



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

WRIT PETITION NO.6334 of 2018

M/s.Shakti Stone Industires

vs.

Union of India and others.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

None for petitioner/applicant.

Shri N. S. Deshpande, Dy. Solicitor General of India, for respondent no.1.

Shri Amit Madiwale, Assistant Government Pleader for respondents-State.

CORAM :- NITIN W. SAMBRE AND ABHAY J. MANTRI, JJ.

DATE :- 1st MARCH, 2024.

CIVIL APPLICATION (W) NO. 2063 OF 2019

Issue in this petition pertains to challenge to the final notification issued by the Ministry of Environment, Forest and Climate Change of the Central Government, in exercise of powers under sub-section (3) of Section 3 of the Environment (Protection) Act, 1986 and Rule 5 of the Environment (Protection) Rules, 1986. By issuing final notification, the Central Government notifies the Eco-sensitive Zone. The said final notification is sought to be questioned in the petition through this amendment application.

2. Since the petitioner has not removed office objections, this Court has passed conditional order on 02.02.2024 for removal of office objections. However, the office objections have not been removed so far.

3. Today, neither the counsel for petitioner is present nor he has removed the office objections.

4. However, considering the nature of challenge, we deem it appropriate to allow the said amendment application. The amendment be carried out accordingly. The application stands disposed of.

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Since the counsel for the petitioner is absent, we deem it appropriate to appoint Shri K. P. Mahalle as Amicus Curiae in the matter as the issue pertains to the protection of the environment. We direct the Registry to provide copy of the entire pleadings along with annexures to Mr. K. P. Mahalle, learned counsel, within a period of one week from today.

2 As far as challenge in the petition is concerned, the petitioner claims that at present it is operating quarry of mine and minerals which rights are hampered because of issuance of the notification referred above in exercise of powers under sub-section (3) of Section 3 of the Environment (Protection) Act.

3. The fact remains that the final notification is sought to be brought to the notice of this Court as referred above. Perusal of the final notification shows that it correspondingly casts duty on the respondents-State Government of not only to prepare zonal master plan of Eco-sensitive Zone but also for the measures to be taken in relation to land use, natural water bodies, tourism, natural heritage, man-made heritage sites, noise pollution, air pollution, discharge of effluents, solid wastes, bio-medical waste, vehicular traffic, vehicular pollution, plastic waste management, construction and demolition waste management, E-waste, industrial units and protection of hill slopes.

The notification further provides for the activities prohibited or to be regulated or promoted within the Eco-sensitive Zone.

4. In the wake of the aforesaid final notification, we deem it appropriate to call upon the respondents-State to submit their response as to the compliance carried out till this date about the discharge of responsibilities as are reflected in the final notification.

5. The learned Assistant Government Pleader who has already waived service for the respondent nos. 2 to 5 to submit their response within a period of four weeks from today.
6. List the petition for further consideration on 01.04.2024.
7. In the meantime, the petitioner to remove office objections.

(ABHAY J. MANTRI, J.)

(NITIN W. SAMBRE, J.)

Andurkar.