

Pdp

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

PUBLIC INTEREST LITIGATION NO. 111 OF 2024

Nandakumar Waman Pawar & Anr. .. Petitioners

Versus

The State of Maharashtra & Ors. .. Respondents

Mr. Zaman Ali for petitioners.

Mr. P. P. Kakade, Government Pleader a/w Mr. O. A. Chandurkar, Addl. Govt. Pleader and Mrs. G. R. Raghuwanshi, AGP for respondent nos.1, 2, 5, 6, 10 and 11 – State.

Ms. Jaya Bagwe for respondent nos.3 and 4 – MPCB.

Mr. Farhan Batatawala h/f Mr. Mohammedali Chunawala for respondent no.7-UoI.

Ms. Rajashri Karande for respondent no.12-CPCB.

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

DATE: 12th SEPTEMBER, 2024

P.C.:

1. Issue notice to the respondents, returnable on **16th October, 2024.**

2. Learned Government Pleader has put in appearance on behalf of respondent nos.1, 2, 5, 6, 10 and 11 and waives service of notice. Ms. Bagwe, learned counsel has put in appearance on behalf of respondent nos.3 and 4 and waives service of notice. Mr. Farhan Batatawala, holding brief for Mr. Mohammedali Chunawala, learned counsel, has put in appearance on behalf of respondent no.7. Ms. Rajashri Karande, learned counsel has put in appearance on behalf of respondent no.12 and waives service of notice.

3. The issue raised in this PIL petition appears to have very serious dimension and if the averments made in the PIL petition are correct, the alleged illegal mining has potential of destructing the environment and cause even pecuniary loss to the State coffers.

4. Learned counsel for the petitioners has stated that for an area of 4 Hectare, a quarry lease was granted in favour of respondent no.8 in village Chinchavali, Taluka- Ambernath, District – Thane, whereafter a modified mining plan was issued on 7th November, 2023 setting out various conditions, however, the mining activity was being undertaken by the respondent no.8 in violation of the said conditions. He has also drawn our attention to a satellite imagery which has been enclosed as Exhibit-D with the PIL petition at page 141 which depicts mining activity, according to the petitioners, over an area of 9.88 Hectare. The petitioners have taken up the matter with various authorities and Tahsildar and Executive Magistrate, Ambernath vide his order dated 8th July, 2024 has directed to keep quarry and the crusher closed till further orders.

5. Learned Government Pleader states that on the basis of the various complaints received, a survey of the entire area is being conducted and depending on the survey report, appropriate action, which may be warranted under law, will be taken.

6. In the aforesaid facts and circumstances, we direct all the authorities to be vigilant and take appropriate action which may be warranted, if any violation of the terms of the lease is found.

7. The affidavit-in-reply on behalf of the State authorities shall be filed by the Collector giving details and also disclosing if any violation of the terms of the lease or any other law or rules is found.

8. We also call upon the Divisional Commissioner, Konkan Division to file affidavit on his behalf in his capacity as Chairperson of the Ad-hoc/Interim Monitoring Committee constituted for Matheran Eco Sensitive Zone after gathering the correct facts on an inquiry to be conducted in this regard.

(AMIT BORKAR, J.)

(CHIEF JUSTICE)

Digitally
signed by
PRAVIN
DASHARATH
PANDIT
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