

To be returned to this Court immediately after compliance.

D.D. NO. 2438/D/13

DATE: 7/3/13

IN THE HIGH COURT OF JUDICATURE AT BOMBAY : NAGPUR BENCH:

NAGPUR.

MOST URGENT.

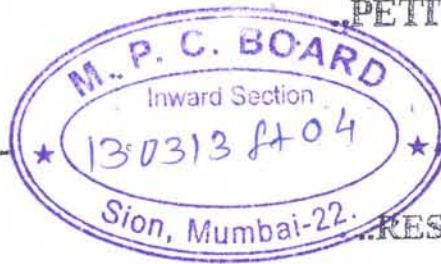
P. I. L. NO. 52/2012.

1286
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Smt. Shobhatai Fadanvis

PETITIONERS.



-Versus-

Government of India & Others

RESPONDENTS

Copy forwarded with compliments to :

- R-1) Government of India, through its Director, Ministry of Environments & paryavarana Bhawan, CGO Complex, Lodi Road, New Delhi-10006.
- R-2) State of Maharashtra, through its Secretary, Department of Water Conservation, Mantralaya, Mumbai.
- R-3) State of Maharashtra, through its Secretary, Department of Irrigation, Mantralaya, Mumbai.
- R-4) ~~Chief Engineer,~~ Chief Engineer, Water Conservation Department, Nagpur.
- R-5) Executive Engineer, Irrigation Department, Chandrapur.
- R-6) The Chairman, Maharashtra State Pollution Control Board, 3rd & 4th ~~XXIX~~ ~~XX~~ Floors, Sion, Matunga Scheme Road No.6, Opposite Cine Planet Sion Circle, Sion(E), Mumbai-400 022.

* P.T.O.

Shri A.S.Kilor,

Adv. for petitioner, has filed ~~INDEX~~

P. I. L. ~~U/A 226 and 227~~ of the Constitution of India, praying to ~~quash and set aside the~~ direct the R-9 or any other expert authority to examine the adverse effect on the underground water table & feeder channels of wells situated in the surrounding villages within the radius of 5-15 Km, if any, because of radial well of the R-10, constructed in the bed of Wardha river & further direct to submit the report before this Hon'ble Court within stipulated period; and any other relief as stated in the petition. With an intimation that upon hearing : Mr.A.S.Kilor, Adv. for the petitioner. Mr.S.K.Mishra, ASG for R-1. Mr. Sambre, G.P. for R-Nos.2,3,4,8 & 9. Mr.S.G.Jagtap & Mr. S.S. Godbale, Adv. for R-Nos.4,5 & 7. Mr.Sunil Manohar, Sr. Adv., with Mr.D.V.Chauhan, Adv. for R-10.

The Court passes the following order

CORAM : A.P.LAVANDE AND A.B.CHAUDHARI, JJ.

DATED : 27.02.2013 (Xerox copy of order is enclosed herewith).

The above Court's order be carried out accordingly.

Witness Shri Mohit Shah Chief Justice at Bombay, aforesaid

this 27th February, 2013.

By the Court,

15/2.13

Deputy Registrar
High Court of Bombay
Nagpur Bench, Nagpur

Neelam

NOTE: Xerox copy of order is enclosed herewith.

- ** R-7) Vidarbha Irrigation Development Corporation, Through its Executive Engineer, Sinchan Seva Bhawan, Civil Lines, Nag
 - R-8) The Collector, Chandrapur.
 - R-9) The Senior Geologist, Groundwater Surveys & Development Agency, Chandrapur.
 - R-10) Dharival Infrastructure Ltd. Through its General Manager, 1008, A Wing, Lokmat Bhawan, 10th Floor, Nagpur-440 012.
- AND The National Green Tribunal, at Delhi.



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*After hearing
case sent to
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for treatment
Disposed of*

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Public Interest Litigation No.52 of 2012
[Smt. Shobhatai Fadnavis Vs. Govt. of India & others]

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

Court's or Judge's orders

Mr. A.S. Kilor, Adv., for the petitioner.
Mr. S.K. Mishra, ASG for respondent no.1.
Mr. Sambre, Govt. Pleader for respondent nos. 2,3,4,8
and 9.
Mr. S.G. Jagtap and Adv. Mr. S.S. Godbole, Adv., for
respondent nos. 4,5 and 7.
Mr. Sunil Manohar, Sr. Adv., with Mr. D.V. Chauhan,
Adv., for respondent no.10.

CORAM : A.P. LAVANDE AND
A.B. CHAUDHARI, JJ.

DATE : 27th February, 2013.

1. By this Public Interest Litigation, the
petitioner has sought following reliefs:-

"1) Issue any writ, order, or
direction in the nature of
mandamus and thereby direct the
respondent no.9 or any other
expert authority to examine the
adverse effect on the
underground water table and
feeder channels of wells
situated in the surrounding
villages within the radius of
5-15 km, if any, because of
radial well of the respondent
no.10, constructed in the bed of
Wardha river and further direct

to submit the report before this Hon'ble Court within stipulated period, in the interest of justice.

- 2) Issue any writ, order or direction in the nature of mandamus to the respondent no. 1 to 9 to take appropriate steps to protect the underground water table and also feeder channels of surrounding villages of the radial well in question, in case adverse report comes after enquiry in terms of prayer clause 1, in the interest of justice.
- 3) During the pendency of petition direct the respondents nos. 1 to 9 not to allow the respondent to lift the water from radial well and further direct the respondent no.10 to stop the work of construction of radial well in question, in the interest of justice."

The Public Interest Litigation, thus, involves questions of environmental laws under the Water (Prevention and Control of Pollution) Act, 1974 and the Environment (Protection) Act, 1986.

2. Therefore, in view of the Judgment of the Apex Court in the case of Bhopal Gas Peedith Mahila Udyog Sangathan & others Vs. Union of India & others [(2012) 8 SCC 326], this PIL would have to be transferred to the National

Green Tribunal at Delhi.

3. Accordingly, the Registry is directed to transmit the present PIL to the National Green Tribunal at Delhi expeditiously.

4. Accordingly, this Public Interest Litigation stands disposed of.

5. Needless to mention that all the contentions raised in the petition are kept open.

True Copy
18.6.13
Deputy Registrar
High Court of Bombay
Nagpur Bench, Nagpur