

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

WRIT PETITION NO. 9103 OF 2022

Shri. Premchand Ratanchand Javeri

...Petitioner

Versus

The State of Maharashtra & Ors

...Respondents

- Mr. Sagar M. Kursija a/w Mr. H.D. Chavan, Advocate for the Petitioner.
- Mr. V.S. Gokhale, B Panel Counsel (AGP) for the Respondent – State.

**CORAM : PRASANNA B. VARALE &
KISHORE C. SANT, JJ.**

DATE : JULY 28, 2022.

P. C. :

1. Heard, learned Counsel for the petitioner.
2. Learned Counsel for the petitioner submitted that a limited grievance is raised in the petition. The petitioner is resident of Village Kusgaon Khurd, Taluka Maval Kamshet, District Pune. The emitance of hazardous waste is causing serious health hazards to the residence, the certain area is utilized as dumping ground and all the waste is dumped in that area.
3. Learned Counsel for the petitioner submitted that the disposal of the waste is the responsibility of the Grampanchayat and the Grampanchayat is duty bound to take appropriate steps for disposal of waste. Learned Counsel for the petitioner further submitted that saturation

of such waste material also causes issues of damage to the environment and ecology. Learned Counsel for the petitioner submitted that the petitioner submitted representation to the Pollution Control Board as well the Chief Executive Officer, Pune. Learned Counsel for the petitioner submitted that inadvertently, the petitioner failed to submit necessary application/representation to the Grampanchayat of Village Kusegaon. Learned Counsel for the petitioner further submitted that this being an inadvertent *bona fide* mistake, the petitioner be permitted to submit comprehensive representation to the Sarpanch of Grampanchayat of village Kusegaon along with a copy to the Chief Executive Officer, Zilla Parishad, Pune. Learned Counsel then submitted that such representation/application would be submitted within one (01) week from today and further prayed for direction to the Respondent No. 5 – Grampanchayat, Kusegaon to decide the application / representation expeditiously.

4. In view of these submissions and considering the limited grievance raised by the petitioner, we deem it appropriate to dispose of the petition by accepting the statement made by the learned Counsel for the petitioner that the petitioner would submit the comprehensive application / representation to the Respondent No. 5 along with a copy to the Respondent No. 3. In case such representation / application is submitted to Respondent No. 5, the Respondent No. 5 to decide the application / representation as

expeditiously as possible and not later than eight (08) weeks from the receipt of the application. We make it clear that this Court has not made any observation on the merit of the representation. With these directions, the writ petition is disposed of.

5. All concerned shall act upon a copy of this order which is duly authenticated by the Registry of this Court.

(KISHORE C. SANT, J.)

(PRASANNA B. VARALE, J.)