

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**BENCH AT AURANGABAD**

**WRIT PETITION NO.2911 OF 2006**

Mukram Jaan Gul Mohd. Khan  
 Pathan (Tadvi) PETITIONER

**VERSUS**

The State of Maharashtra and ors. RESPONDENTS

**WITH**

**CIVIL APPLICATION NO. 4459 OF 2011**

**IN**

**WRIT PETITION No.2911 OF 2006**

Namdeo Fakira Chavan APPLICANT

**VERSUS**

Mukram Jaan Gul Mohd. Khan Pathan  
 (Tadvi) and others RESPONDENTS

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Mr. S.S. Thombre, Advocate for the Petitioner.  
 Mrs. A.V. Gondhalekar, A.G.P. for the Respondent-State.  
 Mr. U.B. Bondar, Advocate for respondent no.6  
 None present for other respondents though served.  
 Applicant in C.A. present in person

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**CORAM : D.B. BHOSALE &  
 M.T. JOSHI, JJ.**

**DATED : 1<sup>ST</sup> APRIL, 2011**

**ORAL ORDER:-**

1. Heard learned counsel for the parties. In this Writ Petition, in the nature of public interest, the petitioner, who claims to be a social worker, has made the following prayers:-

"B) By issuing Writ of Mandamus or any

other Writ or directions in the like nature, direct the respondent authorities to take immediate steps to close down the illegal and unauthorised brick kilns which are run through the river bed of Bindusara river which passes through Beed city for that purpose issue necessary orders.

C) By issuing appropriate Writ or order or directions in the like nature, the inquiry be initiated against those officers who are responsible for not taking any action against those illegal and unauthorised brick kilns owners."

2. Respondent-State has filed Reply affidavit.

On affidavit, the Tahsildar, Dist. Beed has stated that the brick kilns are in the river bed and the said activity contaminates water in the river. It is further stated that they have made efforts from time to time, to remove these brick kilns by issuing notices so also by physically removing/dismantling brick kilns, but they again erect and start brick kilns illegally. It appears from the affidavit, that in February, 2008, the concerned authorities dismantled all the then existing brick kilns. It is further stated that they have again erected the same.

3. Having considered the statements made on affidavit, we dispose of this Writ Petition by

issuing the following directions:-

I) The concerned authorities shall take immediate steps to remove all illegal/unauthorised brick kilns in accordance with law. It is open to the concerned Officers to take Police aid, if necessary, for complying with this order. It is also open to the concerned authorities to lodge prosecution against the persons, who are responsible for re-erecting brick kilns in the bed of river.

II) We expect the Collector, Beed to issue directions, if necessary to the concerned Officers to comply with this order, and if he finds that the Officer/s is/are responsible for not taking action against the existing brick kilns in the bed of river, should not hesitate to take appropriate action against erring Officer/s.

4. With these directions, Writ Petition is disposed of. Learned A.G.P. is directed to communicate this order to all the concerned within a period of two weeks from today.

5. In view of the disposal of Writ Petition no. 2911 of 2006, Civil Application no. 4459 of 2011, seeking intervention does not survive, and the same stands disposed of.

**Sd/-**

**[M.T. JOSHI, J.]**

**Sd/-**

**[D.B. BHOSALE, J.]**

**arp**