

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
WRIT PETITION NO. 7404 OF 2024

Yashwant Anna Bhoir

...Petitioner

Versus

State of Maharashtra & ors

...Respondents

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Ms Archana Shelar for Petitioner.

Mrs. M. P. Thakur, AGP for State/ Respondent Nos.1 to 3.

Mr. Dinesh Adsule a/w Mr. Chinmay Bhole for Respondent No.4.

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CORAM : G.S. KULKARNI &  
ARIF S. DOCTOR, JJ.

DATE : 11<sup>th</sup> December, 2025.

P.C:

1. The present proceedings are listed today in the backdrop of our order dated 21st November 2025, wherein this Court had, *inter alia*, recorded and directed as follows:

*“10. In the aforesaid circumstances, we direct that an affidavit be filed by the Additional Collector, who is a member of the committee in regard to the immediate and urgent steps which would now be taken in pursuance of the orders passed by this Court and the timelines/bar chart for such proposed actions. A complete blueprint as to how the committee intends to proceed on the different issues of improvements and the stepwise plans proposed to be adopted be informed to the Court.*

*11. There is an urgent need to commission the Sewage Treatment Plant (STP) so that water pollution which is caused by the sewage being drained into the Ullhas river, is prevented. The affidavit to be filed shall also set out the compliances in regard to the steps which are being taken to bring about real/actual improvement to the existing conditions. Let the same be incorporated in a tabular form recording the steps that have been taken to stop the drainage being let into the river. If such steps are not taken to stop the sewage from being drained into the river, they are required to be taken immediately, and a compliance in that regard be placed on record on or before the returnable date.”*

2. Today, Ms. Thakur, Learned AGP appearing on behalf of the State, has placed before us the ‘Short Affidavit’ of the Additional District Collector, Thane, to which is annexed a detailed roadmap/blueprint of the measures,

short-term as well as long-term, proposed to be implemented by the State Government to address the grave issues confronting the Kulgaon-Badlapur Municipal Area, as highlighted in our earlier orders dated 19th September 2025 and 7th October 2025. For ease of reference, the proposed steps are scanned and reproduced as follows:

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**1. Short term measures**

| Sr.no. | Measures                                                                                                                                 | Description of Measures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Time of Period            |
|--------|------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|
| 1.     | <b>Establish a regular maintenance schedule to ensure the effective functioning of the septic tanks and soak pits.</b>                   | i) Survey of high-rise buildings ward wise within Kulgaon Badlapur Municipal Council area where underground drainage system is not available for inspection of septic tanks and soak pits to check its functioning.                                                                                                                                                                                                                                                                                                                                                                                          | <b>Till 15 Jan 2026</b>   |
|        |                                                                                                                                          | ii) Identification septic tanks and soak pits of buildings whose functioning is not in accordance of law.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <b>Till 15 Jan 2026</b>   |
|        |                                                                                                                                          | iii) Serve notices under Maharashtra Municipal Council, Nagar Panchayata and Industrial Townships Act, 1965 to identified buildings for regular maintenance of the septic tanks and soak pits.                                                                                                                                                                                                                                                                                                                                                                                                               | <b>Till 30 Jan 2026</b>   |
|        |                                                                                                                                          | iv) Take legal action against occupants of building under The Water (Prevention and Control of Pollution) Act, 1974 through Maharashtra Pollution Control Board.                                                                                                                                                                                                                                                                                                                                                                                                                                             | <b>Till 28 Feb 2026</b>   |
|        |                                                                                                                                          | v) Regular de-sludging of the septic tanks and repair of soak pits that are causing percolation / overflow.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <b>Till 28 Feb 2026</b>   |
|        |                                                                                                                                          | vi) Enforce to install temporary portable septic tanks in buildings without sewage disposal systems to manage wastewater.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <b>Till 30 March 2026</b> |
| 2.     | <b>Provision of packaged Sewage Treatment Plants according to location of project.</b>                                                   | i) As per Regulation No.13.4.2 of sanctioned UDPCR-2020, in case of Group Housing Scheme of a multi-storeyed building having 100 or more tenements, Grey Water Recycling Plant shall be provided.                                                                                                                                                                                                                                                                                                                                                                                                            | <b>Till 30 Jan 2026</b>   |
|        |                                                                                                                                          | ii) In case of Group Housing Scheme/multi-storeyed building/Standalone building (irrespective of number of tenements, Grey Water Recycling Plant shall be provided if project lies within Flood Zones where development is allowed.                                                                                                                                                                                                                                                                                                                                                                          |                           |
| 3.     | <b>Provide education and training programs to make awareness among citizens on appropriate waste disposal and sanitation procedures.</b> | i) Initiate a community awareness campaign to inform residents about appropriate waste disposal practices to reduce strain on existing sewage systems through Municipality, NGO, Environment Consultants etc. in Co-operative Housing Societies.<br>ii) Educate the residents of city about 3R principles ( <b>Reduce, Reuse, Recycle</b> ).<br>iii) Arrangement of training programs to Stakeholders i.e. Architects, Engineers, Developers, Land owners, farmers, Social Activists etc. through Municipality for raising awareness about the impacts of sewage pollution on agriculture and public health. | <b>03 Months</b>          |

