

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

WRIT PETITION NO. 7404 OF 2024

Yashwant Anna Bhoir ...Petitioner

versus

State of Maharashtra & Ors. ... Respondents

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Mr.Avinash Fatangare a/w Ms.Archana Shelar, Advocate for the
Petitioner.

Mrs. M.P. Thakur, AGP for the Respondent/State.

Mr.Dinesh Adsule a/w Mr.Chinmay Bhole, Advocate for
Respondent No.4.

Mr.Sumedh S. Modak i/b. Mr. Vijay Killedar, Advocate for Respondent
No.5.

Mr. Shanay Shah, Amicus Curiae is present.

Mr.Maruti P. Gaikwad, Chief Officer of Kulgaon Badlapur Municipal
Council is present.

Mr.Angad Morane, Assistant Town Planner of Kulgaon Badlapur
Municipal Council is present.

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**CORAM : RAVINDRA V. GHUGE &
ABHAY J. MANTRI, JJ.**

DATE : JANUARY 28, 2026

P.C:

1. On 19.01.2026, we passed a lengthy order reiterating the
directions set out in the order dated 19.09.2025. We appointed the District
Collector of Thane as the Chairperson of the High Court Constituted
Committee (HCCC), and the Committee is to meet at least twice a month
under his chairmanship.

2. We also directed that, not only in respect of the Kulgaon Badlapur Municipal Council, but across the State of Maharashtra, high rise buildings/towers, for which Sewage Treatment Plants (STPs) are mandatory under the rules, would not be granted Occupancy Certificate (OC), in the absence of a proper sewage treatment facility.

3. We have perused the additional affidavit dated 22.01.2026 filed on behalf of Respondent No. 4 through Shri Maruti Gaikwad, Chief Officer, Kulgaon Badlapur Municipal Council. We have also perused the annexures, which are disturbing. The notices issued by the Council to persons alleged to have indulged in unauthorized constructions, appear to be an eyewash. In the portion where the nature of the unauthorized structure is required to be described, it is simply mentioned as 'unauthorized structure'. In one notice, instead of specifying the dimensions and nature of the unauthorized structure, what is typed is 'Meena Chavan' along with her mobile number.

4. We are informed that an awareness programme was arranged on the occasion of 26.01.2026, the 77th Republic Day of this country. A notice was published on 08.01.2026 in a newspaper, bringing to the notice of the residents of the said Municipal Council that STP plants must be

made functional and that those having septic tanks and soak pits, as per rules, must connect the same to the underground drainage system. At pages 302 to 312, reports regarding septic tanks and soak pits are placed before us. From these twelve pages, we find only a handful of purported active STPs. In more than 95% of the buildings/houses in the Kulgaon Badlapur Municipal Council (East) area, the overflowing contents from the soak pits, are said to be released into gutters. Where a gutter is not available, it is released onto adjacent lands. This is shocking, to say the least.

5. This was precisely the grievance of the Petitioner, who approached this Court by filing the present Petition, that his agricultural field was being flooded with the overflowing sewage waste as it was being released onto his land.

6. The report of the HCCC dated 21.01.2026, was not served upon the learned Amicus, whose email address is mentioned in paragraph 12 of the order dated 19.01.2026. The report forwarded by the District Collector dated 21.01.2026 is taken on record and marked as Exhibit **'X-2'** for identification. The Municipal Council instructs the learned Advocate to say that the report was emailed to the learned Amicus today sometime during the lunch break. We are shocked by this conduct.

7. The learned AGP graciously tenders an apology, which we appreciate. Henceforth, we expect the District Collector to ensure that the moment a report of the HCCC is generated, it shall be served upon the learned Amicus within 48 hours, by email. On the next occasion, if such a situation is noticed, we shall issue strict orders.

8. From the report, we find that several excuses have been put forth, which cannot be said to be compliance of the directions set out in the judgment dated 19.09.2025. The HCCC was constituted to assist the Court. If we find that the Committee is not achieving the purpose for which it was constituted, we would be constrained to discharge all members of the Committee, except the District Collector, who is the Chairperson.

9. In the meantime, we call upon the District Collector as well as the learned Amicus to research and suggest the name of a reputed environmentalist who has researched and worked in this field and whose work is recognized by society, to be inducted as a special member of the Committee.

10. We are informed that the next meeting of the HCCC is scheduled on 04.02.2026. Accordingly, this Petition be listed on **10.02.2026 at 3.00 p.m.**

11. We also expect the District Collector to give special attention to the issues concerning the Kulgaon Badlapur Municipal Council and to initiate proactive steps to ensure that all STPs and soak pits are inspected to assess their functional status; whether they are connected to the underground drainage system, commonly referred to as a gutter, as stated by Shri Angad Morane, Assistant Town Planner of the Municipal Council; and whether any sewage is still being discharged into the Ulhas River. We would appreciate, if the District Collector tenders an independent report on this count on the next date.

(ABHAY J.MANTRI, J.)

(RAVINDRA V. GHUGE, J.)