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

WRIT PETITION NO. 2426 OF 2010

Maharashtra Industrial Development
Corporation

.. Petitioner

Versus

Grampanchayat Sawali & Ors.

.. Respondents

Adv. Neet Vora i/by Navdeep Vora & Associates for petitioner.
Mr. A. M. Kulkarni for respondent nos. 1 to 8.

CORAM: ALOK ARADHE, CJ.

DATE: 21st JULY, 2025

ORAL ORDER:

1. In this writ petition filed under Article 227 of the Constitution of India, the petitioner/defendant has assailed the validity of the order dated 7th September, 2009 by which the appeal preferred by the respondents nos.1 to 9 has been allowed.

2. Facts giving rise to filing of the present writ petition, in nutshell, are that the respondent no.11 had granted permission to the petitioner and respondent no.10 to leave the water of effluent treatment plant under the provisions of Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981. The respondent nos.1 to 9 filed Regular Civil Suit No. 288 of 2004 against the respondent nos.10 and 11 seeking the relief of declaration and injunction. The petitioner/defendant preferred

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an objection to the maintainability of the suit on the ground that the same is barred under Section 22 of the Environment (Protection) Act, 1986. The trial court by an order dated 11th April, 2007 directed return of the plaint. The respondent nos. 1 to 9 thereupon preferred an appeal. The District Judge, Sangli, by an order dated 4th June, 2007 set aside the order passed by the trial court and directed the trial court to conduct a fresh inquiry with regard to the jurisdiction. Being aggrieved, the petitioner/defendant has filed the instant writ petition.

3. A Bench of this Court vide order dated 15th April, 2010 had granted ad-interim relief, but had made it clear that the trial court would be at liberty to decide the application for interim relief, if the same was pending. The issue with regard to jurisdiction has to be decided afresh after hearing the parties.

4. At this stage, this court is not inclined to interfere with the impugned order. However, the trial court is directed to examine the issue of maintainability afresh in terms of the order dated 7th September, 2009 passed by the Appellate Court after affording an opportunity of hearing to the parties.

5. Accordingly, the writ petition is disposed of.

(CHIEF JUSTICE)