

Pdp

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

PUBLIC INTEREST LITIGATION NO. 78 OF 2024

Santosh Laxan Chavan

.. Petitioner

Versus

The State of Maharashtra & Ors.

.. Respondents

Mr. Y. B. Legnare for petitioner.

Mrs. Neha S. Bhide, Govt. Pleader with Mr. O. A. Chandurkar,
Addl. Govt. Pleader and Mrs. G. R. Raghuwanshi, AGP for
respondent nos.1 to 6, 8 and 9.

Mr. Akshay Naidu i/by Mr. Vishwanath Patil for respondent
no.7 – MPCB.

Ms. Aditi Naikare a/w Mr. Pradeep J. Thorat for respondent
no.10.

**CORAM: ALOK ARADHE, CJ. &
SANDEEP V. MARNE, J.**

DATE: 1st JULY, 2025

ORAL ORDER [Per Chief Justice]:

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1. With the consent of the learned counsel for the parites,
heard finally.

2. The petitioner claims to be a social activist. The
petitioner has filed this Public Interest Litigation to quash and
set aside permissions dated 17th March, 2023 and 29th
September, 2023 granted by Additional Collector, Satara and
Deputy Collector, Satara to M/s. Datta Krupa Suppliers for
excavation and transportation of stone from Gat No.5 of
village Mohodekarwadi, Taluka – Wai, District – Satara.

3. The facts giving rise to filing of the instant PIL in nutshell are that the Additional Collector, Satara on 6th April, 2015 had granted permission to respondent no.12 – M/s. ITD Cementation India Limited for excavation and transportation of stone from Gat No. 31, admeasuring 2 H. 40 R., situate at village Mohodekarwadi, Taluka – Wai, District – Satara. The Additional Collector thereafter on 18th October, 2022 granted permission to M/s Datta Krupa Suppliers for 500 brass from Gat No.5 of the said village and on 17th March, 2023, the Additional Collector granted license for quarrying and transporting of stones to M/s. Datta Krupa Suppliers under Rules 59 and 60 of the Maharashtra Minor Mineral Mining (Development and Regulation) Rules, 2013 for 2500 brass from Gat No.5 of the said village from 17th March, 2023 to 15th July, 2023. The instant PIL has been filed in the year 2024.

4. The learned counsel for the petitioner submits that on account of excavation and transportation of stones by respondent no.10, the air quality of the village was deteriorated and respondent no.10 has indulged in illegal mining and has caused damage to the earth beyond permissible limit.

5. On the other hand, learned Additional Government Pleader, while inviting the attention of this Court to the averments made in the affidavit-in-reply, has submitted that the respondents-authorities have inspected the spot and have found that respondent no.10 is carrying out the excavation as per the license granted to it within the permissible limit. The submission regarding the air pollution is concerned, the same has also been denied in the affidavit-in-reply.

6. We have considered the submissions made on both the sides and have perused the record.

7. The issue with regard to air pollution and causing environmental damage are questions of fact which cannot be gone into in a summary jurisdiction under Article 226 of the Constitution of India as the same is dependent on adjudication of disputed question of fact. In the peculiar facts and circumstances of the case, the aforesaid questions cannot be examined in this PIL. We, therefore, grant the liberty to the petitioner to take recourse to such remedy as may be available to him in law.

8. With the aforesaid liberty, PIL is disposed of.

(SANDEEP V. MARNE, J.)

(CHIEF JUSTICE)