

**MOST URGENT**

No. D. D. 44/2001 of 2001  
11.11.11

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
NAGPUR BENCH, NAGPUR  
WRIT PETITION No. 2624 OF 2001.**

502

(UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA)

The Grahak Panchayat, Hinganghat, through its President,

110207 AT 248

PETITIONER/S

-versus-

The State of Maharashtra ~~xxxxxxx~~ thr. Collector, Respondents.  
Wardha & others. ~~xxxxxxx~~

1. The Civil Judge, Jr.Dn. Hinganghat, Distt. Wardha.  
(R.C.S.No.185/2001).

- R-1) The State of Maharashtra, through Collector, Wardha.
- R-2) Sub-Divisional Officer, Hinganghat, Distt. Wardha.
- R-3) Municipal Council, Hinghaghat, through its Chief Officer, ~~MSA-Ward~~
- R-4) Mah. Pollution Control Board, through its Regional Officer, \*\*

WHEREAS, the Petitioner has filed the above Petition under Articles 226 and 227 of the Constitution of India, praying to direct the R-3 to take immediate appropriate steps for the removal of the godown of chemical fertilisers and insecticides as described in the letter dated 21.6.99 ~~xxxxxx~~ from the thickly populated area of Gandhi Nehru wards of Hinganghat to the out-skirts of the town, on the ground of nuisance and public health, and to do such other statutory works.

AND WHEREAS, rule and interim stay/~~injunction~~ in terms of Prayer clause ( ) was granted by this Court on 25.11.2003.

AND WHEREAS, the said Petition came up for final hearing before this Court

(CORAM : S.A.BOBDE & P.D.KODE, JJ.  
Date : 21.12.2010.

AND UPON hearing Mr./Mys. P.M.Kalar, Adv. for petitioner, Shri D.P.Thakare, AGP for R-1 & 2, Shri B.N.Mohta, Adv. for R-5 & Ms. S.Maniyar, Adv. h/f Shri Mirza, Adv. for R-6, 7 & 8;

this Court has been passed the following order :-

"For the reasons stated in the accompanying judgment, the Court allows the writ petition to be withdrawn and makes the rule absolute as per terms mentioned in the judgment with no order as to costs."

Encl.: Copy of judgment is enclosed herewith.

- \*\*Regional Officer 6th Floor Udhog Bhawan, Civil Lines, Nagpur.
- R-5) M/s, Rathi Oil Depot, through its proprietor, At Gandhi & Nehru Ward, Hinganghat, Tah.Hinganghat, Distt.Wardha. [P.T.O.]

VI MP  
SPG  
Pl. put up letter to  
S.L.O. for handing over to  
Advocate & make necessary  
e. take entry in list  
21.12.2010

IT IS ACCORDINGLY ordered that, this writ petition is disposed of as above/as stated in the accompanying Court's judgment. The directions given in the Court's order hereinabove shall be carried out and complied with scrupulously.

This order be punctually observed and carried into execution by all concerned.

WITNESS Sri Mohit Shah,

Chief Justice at Bombay, aforesaid.

the 21st day of December,

two thousand ten.



By the Court

for Deputy Registrar. *[Signature]* 22.12.11

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 200\_\_

NOTE:- This writ should be returned to this office after taking necessary note in your office register and after making an endorsement on the writ to that effect.

*[Signature]*  
13/11/11  
Deputy Registrar  
High Court of Bombay  
Nagpur Bench, Nagpur

The record and proceedings in matter are retained herewith. The accompanying receipt for the same may please returned to this office duly signed.

142 (S/16)  
13-1-11  
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No. D. D. \_\_\_\_\_ 200\_\_

Copy forwarded with compliments for information and necessary action to the

High Court, Appellate Side  
Bombay, dated \_\_\_\_\_ 200\_\_

for Additional Registrar.

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

WRIT PETITION NO. 2624/2001

The Grabak Panchayat, Hinganghat,  
through its President Dr. Shri Kawaie,  
Hinganghat, Dist. Wardha.

.....PETITIONER

...VERSUS...

1. The State of Maharashtra, through  
its collector, Wardha.
2. Sub-Divisional Officer, Hinganghat
3. Municipal Council Hinganghat,  
thr. its Chief Officer.
4. Maharashtra Pollution Control Board,  
thr. its Regional Officer, Regional Office,  
6<sup>th</sup> floor Udhayog Bhawan Civil Lines, Nagpur.
5. M/s. Rathi Oil Depot, thr. its Proprietor  
Shri Gokuldas Govinddas Rathi, At: At Gandhi & Nehru  
Ward, Hinganghat, Tq. Hinganghat, Dist. Wardha
6. M/s. Janseva Krishi Kendra, thr. its Proprietor,  
Shri Arunkumar Baid At: At Gandhi & Nehru Ward,  
Hinganghat, Tq. Hinganghat, Dist. Wardha.
7. M/s. Jain Agro Traders, through its Prop. Shri Pannatal  
Ghopda, At: At Gandhi & Nehru Ward, Hinganghat,  
Tq. Hinganghat, Dist. Wardha.
8. M/s. Vijay Agro Traders, thr. Proprietor,  
At: At Gandhi & Nehru Ward, Hinganghat,  
Tq. Hinganghat, Dist. Wardha

.....RESPONDENTS

Mr. P. M. Kalar, Advocate for petitioner.  
 Mr. D. P. Thakare, A.G.P. for respondent nos. 1 and 2.  
 Mr. B. N. Mohta, Advocate for respondent no.5.  
 Ms. S. Maniyar, Adv. h/f Mr. Mirza, Adv. for respondent nos. 6, 7 & 8.

CORAM:- S. A. BOBDE & P. D. KODE, JJ.  
DATE :- 21<sup>st</sup> September, 2010

ORAL JUDGMENT (Per:- S. A. Bobde, J.)

1. Heard learned counsel for the parties.
2. After hearing the matter for some time, following order is passed by consent of the parties:-

Civil Judge Junior Division, Hinganghat shall decide Regular-Civil Suit No. 185/2001 within a period of three months from today and till such decision is taken, respondent no.5 shall not use the godown for the purposes of storing insecticides and fertilizers as ordered earlier by this Court.

In this view of the matter, the writ petition is allowed to be withdrawn.

Rule made absolute in the above terms. No orders as to costs.

JUDGE

JUDGE

**True Copy**  
*A. J. Patil*  
 25/11/2011  
 Assistant Registrar  
 High Court of Bombay  
 at Nagpur

**By the Court**  
*Sd/- A. J. Patil*  
 Assistant Registrar  
 High Court at Bombay  
 Nagpur Bench, Nagpur