

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

PUBLIC INTEREST LITIGATION NO. 156 OF 2024

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Sanjay Mahipati Lale

...Petitioner

Versus

Learned District Collector,
Kolhapur & Ors.

...Respondents

Mr. Prithviraj S. Gole, for the Petitioner.

Mr. O. A. Chandurkar, Addl. Govt. Pleader a/w N. M. Mehra,
AGP, for Respondent Nos.1, 2, 5 & 8.

Mr. T. P. Hilage, for the Respondent No.6.

Ms. Kalyani Mangave i/by Manoj Patil, for the Respondent No.7.

**CORAM : DEVENDRA KUMAR UPADHYAYA, CJ &
AMIT BORKAR, J.**

DATE : 2nd JANUARY, 2025

P. C.

1. Issue notice to the Respondents, returnable on **22nd January, 2025.**

2. Learned AGP appears for Respondent Nos.1, 2, 5 and 8 and waives notice. Mr. T. P. Hilage, learned counsel appears for Respondent No.6, whereas Ms. Kalyani Mangave, learned counsel appears for Respondent No.7 and waive notice on behalf of their respective parties.

3. In an inquiry conducted by Tahsildar-cum-Taluka

Executive Magistrate, Shahuwadi, based on which a letter was written by the Tahsildar to the Collector on 28th June, 2024, whereby large scale irregularities and illegalities have been found by the party running the stone crusher. A copy of the said letter/report dated 28th June, 2024 has been endorsed to the Regional Officer of the Maharashtra Pollution Control Board, Kolhapur.

4. Learned AGP has tendered a letter dated 1st July, 2024 written by the office of the Collector, Kolhapur to the Regional Officer of MPCB intimating the MPCB the irregularities at the end of the stone crusher and also requesting appropriate legal action. The said letter dated 1st July, 2024 is taken on record. The Maharashtra Pollution Control Board *vide* its order dated 4th November, 2020 granted its consent to operate under the Air Act and the Water Act, however, such consent to operate is subject to certain conditions and one of the such conditions is that "No stone crushing activity will be allowed within 1.0 kilometer from National Highway, 500 meters from State Highway and 200 meters from other roads such as major district road, other district road or village roads. Also crusher

shall be located 500 mtrs. away from human habitation, 500 meter away from Sensitive area such as Educational Institutions/Hospitals, 500 meter away from place of historical monuments identified by Archaeological Survey of India. Stone Crusher should comply other locational statutory requirements in force as per law". If we peruse the report submitted by Tahsildar dated 28th June, 2024, we find that all norms for running the stone crushing unit as per the consent to operate granted to the Petitioner on 4th November, 2020 appear to have been violated. Running of stone crushing unit within the distance as prohibited in the consent to operate granted by MPCB can be most hazardous to the health of the residents residing in the vicinity and accordingly such conditions of prohibition appear to have rightly been put by MPCB while granting its consent to operate the stone crushing unit.

5. However, despite clear mentioning of violations of the norms, it appears that MPCB has not taken any action, which we cannot approve in any circumstance.

6. In these circumstances, we call upon the Member

Secretary, Maharashtra Pollution Control Board to look into the matter personally and take appropriate action which might be warranted under law in case violation of any law, rule or regulation or conditions of the consent to operate is found. By the next date, the Member Secretary shall file his personal affidavit giving the details of the action which might be taken to ensure compliance of this Court's order. We further provide that in case the Member Secretary is of the opinion that any adverse action is to be taken against the stone crushing unit, he shall provide an opportunity to the said unit of making representation.

7. Stand over to **22nd January, 2025.**

8. We request learned AGP to communicate this order to the Collector as also to the Member Secretary of the Maharashtra Pollution Control Board.

9. In the meantime, Respondents may also file their affidavits-in-reply.

[AMIT BORKAR, J.]

[CHIEF JUSTICE]