

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

PUBLIC INTEREST LITIGATION NO. 25 OF 2019

Mr.Laxmikant C. Gaikwad. ... Petitioner.
V/s.
State of Maharashtra and others. ... Respondents

Mr.Sachin A. Patil i/b. Mr.R.N.Kachare for the Petitioner.
Mr.M.M.Pabale, AGP for Respondent Nos.1 to 7.

CORAM : PRADEEP NANDRAJOG, C.J.
AND NITIN JAMDAR, J.

DATE : 31 July 2019.

P.C. :

The work awarded to Respondent No.8 pursuant to a tender cannot be ascertained by us on account of the tender conditions not being annexed with the petition.

2. Be that as it may, the case pleaded is that on 8 December 2017 the Respondent No.8 was permitted to excavate sand from river Bhima at Ardhanari-Bathan, Taluka- Mohal-Mangalvedha. As per the petitioner, to protect environment the excavation of sand has to be manual. Grievance is that the Respondent No.8 deployed excavation machines. JCBs were being used.

3. The duration i.e. period over which the Respondent No.8 was to excavate sand has not been pleaded in the petition.

4. In view of the photographs filed, the possibility of environmental damage to the river wherefrom sand was excavated using machines cannot be ruled out and, thus, we dispose of the petition directing the District Collector, Solapur to treat this petition as representation to him and after making spot inspection of the river stretch wherefrom the Respondent No.8 excavated sand, if it is found that excess sand was excavated or method of excavation caused environmental damage, to proceed under the environmental laws meaning thereby the Collector would ensure compliance with the Environment (Protection) Act, 1986 and the Regulations framed therein concerning sand. The Collector shall do the needful within twelve weeks from today.

NITIN JAMDAR, J.

CHIEF JUSTICE