

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

Civil Application (CAO) No. 307/2022
IN
Suo Motu Public Interest Litigation (SMPIL) No. 3/2021

Court on its own motion

...Petitioner

Versus

Union of India and ors.

...Respondents

Mr. Akshay A. Naik, Advocate for the Applicant in CAO No. 307/2022

Mr. S.P. Bhandarkar, Amicus Curiae for the Petitioner

Mr. N. S. Deshpande, Assistant Solicitor General of India for Respondent
Nos. 1 and 2

Ms. K.S. Joshi, Government Pleader for the Respondent No. 3

Mr. S.S. Sanyal, Advocate for Respondent No. 4

Mr. J.B. Kasat, Advocate for Respondent No. 5

**CORAM : NITIN JAMDAR AND
ANIL L. PANSARE, JJ.**

DATED : 27 APRIL 2022

P.C.:

This Application is filed on behalf of the Municipal Corporation of Greater Mumbai to intervene in the Suo Motu Public Interest Litigation as according to the Corporation/Intervenor the cause taken up in Suo Motu Public Interest Litigation would concern the Municipal Corporation even at Mumbai as the proceedings taken up *suo motu* could apply the entire Maharashtra in view of the observations made by this Court.

2. The genesis of the *Suo Motu* Public Interest Litigation was in Writ Petition No. 3146/2021. The Petitioner therein have approached the Court in respect of a ban of sale of Idols/religious figures made out of plaster of paris with reference to guidelines issued by the Central Pollution Control Board. While the petition was disposed of by order dated 25 August 2021, the Division Bench was of the opinion that cause raised in the petition needs to be taken up by *Suo Motu* Public Interest Litigation and continued. Accordingly, learned Amicus Curiae was appointed to draft a Public Interest Litigation which has been filed and now treated as *Suo Motu* Public Interest Litigation No. 3/2021.

3. In paragraph 9 of the order dated 25 August 2021, the reference was to Municipal Corporations of Nagpur and Amravati. After the *Suo Motu* Public Interest Litigation is drafted and filed, it is concerns only with Nagpur Corporation. In *Suo Motu* Public Interest Litigation No. 3/2021, a decision will have to be taken whether to add other Municipal bodies as party and whether to take up cause in respect of Corporations and Councils in the entire State of Maharashtra. This decision will have to be taken after considering the aspect of the territorial jurisdiction of the Bench at Nagpur .

4. As on today, there is no such order passed in the *Suo Motu* Public Interest Litigation extending it beyond the Nagpur Municipal Corporation, therefore, the apprehension of the

Applicant that proceedings in this Suo Motu Public Interest Litigation will even apply or affect the Applicant is unwarranted.

5. As and when a specific order is passed taking cognizance for the entire Maharashtra after considering the aspect of territorial jurisdiction, if any, notice would be issued to the Applicant and then Applicant may have a cause.

6. In the light of this clarification, it is not necessary to entertain the Civil Application. It is accordingly disposed of.

[ANIL L. PANSARE, J.]

[NITIN JAMDAR, J.]

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