



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

WRIT PETITION NO. 3140/2024

CIP Farm Pvt. Ltd.

Vs.

The Sarpancha, Grampanchayat Shedeswar and others

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Deepak Prakash a/b Mr. D.M. Kale, Advocate for Petitioner
Mr. A.A. Dhawas, Advocate for Respondent Nos.1 and 2

CORAM: N.R. BORKAR, J.

DATED : 18th JULY, 2024

This petition takes exception to the order dated 18.04.2024, passed by the learned Adhoc District Judge-4, Nagpur in Misc. Civil Appeal No. 199/2023.

2. The petitioner herein has filed a suit for declaration and perpetual injunction. The petitioner is running a poultry farm near Village Manori, Taluka Umrer, District Nagpur. According to the petitioner, the poultry farm in question was started after obtaining no objection certificate from defendant Grampanchayat-Shedeswar. It is alleged that defendant/Grampanchayat without affording any opportunity of hearing had passed the resolution to shut down the poultry farm of the petitioner.

3. The trial Court rejected the application filed by the present petitioner for temporary injunction. The said order came to be confirmed by the order impugned.

4. I have heard the learned counsel for the petitioner and learned counsel for the contesting respondents.

5. The trial Court has recorded the finding that there is no *prima-facie* case in favour of the petitioner. The business of petitioner is causing water and air pollution and the petitioner has not taken any steps to prevent it. Due to the water and air pollution, the villagers are suffering from various health issues. The appellate Court has confirmed the said finding.

6. The learned counsel for the contesting respondents submits that the alleged NOC was not issued by the Grampanchayat. It further appears that the application was made by the present petitioner to Pollution Control Board seeking its consent to operate poultry farm in terms of Section 27 of the Water (Prevention and Control of Pollution) Act, 1974 and Section 21(4) of the Air (Prevention and Control of Pollution) Act, 1981. The Pollution Control Board has rejected the said application by the order dated 27.12.2023. In that view of the matter, I am not inclined to interfere

with the orders impugned.

7. The petition is dismissed. No costs.
8. Request to grant interim protection is rejected.

(N.R. BORKAR, J.)

MP Deshpande