

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1017 SUO MOTO (PIL) NO.8 OF 2020

THE REGISTRAR JUDICIAL HIGH COURT OF BOMBAY BENCH
AT AURANGABAD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Mr.S.S.Bora, Amicus Curiae, for the petitioner.
Mr.D.R.Kale, Govt.Pleader for respondent Nos.1, 4 to 7, 9 to 30.
Mr. A.G. Talhar, Deputy Solicitor General of India, respondent No.2.
Mr.P.P.More, Advocate for respondent No.3.
Mr. A.V. Hon, advocate for respondent No.6
Mr.A.P.Bhandari, Advocate for respondent No.8.
Mr.L.V.Sangit, Advocate for respondent No.31.
Mr.A.D. Mane h/f A.S.Sawant, Advocate for respondent No.32.
Mr.K.N. Lokhande, Advocate for respondent No.33.
Mr.D.M.Shinde, Advocate for respondent No.35.
Mr.R.K.Ingole, Advocate for respondent No.37.
Mr. S.S. Thombre, advocate for respondent No.42-University

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**CORAM : RAVINDRA V. GHUGE AND
SANJAY A. DESHMUKH, JJ.
DATED : 13th JANUARY, 2023.**

PER COURT :-

1. Today, Marathi Daily Lokmat and Marathi Daily Divya Marathi Aurangabad edition, have published two news items, which are quite disturbing. One item is as regards the home delivery of Nylon Thread (Manja) for flying kites, from the internet site identified as E-Commerce site. A social worker had initiated the sting operation and he received home delivery of Nylon Thread from E-Commerce site viz. "Misho". The news item has been placed before us.

2. As regards the news item published by Divya Marathi, where a fictitious customer approached the shops at Bajaj Nagar in front of Mohta Devi Police Chowki and at Wadgaon Gat number. Two shops at two locations were openly selling the Nylon Thread. By charging excess money, the shop keepers agreed to bring out the stock of Nylon Thread and sold it to the customers. It is informed by the learned Chief Government Pleader that crime has been registered with regard to both the news items that have been published in Dainik Lokmat and Dainik Divya Marathi.

3. The learned amicus curiae further informs that during the course of the day, an incident occurred near Sai Medicity, located and identified near Saubhgya Chowk on Jalgaon Road, near Harsool T. Point. A two wheeler rider suffered a severe injury to his neck on account of Nylon thread. Looking at the photograph, his food pipe was practically exposed and since there was a hospital nearby, he was rushed to the hospital. The further details about his health are not known.

4. The learned Chief Government Pleader has placed before us a compilation of 221 pages which is collectively marked as "X-3. He further submits that insofar as the home delivery of Nylon thread is concerned, the Cyber Cell of Aurangabad police has swiftly reacted. They have immediately lodged appropriate complaint with the appropriate authorities for initiation of steps to block such site. We

would advise the Cyber Cell to themselves carry out the search of such sites online and make a record of such sites and refer these cases to the appropriate authorities, as provided under Section 188 of I.P.C. and Section 5 r.w. Section 15 of Environment (Protection) Act, 1986. We expect, the authorities to initiate such steps that would lead to the blocking of all such sites since they are selling the prohibited items.

5. The learned advocate representing the University submits that the University has initiated steps and has ensured that there is minimal kite flying in the University campus and it is also ensured that the the Nylon thread would not be used.

6. So also the Director of Education and his Deputy have also initiated the steps for public awareness and for advising all education Officers and authorities in connection with the education department, to aggressively pursue the awareness programmes amongst the students at all levels and even in the colleges so as to convince them of the prohibition on the use of the Nylon thread.

7. The learned D.S.G.I. submits that the Additional Secretary, Ministry of Environment, Forest and Climate Change, has informed all State Governments, by communication dated 09.09.2014, almost 8 years ago, that the State Governments would initiate appropriate steps to ensure that the Nylon thread, which is commonly known as

Chinese Dor and the glass coated Manja, are prohibited and should not be used for flying the kites.

8. On the next date, the Cyber Cell of Aurangabad would place on record, the steps initiated for blocking the E-Commerce sites, on which the Nylon Thread is being sold.

9. Since the Makar Sankrat festival is being celebrated all over India and flying kites is a passion of the citizens, who celebrate such festivities, we hope and expect that the citizens would show maturity and refrain from using the Nylon thread and at the same time all the authorities in charge of enforcing the law and order in the districts, amenable to the jurisdiction of this court, would be more alert and ensure that the Nylon thread and glass coated dor is not used during these festivities.

10. Stand over to 03.02.2023, at 4.30 p.m.

11. Liberty to circulate this matter in the event of any urgency.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE , J.)

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