

**BEFORE THE NATIONAL GREEN TRIBUNAL,
WESTERN ZONE BENCH, PUNE**

Original Application No. 11/2018

Aamir Shaikh and Others

... Applicants

Versus

Haji Ali Dargah Trust and Others

... Respondents

Written Notes of Arguments

- 1) The present Application is filed by group of socially active students working as 'Lawyers for Earth Justice'
- 2) The Haji Ali Dargah, is one of the most recognisable landmark in Mumbai constructed in the year 1431.
- 3) The average daily footfall at Mosque is close to 30,000 and on certain days it goes over to 40,000.
- 4) The Respondent No. 4 Haji Ali Dargah, is managed by Haji Ali Dargah Trust.
- 5) The Respondent No. 2 MPCB, is pollution control authority and the Respondent No. 3 is State Environment Department, they are collectively responsible to implement environment related laws.

- 6) As the Haji Ali Dargah is situated on a rock inside the Arabian Sea, the Respondent No. 4 MCZMA's responsibility is also important as it is a coastal area.
- 7) The Respondent No. 5 MCGM is legally empowered to take action against the garbage generators and in present case Respondent No. 1 is responsible for garbage mismanagement at Haji Ali Dargah.
- 8) The Applicant wishes to assert that, there are various problems regarding solid waste management, sanitation, segregation of waste, management of bio-degradable waste, plastic waste, carry bags, etc. at the said Haji Ali Dargah.
- 9) The toilet facility at Haji Ali Dargah is objectionable as sewage outlets are straight into the sea.
- 10) There is definite Regulation mentioned as per Rule 2, Rule 44 of the Solid Waste Management Rules 2016, which is applicable to the case of Haji Ali Dargah.
- 11) As per Rule 3(56), Respondent No. 1 is waste generator, hence as per rule 44 segregation of waste, sorting of waste is primary responsibility of Respondent No. 1.
- 12) The Applicant students have taken photographs at Haji Ali Dargah while visiting the said Haji Ali Dargah. Photographs attached on page no 24, 25, 26,

27 shows that the garbage is scattered everywhere and it is direct violation of the law related to garbage.

- 13) The Respondent No. 2 MPCB had visited Haji Ali Dargah premises and prepared the Visit Report dated 20/08/2018. The MPCB has found some facts related to non-implementation of solid waste management. But it seems that some vital things have been written as told to the MPCB Officers by Haji Ali Dargah's Mr. Shaikh Mohammed Taher. In the report the words 'with soak pits' can be seen as added afterwards. The basic fact that comes to light is that the Respondent No. 1 Haji Ali Dargah is not complying with the Solid Waste Management Rules and Environment norms.
- 14) On Affidavit Respondent No. 2 MPCB mentioned that the Respondent No. 1 Haji Ali Dargah, informed that they are proposing new sewage treatment plant to treat the sewage generating from the Dargah premises i.e. from toilet blocks within the period of 2 months and excavation work for the erection of STP observed.
- 15) Now question is whether such STP has constructed and whether the Solid Waste Management Rules has been followed by Respondent No. 1 Haji Ali Dargah Trust?
- 16) The Applicants have some important prayers including others that-
 - The releasing excrement/ untreated sewage into Arabian Sea by Respondent No. 1 Haji Ali Dargah Trust shall be stopped immediately.

- Bio- toilets in the premises at Haji Ali Dargah Mumbai may kindly be constructed.
- Respondent No. 2 MPCB directed to enforce solid wastage at the Respondent No. 1 Haji Ali Dargah premises.
- The cost of litigation may be imposed on the Respondent No. 1 considering the pure environment and public cause involved.

Hence this note of argument is being submitted.

Advocates on behalf of the Applicants



Adv. Asim Sarode



Adv. Shriya Awale