IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

PUBLIC INTEREST LITIGATION NO.90 OF 2025
Dr.Bhupendrakumar K.Wasnik and ors vs. The Secretary, Ministry of Environment, Forest and Climate Change, New Delhi and ors

WITH
PUBLIC INTEREST LITIGATION NO.8 OF 2025
Awantika Chitnavis v.s. State of Mah., and ors

WITH
PUBLIC INTEREST LITIGATION NO.22 OF 2025
Trimurti Nagar Residents Action Wing Foundation vs. State of Mah. and ors

WITH
SUO MOTU PUBLIC INTEREST LITIGATION NO.16 OF 2025
Court on its own motion vs. The Secretary, Ministry of Environment, Forest and Climate Change, New Delhi and ors

WITH
WRIT PETITION NO.689 OF 2026
Sangram Ganesh Patil and ors vs. State of Mah., and ors

Office Notes, Office Memoranda of Coram, appearances, Court's Orders or directions and Registrar's order	Court's or Judge's Order

PIL NO.90/2025

Shri Abdul Subhan, Counsel for Petitioner.
Shri N.S.Rao, AGP for the State.
Shri S.S.Sanyal, Counsel for R-11.

PIL NO.8/2025

Shri A.C.Dharmadhikari, Counsel for the petitioner.
Shri N.S.Rao, AGP for the State.
Shri S.S.Ukey, Counsel for Respondent No.3.
Shri S.S.Sanyal, Counsel for R-5 & 6.
Shri S.Deshmukh, Counsel for R-7.
Shri Apurv De, Counsel for R-7.

PIL No.22/2025

Shri T.D.Mandlekar, Counsel for the Petitoiner.
Shri N.S.Rao, AGP for the State.
Shri S.S.Sanyal, Counsel for Respondent No.3.

SPIL NO.16/2025
Shri Abdul Subhan, Counsel for the Petitioner.
Shri N.S.Rao, AGP for Respondent State.
Shri S.S.Sanyal, Counsel for Respondent NO.11.
Shri S.Reddy with Shri S.P.Bhandarkar, Counsel for Organizers.

WP NO.689/2026
Shri Anand Parchure, Counsel for Petitioners.
Shri N.S.Rao, AGP for Respondent State.
Shri Siddhesh Deshmukh, Counsel for with Mrs.Gauri Venkatrama, Counsel for Respondent No.7.
Shri Arnav Naik, Counsel for Respondent Nos.8 and 9.

CORAM : URMILA JOSHI-PHALKE &
RAJ D.WAKODE, JJ.
DATED : 03rd November, 2026.

1. Heard.

2. The order dated 30.10.2026 passed by this court reflects that the petitioner in PIL No.90/2025 filed an application seeking directions to the authority to comply with order of this court. He contended that this court has already directed the concerned authorities to take remedial steps including removal of structure of LN Lawn, if otherwise erected without permission. He further pointed out that this court has directed the NMC and the NIT to treat this petition as representation and resolve reliefs asked as per rules and merits.

3. Learned counsel Shri S.M.Ukey for respondent No.13/NMC filed an affidavit stating that the action, in view of directions of this court, is already taken. The entire illegal construction is already removed. He filed a detailed affidavit stating that in pursuance to the notice and in compliance with directions of this court, the NMC has taken demolition action on

30.10.2026. The unauthorized construction of bricks, cement structure, and tin-shed has been completely demolished making the lawn unusable for commercial utilization. It is further noted in the affidavit that the portion of platform admeasuring 23.87 square meters is not demolished and it is not used for any commercial activities.

4. The said affidavit is taken on record along with documents, which reflects that the demolition work is already carried out.

5. Learned AGP Shri N.S.Rao, has filed an affidavit of Dr.Sandip Pakhale, Dy.Commissioner of Police, Special Branch, Nagpur City, stating that with regard to bursting of firecrackers on roads/public places, it is more respectfully submitted that on 15.9.2026, a public notice was issued by the Commissioner of Police stating that all firecracker sellers, shop keepers, and whole sellers are mandated to sell green firecrackers as per the order of the Green Tribunal vide OA-249/2020, dated 9.11.2020 and letter No.MPCB/JD (APC)/TB-B/201110-FTS 011 dated 9.11.2020 from the Maharashtra Pollution Control Board, Mumbai, Nagpur City is a city with moderate air pollution and, therefore, only green firecrackers should be kept for sell. Also, fireproof equipment should be installed. It should be noted that the orders issued by the State and Central Governments from time to time will be binding on all firecracker sellers. It is also stated that firecracker licenses will not be granted in areas specified in the said affidavit. It is also informed to the sellers that sell and use of series of firecrackers chain are prohibited.

The affidavit further states that licenses issued to the retailers and whole sellers also contain specific condition vide condition No.15 for compliance of directions of the Supreme Court which were given in Civil Writ Petition No.728/2015. In addition, the police department has taken public awareness activities in schools and colleges and other public forums regarding harmful effects of noise and air pollution caused by firecrackers. As per the information complied by the department, around 363 such awareness programmes have been conducted in Nagpur City. The affidavit further states that 24-hour contact facility through the Police Control Room including mobile number has been made available for receiving information and complaints. Instructions have also been circulated to police stations to conduct patrolling and instructions including shops holding temporary or other valid licence for the sell of firecrackers and to take appropriate action in accordance with law in event of any breach of applicable licence conditions or restrictions including stocking or sell of prohibited firecrackers. In such drive conducted by the police, action has been taken against ten violators under Section 223 of the BNS regarding violation of conditions mentioned in licenses. The police personnel have also been instructed to remain vigilant and to take lawful action wherever violations were noticed. The said affidavit along with various documents are taken on record.

