

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 13547 OF 2025**

Prestige Point Premises Co-operative
Housing Society Ltd.

.... Petitioner.

V/s

Government of Maharashtra
Ministry of Environment & Climate
Change and Others

.... Respondents.

Mr. Rohan Mahadik with Mr. Bhavin Vora i/b the Juris
Partners, Advocates for the petitioner.

Ms. Jaya Bagwe, Advocate for the respondent no.2.

Mr. Rajdeep S. Khadap, Advocate for the respondent no.4.

Mr. Vikrant Khare for the respondent Nos. 5, 7 and 8.

Ms. Pooja Patil, AGP for the respondent-State

**CORAM : SHREE CHANDRASHEKHAR, CJ &
GAUTAM A. ANKHAD, J.**

DATE : 4th NOVEMBER 2025.

PER, GAUTAM A. ANKHAD, J.

The petitioner seeks to challenge the industrial operations allegedly carried out by the respondent nos. 5 and 6 within the petitioner-society on the ground that such activities involve the use of hazardous chemicals and pose a serious risk to the life and health of other members of the society.

2. Mr. Rohan Mahadik, learned counsel for the petitioner, submits that industrial activities involve processing, printing and cutting of vinyl signboards using hazardous chemicals, which in turn results in the release of toxic waste and gases. This has a detrimental impact not only on human health, but also on the environment within the society premises. It is further submitted that the said respondents have not

obtained permission either from the society or from any competent authority for conducting such industrial activities. Despite repeated communications, including an advocate's notice dated 6th March 2024, the respondents have failed to take corrective measures. In these circumstances, the present writ petition has been filed seeking the following reliefs:

a. This Hon'ble Court may be pleased to issue a Writ of Mandamus or any other appropriate writ, order or direction directing Respondent No.2, Maharashtra Pollution Control Board to forthwith inspect the premises bearing Shop Nos. 94, 95, 96B, 99, 124, 101 and 102 situated at CTS No.283, Prestige Point, Shukrawar Peth, Pune – 411002 and take immediate action to close and seal the illegal and unauthorised industrial operations being carried out by Respondent Nos. 5 and 6 therein, for want of Consent to Establish and Consent to Operate as required under Section 21 of the Air (Prevention and Control of Pollution) Act, 1981;

b. This Hon'ble Court may be pleased to issue a Writ of Mandamus or any other appropriate writ, order or direction directing Respondent No.4, Pune Municipal Corporation to forthwith initiate action under Sections 313 and 376 of the Maharashtra Municipal Corporation Act, 1949 for stopping the unauthorised factory/workshop operations being carried out by Respondent Nos. 5 & 6 in a commercial establishment without obtaining necessary trade license/permission from the Commissioner, and to take coercive action including disconnection of electricity supply and sealing of premises, if necessary;

c. This Hon'ble Court may be pleased to issue a Writ of Mandamus or any other appropriate writ, order or direction directing Respondent No.3, Collector of Pune to exercise supervisory jurisdiction over Respondent Nos. 2 & 4 and ensure strict compliance of environmental and municipal laws to prevent such illegal operations in commercial buildings in the district;

d. This Hon'ble Court may be pleased to direct the Respondent Nos. 5 & 6 to immediately stop the use, storage and handling of hazardous chemicals such as vinyl chloride, isopropyl alcohol and other flammable substances in the premises situated at CTS No.283, Prestige Point, Pune, without due compliance with the Factories Act, 1948, the Manufacture, Storage and Import of Hazardous Chemicals Rules, 1989, and other applicable laws;

e. This Hon'ble Court may be pleased to direct the Respondent Nos. 2 & 4 to frame and implement a regular mechanism for inspection, monitoring and enforcement of air pollution standards in respect of

commercial complexes in Pune city, including Prestige Point, and to submit a compliance report, before this Hon'ble Court;

f. Pending the hearing and final disposal of the present petition, this Hon'ble Court may be pleased to pass an order restraining Respondent Nos. 5 & 6, their servants, agents and representatives from carrying out any industrial/manufacturing operation or using hazardous chemicals in Shop Nos. 94, 95, 96B, 99, 124, 101 and 102;

g. Interim and ad-interim reliefs in terms of prayer clause (f) above;

h. For any other reliefs as this Hon'ble Court may deem fit and proper.”

3. We have heard the learned counsel appearing for the parties. In our view, the present petition raises several factual disputes which would require a detailed inquiry and/or investigation. Such an exercise cannot be undertaken in the writ jurisdiction. As held by the Hon'ble Supreme Court in “*Joshi Technologies International Inc. v. Union of India*” (2015) 7 SCC 728, it is a well-settled principle that the High Court, while exercising its extraordinary jurisdiction under Article 226 of the Constitution of India, does not adjudicate disputed questions of fact and which require assessment of evidence. We are of the view that the petitioner has efficacious alternative remedies available in law, including under the provisions of the Maharashtra Co-operative Societies Act, 1960, and under Chapter XV of the Bharatiya Nyaya Sanhita, 2023. In the face of such alternative remedies, the present writ petition is not maintainable.

4. **Writ Petition No. 13547 of 2025 is dismissed**, with liberty to the petitioner to approach the appropriate forum and avail such legal remedies as may be available in law.