

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

P.I.L. No. 31/2011

(Devendra Gangadhar Fadnavis and others .vs. Union of India and others)

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

Shri K.H. Deshpande, Senior Advocate with Shri A.S. Kilor and
Shri A.M. Sudame Advocates for Petitioners.

Shri N.W. Sambre, Government Pleader for Respondents 5,6
and 12.

Shri S. Sanyal with Shri S.M. Ukey, Advocates for Respondents
No. 8 & 9.

CORAM : B.P.DHARMADHIKARI & P.D. KODE, JJ.
DATED : JULY 21, 2011

Heard learned Senior Advocate who informs that in earlier order of this Court dated 19.7.2011, there is an inadvertent error inasmuch as respondents have been directed to file appropriate affidavit before High Court of Madhya Pradesh at Jabalpur. He, however, states that petitioners have complied with that direction and appropriate affidavit has been filed.

Learned Government Pleader upon instructions states that State Government has proposed to approach Hon'ble High Court of Madhya Pradesh pointing out the facts and situation and for modification of direction issued by that High Court. Advocate Shri Sanyal for respondents no.8 and 9 has filed reply

affidavit. He points out that double chamber incinerator as claimed to be available at D.R.D.O. Nagpur by D.R.D.E. Gwalior is also available at Pithampur near Indore in Madhya Pradesh. The learned counsel for petitioners wish to address this Court further on this aspect. However, we find that Hon'ble High Court of Madhya Pradesh at Jabalpur is already seized with the matter and hence in order to avoid any conflict of orders, it will be appropriate that the petitioners, State of Maharashtra as also Maharashtra State Pollution Control Board, if it is so advised, should move High Court of Madhya Pradesh at Jabalpur to obtain appropriate modification at the earliest.

Advocate Shri Sanyal also points out that till date Maharashtra State Pollution Control Board has not received any application seeking permission to transport the hazardous material to Nagpur. He further states that as such there is no question of its entering the State of Maharashtra and its disposal at Nagpur.

We find that this aspect can also be looked into by Hon'ble High Court of Madhya Pradesh at Jabalpur.

In this situation, we grant parties time till 28.7.2011 i.e. the date on which the matter is scheduled to come before Hon'ble High Court of Madhya Pradesh at Jabalpur.

Interim orders already operating to continue till then and shall cease to operate automatically on that day.

In view of these orders, we find that the anxiety expressed by the petitioners is sufficiently taken

care of. Hence we dispose of the petition.
Steno copy to all.

JUDGE

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