

CNR No. MHPU100000262024**ORDER BELOW EXH.07.****(Dated:-06/06/2024)**

01. The applicant has contended that he is registered owner of shop 'Rehan Enterprises' (for short 'the shop'). It was given by Prakash Ramdas Yadav for a period of 11 month to the applicant. Applicant was running a business of all types of plastic scrap reprocessing. On 08.05.2024, Executive Engineer, Environment Engineering Department, PCMC raided the shop. He found that applicant did not obtain any permission from PCMC and illegally mixed the red green wastage water in the channel which is gone to the Indrayani River and which is dangerous to life of people living in surrounding and hence C.R.No.280/2024 was filed against him and they seized and sealed. The sealed shop is causing great hardship to the applicant. The applicant undertakes that he will run the said shop without illegal activities. He shall abide by the conditions imposed by the Court while granting the application. Therefore, he has prayed for necessary directions to Executive Engineer, Environment Engineering Department, PCMC to desal the said shop and possession be given to the applicant.

02. I called say of the learned APP for the same. She has endorsed her say on the application that the applicant again commit

type of offence if the shop is desealed. Therefore, she has prayed to reject the application.

03. I perused the application, say thereon and heard arguments.

04. The record shows that on 09.05.2024 team of the Executive Engineer, Environment Engineering Department, PCMC carries out a raid on the shop. He found applicant not obtained any permission from PCMC and illegally mixed the red green wastage water in the channel which is gone to the Indrayani River and which is dangerous to life of people living in surrounding. Therefore, FIR was lodged against the accused/ applicant.

05. The FIR shows that the informant has sealed the shop. Section 102 of the Code includes only movable property. For that end, the applicant relied upon **Nevada Properties Pvt. Ltd. Vs. State of Maharashtra And Anr. (copy obtained from Indian Kanoon – <http://indiankanoon.org>)**. Thus, under section 102 of the Code only movable property can be seized. Therefore, I find that the application requires to be allowed. Accordingly, I pass the following order :

ORDER

1. The application is allowed.
2. Executive Engineer, Environment Engineering Department, PCMC is hereby ordered to handover possession of the Rehan Enterprises' to the applicant by removing the seal

and by preparing such panchanama. The Investigating Officer shall submit the said panachanama to the Court.

Date: 06/06/2024

(S. P. Kulkarni)
J.M.F.C, (P.C.M.C.), Akurdi, Pune.

CERTIFICATE

“I affirm that the contents of this P.D.F. file Judgment are same word for word as per original Judgment.

Name of Stenographer	:-	P. B. Jadhav (Grade III)
Court Name	:-	Smt. S. P. Kulkarni (J.M.F.C.) Civil and Criminal Court (P.C.M.C.), Akurdi, Pune.
Date	:-	06/06/2024
Judgment signed by presiding officer on	:-	06/06/2024
Judgment uploaded on	:-	06/06/2024