

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

WRIT PETITION (STAMP) NO.13531 OF 2020

ASARAM DAMODAR PUND AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH SECRETARY

...
Advocate for the Petitioners : Shri Rajput Deepak K.
Government Pleader for the Respondents/ State : Shri D.R.Kale
...

**CORAM : RAVINDRA V. GHUGE
&
SHRIKANT D. KULKARNI, JJ.**

DATE :- 24th August, 2020

Per Court :-

1 This matter is taken up through Video Conferencing during the COVID-19 pandemic.

2 We have heard the learned advocate for the petitioners for quite sometime and the learned Government Pleader on behalf of respondent Nos.1 to 6.

3 We find that the grievance of the petitioners has been voiced in the complaint/ representation dated 13.02.2020 filed before the Tahasildar, Ambad, District Jalna alleging pollution of air and atmosphere by the stone crushers being operated by respondent Nos.7, 8 and 9. The said complaint is followed by the reminder dated 17.02.2020 and by the

representation dated 31.07.2020 to the Divisional Commissioner, Aurangabad, the District Collector, Jalna, the Sub Divisional Officer, Ambad and the Tahasildar, Ambad.

4 The learned Government Pleader submits that the District Collector, Jalna is an ex-officio District Mining Officer, Jalna. The District Mining Officer and the Maharashtra Pollution Control Board are the authorities, who have granted permission to respondent Nos.7, 8 and 9 to operate the stone crushers. The petitioners should voice their grievance before the District Mining Officer at Jalna.

5 The learned advocate for the petitioners submits that they would prefer a detailed representation to the District Mining Officer, Jalna within seven days and the said authority shall hear the parties and decide their representation within one week.

6 In view of the above, this Writ Petition is disposed off with liberty to the petitioners to make a detailed representation to the District Mining Officer, Jalna within seven days. The Maharashtra Pollution Control Board shall be arrayed as one of the respondents in the said representation. In the event, such representation is filed by the petitioners, the District Mining Officer, Jalna shall issue notice to the respondents and after affording a reasonable opportunity of hearing, pass an order on or before 30.09.2020.

7 We make it clear that if the District Mining Officer concludes

that the petitioners have filed a vexatious representation/ complaint, he may consider imposing costs on them and the said amount shall be donated to the Covid-19 wards in the Government Hospital at Jalna or Aurangabad.

kps

(SHRIKANT D. KULKARNI, J.)

(RAVINDRA V. GHUGE, J.)