

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Civil Application No. 2969 of 2018

IN

Writ Petition No. 6955 of 2018

**[A. K. Bag House, Nagpur & others Vs. The State of Mah.,
Environment Deptt. & others]**

**Office Notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.**

Court's or Judge's orders

Mr. M. G. Bhangde, Sr. Adv., with Mr. S. N. Tapadia, Adv., for the petitioners.
Mr. Khan, AGP for respondent no.1.
Mr. S. K. Sanyal, Adv., for respondent no.2.
Mr. J. B. Kasat, Adv., for respondent no.3.
Mr. U. M. Aurangabadkar, Asstt. Solicitor General of India for respondent no.4.

**CORAM : - - - -
 S. B. SHUKRE AND
 S. M. MODAK, JJ.**

DATE : 15th January, 2019

Heard.

For the reasons stated in the application, the application is allowed, inasmuch as what has been sought to be incorporated by way of amendment is not going to change the basic nature of the cause espoused by this petition. The application is accordingly allowed. Amendment be carried out on or before the next date and the amended copy of the petition be furnished to

learned Asstt. Govt. Pleader and the learned counsel for other respondents.

Writ Petition :

Learned Asstt. Govt. Pleader has submitted that another petition involving almost an identical issue is pending before the Principal Seat at Mumbai and it is listed on board for hearing on 18th January, 2018. He also submits that in that petition interim relief has been refused. This has been seriously disputed by the learned Senior Adv., appearing for the petitioners. He submits that in this petition, the legislative competence in respect of Section 4 of the Garbage Act has not been challenged and the prayers made in this petition are very clear, which would be sufficient to indicate that the issue involved in this petition is very different.

At this stage, learned Asstt. Govt. Pleader makes a request for grant of time for taking necessary steps for clubbing of this Writ Petition with the one pending at Mumbai. Further two weeks' time is granted for taking necessary steps in the matter. It is made clear that if this petition is listed before this Court on the next date, the hearing shall be held on admission and also on the prayer for grant of interim relief. If possible, the hearing could also be extended with a view to dispose of the petition at admission stage, and then this petition shall also be heard along with Writ Petition No. 5184 of 2019.

Stand over 31st January, 2019.

Authenticated copy of this order be furnished to
learned AGP free of cost to act upon.

Judge

Judge

|hedau|