

**FARAD CONTINUATION SHEET No.**  
**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH AT NAGPUR**

**C.A.W. NO. 1918/2011 IN WRIT PETITION NO. 6109/2010**  
(VIDARBHA HERITAGE SOCIETY      VERSUS      THE STATE OF MAH. & OTHERS)

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Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions  
and Registrar's orders

Court's or Judge's orders

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Shri A.C. Dharmadhikari, counsel for the petitioner.  
Mrs. Mayuri Deshmukh, A.G.P. for the R-1.  
Shri N.W. Sambre, counsel for the R-2.  
Shri S.M. Puranik, counsel for the R-3.

**CORAM : SMT. VASANTI A. NAIK AND**  
**PRASANNA B. VARALE, JJ.**

**DATE : AUGUST 10, 2011.**

By this petition, the petitioner has sought a direction to the respondent nos.1, 2 and 3 to immediately take steps for preservation of lakes in Nagpur, their boundaries and the adjoining and catchment areas including Telangkhedi Lake. Inter alia, the petitioner had prayed for a direction to the authorities to stop the Visarjan of Ganesh Idols with toxic materials in the lakes as the lakes are polluted by the Visarjan of such Idols. The petitioner had further sought a direction for making alternate arrangement and preparing a Sustainable Management Plan for Ganesh Visarjan.

A civil application is filed by the petitioner for directions to the respondent no. 3 to ban Idols made of Plaster of Paris with chemical paints and toxic materials, garlands and other pooja accessories from being immersed in lakes with a view to prevent pollution of lakes. The petitioner has also sought a direction to the respondent no.3-

Corporation to construct artificial tanks for the immersion of Idols during religious festivals. It is the case of the petitioner that the Visarjan of Ganesh Idols made of Plaster of Paris cause severe damage to the lakes and water bodies. It is stated in the application that Plaster of Paris contains gypsum, sulphur, phosphorous and magnesium and the chemical paints used for painting the Idols contain mercury, lead, cadmium and carbon and increases heavy metal in the water. In such circumstances, the petitioner is seeking the aforesaid reliefs by this application.

Since the petition is a Public Interest Litigation and the prayers made on behalf of the petitioner are fair and reasonable, the respondent no.3-Corporation has filed a reply stating therein that the respondent no.3 is aware that the Plaster of Paris Idols cause damage to the lakes in the city and, hence, the corporation has taken a policy decision to ban import, manufacture, sale and immersion of Plaster of Paris Idols in Nagpur city as per Resolution No.227 dated 30.06.2011. It is stated in the said resolution that for effective implementation of this ban, necessary terms and conditions are required to be framed and after they are framed, they would be placed before the House for its approval and implementation.

Though it appears from the reply filed on behalf of the Corporation that during this year, import, manufacture, sale and immersion of Plaster of Paris Idols cannot be banned completely, the Corporation is considering the suggestions given by the petitioner of immersion of the Idols in smaller tanks or vessels, collection of Nirmalya and motivating the people not to immerse Idols in lakes. According to the

learned counsel for the Corporation, the policy may be implemented by the next year but, for the Ganesh Visarjan during this year also, the Corporation would take effective steps for immersion of Plaster of Paris Idols in separate water bodies. It is stated that through the various Non-Governmental Organizations, the Corporation would further try to secure that the Nirmalya is removed before the Ganesh Idols are immersed in the lakes in Nagpur.

Thus, it appears from the submissions made on behalf of the Corporation and the Additional Affidavit of the Corporation that the policy decision taken by the Corporation to ban the import, manufacture, sale and immersion of Plaster of Paris Idols by the Resolution No.227 dated 30.06.2011 would be implemented in future. We, however, expect that the Corporation would ensure that the Resolution No.227 dated 30.06.2011 is brought into effect and implemented at the earliest. The Corporation should also ensure that the resolution is implemented not only during the immersion of Ganesh Idols but, would be implemented when the other Idols are immersed at the conclusion of the other religious festivals like Durga Puja, etc.

With these observations, the civil application is disposed of.

Steno copy of this order is granted on request.

JUDGE

JUDGE