Salunke

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7977 OF 2026

JAYANT VISHWANATH SALUNKE

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Date: 2026.10.07 11:18:19 +0530

Sangarsh Samiti Maan Gram Panchayat and Parishar } Petitioner
Versus
The State of Maharashtra & Ors. } Respondents

Mr. Rajesh Khobragade with Adv. Lubdha Bhoir, Advocates for the Petitioner.

Ms. Neha S. Bhide, Government Pleader with Mr. O. A. Chandurkar, Additional Government Pleader and Ms. G. R. Raghuwanshi, AGP for Respondent Nos. 1 to 4 (State).

CORAM : MAHESH CHANDRA TRIPATHI, CJ. &
ADVAIT M. SETHNA, J.

DATE : 6th OCTOBER, 2026

P.C.:

1. By the instant Writ Petition, the Petitioner, *inter alia*, seeks the following substantive reliefs:-

> *"(a) Rule be issued;*
>
> *(b) That this Hon'ble Court be pleased to Issue a Writ of Certiorari quashing the Public Hearing Notice dated 04.03.2026 (Exhibit B) issued by Respondent No. 5 for the project of Respondent No. 6 scheduled on 08.04.2026.*
>
> *(c) That this Hon'ble Court be pleased to Issue a Writ of Mandamus and or any other, writ, order and direction and direct the Respondent No. 5 that any future Public Hearing for projects in Scheduled Areas shall only be conducted at a neutral public venue such as the Office of the Collector, Palghar, or the Grampanchayat Office, and not at the private premises of the project proponent*
>
> *(d) That this Hon'ble Court be pleased to Issue a Writ of Mandamus and or any other, writ, order and direction and direct the Respondents to not proceed with any regularization, expansion, or environmental clearance for M/s. Viraj Profiles Pvt. Ltd. unless and until the prior, informed, and free consent of the concerned Gram*

Sabha is obtained in writing, as mandated by the PESA Act and the Niyamgiri judgment of the Hon'ble Supreme Court.

(e) That this Hon'ble Court be pleased to Issue a Writ of Mandamus and or any other, writ, order and direction and direct the Respondent Nos. 1 to 5 to immediately inspect the existing plant of Respondent No. 6 and ensure that no untreated/partially treated chemical effluent is discharged into the natural water bodies, and to file a compliance report.

(f) Pending the hearing and final disposal of this Petition that this Hon'ble High Court be pleased to stay the Public Hearing is scheduled for 08.04.2026 (i.e., day after tomorrow). If the same is allowed to proceed at the illegal venue without the Gram Sabha's consent, the entire purpose of the PESA Act and the Niyamgiri judgment will be defeated, and irreversible damage will be caused to the environment and the rights of the tribal community.

(g) Pending the hearing and final disposal of this Writ Petition, this Hon'ble Court may be pleased to stay the Public Hearing scheduled for 08.04.2026 at Gut No. 27, Maan, by Respondent No. 5.

(h) This Hon'ble Court may be pleased to restrain Respondent No. 6 from commencing any construction or expansion activity or from altering the status quo of the land in question."

2. The learned Counsel for the Petitioner, on instructions, submits that the Petitioner is not pressing the reliefs as claimed vide Prayer Clauses 'b' and 'f' (supra) as the same have been rendered infructuous. Statement is accepted.

3. Insofar as the other reliefs are concerned, the learned Counsel for the Petitioner submits that the Writ Petition be disposed as withdrawn with liberty to the Petitioner to assail the decision, if any, of the Competent Authority, concerning the subject matter of this Petition in a fresh proceeding in accordance with law.

4. The Writ Petition is Dismissed as Withdrawn with the aforesaid liberty.

[ADVAIT M. SETHNA, J.] **[CHIEF JUSTICE]**