



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

PUBLIC INTEREST LITIGATION NO. 83 OF 2024

Shaikh Latif Ismail And Others

VERSUS

The Union Of India Thr Its Secretary And Others

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Mr. C. V. Thombre Advocate for the Petitioners

Ms. N. B. Kamble, AGP for Respondent-State

Mr. S. S. Tope, Advocate for Respondent nos.3 and 4

Mr. D. P. Palodkar, Advocate for Respondent no.5

Mr. U. B. Bondar, Advocate for Respondent no.7

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CORAM : SMT. VIBHA KANKANWADI &
AJIT B. KADETHANKAR, JJ.

DATED : 27TH APRIL, 2026

ORDER :-

1. Learned Advocate Mr. S. S. Tope, appearing for respondent/Municipal Corporation seeks accommodation of a week to file reply.

2. It will not be out of place to mention that we have received an e-mail from the Ministry of Housing and Urban Affairs i.e. respondent no.1 dated 28.01.2025, wherein it has been stated that sanitation is the state subject under the 7th Schedule of the Constitution of India. The government through the Swachha Bharat Mission-Urban is playing role of framing of policy, issuing guidelines and the central financial assistance for construction of toilets, solid waste management, legacy wastes, used water processing plants, etc.

The central financial assistance as central share to the fund has been released on the basis of demand made by the State in the form of complete proposals duly approved by the State committees and then it is stated that it is the responsibility of the State Government to implement the projects and action plans on ground through sustained efforts and day to day monitoring of status in their respective urban areas of jurisdiction. Thus, it can be seen that the respondent no.1 has put up that it is not responsible for any project in the State, in fact its responsibility was limited to make arrangements of the funds as per the demand of the State. In this respect, we would state that it would now depend upon the response given by the State Government as to whether any further explanation or remark has to be called from respondent no.1 or not.

3. Learned Advocate Mr. S. S. Tope for respondent nos.3 and 4 submits that the limited prayer of the petitioners has been adhered to. The action has been taken against the concerned tenderer who had done the alleged act of throwing the waste on road or dumping it in the mines (*khadan*). However, as regards the other prayer is concerned, he would file the affidavit within a period of one week.

4. Here, it is to be noted that the act that was alleged or which is stated to have been prompted the petitioner to file the present petition was that the tenderer who had taken the tender for lifting the waste from connecting area of the city had done the act of spreading the waste on both sides of Dhule-Solapur highway at Gandheli village and also stored some waste material in the mines. The petitioners have also then contended that the Municipal

Corporation is not paying attention to the problem of collection and disposal of the waste material and solid waste in the city.

5. Learned Advocate Mr. D. P. Palodkar appearing for respondent no.5 then submits that this incident was connecting to the contractor who had taken the contract for lifting of legacy waste from Naregaon depot. Here, we could see that the petitioner though basically wanted to raise the issue in respect of the said contractor, yet has made certain observations in respect of the problems faced by the city due to not collecting waste from the entire city by segregation and also not adhering to the Plastic Waste Management Rules, 2016 and giving a go by to the Environment Protection Act as well as the Rules framed thereunder.

6. It has been pointed out by learned AGP as well as learned Advocate Mr. U. B. Bondar appearing for respondent no.7 that there are other Public Interest Litigations pending before this Court in which the problem in respect of the waste management is involved. We could see, along with the petition, the petitioner has given various newspaper cuttings to support his contention regarding the fact that the waste collected from Naregaon depot was dumped without biomining. Now, we want to know from respondent no.3 as to what precautions it has taken after taking alleged action against the same contractor and also with an intention that no such incident would repeat in future.

7. Though the other petitions are pending, still the fact which is highlighted is that the solid waste and other waste is still not being lifted on the regular basis from all the corners of the city, nor it is being properly processed. We are taking note of the fact that there are many projects and researches those are made which will convert the waste so collected can give energy or other useful items or even it can be used for constructing roads. It is therefore for respondent no.3 to explain which steps the Municipal Corporation intends to take immediately. Of-course we are aware of the fact that the corporation is making appeal to the public to segregate the waste before it is given to the collection unit and this is not adhered to by the citizens, but still when it is the responsibility of the corporation to collect the garbage and dispose it as per the law, it would be endeavour of the corporation also to educate people and make them understand as to why the said segregation has to be made from each of the house. The people should also respond to such movement which they should consider as their civic duty and for that purpose, the Municipal Corporation should undertake a continuous activity to monitor the entire progress. The Municipal Corporation cannot afford to leave it to the contractor after giving contract for collection.

8. Learned AGP submits that due to the intervention of this Court, the Government had given an amount of Rs. 100/- crores initially to the corporation. Therefore, we now want to know as to how the corporation has utilized the said amount. The respondent no.2/State Government may also file affidavit as to how much of amount has been given to the Municipal Corporation upto now under this head. Since, the matter pertains to collection of waste which has to be

carried out daily, we are giving time of only one week to file the affidavit. Such affidavit be filed by the respondents within a period of one week. Copy will have to be exchanged prior to that. Place the matter **first on board** on 08.05.2026.

[AJIT B. KADETHANKAR, J]

[SMT. VIBHA KANKANWADI, J.]

Rushikesh/2026