

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,  
NAGPUR BENCH, NAGPUR.**

**WRIT PETITION NO. 1290 OF 2011.**

Ansarul Haque s/o Mohammed Matloob,  
aged about 58 years, Occupation Business,  
Resident of Ansar Nagar, Near Nizam Hotel,  
House No.681, Ward No.52, Plot No.88,  
Mominpura, Nagpur.

... PETITIONER

**VERSUS**

1. The Nagpur Municipal Corporation,  
Civil Lines, Nagpur, through its  
Commissioner.
2. The Nagpur Municipal Corporation,  
Gandhibagh Zone No.6 (Health  
Department), through its Health  
Officer, Gandhibagh, Nagpur.
3. The Maharashtra Pollution Control  
Board, through its Regional Officer,  
6<sup>th</sup> Floor, Udyog Bhavan, Civil  
Lines, Nagpur.
4. Dr. Rafuddin s/o Abdul Rahim,  
aged about 50 years, Occupation  
Veterinary Doctor, Resident of  
Chhoti Masjeed, Bhankheda,  
Mominpura, Nagpur.
5. Mohammed Akhtar Mohammed  
Ayyub, aged about 58 years,  
Occupation Business, Resident of  
Salim Leader Road, Mominpura,  
Nagpur.
6. Mohammed Idris s/o Mohammed  
Ayyub, aged about 39 years, Resident  
of Al Kausar Hotel, Mohammed Ali  
Road, Mominpura, Nagpur.
7. Commissioner of Police,  
Commissioner Office, Nagpur,  
Nagpur.

... RESPONDENTS

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Smt. Neeta Jog, Advocate for the petitioner.  
Shri C.S. Kaptan, Advocate for the respondent Nos.1 and 2.  
Shri S.N. Kumar, Advocate for the respondent No.3.  
Shri A.M. Rizwy, Advocate for the respondent Nos.4, 5 and 6.  
Shri A.M. Deshpande, Assistant Government Pleader for respondent No.7.

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CORAM : SMT. VASANTI A. NAIK AND  
PRASANNA B. VARALE, JJ.  
DATED : 04TH AUGUST, 2011.

ORAL JUDGMENT : (Per Smt. Vasanti A. Naik, J.)

Rule. Rule is made returnable forthwith. The petition is heard finally with the consent of the parties.

2. It is clear from the reply filed by the respondent No.3 that the respondent Nos.4, 5 and 6 are operating the power loom without taking the necessary permission or no objection certificate from the Nagpur Municipal Corporation and the Pollution Control Board. The respondent No.3-The Maharashtra Pollution Control Board has further found that the noise level was beyond the permissible limit in the unit of the respondent Nos.4,5 and 6.

3. In such circumstances, the operation of the power loom by the respondent Nos.4, 5 and 6 is clearly illegal and the respondents cannot be permitted to operate the power loom.

4. Hence, the writ petition is partly allowed. The respondent Nos.4,

5 and 6 are prohibited from operating the power loom in the absence of permission from the concerned authorities. Rule is made absolute in the aforesaid with no order as to costs.

JUDGE

JUDGE

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