

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

103

CWP-15836-2016

DATE OF DECISION: 16.8.2016

KISHORE CHAND SHARMA

...Petitioner

VS.

STATE OF PUNJAB AND OTHERS

... Respondents

**CORAM: HON'BLE MR. JUSTICE S.S. SARON
HON'BLE MRS. JUSTICE LISA GILL**

Present: Mr. Bimal Maini, Advocate
for the petitioner.

S.S. SARON, J.

The grievance of the petitioner who is a resident of the locality where the industry of Balbir Singh-respondent No.3 is running and is said to be a nuisance is that the consent to operate the industry (Annexure P8) given to Balbir Singh-respondent No.3 expired on 31.3.2014, however, despite that the said industry is still running and is operational. In this regard, it is stated in para 9 of the petition that after the expiry of period, the industry is still operating illegally. However, the learned counsel for the petitioner has not been able to show any representation specifically made in this regard to the Punjab Pollution Control Board-respondent No.2. A reference has been made to a representation dated 26.2.2015 (Annexure P-4) made by the petitioner but there is no mention in the said representation with regard to the

consent to operate (Annexure P-8) having expired on 31.3.2014. Besides, it is unclear as to the mode of submitting the said representation, that is, whether it was sent by post or submitted by hand.

In the circumstances, learned counsel for the petitioner prays that he may be allowed to withdraw this petition for the present so as to enable the petitioner to make a representation to the Punjab Pollution Control Board bringing out the necessary fact of the industry creating pollution and also the fact that it is still operating despite the consent to operate (Annexure P-8) having expired on 31.3.2014.

In the circumstances, the writ petition is dismissed as withdrawn with liberty to the petitioner to make a representation to the Punjab Pollution Control Board in the first instance and thereafter file a fresh petition, if the need so arises. The question regarding maintainability of the petition is, however, kept open.

Dismissed as withdrawn.

(S.S. Saron)
Judge

(Lisa Gill)
Judge

16.08.2016
SwarnjitS

Whether speaking/reasoned	Yes / No
Whether Reportable	Yes / No