVAL, JJ.**

DATE : 14TH JANUARY, 2019.

FINAL ORDER :

. We have heard Mr. Jadhav, the learned advocate for petitioners. He submits that, the respondent Nos. 2 and 3 may be directed to execute order dated 30th December, 2017 passed by the Sub Divisional Magistrate, Jalgaon. The learned counsel submits that, out of four pits, the respondent No. 4 has cemented two pits. The respondent No. 4 be directed to cement remaining two pits.

2. According to Mr. Gorde Patil, the learned counsel for the respondent No. 4 all the reports are in favour of the respondent No. 4. So far as remaining two pits are concerned, there is 10%

water and after water is evaporated by sun rays, remaining two pits would be repaired. It is further submitted that, said pits are in the factory premises of the respondent No. 4.

3. The learned Assistant Government Pleader submits that, the enquiry was conducted and reports were obtained. Various samples were taken to check the contamination of water and soil to know the error or negligent act of the respondent No. 4. It is further submitted that, various samples taken for testing and testing was done and the order dated 30th December, 2017 was passed.

4. The respondent No. 4 has complied the order. The spot panchanama has been carried on 20th December, 2018 and it is found that the respondent No. 4 has taken proper steps.

5. As the report is already submitted about the compliance on the part of the respondent No. 4, we need not to make any further enquiry. Suffice it to state that, the respondent No. 4 has also undertaken work for cementing remaining two pits in near future. Nonetheless, it is for the respondent Nos. 2 and 3, so also Pollution Control Board to take action, in case it is found that there is possibility of endanger to the drinking water or the soil. The functioning of the respondent No. 4 certainly would be under supervision of the Pollution Control Board and the authorities

concerned. As it has been submitted by the respondent authorities that the respondent No. 4 has made necessary compliance, no further orders are required to be passed.

6. In the light of the above, the writ petition is disposed of.
No costs.

[A. M. DHAVAL, J.]

[S. V. GANGAPURWALA, J.]

bsb/Jan. 19