



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 790 OF 2018

Kannamwar Co-op. Hsg. Soc. Association Ltd. & Ors. ... Petitioners
Vs.
Union of India & Ors. ... Respondents

WITH
INTERIM APPLICATION (L) NO. 3527 OF 2026
WITH
INTERIM APPLICATION (L) NO. 10152 OF 2026
IN
WRIT PETITION NO. 790 OF 2018

Mr. Abhijeet P. Rane for the petitioner.
Mr. Anil D. Yadav for respondent no. 1- U.O.I.
Smt. Jyoti Chavan, Addl. G.P. for State
Mr. Anil Sakhare, Senior Advocate a/w Mr. Rohan Mirpur, Ms. Pushpa Yadav
i/b. Ms. Komal Punjabi for BMC.
Mr. Rameshwar B. Kanchangire, Dy. Ch. E. (SWM) Project.
Mr. Shrikant Rathod, Ex. Eng. (SWM), Zone 1.
Mr. Parikshit Gangurde, Asstt. Engineer (SWM) Operations.
Mr. Avdhoot Pujari, Ex. Eng. (SWM) Project.
Mr. Deepak Ahire, Asstt. Eng. (SWM) Project.
Mr. Deepak Sirsat, Asstt. Eng. (SWM) A Ward.
Ms. Jaya Bagwe for MCZMA & MPCB.
Mr. Tejas Bhide a/w Shivani Pawle for respondent no. 6.
Mr. Saket Mone a/w Mr. Shrey Shah, Ms. Mitali Dhoble i/b Vidhi Partners for
respondent no. 7.
Mr. Srinivasan Chari, Representative of respondent no. 7 Present.
Radha H. Bhandari i/b. M. V. Kini & Co. for respondent no. 8 (Airport Authority
of India).

CORAM: G. S. KULKARNI &
DR. NEELA GOKHALE, JJ.
DATE: 10 SEPTEMBER, 2026.

P.C.

1. We have heard learned counsel for the parties on the issues which are
flagged in several orders passed in the present proceedings on the earlier

occasions. The subject matter of consideration today primarily comprises three issues; **firstly**, in regard to the total non-compliance by the MCGM with its assurances more particularly, of the Ward officers of the different wards, by their total inaction in preventing/clearing dumping of trash, waste and litter on public streets. The photographs of which are on record and are also handed over to us by Mr. Rane, learned counsel for the petitioners, depicting the dismal state of affairs as to what is happening in the different wards. The sight of the photographs is quite disturbing to say the least. Despite repeated assurances to the Court, it appears that the municipal machinery is totally inactive when it comes to clearing the public streets, pavements etc. of litter and unauthorised dumping of garbage. Despite the mechanism of CCTV cameras and vigilance to be utilised as informed to the Court, it appears that these were merely paper assurances, as the municipal machinery at the ground level is totally non-functional. In this view of the matter, there is no alternative but to direct the Municipal Commissioner to put the house in order and fix accountability in this regard in respect of all the Ward officers and the officers subordinate to the Ward Officers, who are working at the ground level and who appear to be taking no action to prevent such dumping or to clear such litter, trash and dumping on public streets and pavements.

2. We accept the request made by Mr. Sakhare, learned Senior Counsel for the Municipal Corporation, that some time be granted so that the SOP is put in place and implementation of the cleanliness drive on day to day basis in all the wards is undertaken in letter and spirit including rewarding the clean wards. Let appropriate action in that regard be taken expeditiously and the SOP/instructions

of the Municipal Commissioner be placed on record, so that accountability is fixed, and the manner in which such accountability would be fixed shall also be specified. It would not be possible to simpliciter accept this mechanism, hence, we direct the Municipal Commissioner to place on record an affidavit of responsible officer setting out the names of all the Ward officers and their subordinates responsible for the duties in maintaining health and hygiene in regard to public roads, streets, lanes, bye-lanes including the areas below and around the fly-overs, and taking action in respect of such littering in every ward, so that, once we find that there is inaction in a given ward, accountability can be fixed by the Municipal Commissioner and the Court, if so required.

3. In this regard, we may also observe that, as is being implemented in many countries, the Municipal Corporation is required to activate the mechanism of launching prosecution against such persons under the Bharatiya Nyaya Sanhita (BNS) along with the relevant provisions of the MMC Act and the Environmental Laws, who are involved in or indulge in such illegal dumping of garbage and litter on public streets, pavements, open spaces etc. At the same time, the MCGM needs to activate a mechanism, with police assistance including to recover maximum fines. Without such strict action being taken as the law would mandate, these unruly persons creating public nuisance of this nature would not be disciplined and public streets and pavements would not be free from littering and dumping of waste.

