

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

**907 WRIT PETITION NO.9326 OF 2023
WITH CA/12278/2023**

**MAROTI BALABHAU NAIK AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE SECRETARY AND OTHERS**

...
Advocate for Petitioners : Mr. Patil Hanmant V.
AGP for Respondents/State : Mr. S.G. Karlekar
Advocate for R/4 & 5: Mr. U.B. Bondar
Advocate for R/6 : Mr. P.V. Barde
...

**CORAM : RAVINDRA V. GHUGE &
Y.G. KHOBRADE, JJ.
DATE : 10th October, 2023**

PC. :-

1. We have considered the submissions of the learned advocates for the Petitioners, the Respondents and the learned AGP on behalf of the Statutory Authority. The learned AGP confirms on the basis of a panchanama dated 09.10.2023, that though permission to set up a stone crusher has been granted, permission to operate the stone crusher is yet not granted by the District Collector. The communication received by the learned AGP (4 pages) is taken on record and marked as 'X-1' for identification.

2. The learned advocate representing the Pollution Control Board submits that the N.O.C. of the Pollution Control Board has already been granted to Respondent No.6.

3. It appears that the residents from the surrounding areas are aggrieved by the permission granted to Respondent No.6 to set up a stone crusher. Machinery is installed in the stone crusher, though the plant is yet to be functional. The complaint lodged by the Petitioners is pending before the District Collector.

4. In view of the above, **this petition is disposed off** with a direction to the District Collector that he would follow the due procedure laid down in law and pass an appropriate order as may be permissible in law. Let this exercise be completed within two months. The Petitioners as well as Respondent No.6, agree to appear before the District Collector, Parbhani on 18.10.2023 at 12.00 noon. As such, notices for hearing are dispensed with.

5. The **Civil Application** would not survive and **stands disposed off**.

[Y.G. KHOBRADE, J.]

[RAVINDRA V. GHUGE, J.]