

Sequeira

*IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION*

PUBLIC INTEREST LITIGATION NO. 161 OF 2012

Mr.Sadashiv Shriram Jadhav (Katkari) .. Petitioner
Vs
The Ambernath Municipal Council and others .. Respondents

***Along with
CONTEMPT PETITION NO. 281 OF 2015
(Not on Board)***

Mr.Sadashiv Shriram Jadhav (Katkari) .. Petitioner
Vs
Shri Bhalchandra Gosavi
The Chief Officer,
Ambernath Municipal Council and others .. Respondents

None for the Petitioner.

Mr.B.D.Joshi, for Respondent No.1 in both the Petitions.

Mr.M.M.Pabale – Additional Government Pleader, for Respondent Nos.2 and 4.

Mr.Abhijeet B.Desai i/b Mr.Nitin P.Deshpande, for Respondent No.3.

***CORAM : PRADEEP NANDRAJOG, C.J. &
N.M.JAMDAR, J.
Date : 23 April, 2019.***

P.C. :

1. Filed in public interest, the Petitioner invited attention of this Court that Solid Wastes generated from the 50 wards comprising the territory of Ambernath Municipal Council was dumped in Gat No.73 of village Chikloli. This was resulting in health hazards and environmental destruction. Referring to the Environment (Protection) Act, 1986 and the Municipal Solid Wastes (Management and Handling) Rules, 2000 the Petitioner brought to the notice of the Court that the decision was taken by the Council to use land comprised in Gat No.132 village Chikloli admeasuring 32.5 acres for management and handling of Municipal Solid Wastes.
2. The prayer made is to direct the Respondents not to dump garbage on land comprised in Gat No.73 and establish a Solid Wastes plant at Gat No.132.
3. Pursuant to interim orders passed in the Petition the State Level Technical Committee comprising members of the Urban Development Department, Government of Maharashtra held a meeting on 4 September 2018 and sanctioned the Ambernath Municipal Council Solid Wastes Management proposal including the DPR. Amount of ₹ 21.83 crores have been sanctioned. The Bio-Mining plant would also be installed by the Council utilising its own funds. Pursuant to the said decision the Council has issued the notice inviting tender and the process of commissioning the Solid

Wastes plant has commenced. The Bio-Mining Project would be completed as per the terms of tender.

4. Since the purpose of the Public Interest Petition has been achieved we terminate the proceedings noting that no mandamus needs to be issued because the Respondents have themselves taken the requisite decisions and have taken steps in this regard. Petition is disposed of.

5. For the reasons recorded while disposing of Public Interest Petition No.161 of 2012, the Contempt Petition is dismissed. Notice of Contempt Petition is withdrawn.

N.M.JAMDAR, J.

CHIEF JUSTICE