4. We have brought to the notice of Mr. Sakhare the rules implemented in

Singapore, where under the law, any individual who litters is liable, on conviction, to a court fine of up to SGD 2000 for a first conviction, SGD 4000 for a second conviction and SGD 10000 for the third and subsequent convictions. There is also a mechanism under the said Rules whereby the Court may impose a Corrective Work Order, requiring offenders to clean public areas for upto 12 hours. These are laudable measures. It is ultimately for the lawmakers to consider issuing stringent rules so as to weed out the nuisance of dumping garbage/trash on public streets, open spaces, etc. There is no such right in any person to damage and destroy public places. In our clear opinion, it is an offence required to be dealt with iron hands. The Municipal machinery hence cannot depict a hands-off approach of a total neglect. In the present times, we see unruly citizens who have no regard for public sanitation and who rampantly indulge in such activities of dumping, causing public nuisance without caring for the legitimate expectation of the fellow citizens, that they have a legal right to clean and hygienic public streets free from dumping of garbage and trash of any nature. Hence, it is necessary to frame and implement stringent measures and implement the same. The State Government needs to notify a uniform policy in this regard, so that the same can be implemented by all the Municipal Corporations and, more particularly, larger cities like Mumbai and Pune etc.

5. Let an affidavit on behalf of the Municipal Corporation, setting out the names of all the Ward Officers and their sub-ordinates involved in maintaining health and hygiene on public streets and pavements and the steps taken in their respective wards, be placed on record within a period of 10 days from today.

6. The second issue which is brought to our notice is in regard to the odour which is generated, as informed to us by Mr. Rane, learned counsel for the petitioner. Mr. Rane has placed on record his personal email addressed to respondent no. 7, making a complaint in regard to the odour which was recently generated, i.e., on 7 September, 2026. We find that a complaint number has been generated in respect of this email. However, a strange mechanism appears to have been provided by respondent no. 7, namely, that a form is required to be filled. The complaint itself was made at midnight at 1.52 a.m. and it is a detailed complaint. However, the nature of the form which has been provided in the complaint mechanism makes it impossible to register urgent complaints which otherwise is already made in the email. We accordingly direct respondent no. 7 to accept all the grievances by email. We find that although the complaint was registered and given complaint no.0609202611, the same has not been addressed till date, which is the grievance of Mr. Rane. He has raised a serious grievance that the odour is disturbing not only the residential areas in a proximate locality of Godrej Housing Complex but also the Godrej Hospital in the vicinity. He has complained of a very bad smell emanating from the Kanjurmarg dumping ground site which is approximately 2.5 kms. away. He has also stated in the email that he was informed that a person would be sent, however, the complaint was not addressed.

7. We are quite surprised to find that a complaint mechanism, which appears to be totally inactive, has been provided. If such complicated formalities for making complaints is set into motion, certainly it would not be a responsive

complaint mechanism. An effective complaint mechanism would not only register the complaint as made by any permissible modes but also, address the complaint and ensure that immediate corrective measures are taken at the dumping site, with the complainant being informed as to what had gone wrong and the remedial measures taken. This more particularly, when the complaint is of a severe foul smell being generated from the dumping ground amounting to serious environmental pollution, adversely affecting the fundamental right of the citizens of a pollution free environment. We, therefore, direct respondent no. 7 that the dumping site ought not to generate any odour or pollution of any nature. Also all complaints received need to be addressed in real terms and ought not to be merely a paper mechanism.

8. Mr. Rane has also complained of a throat infection being caused by the odour. If this is the state of affairs, it cannot be overlooked. Respondent No.7 becomes responsible for such incidents and occurring of such instances would certainly persuade the Court to pass punitive orders against Respondent No.7, considering any inaction of the MCGM in that regard.

9. We also direct respondent no. 7 to take all corrective measures in respect of the odour and the same be informed to the MCGM/MPCB every week. We are informed by Mr. Mone, that the odour is generated by the segregation activity which is taking place at the site. Mr. Mone, in this regard, has submitted that the only solution for this would be strict implementation of segregation norms as provided under the recent Rules notified by the Central Government, namely, the

Solid Waste Management Rules, 2026, which provide for norms relating to disposal of solid waste as also defining segregation. Under Chapter II thereof, which is a Chapter on ‘Environmentally Sound Management of Solid Waste’, provides for ‘Duties of waste generator’, ‘Duties of operator of solid waste processing facilities’, ‘Duties of the local body involved in collection, segregation and transportation of solid waste, as also under Chapter IV, providing for implementation of the framework by having a centralised online portal, imposition of environmental compensation etc.

