

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH : NAGPUR.**

PUBLIC INTEREST LITIGATION NO. 15 OF 2021

Swacch Association through its Secretary Sharad Biharilal Paliwal
vs.

Ministry of Environment and Forest, through its Secretary, New Delhi & ors.

Mr. Parvez Mirza, Advocate with Mr. Krishna Agrawal, Advocate for petitioner.
Mr. N.S.Deshpande, Dy.Solicitor General of India, for respondent nos. 1 & 3.
Mr. D.V.Chauhan, Sr. Advocate/Government Pleader with Mr. N. R. Patil, AGP for
respondent nos. 4 and 5.

Mr.S.S.Sanyal, Advocate for respondent no.6.

Mr. J. B. Kasat, Advocate for respondent nos. 7 and 8- NMC

Mr. Abhishek Kapoor, Advocate h/f Mr. Nachiket Moharir, Advocate for respondent
no.9.

CORAM :- NITIN W. SAMBRE AND MRS. VRUSHALI V. JOSHI, JJ.

DATE :- 26th NOVEMBER, 2024

P. C.

Heard learned counsel appearing for the parties.

2. In compliance with the orders dated 24.10.2024 and 25.11.2024, an affidavit dated 26.11.2024 duly sworn by Ms Neethipudi Rashmitha Rao, Deputy Commissioner of Police, Zone-4, Nagpur Division, Nagpur, is placed on record.

3. We are not at all satisfied with the compliance that is sought to be reported to this Court of the last two orders, particularly order dated 24.10.2024.

4. During the course of hearing, we are required to summon the charge sheet in Crime Nos. 118 of 2022 and 121 of 2022 registered with Ajni Police Station, Nagpur.

5. Perusal of the aforesaid charge-sheets depicts shocking affair in the matter of investigation carried out in both these crimes in casual manner.

6. Apart from that the closure summary submitted in Crime No.149/2023 registered with Imamwada Police Station, Nagpur, was also required to be looked into, however there is hardly any serious effort on the

part of the Senior Officer to dig out the truth in the matter inspite of lapses being brought to its notice during the course of arguments.

7. In this background, an affidavit duly sworn by the Commissioner of Police, Nagpur be placed on record by **16.12.2024** which will enable us to consider whether to take recourse to contempt proceedings.

8. Apart from above, it is reflected that the officials of the Railway Authority and Nagpur Municipal Corporation (NMC) are accused in Crime Nos. 118 and 121 of 2022 registered with Ajni Police Station, Nagpur.

9. The Officers of the Railway Authority and the Engineers of NMC are booked for illegal felling of heritage trees. In response to the Court's query neither the counsel appearing for Railway Authority nor for the NMC are in a position to inform the Court about the action taken against their officers/engineers for the aforesaid serious default.

10. That being so, we direct the Municipal Commissioner, Nagpur, to file an affidavit as to the action which the Municipal Corporation proposes against its Engineers and Contractors who are involved in illegal felling of heritage trees.

11. Similarly, we also direct the Divisional Railway Manager, Central Railway, Nagpur, to file affidavit as to what disciplinary action he proposes to take against the officers who are added as accused in the aforesaid crime.

12. Let the aforesaid affidavits be placed on record by **16.12.2024**.

(VRUSHALI V. JOSHI, J.)

(NITIN W. SAMBRE, J.)