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

WRIT PETITION NO. 790 OF 2018

ıannamwar Co-op. Hsg. Soc. Association Ltd. & Ors. ...Petitioners
Versus
Union Of India & Ors. ...Respondents

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

Mr. Abhijeet P. Rane for Petitioner.
Mr. Anil C. Singh, A. S. G. a/w Mr. Aditya Thakker, Mr. Adarsh Vyas, Mr. Krishnakant Deshmukh i/b Mr. Anil D. Yadav for Respondent No. 1, U.O.I.
Smt. Jyoti Chavan, Addl. G.P. for State
Mr. Anil Sakhare, Sr. Adv. a/w Mr. Rohan Mirpury, Ms. Pushpa Yadav i/b Ms. Komal Punjabi for BMC
Ms. Jaya Bagwe a/w Mr. Manthan Joil for MCZMA & MPCB.
Ms. Shivani Pawle h/f Mr. Tejas Bhide for Respondent No. 6.
Mr. Saket Mone a/w Ms. Mitali Dhoble i/b Vidhi Partners for R. No. 7 Mr. Srinivasan Chari, Representative of Respondent No. 7, Present.
Ms. Radha H. Bhandari i/b M. V. Kini & Co. for Respondent No. 8 (AAI).

CORAM: G. S. KULKARNI &
DR. NEELA GOKHALE, JJ.

DATE: 22nd OCTOBER 2026

P.C.

1. The present proceedings are listed today in the backdrop of our detailed orders dated 10th September 2026 and 7th October 2026, wherein several issues are discussed which are in continuation of the earlier orders passed by this Court *inter alia* on issues in regard to the Kanjurmarg Dumping facilities, on the grievances as raised by the citizens in regard to the pollution, and the odour generated from the

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said dumping facilities and several issues connected therewith. We have also dwelled on the issues of rampant littering of domestic waste on public streets in the city of Mumbai.

2. We find that certain aspects of the earlier orders are yet to be complied, more particularly, what has been observed in regard to the segregation of the domestic waste as observed in paragraph 13 of the order dated 10th September 2026; in regard to the appointment of the ward-wise task force as observed in paragraph 14 of the aforesaid order, and in regard to the involvement of the elected representatives in paragraph 5 of the order dated 07th October 2026.

3. Today, Mr. Sakhare, learned Senior Advocate on behalf of the Municipal Corporation, has placed on record an affidavit of Mr. Manas Janjiral, Assistant Engineer (SWM) K/West Ward, who has stated in regard to the steps which are taken in regard to the removal of the garbage on the streets in K/West ward.

4. Also an affidavit of Mr. Vijay Gotarne, Chief Engineer SWM (I/C) is tendered by Mr. Sakhare apprising the Court in regard to the steps which are being taken by the Municipal Corporation in pursuance of the orders passed by this Court and also the ward-wise steps being taken in that regard are set out. Relevant paragraphs of the affidavit are required to be noted, which read thus:

> "3. I say that, the information from all wards was called on the following points:
>
> (i) Steps being taken for maintenance of public hygiene and cleanliness in the Ward
>
> (ii) Cleanliness drives being undertaken with particulars of officers and manpower deployed, frequency of drives and publicity given
>
> (iii) Garbage Vulnerable Points identified, CCTV Monitoring deployed - how many GVPs eliminated till date
>
> (iv) Penalties and actions being taken against persons responsible for littering and illegal dumping

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(v) Awareness programs and initiatives taken to spread awareness about importance of cleanliness and hygiene

(vi) Number & designation of officers dedicated to maintaining cleanliness in the ward and their roles and responsibilities

(vii) Difficulties / Hurdles being faced in the ward to maintain cleanliness

(viii) Steps taken on 02/10/2026 on occasion of Swachh Bharat Diwas

(ix) Compliance of City-wide Action Plan issued by the Hon'ble Municipal Commissioner on 03/08/2026

(x) Steps being taken to ensure segregation of waste separate collection of dry waste and wet waste

Hereto annexed and marked as **"Exhibit R-1**" is the information on the aforesaid points in respect of each ward.

