

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Amk

PUBLIC INTEREST LITIGATION NO. 24 OF 2018

Hirali Foundation through its Secretary
& Trustee Mrs. Sarita Purshottam Khanchandani .. Petitioner
Vs.
State of Maharashtra & Ors. .. Respondents

Ms. Sana Baugwala for the Petitioner.
Mr. M. M. Pabale, AGP for Respondent Nos.1 & 8.
Mr. Prashant Kamble i/b A. S. Rao for Respondent Nos.4 & 6.
Mr. Abhijeet Joshi i/b Pooja Joshi for Respondent No.5.
Mr. R. V. Govilkar a/w. Shaba Khan for Respondent No.7.

**CORAM : PRADEEP NANDRAJOG, C.J. &
SMT. BHARATI DANGRE, J.
DATE : 6th SEPTEMBER, 2019.**

P. C. :

1. It is yet another case of cut, copy and paste of information downloaded from the internet.
2. At the one hand it is pleaded that Waldhuni river originates from Kakole Lake but at the same breath it is pleaded that as water of the streams originating from the hill area emerge the river form.
3. It is then pleaded that a century old dam at Ambernath was constructed by the Great Indian Peninsula Railway. In the same breath it is pleaded that the dam has been revived and turned into a reservoir for Railway water. We do not understand the logic of the said sentence. If the dam is existing for century, it is obvious that a reservoir was formed. Thus, it does not make any sense that the revival of the dam turned into a reservoir.

4. It is then pleaded that the water from the reservoir which resulted due to dam being constructed was being used by the Peninsula Railway for its steam locomotive engine. It is then pleaded that the water dam has been revived and the water is being used to bottle. Two lakh liters bottles a day sold under the brand name 'Rail Neer' by the Railways. Thereafter it is pleaded that the water of the Waldhuni river has been polluted on account of industries. It is pleaded that the river has been converted into a nullah. It is pleaded that housing complexes are dumping domestic and industrial waste into the river.

5. Prayer made is to remove the blockage of the river as a result of the GIP dam.

6. Suffice it to state that the dam, as pleaded in the Petition, was constructed over a 100 years ago. It is prayed that the Railway Authorities be directed to take steps to repair the leakages and restore the dam. The said prayer is in conflict with the first. On the one hand, it is prayed that the water be not stored and on the other hand it is prayed that the dam be repaired. The Petitioner is utterly confused. If the Petitioner wants to plead that on account of construction of the dam flow of water necessary to sustain life of the river is causing the problem, the Petitioner has to justify as to how the river continued to flow in spite of the dam being erected over a 100 years. Further the Petitioner wants the dam to be repaired.

7. The Petition makes no head or tail and thus we reject the Petition. File be consigned to record room.

[SMT. BHARATI DANGRE, J.]

[CHIEF JUSTICE]