

Jvs.

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

PUBLIC INTEREST LITIGATION NO. 9 OF 2024

Dipak Atmaram Shirodkar	}	Petitioner
versus		
State of Maharashtra & Ors.	}	Respondents

Mr. Narayan Bubna for petitioner.

Mr. P. P. Kakade, Government Pleader with
Mr. O. A. Chandurkar, Additional Government
Pleader and Ms. G. R. Raghuwanshi, AGP for
respondents 1, 2 & 4.

Mr. Kalpesh Patil i/b. Mr. Vivek Rane for
respondent no. 5.

**CORAM: DEVENDRA KUMAR UPADHYAYA, CJ. &
AMIT BORKAR, J.**

DATE: 19th AUGUST 2024

P.C.:

1. In the affidavit in reply filed on behalf of the state-respondents, it has been stated that initially 102 licences were granted for a period of five years and as on date, there are no licences which are in subsistence for the reason that they have all expired by efflux of time. The affidavit further states that the respondent no. 4 had ordered five mobile squad teams to inspect all Katha manufacturing units in Ratnagiri and Sindhudurg districts to check their status and on inspection, it was found that all 102 units were not operating and they were also not processing Katha wood at the time of inspection.

2. Learned counsel for the petitioner, however, tenders certain documents, a copy of which has been given to the learned Additional Government Pleader, to establish that these units are working. The said documents are taken on record. The documents contain an order dated 5th July 2024 issued by the Maharashtra Pollution Control Board (MPCB) to a Katha industry directing therein that the manufacturing activity be stopped. The said letter/order dated 5th July 2024 also directed the concerned authorities to discontinue the water/electricity supply. Another such order dated 24th July 2024 has also been enclosed.

3. The documents presented today before the Court by the learned counsel for the petitioner, thus, show that the industries are running.

4. Let the learned State counsel file an affidavit in respect of the said documents within 10 days.

5. Learned counsel representing the respondent no. 5, which is an association of Katha manufacturing units in Sindhudurg district, has drawn our attention to a notification dated 11th September 2017 issued by the Government of India in the Ministry of Environment, Forest and Climate Change, according to which, wood base industries are ordinarily not to be allowed to be established within 10 kms. areal distance from the boundary of nearest notified forests areas.

6. There appears to be some contradiction in the provisions contained in clause 7 of the notification dated 11th September 2017 and Rule 53 of the Maharashtra Forest Rules, 2014, which are statutory in nature having been framed under the relevant provisions of the Indian Forest Act, 1927.

7. The learned State counsel shall take instructions and file affidavit on this aspect as well.

8. Stand over to **18th September 2024.**

JAYANT
VISHWANATH
SALUNKE

Digitally signed
by JAYANT
VISHWANATH
SALUNKE
Date:
2024.08.20
15:02:31
+0530

(AMIT BORKAR, J.)

(CHIEF JUSTICE)