4. I say that, in addition to the above, a comprehensive report was also called for from the K/North ward regarding the concerns expressed by this Hon'ble Court in respect of the littering / dumping at Ramgad Western Express Highway located at Jogeshwari East and the same has been received wherein inter alia photographs of the steps taken have been attached. The officers of the concerned ward have not only taken steps for cleaning the site but also sensitizing the local residents and occupants about adverse impact of improper garbage disposal and instructions were issued to dispose household waste in designated dustbins. Hereto annexed and marked as **"Exhibit R-2"** is a copy of the comprehensive report in respect of the K/North ward."

5. Mr. Sakhare has submitted that steps are being taken to bring about a situation that the orders of this Court are fully complied. He states that however the MCGM is confronted with citizens misusing their civic rights by dumping garbage on the streets, pavements and public roads. We appreciate the stand taken by the concerned officer of the K/West ward. We are of the clear opinion that the standards of health and hygiene to be maintained by taking measures to prevent roads, streets, lanes and pavements being littered needs to be strictly implemented in all the wards, in every possible manner, including with the Police help.

6. Mr. Sakhare has also made a grievance that it is difficult for the municipal machinery and its officers to get co-operation from the slum dwellers who are residents of slum areas, who rampantly engage in such public nuisance by dumping

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garbage on the streets, public pavements, etc. We may observe that in such context, the role of the different authorities is now well-settled in view of the decision of this Court in **High Court on its own motion (In the matter of Jilani Building at Bhiwandi) vs. Bhiwandi Nizampur Municipal Corporation & Ors.**[1]

7. In such context, we have hence requested Dr. Birendra Saraf, learned Senior Advocate, who has represented SRA in several matters before this Court, including his role as the former Advocate General in the proceedings of **High Court on its own motion vs. State of Maharashtra**[2]. We have requested him to take up the matter with the Chief Executive Officer of the SRA as to how and what measures need to be taken and effectively implemented, in regard to the dumping of garbage on public streets coming from slums. We find that the city is facing pervasive problems of the slum dwellers recklessly dumping garbage on public streets. This needs to stop. For this the different authorities are required to work in tandem with definite objectives to be achieved on such front. The only way forward can either be that the slum dwellers mend their ways by inculcating good habits of disposing, domestic waste by use of the Municipal bins, thereby assisting the municipal machinery in maintaining health and hygiene in the slum areas, as also keeping the public streets, pavements, places below the fly-overs, below metro bridges, etc. free from trash and dumping. The deterrent can be when certain penalties, however of a different nature are prescribed. Monetary penalties have failed to bring about any result. In these circumstances, in our opinion, it is high time that the slum dwellers need to remain disciplined. It cannot be that an encroachment on public land or

1 2022 SCC OnLine Bom 386

2 2026 SCC OnLine Bom 3110

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private property would be a licence to the slum dwellers to litter on public streets, thereby causing hurdles to the municipal machinery to maintain health and hygiene. This at the cost of other citizens mutely suffering. The deterrent can come only when their entitlement to receive a permanent alternate accommodation stands forfeited in the event there are complaints against persons / slum dwellers who are littering on public streets, thereby defacing the streets, causing a serious disadvantage to the utility of public roads, apart from creating issues of health and hygiene.

8. We are of the opinion that those who are habitual to indulge in such reckless actions, they now need to exercise absolute restrain in dumping of such garbage on the public streets. In the event there is any prosecution lodged against such persons or there are fines which are being paid on more than two occasions, this needs to be sufficient and appropriate for the Slum Rehabilitation Authority to consider as to whether the right of such slum dwellers to receive a free of cost / subsidized permanent alternate accommodation needs to be forfeited. The slum dwellers being integral to the larger population of the city would not have any right to breach the fundamental right of others to have a clean and hygienic surroundings. We would, accordingly, request Dr. Saraf to apprise the Court on appropriate actions which can be taken in this regard. Dr. Saraf has also agreed to discuss such measures with the Chief Executive Officer or any other authorities and to inform this Court about the same on the adjourned date of hearing.

