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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ W.P.(C) 9766/2015

VINOD CHOUDHARY ..... Petitioner

Through: Mr.Manish Kumar with Mr.Sushil Kr.Jain, Advs.

versus

UNION OF INDIA AND ORS. ..... Respondent

Through: Mr.Arun Bhardwaj with Ms.Gunjan Bansal, Advs. for UOI.
Mr.Attin Shankar Rastogi, Adv. for SDMC.
Mr.Peeyoosh Kalra, ASC for the GNCTD.

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE JAYANT NATH

O R D E R

% 19.02.2016

1. This public interest petition has been filed with the following prayer:

> "issue a writ of mandamus directing the respondents to install an electricity plant for production of electricity form the garbage lying in huge quantity in an area of about 1 kilometre in village Tehkhand, Okhla, Anand Mai Marg, Near ESIC Hospital Okhla Industrial Area, Block New Delhi - 110020, New Tehkhand Delhi Transport Corporation Depot to remove/shift the garbage from the place to Jasola Electricity Plant and construct a public park at the said place so that public may live in the area in a hygienic manner and be saved from the diseases like dengue and other ailments."

2. A detailed counter affidavit has been filed on behalf of the respondent No.3/South Delhi Municipal Corporation stating *inter alia* that the issue of

allotment of alternate land for solid waste management facilities to Municipal Corporations is the subject matter of the proceedings pending before the National Green Tribunal Bench, New Delhi in ***Centre for Wildlife & Environmental Litigation vs. UOI & Ors.*** in OA No.85/2015 and ***Mansi Chahal vs. Delhi Pollution Control Committee & Ors.*** in OA No.399/2015 and that the National Green Tribunal by order dated 15.09.2015 directed the High Powered Committee under the chairmanship of Chief Secretary, GNCTD to take a decision in the matter pointing out the alternate sites.

Since the National Green Tribunal is seized of the issue, we are of the view that the petitioner may approach the same forum by getting himself impleaded to the pending proceedings or by filing appropriate application as permissible under law seeking further directions if any.

The writ petition is accordingly disposed of.

CHIEF JUSTICE

JAYANT NATH, J

FEBRUARY 19, 2016/pmc