

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.10468 OF 2023

SWAPNIL DNYANDEO GARAD AND OTHERS
VERSUS
UNION OF INDIA THROUGH ITS SECRETARY AND
OTHERS

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Advocate for the Petitioners : Shri N.S. Shah
Standing Counsel for Respondent 1/UoI : Ms.Nikita N. Gore
AGP for Respondents 2 and 6/State : Shri S.K. Tambe
Advocate for Respondents 3, 4 and 5 : Shri U.B. Bondar

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CORAM : RAVINDRA V. GHUGE
&
Y. G. KHOBRAGADE, JJ.

DATE :- 24th August, 2023

Per Court :-

1. The Petitioners have put forth prayer clauses I, II
and III as under:-

“I) *Issue an appropriate writ, order or directions declaring that, the public hearing conducted on 24/02/2023 by the respondent authorities regarding proposed expansion of Molasses Based Distillery unit capacity from 45KLPD to 100 KLPD at village Bhende, Taluka Newasa, District Ahmednagar is illegal, arbitrary & void-ab-initio in absence of proper public hearing as per the Notification S.O.1533 dated 14/09/2003 and amended Notification S.O.3067 (E) dated 01/12/2009 issued by the respondent no.1.*

II) *Issue a writ of mandamus or a writ of any other*

nature or any other direction/order directing the respondent authorities to re-conduct the public hearing by giving an reasonable opportunity to all the local affected villagers as per the 14/09/2003 Notification and S.O.1533 amended dated Notification S.O.3067 (E) dated 01/12/2009 issued by the respondent no.1.

III) *That, the respondent nos.2 & 3 be directed the to stop all construction activities of the respondent no.7's proposed project till the re-hearing of the public grievance as per the Notification S.O.1533 dated 14/09/2003 and amended Notification S.O.3067 (E) dated 01/12/2009.”*

2. Issue notice to the Respondents, returnable on 21.09.2023. The learned Standing Counsel for the Union of India waives service of notice on behalf of Respondent No.1. The learned AGP waives service of notice on behalf of Respondent Nos.2 and 6. Shri Bondar, the learned Advocate, waives service of notice on behalf of Respondent Nos.3, 4 and 5.

3. All office objections to be removed within three weeks.

kps

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)