

Court No. - 21

Case :- WRIT - C No. - 37200 of 2023

Petitioner :- Harish Garg

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Neeraj Srivastava, Alpika Srivastava

Counsel for Respondent :- CSC, Amit Khanna, Harsh Vardhan Gupta, Sandeep Kumar Srivastava

Hon'ble Manoj Kumar Gupta, Acting Chief Justice

Hon'ble Donadi Ramesh, J.

1. The instant petition purportedly filed in public interest seeks a direction to Additional Municipal Commissioner, Nagar Nigam, Mathura Vrindavan to take steps to shut down the workshop of respondent no.5 in compliance of letter dated 9.08.2023 by the U.P. Pollution Control Board.

2. It appears that respondent no.3 on a complaint filed by the petitioner that respondent no.5 is carrying on commercial activity in a residential area, resulting in pollution, addressed a communication dated 9.08.2023 to Upper Nagar Ayukt, Nagar Nigam, Mathura Vrindavan for taking steps to close down the said unit. The petitioner filed the instant petition stating that respondent no.5 is running the workshop near his house. The petitioner and his wife are suffering from various diseases and are getting badly affected by the running of the workshop by respondent no.5.

3. This Court by order dated 30.10.2023 called upon respondent no.4 to file his affidavit and disclose what action has been taken by him in pursuance of the order of U.P. Pollution Control Board dated 9.08.2023. On the last date i.e. 28.11.2023, it was brought to the notice of the Court that respondent no.5 is tenant of the petitioner and a tenancy dispute is going on between them. The filing of the present petition is an attempt on part of the petitioner to coerce him to vacate the tenanted premises. The petitioner has deliberately not disclosed in the writ petition that respondent no.5 is his tenant and tenancy disputes are going on between them.

4. Today, when the matter is taken up, counsel for the petitioner does not dispute that respondent no.5 is his tenant and that tenancy disputes are going on between the parties.

5. Counsel for the U.P. Pollution Control Board states that the Pollution Control Board would take action against respondent no.5

as well as various other persons who are carrying on similar or other prohibited activities in the area. Counsel for Nagar Nigam, Mathura states that Nagar Nigam will abide by the orders passed by the U.P. Pollution Control Board.

6. Since we find that respondent no.5 is tenant of the petitioner and there are tenancy disputes pending between them and these facts have not been disclosed in the writ petition, therefore, we are not inclined to issue any direction in the instant matter at the behest of the petitioner. However, we leave it open to the U.P. Pollution Control Board and Nagar Nigam to proceed in the matter in accordance with law.

7. The petition is accordingly dismissed.

(Donadi Ramesh, J.) (Manoj Kumar Gupta, A.C.J.)

Order Date :- 7.12.2023

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