10. We also find that Chapter V, of the said Rules provides for “Roles and Responsibilities” and duties of different authorities, which includes the ‘Duties of the Department of Urban Development and Department responsible for municipal administration or local self-government in urban areas in the States and Union Territories’ (Rule 35). Further, Rule 39 provides for ‘Duties of Urban Local Bodies’ and which, in our opinion, are significant duties and, if implemented appropriately, all these issues of environmental hazards being caused can certainly be addressed to a substantial extent. Rule 39 contemplates several facets in regard to ward-wise collection, ward-wise mapping of solid waste management infrastructure and a plan for collection and transportation of waste from garbage vulnerable points and hot spots for littering. It also provides that all local bodies shall direct waste generators not to litter or throw or dispose of any waste such as paper, water bottles, liquor bottles, soft drink cans, fruit peels, wrappers etc on public streets, open public spaces, drains, waste bodies and to segregate the waste at source as prescribed under these rules and hand over the

segregated waste to third parties or waste collectors authorized by the local body.

11. Unfortunately the situation today is that these Rules have remained only on paper, the Municipal Corporation has certainly not implemented these Rules, much less strictly. The implementation of the Rules qua the segregation of the waste appears to be a major cause of concern in the present circumstances, as also canvassed by Mr. Mone, learned counsel for respondent no. 7.

12. Mr. Mone has strenuously urged that the Municipal Corporation hence needs to adopt the segregation mechanism, at the very source when domestic waste is being collected by the waste collector. He has submitted that unless such segregation takes place, such segregation exercise is required to be undertaken by respondent no. 7 at the Kanjurmarg dumping site, and that is the major source of the generation of odour, when the waste is churned by mechanical operation, at the Kanjurmarg dumping site to separate domestic waste from other ingredients of the waste, such as plastic, glass, metals etc. It is thus the churning and segregation which, according to him, has regularly generated the odour and which has become an issue of concern, resulting in the petitioners coming before this Court with a petition of this nature.

13. In our opinion, the segregation norms are required to be implemented forthwith by the MCGM by issuing appropriate norms for such segregation at every possible source, may it be commercial establishments, or residential colonies/societies or individual houses. The MCGM needs to obtain ward-wise undertakings of each of these stakeholders to undertake segregation so that atleast

the fear of such undertaking being breached and penalties liable to be paid would aid in achieving segregation.

14. Insofar as the duties of the Municipal Corporation under these Solid Waste Management Rules, 2026 are concerned, we are of the opinion that the Municipal Corporation shall consider appointing a Group Task Force as also Ward-wise mechanism to bring about the strict implementation of the various requirements of the Solid Waste Management Rules, 2026, issued by the Government of India, which are notified under the provisions of the Environment (Protection) Act, 1986. Let such Task Force be appointed as expeditiously as possible and the Court be informed of the same on the adjourned date of hearing, so that each and every requirement which is required to be implemented under the Rules is duly complied. We may observe that such Task Force needs to include representatives of citizens and experts. We would intend the Task Force to very meticulously consider each and every Rule and the obligations cast upon the Municipal Corporation to implement the said Rules in letter and spirit. We are informed that a Special Cell has also been created under the orders of the District Collector, Mumbai Suburban, in pursuance of the directions issued by the Supreme Court in **Bhopal Municipal Corporation vs. Dr. Subhash C. Pandey & Ors.**¹.

15. The next concern as urged by Mr. Rane is in regard to some deficiencies in the Rules (supra) in defining different parameters in regard to “Criteria for ambient air quality monitoring”. The said criteria reads thus:

¹ Civil Appeal No. 6174 of 2023 dated 5 May, 2026

“(iv) Ambient air quality at the landfill site and at the vicinity shall be regularly monitored. Ambient air quality shall meet the standards prescribed by the Central Pollution Control Board for Industrial area.”

16. The grievance of Mr. Rane is that there were more specifications which were set out under the earlier 2009 norms. Hence, the non-defining of such ingredients, in the present Rules, according to Mr. Rane is a deficiency in the Rules, causing serious prejudice to the public interest. We would intend to hear the learned counsel for the Union of India in this regard. We find that although the Union of India is a party respondent, it has not been appearing in the present proceedings. We accordingly direct the learned ASG to appear for the Union of India, as the issues which are raised are of seminal importance.

17. In the light of the above observations made by us, we adjourn the present proceedings to **7 October, 2026 at 3 p.m.**, so that the compliances as directed by us are placed on record on behalf of the Municipal Corporation as also the other authorities.

18. While parting, we also direct the Maharashtra Pollution Control Board (MPCB) to keep a meticulous vigil on the complaints of odour/smell which are being generated from the Kanjurmarg dumping site. We also direct the petitioners to register their complaints with the MPCB and a mechanism to that effect be provided to the public at large, whereby such complaints in regard to any odour or any other issues of pollution can be registered, so that, apart from respondent no. 7 and the Municipal Corporation being informed of such complaints, the MPCB is also made aware of such complaint and appropriate

timely action is taken, so as to avoid any prejudice to the health of the citizens.

19. We have taken the affidavit filed on behalf of respondent no. 7 by Mr. Srinivasan Kannan Chari, DGM (Operations) on record.

(DR. NEELA GOKHALE, J.)

(G. S. KULKARNI, J.)