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|----|---------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
| 4. | To take immediate action to prevent sewage pollution in agricultural land.      | i) Identify and isolate leaking soak pit or septic tanks, or drains. Block or divert sewage away from farmland using temporary barriers (sandbags, soil bunds, plastic sheets).<br>ii) Pump out standing sewage-mixed water to a safe containment area.<br>iii) Apply agricultural lime on polluted soil. Educating farmers and local community regarding Use gravel filters, vegetative strips, or silt traps to block sewage from entering fields. | 03 Months |
| 5. | Supply temporary portable toilets in buildings lacking sewage disposal systems. | i) Supply temporary portable toilets for residents and workers in buildings lacking sewage disposal systems.                                                                                                                                                                                                                                                                                                                                         | 02 Months |

## 2. Long term measures

| Sr.no. | Measures                                                                        | Description of Measures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Time of Period |
|--------|---------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| 1.     | Preparation of Comprehensive Sewage Master Plan                                 | i) Prepare a Comprehensive Sewage Master Plan considering growth projections, flood zones and ecological sensitivities.<br>ii) The implementation of Underground Drainage System thought town for effective and efficient sewage management under AMRUT Scheme.<br>iii) To make provision of Decentralised Sewage Treatment Plants in town instead of Centralised Sewage Treatment Plants.<br>iv) Tertiary Treatment to effluent from Centralised STPs and water recycling for Industrial, Gardening use.<br>v) Build advanced wastewater treatment plants to process sewage, meet water quality standards, and recycle water for non-potable uses like irrigation.<br>vi) Maintain regular inspection and maintenance for the sewage network. | 02 Years       |
| 2.     | Revision of River flood lines and storm water drainage model.                   | i) Establishing Revision of River flood lines using Geographical Information System with storm water analysis for the City.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 02 Years       |
| 3.     | Preparation of Revised Development Plan for Kulgaon Badlapur Municipal Council. | i) The Development Plan for Kulgaon-Badlapur Municipal Council is sanctioned before 17 to 18 years. Considering fast population growth after 2001, flood zones came into force after Sanctioned DP, and various road network projects like Vadodara spur connecting Badlapur directly to major Highways and Navi Mumbai International Airport, existing Development Plan shall be revised considering further thirty years                                                                                                                                                                                                                                                                                                                     | 02 Years       |

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|----|--------------------------------------------------------|------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
|    |                                                        | v)   | river corridor, ensuring sewerage lines and drains are routed to Sewage Treatment Plants (STPs).<br>In the Revised Development Plan, vegetated buffer strips (green belt) along the bunds will naturally filter runoff, improving water quality, reducing pollution, and supporting river ecology. |          |
| 6. | Public Partnership models for Infrastructure Projects. | i)   | Public Private Partnership model for implementation of Infrastructural Projects like Sewerage, Drainage, Water Supply and Solid Waste Management.                                                                                                                                                  | 05 Years |
|    |                                                        | ii)  | BOT, BOOT, Hybrid Annuity Model, Joint Venture Model may be used to cater limited municipal funding, inefficiency if private sector and better quality.                                                                                                                                            |          |
|    |                                                        | iii) | Coordinate among government, private sector, and communities to develop, finance, and manage the sewer infrastructure through public private partnerships and integrated planning.                                                                                                                 |          |
| 7. | Strict Management Regulations                          | i)   | Enforce strict waste management regulations and penalties to ensure sustainability.                                                                                                                                                                                                                | 02 Years |

उपरोक्त अल्पकालीन उपाययोजना (Short term measures) व दीर्घकालीन उपाययोजना (Long term measures). सदर उपाययोजनांची अंमलबजावणी व त्यासाठी लागणारा कालावधी याबाबत सविस्तर चर्चा पुढील बैठकीत करण्याचे ठरले.