9. Accepting the stand as taken by the concerned officers of the K/West ward, we would request the Assistant Engineers (SWM) of the different wards to

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meticulously implement the health and hygiene norms as per the rules in their respective wards.

10. Considering the stand taken by the Assistant Engineer (SWM) K/West ward, we are not initiating any action for breach of the orders passed by this Court, however, henceforth, if it is brought to the notice of the Court that the orders passed by this Court in regard to maintaining health and hygiene are not being complied, we would have no alternative, but to take action against the concerned officials from whichever ward, whose names are already placed on record by the Municipal Corporation.

11. Insofar as the dumping facilities at Kanjurmarg dumping area are concerned, Mr. Rane, learned counsel for the Petitioner, has asserted his grievances in regard to the continuation of the odour and smell generated therefrom. We are informed by Ms. Bagwe that recently there was a surprise visit on 9th October 2026 by the MPCB. The MPCB has placed on record an affidavit of Shri Sujit Dholam, Regional Officer, MPCB, wherein considering the state of affairs at the Kanjurmarg dumping facilities as on 9th October 2026, the different compliances which are required to be made by Respondent No. 7, have been set out in paragraph 3 of the said affidavit. We also find that there is an inspection report dated 9th October 2026 which require around 19-20 compliances. Also, a notice has been issued recently on 21st October 2026, to the Municipal Corporation and Respondent No. 7 by the MPCB, whereby about 20 requirements are called upon to be complied. The notice is based on the site visit on 9th October 2026. The requirements as called upon to be complied are as under:

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"1. You shall provide bio filtration system or ventilation system with scrubbing at MRF @ 1000 MT capacity plant.

2. You shall provide Adequate covering with Geotex cloth to the compost yard so as to control Odor nuisance.

3. New MRF shall be provided with adequate measures for odor mitigation.

4. You shall provide Adequate covering with Geotex cloth to the compost yard, to control Odor nuisance

5. Efficient O & M of bio filter system at compost yard shall be ensured.

6. You shall operate Fogger Cannon at Compost area for Deodorant Spraying regularler. 7. You shall properly cover Bio Reactor Landfill (BLF) Area with tarpomat and soil coverin 8. You shall install adequate nos. of fogger canon misting system at BLF area for masking/odour suppression

9. You shall provide adequate Bio enzymes spraying at BLF during unloading and spreading of waste to landfill area.

10. You shall provide floating covering with integrated scrubbing and biofilter system to leachate pond to reduce odour,

11. You shall provide Adequate Leachate collection facility.

12. Provision for pumping back all accumulated/ seepage leachet shall be made.

13. You shall operate and maintain Leachate treatment plant so as to achieve the consented standard.

14. You shall cover Biomining Trommel Section with Geotex fabrics

15. You shall install mist type Fogger canon system.

16. You shall install water sprinkling systems such as rain guns for road dust suppression on haul roads

17. You shall provide black top or concrete on Peripheral roads (@ 4.5 km).

18. You shall install vehicle washing system at exit gate.

19. You shall install continuous Ambient Air Quality Monitoring System (CAAQMS) Reference grade for NH3, H2S, methane, VOCs and mercaptans at the Kanjur Processing plant.

20. You shall install Sensor based Continuous Ambient Air Quality Monitoring stations in surrounding residential areas where regular complaints of Odor nuisance are being reported."

12. On the adjourned date of hearing, we shall hear Respondent No. 7 in regard to the compliance of all these requirements as contained in the notice dated 21st October 2026 issued by the MPCB.

13. Insofar as the Central Government is concerned, Mr. Anil Singh, learned

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ASG, has placed on record an affidavit of Dr. Surender Gagloth, Scientist in the Ministry of Environment, Forest and Climate Change (MoEF&CC), which addresses the concerns which we had expressed in our order dated 10th September 2026, wherein in paragraphs 15, 16 and 17, the following observations were made:

> " 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:
>
> > "(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."

