

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

WRIT PETITION NO. 3316 OF 2020

Mr. Ayan Niyazuddin Ansari .. Petitioner.
v/s.
The State of Maharashtra
& Others .. Respondents.

Ms. Sadhna Singh, for the Petitioner.
Mrs. M. P. Thakur, AGP for the Respondent No.1-State.
Ms. Jaya Bagwe with Ms. Anchit Nair, for Respondent Nos. 2 & 3 .
Mrs. Kiran Doiphode i/b. V. M. Doiphode & Co., for Respondent No.5.

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**CORAM: S.V. GANGAPURWALA &
S.G.CHAPALGAONKAR,JJ.
DATED : 2nd DECEMBER, 2022.**

PC:-

The learned Counsel for the Petitioner submits that Respondent No.5 is conducting his business of dyeing, doubling, twisting/coining of synthetic & polyester combination yarn and dealing with various kinds of chemicals. The said plant is within the residential area. However, Respondent No.5 is not following the safety and health guidelines, causing serious threats to the health and safety of the people residing in that area.

2 The learned Counsel submits that time-to-time complaints have been made but no avail. Even the Pollution Control Board has given a notice of closer to Respondent No.5. There are large scale deficiency on the part of the Respondent No.5. Still no action is taken.

3 The learned Counsel for the Pollution Control Board submits that upon the complaint being received, the Officer of the Pollution

Control Board conducted a survey and inspection of the premises of Respondent No.5. After the survey was conducted by the Officer, report was submitted by the Officer about all deficiencies being cleared.

4 The learned Counsel for Respondent No.5 submits that the Pollution Control Board has granted consent to operate up to 31st December, 2026 upon arriving at the conclusion that Petitioner has all the necessary permissions and the treatment plant confirms to all requirements under the statute as laid down by the Maharashtra Pollution Control Board. It is further submitted that Corporation has also from time-to-time issued No Objection Certificate. For the present also, application is pending for consideration with the Corporation.

5 We have considered the submissions. Petitioner certainly has right to make grievance, if any activity causing nuisance and affecting his health.

6 In view of that, we had called upon the Maharashtra Pollution Control Board to state as to the deficiencies in the running of Respondent No.5-Industry. The learned Counsel for Respondent No.5 submits that when initially survey was made, deficiencies were found, notice of closure was also issued to Respondent No.5. Subsequently, survey is said to be conducted by the Officer of the Pollution Control Board and the survey report shows that Respondent No.5 has complied with the deficiencies. Today, the consent to operate issued by the Maharashtra Pollution Control Board on 17th February, 2022 is placed on record. The said consent to operate is valid up to 31st December, 2026.

7 The Corporation has also from time-to-time issued No Objection Certificate for the activity of Respondent No.5 and the Petitioner

would be guided by the necessary permissions and consents issued by the Competent Authority.

8 If in future, Petitioner finds that Respondent No.5 is not abiding by all the norms laid down by the Pollution Control Board, it is for the Petitioner to take appropriate steps in that regard so also it is for the authorities to consider that Respondent No.5 is complying with all necessary guidelines and the provisions.

9 With these observations, Writ Petition is disposed of. No costs.

(S.G.CHAPALGAONKAR,J.)

(S.V.GANGAPURWALA,J.)