

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

919 WRIT PETITION NO. 9896 OF 2021

LATE RAJIV GANDHI SECONDARY AND HIGHER SECONDARY SCHOOL
KHALI THROUGH HEAD MASTER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr. Vithal H. Dighe
AGP for Respondent Nos. 1 and 2 : Mr. P.K. Lakhotiya
Advocate for Respondent No. 3 : Mr. Uttam B. Bondar

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**CORAM : RAVINDRA V. GHUGE AND
S. G. DIGE, JJ.**

DATE : 29th MARCH, 2022

PER COURT :-

1. By this petition, the petitioner has put forth prayer clauses B, C, and D as under:

“B. Issue writ of mandamus or any other writ in the like nature, directing the respondent Nos. 1 to 3 to take immediate steps for closing the R.M.C. Plant being run by the respondent No. 4 adjacent to petitioner school building at village Khali Pati, Taluka Gangakhed, District Parbhani for that purpose issue necessary orders.

C. Prohibit the respondent No. 4 from running the plant and doing any activities on the said plant, adjacent to school building of the petitioner at Khali, Taluka Gangakhed, District Parbhani.

D. Pending hearing and final disposal of the present writ petition, direct the respondent Nos. 1 to 3 to take immediate action against the respondent No. 4 for closing the plant which is being run by the respondent

No. 4 at Khali, Taluka Gangakhed, District Parbhani adjacent to the petitioner school and for that purpose issue necessary orders.”

2. The issue raised before us is in relation with a school and needs immediate attention. The grievance is that respondent No. 4 has started unauthorisedly operating a Ready Mix Concrete Plant adjacent to the petitioner’s School Building. There is sound and air pollution. What is more serious is that the Tahsildar has filed an affidavit-in-reply dated 5th January, 2022, through the Naib Tahsildar, Gangakhed admitting that the said plant has no permission to be in operation.

3. The Maharashtra Pollution Control Board has also filed an affidavit-in-reply dated 16th September, 2021 through Dr. Pravin Manohar Joshi, Regional Officer indicating that neither the said plant has any permission nor has it taken ‘no objection certificate’ from the Maharashtra Pollution Control Board. We are informed by Mr. Bondar, learned Advocate for respondent No. 3 Board that the Board has also directed the Maharashtra Electricity Distribution Company Ltd. to forthwith disconnect the electricity supply to the plant. In a surprise visit by the Board, it was noticed that respondent No. 4 has installed a generator known as DG set so as to supply the power to the plant.

4. Considering the fact situation, it is apparent there is no dispute that respondent No. 4 could not commence its operation.

5. Despite service of Court notice, none has caused appearance on behalf of respondent No. 4.

6. In view of the above, this petition is allowed in terms of prayer clause “B”.

7. We direct respondent No. 1 District Collector, Parbhani to initiate steps and ensure that the said plant is closed down on or before 5th April, 2022.

(S.G. DIGE)
JUDGE

(RAVINDRA V. GHUGE)
JUDGE

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