

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

C.R. No.3971 of 2015

Date of Decision.06.07.2015

Mohammad Ammar and another

.....Petitioners

Versus

M/s M.I. Agro Industries and others

.....Respondents

Present: Mr. O.P. Goyal, Senior Advocate with
Mr. Randeep Singh Smagh, Advocate
for the petitioners.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest?

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K. KANNAN J. (ORAL)

1. The revision is against the order disallowing a claim for injunction against the respondents from establishing an industry and carrying on the same. The petitioners' contention is that they live in residential society and setting up of industry in a residential area is causing nuisance and they have sought for injunction.

2. The documentary evidence that has come on record is an information from the Town and Country Planning Officer stating that the draft plan has been prepared showing the particular location of the property where the defendants have established an industry as an industrial area but the master plan has not been approved yet and the petitioner wanted to rely on this aspect to show that when there is no master plan granting an approval for using the property for industrial purpose. An industry could constitute a gross infraction of the

petitioners' rights.

3. A complaint of nuisance on the ground that it will cause pollution and create a problem will be left to several authorities who will consider the issue of pollution and if there is any issue of pollution, it could cause an abatement of such activity. Again, if any construction or industry is established in the place which could not be so established, there are public authorities again who are in-charge of grant of sanction for putting up any construction or for allowing the industry to take place. If the plaintiff has not come by any favourable situation of orders by public authorities restricting the respondents from putting up the industry then I cannot take it that the plaintiff has any prima facie case. The fact that the master plan has not been approved yet cannot really advance the cause to the plaintiff, for, it is still a matter of time before the proposals take a final shape. Any industrial activity comes with lot of problems. If the development is seen contextually as taking place through establishing industries for generating employment then there has to be some adjustments in the life pattern. It cannot be expected that the pristine and idyllic rural surroundings could ever be maintained at all times in all places. Industrialization world over has been the hallmark of development and if people are not willing to make some privation of comforts, there would not be industrial revolution which we are talking about. Employment is a serious issue in a developing country and without a prima facie case, I will not cause a fetter to setting up of an industry.

4. I will not find any cause for interference with the orders already passed. The revision petition is dismissed.

5. The issue of whether the plaintiffs will be entitled to relief of injunction or not will be undertaken at the time of trial depending on the inconvenience and nuisance that the setting up of an industry would cause and that an adjudication in respect of the same will not in any way be prejudiced by the observation made here-in-above.

(K. KANNAN)
JUDGE

July 06, 2015
Pankaj*