6. We have also perused the copies of licenses issued to the various whole sellers as well vendors of the firecrackers. Though there are some conditions imposed in the said licenses, we are not satisfied with the same and we impress upon learned AGP

that specific conditions in view of Section 6-D of the Explosives Act, 1884 and Rule 84 of the Explosive Rules, 2008, shall be complied with.

7. Section 6-D of the said Act states about licensing authority competent to impose conditions in addition to prescribed conditions. It is further stated that a licence granted under the said Section may contain in addition to the prescribed condition such other condition as may be considered necessary by the licensing authority in any particular case.

8. Similarly Rule 84 of the said Rules deals with temporary shops for possession and sell of fireworks during festivals, which is reproduced as under:

> "84. Temporary shops for possession and sale of fireworks during festivals.—During festivals, the District Magistrate may issue temporary licenses for possession and sale of fireworks in a temporary shop subject to the following conditions namely :—
>
> (1) The fireworks shall be kept in a shed made of non-flammable material, which is closed and secured so as to prevent unauthorized persons having access thereto.
>
> (2) The sheds for possession and sale of fireworks shall be at a distance of at least three meters from each other and fifty meters from any protected work.
>
> (3) The sheds shall not face each other.

(4) No oil burning lamps, gas lamps or naked lights shall be used in the shed or within the safety distance of the sheds. Electrical lights, if used, shall be fixed to the wall or ceiling and shall not be suspended by flexible wire. Switches for each shop shall be fixed rigidly to the wall and a master switch shall be provided for each row of sheds.

(5) Display of fireworks shall not be allowed within fifty meters of any shed.

(6) In one cluster not more than fifty shops shall be permitted."

9. We expect that the Police Commissioner and other responsible officers shall make an endeavour to comply with Section 6-D of the said Act as well as the said Rule. We also direct the Deputy Commissioner of Police, Nagpur City, Nagpur to impose conditions in the licenses that selling firecrackers would be subject to the clearance of Pollution Control Board.

10. The Police Commissioner, Nagpur City shall appoint some designated officers to ensure compliance of the conditions imposed in the licenses and on violation of the same, an action be taken against the concerned who violates the same. The Police Commissioner also shall ensure compliance of guidelines issued by the Supreme Court in connection with noise pollution rules as well as air pollution rules.

11. Regarding other issues as to noise pollution by way of vehicles and silencers attached to the vehicles, the affidavit is

filed by Aaditya Mirkkhelkar working as Deputy Commissioner of Police stating that the police department has continued to take appropriate legal enforcement action against the persons responsible for causing noise pollution. In particular, during months of September and October 20206, a total six offences have been registered at Sadar Police Station, Nagpur in connection with violations relating to noise pollution under Sections 5 and 15 of the Environment (Protection) Act. The said offences relate to incidents reported within civil lines area of Nagpur City. Thus, appropriate legal action has been initiated against persons. It is further contended that as a part of special anti-noise pollution drive undertaken by the Nagpur City Traffic Police, total 372 seized modified silencers were destroyed by crushing it under a road roller on 5.9.2026. The said silencers had been seized during special enforcement drives conducted by various Traffic Zones of Nagpur City during period from 1.1.2026 to 5.9.2026. The destruction was carried out with objective of rendering the unauthorized modified silencers unusable and preventing their reuse or refitting in the vehicles. Apart from the aforesaid action taken by the Sadar Police Station in the civil lines area and the destruction of seized modified silencers, the Nagpur City Traffic Police have continued special enforcement drives against the vehicles fitted with unauthorized/ modified silencers and prohibited horns and other noise generating devices. The said affidavit is taken on record.

12. We are surprised that though the deponent has stated about various actions, there is no whisper as to the investigation regarding manufacturing of the said silencers. There is no

investigation on that aspect also. Therefore we expect that the Deputy Commissioner of Police, Nagpur City shall also investigate as to how many manufacturers are there who are manufacturing such type of silencers and providing the said silencers either to vendors or the vehicle owners. The Deputy Commissioner of Police shall carry out the investigation and find out the agencies as well as various vendors who are manufacturing and supplying such type of silencers. To curb the activities, more stringent action is required at the hands of the Deputy Commissioner of Police and, therefore, the Deputy Commissioner of Police shall take appropriate action such as suspending licenses or cancelling licenses of such persons who are violating noise pollution rules.

13. The affidavit filed along with documents by the Deputy Commissioner of Police is taken on record.

14. Learned AGP also points out that grievance can be made regarding noise pollution or air pollution on the mobile number which is already furnished in the affidavit.

15. The order dated 23.9.2026 clarifies that all the directions are already issued to the police authorities as far as noise pollution is concerned. It is specifically stated that there shall be a total ban to bursting of firecrackers during festivities on public streets.

16. The authorities shall take all measures to implement the said directions and prevent air and noise pollution being generated by the use of firecrackers. It is further clarified that the authorities shall also prohibit/ban the use of laser lights, high

intensity lumen lights and beams in the festivities/procession and for breach of the same, a strict action be taken against the concerned violators.

17. Thus, directions given in the said order dated 23.9.2026 shall also be followed by the concerned authorities.

18. We further clarify that the Police Commissioner shall make a statement regarding the use of firecrackers having capacity of more than 55 decimal and action on using the said firecrackers against sellers, whole sellers, and users, the police authorities are proposing, by way of affidavit.

19. Place these matters on **4.11.2026 at 2:30**.

20. Copy of this order be furnished to learned counsel appearing for parties to be acted upon.

[JUDGE] **[JUDGE]**

!! BrWankhede !!

Signed by: Mr. B. R. Wankhede
Designation: PS To Honourable Judge
Date: 03/11/2026 21:37:51