

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

**901 SUO MOTO PUBLIC INTEREST LITIGATION NO. 8 OF
2020**

THE REGISTRAR (JUDICIAL), HIGH COURT OF JUDICATURE OF
BOMBAY BENCH AT AURANGABAD

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

Advocate for Petitioner : Mr. S.S. Bora (Amicus Curie)
GP for Respondent Nos.1, 4 to 7 & 9 to 30 : Mr. D.R. Kale
Advocate for Respondent No.2/ASGI : Mr. A.G. Talhar
Advocate for Respondent No.8 : Mr. A.P. Bhandari

**CORAM : RAVINDRA V. GHUGE &
SMT. VIBHA KANKANWADI, JJ.
(VACATION COURT)**

DATE : 01st JANUARY, 2021.

PER COURT :-

1. Pursuant to our orders dated 30.12.2020 and 31.12.2020, the learned Government Pleader has placed before us a communication received by him from the Commissioner of Police, Aurangabad dated 31.12.2020, wherein it is indicated that 6 police stations have registered 8 offences against the shop keepers and the prohibited nylon kite flying thread amounting to Rs.13,830/- has been confiscated.

2. We are, however, informed that there are about 16 police stations and it is only 6 police stations, who seem

to have initiated steps under the orders passed by this Court. *Ex facie*, we find that minuscule action has been initiated and the chart placed before us is an attempt to show that action is being taken pursuant to our orders. The said communication is marked as “X-1” for identification.

3. The learned amicus curie has placed before us six pages of documents, which indicate that the Directorate of Municipal Administration had issued a communication dated 19.03.2020 to all District Collectors and Commissioners of all Municipal Corporations in the State of Maharashtra to ensure that the orders of the National Green Tribunal with regard to the prohibition on the sale and use of nylon synthetic material, synthetic substances, which are non-biodegradable, are effected with full force. Considering the news report, on the basis of which we have taken up this litigation in public interest, it is obvious that none of the District Collectors and Commissioners of Municipal Corporations have taken the directions of the National Green Tribunal, as well as the Directorate of the Municipal Administration, seriously. We permit Shri Bora to paginate these documents and place them on record from page no.133 onwards.

4. Since, we are listing this petition on 05.01.2021, we deem it appropriate to issue the following directions:

ORDER

A) The learned amicus curie shall add all District Superintendents of Police, District Collectors and the Commissioners of Municipal Corporations within the 12 districts amenable to the jurisdiction of this Court. Addition to be carried out forthwith.

B) After addition, issue notice to the respondents. The learned Government Pleader waives service of notice on behalf of 1, 4 to 7 and 9 to 30. He is requested to intimate all Commissioners of Municipal Corporations, who have been added today, of this pending proceeding, so as to enable them to engage Advocates, who would appear before us on 05.01.2021.

C) The learned Government Pleader shall ensure that a chart comprising of goods confiscated, offences registered and action initiated by the police stations on day-to-day basis i.e. for 1st January, 2nd January, 3rd January and 4th January, 2021 is submitted to this Court on 05.01.2021 with advance copies to the learned amicus curie.

D) All District Superintendents, District Collectors and Commissioners of Municipal Corporations, shall initiate effective steps and ensure that action is taken with full force keeping in view the directions of the National Green Tribunal,

as well as the orders passed by this Court. Details of the action taken district wise shall also be placed before this Court on 05.01.2021.

E) It is made clear that these orders are not being restricted only to shop keepers, selling outlets or godowns, but would apply even to localites, who may be found using such prohibited nylon threads for kite flying and appropriate offences and appropriate action would be initiated even against individuals.

F) If it is brought to the notice of this Court that there are further instances of localites affected by such nylon threads or even birds or animals, who have suffered injuries on account of use of such threads, this Court would not hesitate to recommend action against erring officials.

G) The respondents are made aware that eventually if this Court comes to a conclusion that the orders of the National Green Tribunal have been violated, appropriate order would be passed.

5. Stand over to 05.01.2021 in the 'Urgent Admissions Category'.

(SMT. VIBHA KANKANWADI. J) (RAVINDRA V. GHUGE, J)

Mujaheed//