  
(राम पातकर)  
सदस्य

  
(जयंत कदम)  
सदस्य

  
(संतोष डोईफोडे)  
सदस्य

  
(महेश गायकवाड)  
सदस्य सचिव

  
(राविंद्रकुमार मानकर)  
सदस्य

  
(हरिश्चंद्र पाटील)  
सदस्य

After having gone through the above, we must first record our appreciation for efforts taken by the Additional Collector, Thane and, infact, by the committee. We are hopeful that, if these measures as proposed are implemented in letter and spirit, the serious concerns relating to town planning, environmental degradation, public health, and unauthorised constructions would be an eminent need of the hour, be meaningfully addressed.

3. However, we had vide our Order dated 6th August 2025 also appointed an

Expert, who submitted a technical report that suggested certain measures be taken to tackle the issues as more particularly highlighted in our previous orders. We find that some of these suggested measures do not find mention in the above reproduced roadmap, and hence it would be useful for the Additional District Collector, Thane and the Committee to consider and incorporate the same into the proposed action plan. The measures suggested by the Expert which do not find mention in the aforesaid roadmap/action plan are as follows :

- a) Form a task force to address emergency situations involving sewage overflows and backups.
- b) Take immediate action to prevent the sewage pollution that is entering into the agricultural lands, which can involve better sewage treatment practices, measures to avoid illegal discharge, promotion of sustainable farming practices, etc.
- c) Mandatorize the grant of the Environmental Clearance for any construction project that exceeds 20,000 square metres.
- d) The town planning authorities, while granting NA permissions, must consider the status of adjoining lands.

4. We also have before us today an Additional Compliance Affidavit filed by Respondent No. 4, i.e., the Chief Officer, Kulgaon-Badlapur Municipal Council. A perusal of the said Affidavit reveals that while the Municipal Council has acknowledged the existence of 438 illegal and unauthorised constructions/encroachments identified to date, it is also stated therein that as of today, no untreated sewage is being discharged into the Ulhas River. We, however, find it difficult to accept since the affidavit is conspicuously silent on what arrangements, if any, have been made for sewage disposal from these 438 illegal and unauthorised structures. No details are provided regarding temporary or alternative sewage management systems, nor is there any material placed on record to demonstrate that effluent from such constructions is not ultimately finding its way into the Ulhas River. We had in our decision in the

case of *Subhadra Ramchandra Takle vs State of Maharashtra and ors.*<sup>1</sup> have set out how construction which was unauthorised was to be dealt with.

5. In light of the above, we direct the Additional District Collector, Thane, to place on record the action proposed to be taken in respect of the sewage disposal and more particularly from the 438 aforementioned unauthorised structures. Moreover, we direct the Additional District Collector, Thane, to also incorporate the measures as suggested by the Expert that was appointed by this Court vide Order dated 6th August 2025 in the detailed roadmap/blueprint of the measures proposed to be implemented.

6. Considering the issues which have been highlighted by us in our previous orders, i.e., rampant unauthorised constructions, lack of basic sewerage infrastructure, and persistent environmental pollution of the Ulhas River, we find that it would be in the larger public interest to appoint an *Amicus Curie* to assist us. Hence, we appoint Mr. Shanay Shah, Advocate, to act as *Amicus*. The Advocates for the Petitioner shall supply a complete set of pleadings and relevant documents to the learned *Amicus Curiae* within one week, and extend all necessary assistance as may be required by the Learned *Amicus*.

7. At this stage, Mr. Zaman Ali, who was present in Court, pointed out that the Hon'ble Supreme Court was also seized with the issue concerning pollution of the Ulhas river in certain proceedings taken by Vanashakti. Upon this being pointed out, we enquired with the learned counsel appearing on behalf of Respondent No. 4 as to why this fact was not brought to the notice of this Court earlier. Learned counsel for Respondent No. 4, however, stated that he was not aware of the said proceedings.

8. Be that as it may, having regard to the overlapping environmental concerns and in order to ensure that this Court is fully assisted on all relevant aspects, we permit Mr. Zaman Ali to intervene on behalf of Vanshakti so as to

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assist the Court in the present proceedings, particularly on issues concerning river pollution and environmental compliance.

9. Stand over to **19<sup>th</sup> January 2026**, on which date the matter shall be listed for further consideration and monitoring of compliances.

[ARIF S. DOCTOR, J.]

[G.S. KULKARNI, J.]