

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7404 OF 2024

Yashwant Anna Bhoir

....Petitioner

Versus

The State of Maharashtra
through its Principal Secretary & Ors.

....Respondents

...

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

Ms. M. P. Thakur, AGP for Respondent No.1 – State.

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

Mr. Vijay Killedar, Advocate for Respondent No.5.

Mr. Shanay Shah, Amicus Curiae, present.

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

DATE : 2nd APRIL, 2026

P.C.:

1. The learned AGP has tendered the photostat copies of three reports which comprise of the Minutes of the meetings held by the High Court Constituted Committee ('HCCC'). The Minutes dated 27/02/2026 (4 pages), with regard to the meeting dated

25/02/2026, are taken on record and marked as 'X-4' for identification. The minutes dated 13/03/2026 (4 pages), with regard to the meeting of the HCCC dated 13/03/2026, are taken on record and marked as 'X-5' for identification. The Minutes of the meeting conducted by the HCCC on 30/03/2026 (4 pages), tendered to the Court on 02/04/2026, are taken on record and marked as 'X-6' for identification.

2. The Petitioner has filed an additional affidavit along with certain pictures dated 26/03/2026. The Kulgaon-Badlapur Municipal Council tenders a rejoinder affidavit in the Court which is accepted. Copies are given to the Amicus Curiae as well as the learned Advocates.

3. The learned Amicus Curiae has prepared a summary compilation of the suggestions given by the HCCC, along with his suggestions from page Nos. 8 and 9. The said compilation (9 pages) dated 02/04/2026, is taken on record and marked as 'Y-3' for identification. For ready reference, we are reproducing the suggestions made by the learned Amicus Curiae on page Nos.8 and 9 of 'Y-3', hereunder:

“PROPOSED WAY FORWARD”:

1. In minutes of meeting dated 21st January 2026, the committee has recorded that an approval is pending from State Government under Maharashtra Suvarna Jayanti Nagorathan Maha-Abhiyan (Golden Jubilee Urban Renewal Mega Mission) Project to set up a sewerage network line of 80kms, 1 Sewage Treatment Plant and 4 pumping stations. It was further recorded that a letter shall be issued to the state government to grant its approval, however despite setting the deadline as 30th January 2026, there is no whisper about such a letter being issued to the state government in the subsequent minutes of meeting. The Hon’ble Court may pass appropriate directions to the committee to pursue the approval from the state government as it will solve large part of the problem and all housing societies in the outer area of KBMC will be able to connect their drainage system to the main sewer line. Once the buildings are connected to the main sewer line, it will reduce the burden on KBMC to monitor individual Septic Tanks and Soak Pits installed by the societies. Further, it will resolve the problem of overflow/leakage of such Septic Tanks and Soak Pits as they will no longer be required by such societies.

2. In the meeting held on 21st January 2026, it has been observed that there were 43 building whose Soak Pits and Septic Tanks were not in accordance with law and notices have been issued to such buildings. However, in the subsequent meetings, there is no discussion as to what further action has been taken KBMC against such 43 buildings. It was further proposed that action against 43 buildings shall be taken under the Water (Prevention and Control) Act, 1974 through MPCB. A report shall be called from KBMC in that regard, and to verify the current position more particularly to identify as to where was the waste being discharged from such Septic Tanks and Soak Pits from such buildings?

3. As regards 227 structures having proper Septic tanks and Soak pits, it is a matter of concern that such buildings are not connected to the central drainage system. An inspection shall be carried out as to where is the treated water being discharged from such Septic Tanks and/or Soak Pits installed in such structures. A report shall be called from KBMC in that regard.

4. The committee had proposed to set up an emergency task force by 28th February 2026 to address sewage overflows. The committee may be called upon to give details of the Task Force and the action proposed to be taken by such Task Force.

5. As regards 438 unauthorized structures, it is recorded in the meeting dated 28th February 2026 that 210 illegal structures have been demolished. Further, there are no details provided as to where is the sewage waste being discharged from these unauthorized structures. The Hon'ble Court may pass appropriate orders directing KBMC to demolish the identified unauthorized structures within a time bound manner and also to take steps to ensure that no untreated waste from such illegal structures is being discharged either on farmlands or in Ulhas River.”

4. For the present, we expect the Municipal Council to make a statement on the next date as to the commencement of the sewerage network project which is a distance of about 80 k.m., with one Sewerage Treatment Plant and four Pumping Stations. If the said proposal is pending before the State Government under the Maharashtra Suvarna Jayanti Nagorathan Maha-Abhiyan (Golden

Jubilee Urban Renewal Mega Mission) Project, let the Chief Officer of the Municipal Council approach the State Government for seeking an early approval of the pending project. We would appreciate if the State Government treats the said proposed project on highest priority considering the grave urgency involved and grant the necessary approval as early as possible by avoiding delays.

5. List this Petition in the same category on **24/04/2026 at 03:00 p.m..**

(ABHAY J. MANTRI, J.)

(RAVINDRA V. GHUGE, J.)

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