

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

WRIT PETITION NO. 19232 OF 2024

Loknath Rao Bodipudi
V/s.

... Petitioner

Pimpri Chinchwad Municipal Corporation
through the Commissioner and Ors.

... Respondents

Ms. Chandni Chawla with Anuya Deokar for the Petitioner
Mr. Kedar B. Dighe for Respondent No.1 - PCMC
Mr. Vishwanath Patil with Mr. Kedar Nhavkar for Respondent No.2 - MPCE
Mr. R.D. Soni i/b. V.R. Kasle i/b. Ram & Co. for Respondent No.3

**CORAM : ALOK ARADHE, CJ. AND
M.S. KARNIK, J.**

DATE : 25th MARCH 2025

P.C. :

1. Rule. Rule made returnable forthwith. With consent of the learned Counsel for the parties, the Writ Petition is heard finally.

2. In this Writ Petition, the Petitioner, who is the cardiac patient, is aggrieved by the action of the Respondents in setting up the Ready-Mix Concrete (RMC) Plant adjacent to the house of the Petitioner in September 2023.

3. It is the case of the Petitioner that even though a show cause notice dated 2nd May 2024 was issued by the Maharashtra Pollution Control

Board to Respondent No.3, yet no action was taken against the Petitioner. During the pendency of instant Writ Petition, the Officers of the Maharashtra Pollution Control Board have inspected the site and in the affidavit dated 3rd February 2025, sworn in by one Mr. Manchak Jadhav, Sub-Regional Officer of the Maharashtra Pollution Control Board at Pimpri Chinchwad, it has been stated that Ready Mix Concrete Plant has been set up after the statutory compliances. The Petitioner has the forum of challenging the consent granted to Respondent No.3 to set up the Ready Mix Concrete Plant by way of an Appeal before the National Green Tribunal (NGT).

4. We, therefore, are not inclined to exercise our extra-ordinary discretionary jurisdiction in the facts and circumstances of the case. However, the Writ Petition is disposed of with the liberty to the Petitioner to approach the National Green Tribunal by filing an Appeal.

5. Needless to state that in case an Appeal is filed within a period of one month from today, the National Green Tribunal shall bear in mind the fact that the Petitioner has been bonafidely prosecuting this Writ Petition while dealing with the prayer of the Petitioner for condonation of delay.

6. With the aforesaid liberty, the Writ Petition is disposed of.

(M.S. KARNIK, J.)

(CHIEF JUSTICE)