14. The Central Government in the said affidavit has explained that there is no dilution of norms and the anxiety of the Petitioner that any norms are diluted, is not correct. The following statements are made in the affidavit to contend that the standards for ambient air quality in Industrial, Residential and other areas are also applicable to landfill sites and its vicinity, which need to conform to the ambient air quality standards prescribed for industrial area, in terms of Solid Waste Management Rules, 2026 and the erstwhile Sold Waste Management Rules, 2016. It is hence, contended that there is no dilution of prescribed ambient air quality standards and the contentions raised by the Petitioner in that regard are not correct.

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The reasons as contained in the said affidavit are required to be noted, which read thus:

> "3. In this regard, it is respectfully submitted that the Central Pollution Control Board (CPCB) notified the National Ambient Air Quality Standards (NAAQS) vide Notification No. B-29016/20/90/PCI-I dated 18.11.2009, prescribing standards for 12 parameters. The standards are valid till date as these are not revised after the notification. It may be seen that 'the NAAQS covering 12 parameters have been in force since 2009 in two categories of locations, (i) Industrial, Residential and Other Areas; and (ii) Ecologically Sensitive Areas (as notified by the Central Government). A copy of the said notification is annexed herewith and marked as **Annexure-I**.
>
> 4. It is further submitted that the Solid Waste Management Rules, 2026, under Schedule II(F)(iv), retains the same provision relating to ambient air quality monitoring at landfill sites as was prescribed under Schedule I(F)(iv) of the erstwhile Solid Waste Management Rules, 2016. The copy of the Solid Waste Management Rules, 2016 and Solid Waste Management Rules, 2026 is marked and annexed as **Annexure-II and Annexure III, respectively.**
>
> 5. The provision mentioned in Schedule II of the Solid Waste Management Rules, 2026, is quoted below:
>
> > "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."
>
> Thus, the provision relating to ambient air quality monitoring in and around landfill sites has remained unchanged under the two sets of Rules.
>
> 6. It is respectfully submitted that the notification prescribing the NAAQS expressly lays down the standards for ambient air quality in Industrial, Residential and Other Areas and is applicable to landfill site and its vicinity, as these have to conform to Ambient air quality standards prescribed for industrial area in terms of the Solid Waste Management Rules, 2026 and the erstwhile Solid Waste Management Rules, 2016. Accordingly, there has been no dilution of the prescribed ambient air quality standards. The contentions raised by the Petitioner in this regard are, therefore, not factually correct."

15. With the above observations, we part with the present proceedings, when we would expect Respondent No. 7 to place on record its affidavit in regard to the compliances which are now called for by the MPCB. We shall also hear Mr. Sakhare, learned Senior Advocate for the Municipal Corporation, in regard to the further steps which are required to be taken in regard to the segregation of the

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domestic waste in compliance with the health and hygiene in different wards, as also the formation of the task force and the involvement of the elected representatives and as to whether the Municipal Commissioner has taken any initiative by involving the elected representatives from different wards on the issue of dumping of garbage on public streets, pavements, etc., in their respective wards. We shall also hear Dr. Saraf on the suggestions which we have made in respect of the management of health and hygiene in respect of littering and dumping on public streets by the slum dwellers.

16. The concerned officials of the Municipal Corporation shall also devote themselves to the compliances which are sought for by the MPCB in relation to the Kanjurmarg dumping facilities as notice dated 21st October 2026 is addressed not only to Respondent No. 7, but also to the Municipal Corporation.

17. We may also observe that any ward-wise suggestions which are received from the elected representatives / councillors be placed on record by way of an affidavit to be filed by the Additional Municipal Commissioner.

18. We also permit Mr. Rane to make a detailed representation to the Central Government / concerned Ministry in regard to the amendment which is necessary in the rules on standards of the ambient air quality. If such suggestions are made, let the same be considered and responded by the concerned officers of the Ministry.

19. Accordingly, stand over to **3rd November 2026 at 3:00 p.m.**

(DR. NEELA GOKHALE, J) (G. S. KULKARNI, J.)

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