

Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2697 OF 2022

Balaso Shivgonda Patil	]	Petitioner
versus		
State of Maharashtra and others	]	Respondents

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Ms. Shruti P. Ghodake i/b Mr. D.V. Sutar, for Petitioner.

Mr. R.P. Kadam "B" Panel Counsel, for Respondent – State.

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CORAM : M.S. KARNIK &
AJIT B. KADETHANKAR, JJ.

DATE : 1st DECEMBER, 2025.

ORAL ORDER: [PER M.S. KARNIK, J.]

1. Heard Ms. Ghodake, learned Counsel for the petitioner and Mr. Kadam "B" Panel Counsel, for respondent – State.

2. By the present petition, the petitioner seeks following reliefs;

"a) This Hon'ble Court be pleased to call for relevant record and proceedings from the office of Respondent no. 3 and after going through the legality, validity and propriety of the same, the respondent nos. 2 and 3 to take appropriate action against the respondent no. 4 as per complaint made by the petitioner on 19.10.2020 in accordance with law; for that purpose issue appropriate writ and/or order.

(b) This Hon'ble Court be pleased to further direct the respondent no. 2 and 3 to hear and decide representation dtd. 19.10.2020 and enquire into the grievance raised by the petitioner with further direction to take appropriate action in accordance with law against the respondent no. 4 within time bound period.

3. Learned Counsel for the petitioner submitted that the petitioner was the owner of the subject land. Out of the total land belonging to the petitioner, the petitioner sold an area to the extent of 0.74 R. to one Vijay Pandurang Jadhav. The said Vijay Jadhav has entered into an agreement with respondent No.4 for granting lease of the said land for thirty years. On 30th September, 2015, respondent No.4 – Sampada Vijay Jadhav made an application to respondent Nos.2 and 3 for grant of consent as required under section 25 and 26 of the Water (Prevention and Control of Pollution) Act, 1974 and section 21 of Air (Prevention and Control of Pollution) Act, 1981 as well as authorization under Rule 5 of Hazardous Waste (Management and Handling) Rules, 1989. The said Sizing Industry started in the said land with effect from 17th October, 2013. Respondent No.3 granted consent/authorization by letter dated 17th October, 2013. The said consent/authorization was granted for five years or till the Industry is functional. According to the petitioner, said five years period for which authorization was granted expired in the year 2018.

4. It is the submission of the learned Counsel for the petitioner that the Sizing Industry owned by respondent No.4 is functioning contrary to the terms

and conditions of the consent granted by respondent No.3 on 17th October, 2013. Learned Counsel submitted that respondent No.4 misled respondent Nos.2 and 3 into issuing the consent. Principal grievance of the petitioner is that respondent No.4 is discharging the effluent from the Sizing Industry into the remaining portion of the said land. Due to the discharge of industrial effluent which contains chemical and hazardous discharge from the industry of respondent No.4, it causes acute pollution of soil as well as natural water in the well. The condition and natural quality of the soil in the agricultural land and the water in the well has been polluted and the same is deteriorating day by day. In fact, the same has suffered irreversible damage.

5. One of the contentions raised by the learned Counsel for the petitioner is that the Sizing Industry is constructed on agricultural land despite there being no permission. If the structure of the Sizing Industry of respondent No.4 is illegal or unauthorized or constructed without any permission, it is open for the petitioner to make a representation to the Collector or any another Competent Authority who shall look into the such representation and initiate action in accordance with law.

6. Learned Counsel submitted that despite the representation dated 19th October, 2020 ["Exhibit -D"], respondent Nos.2 and 3 have failed and neglected to take action in accordance with law.

7. The notices are yet to be issued to the respondents. *Prima facie*, we find some substance in the submission of the learned Counsel for the petitioner. The petitioner has already made a representation to respondent No.2 on 19th October, 2020 which is at page 21 of the paper book. If respondent No.4's Sizing Industry is discharging industrial effluent/waste contrary to the consent to operate or contrary to the provisions of the Statute governing discharge of such effluent, it is obligatory on the part of respondent No.3 to take appropriate action against such Industry. Though respondent Nos. 2,3 and 4 are not present, we propose to dispose of the petition by directing respondent Nos.2 and 3 to look into the representation dated 19th October, 2020.

8. We find that the representation was made by the petitioner as far as back in the year 2015. In fact, the contention has been raised that consent to operate was only for a period of five years. In such view of the matter, in our opinion, it would be appropriate if, having regard to the passage of time, comprehensive representation is made by the petitioner to respondent Nos.2 and 3, bringing to the notice of respondent Nos.2 and 3 all relevant materials which call for appropriate action against respondent No.4, if found to be violating the provisions of law, which can be taken to its logical conclusion in accordance with law. We accordingly permit the petitioner to file a comprehensive representation along with supporting materials in the form of photographs etc to respondent Nos.2 and 3 to enable them to look into the representation and take action in accordance with law. If such a representation is made, respondent

Nos.2 and 3 shall immediately look into the representation and initiate action after inspecting and holding inquiry, as may be necessary, against respondent No.4 if it is noticed that the Sizing Industry discharges industrial effluent which contains chemical hazardous substance as alleged by the petitioner into the land of the petitioner. Such action be taken expeditiously and necessary steps be initiated within a period of two weeks from the date of filing of the representation.

9. We do not propose to keep the petition pending. The petition is disposed of in the aforesaid terms. No order as to costs.

10. Liberty to file a fresh petition or apply in case of any difficulty.

[AJIT B. KADETHANKAR, J.]

[M.S. KARNIK, J.]