

Shephali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORIGINAL APPELLATE CIVIL JURISDICTION
PUBLIC INTEREST LITIGATION (L) NO. 11413 OF 2023

Renu Kapoor & Ors. ...Petitioners
Versus
The Union of India & Ors. ...Respondents

Mr Rajiv Narula, with Mr. Gaurav Srivastava & Tarang Jagtiyani i/b Jhangiani, Narula & Associates, for the Petitioners.
Ms. Savita Ganoo with Mr.DP Singh, for Respondent Nos. 1 to 4.
Ms Nazia Sheikh, AGP, for Respondent Nos. 5, 12, 13 & 15.
Mr Rohit Sakhadeo, for Respondent No. 6.
Mr Girish Godbole, Senior Advocate, with Roop Basu & Heenal Wadhwa, i/b The Law Point, for Respondent No. 7.
Mr CM Lokesh, for Respondent No. 8.
Ms Jaya Bagwe, for Respondent No. 9.
Ms Oorja Dhond, for Respondent No. 11-BMC.
Mr Tejas Bhide, for Respondent No. 17.

**CORAM: SUMAN SHYAM &
GAUTAM A. ANKHAD, JJ.**

DATED: 10TH MARCH 2026.

PC:-

1. The Petitioners herein, who are the residents of Colaba and Cuff Parade area of Mumbai City, have approached this Court by filing the present Public Interest Litigation (“PII”) complaining of the foul smell emanating from and the unhygienic conditions created by the fish hawkers engaged in retailing of fish in the

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Sassoon Dock at Colaba. It has been alleged that due to the non-implementation of various measures of solid waste disposal and the effluents generated during the transportation of fish waste a stench emanates from that area causing serious inconvenience to the public living in the vicinity.

2. Taking note of the grievance expressed in the Writ Petition, this Court had earlier passed order dated 30th August 2023 directing the Mumbai Port Authority to ensure that all measures indicated in the letter dated 8th June 2022 issued by the Deputy Chief Engineer, General Works, Railways, Roads, Water Supply for ensuring hygienic conditions in the Sassoon Dock is maintained by the addresses which includes M/s. Sassoon Dock Fish Suppliers Association, M/s. Marine Products Traders Seva Association and M/s. Pratibha Sea Foods, i.e., the Respondent Nos. 16, 17 and 15 respectively. The grievance of the Petitioners is to the effect that despite specific direction of this Court, no effective measures have been taken by the Port Authority to contain the foul smell emanating from peeling of shrimps/prawns and also on account of improper solid waste disposal resulting therefrom.

3. Mr. Narula, learned Counsel appearing for the Petitioner, has submitted that although, there are plants already in existence in the Port Authority Campus for processing the solid waste and the contract for operating the same has also been given to the Respondent No. 15, yet, due to lack of cooperation from other parties, including the retailers, the plants has not been put to proper use, as a result of which, the nuisance is continuing till date.

4. Mr. Godbole, learned Senior Counsel appearing for the Respondent No.7 submits that permission to use the dock is only for berthing of fishing boats/trawlers and not for carrying out retail selling of fish. He further submits that without the help of the police it would not be possible for the Port Authority to enforce such directions since there are a large numbers of fish vendors including women, who are regularly engaged in fish vending in that area without properly adhering to the solid waste disposal norms.

5. Ms. Sheikh, learned AGP appearing for the Respondent-State, submits since the area is within the campus of the Port

Authority, hence, save and except providing police help, there is nothing else that the State can do in the matter.

6. Ms Dhond, learned Counsel appearing for the Respondent-No. 11-BMC, also submits that the primary responsibility to ensure proper solid waste disposal is on the Mumbai Port Authority since they are controlling the campus.

7. After hearing the submissions made at the bar, we are of the considered opinion that although, the question of livelihood of the fishermen, who apparently survive by retailing fish including shrimps/ prawns through the Sassoon Dock in the Mumbai Port Authority campus, cannot be ignored, yet, their activities also cannot be permitted to create a nuisance for the public living in the vicinity with foul smell emanating from such retailing of fish and the resultant generation of solid waste. Therefore, we are of the view that the matter would require monitoring by this Court.

8. We, therefore, direct that the State of Maharashtra, the Mumbai Port Authority and the Bombay Municipal Corporation shall work hand-in-hand so as to ensure that the solid waste management plant is put to proper use and there is no unhygienic

solid waste disposal, peeling of prawns, retailing of fish etc. permitted within the campus of Mumbai Port Authority as well as in the nearby open area. The process of peeling of prawns/shrimps, if required, may be permitted only in the godown space and not in the open area.

9. Affidavit(s) in compliance of the above order be filed separately by Respondent No. 5, 7 and 11 within three weeks from today, bringing on record the steps taken in the matter in terms of this order.

10. The Respondent No. 17 is granted three weeks time to file Reply.

11. Stand over to **1st April 2026.**

(GAUTAM A. ANKHAD, J.)

(SUMAN SHYAM, J.)