

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

CWP No. 21375 of 2016

DATE OF DECISION : 18.10.2016

Lakhi Ram

.... PETITIONER

Versus

State of Haryana and others

..... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL

HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. J.S. Bhatti, Advocate,
for the petitioner.

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RAMENDRA JAIN, J.

1. The petitioner, claiming himself to be a practicing Advocate at District Courts, Narnaul, and owning land adjoining to the *Bajri* washing plant of respondent No.12 (wrongly mentioned as respondent No.10), has filed this writ petition under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of certiorari for setting aside the judgment and decree dated 21.08.2015 (Annexure P-2) passed by Civil Judge (Junior Division) Narnaul, whereby respondent No.2 (defendant No.1 in the civil suit) has been restrained from interfering in ownership, possession, user and occupation of alleged illegal business of respondent No.12, and has been further restrained from creating any hindrance or obstruction or interference in operation of his alleged illegal *Bajri* washing plants. Further prayer has been sought to quash the license, if any, issued by any competent authority in favour of respondent No.12 in violation of the

Environmental Laws leading to immense wastage of water as well. Further, issuance of a writ in the nature of prohibition restraining respondent No.12 from carrying out such illegal immense wastage of water, has also been sought, besides directing the respondents to immediately close the *Bajri* washing plants on Krishanawati River bed in the Block of Nangal Choudhary and Narnaul of Mohindergarh District, and to compensate and repair the damage caused to the Krishanawati river bed and to the residents of the area.

2. It is the case of the petitioner that respondent No.12 (wrongly mentioned as respondent No.10) is causing rampant threat to environment and ecology due to the illegal operation of sand-bajri washing and mining. Though the matter was brought to the notice of official respondents a number of times vide complaints (Annexure P-7), but no action has been taken so far. While referring to the copy of judgment dated 21.08.2015 (Annexure P-2) passed by the civil court, learned counsel for the petitioner argued that respondent No.2 deliberately did not contest the civil suit filed by respondent No.12 with an object and view to get the civil suit decreed. The activities of *bajri* washing plant are threat to the Environment in view of the judgment dated 18.02.2016 (Annexure P-5) passed by the National Green Tribunal, Principal Bench, New Delhi. Even no inspection at regular interval is carried out by any of the authorities to find out whether there is proper implementation of the conditions imposed. Thus, grouse of the petitioner is (i) that the illegal operation of *Bajri* washing plant operating in Block Nangal Choudhary of District Mohindergarh is resulting serious impact in stability of environment and ecology of the area; (ii) water used for washing *Bajri* is not justifiable, because the area is already suffering

from acute scarcity of drinking water, and vide Public Notice, Annexure P-4, the Central Ground Water Authority has already declared the said area as 'Dark Zone Area' prohibiting abstraction of water, except for drinking water; (iii) except the *bajri* washing plant of respondent No.12, no other such plan is running in the area; (iv) Sarpanch of Gram Panchayat of Datal-Dhanijajma, who is daughter-in-law of respondent No.12, is fully supporting him in his illegal *Bajri* washing business; (v) Civil suit No. 158 of 2012, which was decreed vide judgment and decree dated 21.08.2015 (Annexure P-2) was filed by respondent No.12 on baseless facts claiming that he is bringing water from the State of Rajasthan; (vi) without any authority, respondent No.12 is using the tubewell for his *bajri* washing plant, which has been installed on the agricultural land.

3. After hearing learned counsel for the petitioner, we are of the opinion that certain disputed questions of fact have been raised in this petition, which require evidence. It is needless to mention here that this court under the extra ordinary writ jurisdiction does not adjudicate such controversial questions of fact. Hence, we are not inclined to entertain this petition.

4. Petition is, accordingly, dismissed.

(RAMENDRA JAIN)
JUDGE

October 18, 2016
ndj

(AJAY KUMAR MITTAL)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes