

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

Public Interest Litigation No. 29 of 2010

Dattatraua B/ Barsagade

VERSUS

The Secretary, Revenue and Forest Deptt. And others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. V. D. Raut, Advocate for the petitioner
Mr. Nitin W. Sambre, Govt Pleader for the respondent nos. 1 and 2
Mr. A. S. Jaiswal, Advocate for the respondent no.9

**CORAM : SMT. VASANTI A. NAIK AND
PRASANNA B. VARALE, JJ.**

DATE : 1st August, 2011.

By this petition, the petitioner seeks a direction to the respondent nos.1 to 9 to remove the factory of the respondent no.9 from the premises in question or in the alternative to direct the respondent no.9-industry to take immediate steps to install all necessary equipments for avoiding air pollution. The petitioner seeks a further direction to the Revenue authorities to compute the damages in respect of loss caused to the petitioner due to air pollution and direct the respondent no.9 to pay compensation from the date of manufacturing i.e. from 2003 at the rate of Rs.10,000/- to Rs.20,000/- per acre per year. Certain other ancillary directions are also sought by the petitioner.

At the outset, it is stated on behalf of the petitioner that the petitioner is not desirous of pressing the reliefs sought by the prayer clauses (C)

and (D) as the petitioner can institute a civil suit for seeking compensation, in case the petitioner so desires.

In regard to prayer clause 'B', by which the petitioner seeks a direction to the respondent nos.1 to 9 to remove the factory from the premises in question, it is necessary to note that the Maharashtra Pollution Control Board has filed a report of the Analyst, which shows that the Maharashtra Pollution Control Board had carried out monitoring of the air quality and stack monitoring of the respondent no.9- industry and the analysis result show that the pollution is within the prescribed standards or limits. In view of the report filed by the respondent nos.5 and 6 on record, the prayer made by the petitioner by prayer clause 'B' also stands rejected.

The learned counsel for the petitioner then submitted that by an order dated 15.12.2010, this Court had asked the Ministries for Revenue, Agricultural and Industries of the State of Maharashtra to give a fresh look to their policy in terms of the provisions of Section 44-A of the Maharashtra Land Revenue Code and to consider as to whether the industries should be allowed to be established near the agricultural lands. The learned counsel for the petitioner states that it is necessary for the State Government to make a statement in this regard.

Mr. N. W. Sambre, the learned Government Pleader appearing on behalf of the State submitted that the order dated 15.12.2010 was brought to the notice of the State and the Ministries of Revenue and Forest have looked into the matter and are likely to reach to a decision within a period of six months.

In view of the statement made on behalf of the State, nothing survives in this writ petition and the same is disposed of with no order as to costs.

JUDGE

JUDGE

Diwale