

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (PIL) No. 112 of 2016

- Nitin Singhvi S/o Late N. C. Singhvi, aged about 54 years R/o H.I.G-3 Sect-3 Shankar Nagar Raipur, Dist. Raipur, Chhattisgarh.

---- **Petitioner**

Versus

1. State of Chhattisgarh, Through Secretary Housing And Environment Department, Mantralaya Mahanadi Bhawan, New Raipur District Raipur (Chhattisgarh)
2. Chief Secretary, Mantralaya, Mahanadi Bhawan, New Raipur District Raipur (Chhattisgarh)
3. Chhattisgarh Environment Conservation Board Through Chairman, Mantralaya Mahanadi Bhawan, New Raipur, District Raipur (Chhattisgarh)
4. Central Pollution Control Board Parivesh Bhawan, CBD-Cum-Office Complex, East Arjun Nagar, Delhi 110032
5. The Collector, District Bilaspur (Chhattisgarh)
6. The Collector, District Raipur (Chhattisgarh)
7. The Collector, District Durg Chhattisgarh.
8. The Collector, District Raigarh (Chhattisgarh).
9. The Collector, District Bastar Chhattisgarh.
10. The Collector, District Surguja (Chhattisgarh)
11. The Collector, District Korba, Chhattisgarh.
12. The Collector, District Rajnandgaon, Chhattisgarh.
13. The Collector, District Janjgir Champa (Chhattisgarh)
14. The Collector, District Jashpur (Chhattisgarh)
15. The Collector, District Koriya (Chhattisgarh)
16. The Collector, District Mahasamund (Chhattisgarh)
17. The Collector, District Dhamtari, Chhattisgarh.
18. The Collector, District Kanker (Chhattisgarh)
19. The Collector, District Kawardha (Chhattisgarh).
20. The Collector, District Dantewada (Chhattisgarh)
21. The Collector, District Narayanpur (Chhattisgarh)
22. The Collector, District Bijapur Chhattisgarh.
23. The Collector, District Balod (Chhattisgarh)
24. The Collector, District Bemetara, (Chhattisgarh)

25. The Collector, District Mungeli (Chhattisgarh)
26. The Collector, District Baloda Bazar Bhathapara, Chhattisgarh.
27. The Collector, District Gariyaband (Chhattisgarh)
28. The Collector, District Kondagaon, (Chhattisgarh).
29. The Collector, District Sukma (Chhattisgarh)
30. The Collector, District Balrampur Ramanujganj (Chhattisgarh)
31. The Collector, District Surajpur (Chhattisgarh)

---- Respondents

For Petitioner	:	Shri Saurabh Dangi, Advocate with B.K Manish, Petitioner-in-Person under Power of Attorney
For State & its authorities	:	Shri J. K. Gilda, Advocate General with Shri A.S. Kachhawaha, Additional A.G.
For Respondents No.3&4	:	Shri V.V.S. Moorthy, Senior Advocate with Shri Shantanu Kumar and Shri Rohitashva Singh, Advocates.

Hon'ble Thottathil B. Radhakrishnan, Chief Justice
Hon'ble Shri Justice P. Sam Koshy

Judgment on Board

Per Thottathil B. Radhakrishnan, Chief Justice

27.04.2017

1. This writ petition is filed in public interest against the State Government officials including District Collectors of all the Districts as well as Central Pollution Control Board and Chhattisgarh Environment Conservation Board, primarily pointing out that the declaration of the law and the directions issued by the Hon'ble Supreme Court through the judgment in **Noise Pollution (V), In Re**, reported as (2005) 5 SCC 733 are not effectuated for the State of Chhattisgarh and that has adversely affected the interest of people at large and the environment. It is also pointed out by the learned counsel for the Petitioner that the imbalance in the noise level is adversely affecting the flora and fauna as well.

2. We have heard the learned counsel for the Petitioner, the learned Advocate General, the learned Additional Advocate General and the learned Senior Counsel appearing for the Chhattisgarh Environment Conservation Board and the Central Pollution Control Board.
3. There can be no two views on the requirement of scrupulous obedience to the judgment of the Hon'ble Supreme Court in **Noise Pollution (V), In Re** (supra) and the directions contained therein, in letter and spirit. The statute laws which govern the field of Environment Management including the different Acts and Rules have to be obeyed and enforced. The power to make a complaint under those laws are primarily vested with the officers of the State Board authorities. The District Administration has also role to play. This means that they are repositories of public trust through the legislative devices which require them to act promptly and effectively in case of mis-management of the environment. If there is any adverse activity impairing the environment in relation to air, water or other aspects of environment which are dealt with by laws related to environment, the officers are expected to promptly respond with positive action. There is no question of any officer waiting for a tapping call from any citizen for that matter. The spirit of jurisdiction available to the District Magistrate and those authorities exercising powers and jurisdiction of District Magistrate in terms of Code of Criminal Procedure and the State Police Act as also the different provisions relating to the Management of Environment and the Municipal laws necessarily tend to indicate that those officers are essentially guardians of the environment since the beneficiaries cannot singly or collectively make pointed complaints whereby the wrong-doers can be effectively brought to book and made to suffer the consequence. The

jurisprudence relating to management of environment has grown from days of mere grass-root liability and penalties in accordance with statutory liabilities including on principles akin to “polluter pays”. Other doctrines, including in restitutionary jurisdiction, are developing. Those concepts have also to be grown at par with the principles that are otherwise available in the management of the environment of this part of the Globe which had always gain the gracious protection of the human beings who practiced *Dharmik* concepts in relation to management of the environment, in particular, the earth, the water, the air, the forest, the animals and the plants. The holistic manner in which earth is conceived by the culture of this land cannot be ignored. That is something which the citizen is duty bound to bear in mind having regard to the fundamental duties enshrined under Article 51A of the Constitution of India. Preservation and making available the national wealth for the general good and the requirement to maintain the national wealth, including the resources of the part of earth which is called India is a principle that vibrates in all vigor and pervades well among the Directive Principles of State Policy in the Constitution of India. With all this in mind, it cannot be held that it is the statutory and public duty of every official authorised to enforce the environmental laws to act in conformity with the dictates therein against any person who is in conflict with such laws. In the aforementioned context, in the backdrop of the fundamental right of the citizen, the corollary duties and obligations are also constitutional obligations and duties of the officials concerned. We hold so.

4. For the aforesaid reasons, this writ petition is ordered directing that the respondents shall collectively and individually abide by the letter and spirit of the directions contained in the judgment of the Hon'ble

Supreme Court in **Noise Pollution (V), In Re** (supra) reported as (2005) 5 SCC 733, the prescriptions in the interlocutory order issued in the case in hand on 06.12.2016 (copy of which shall stand appended to this judgment) shall be treated as providing sufficient guidance and not by itself prescribing anything in contradistinction to what the statute laws have already prescribed.

5. The writ petition is ordered accordingly.

Sd/-
(Thottathil B. Radhakrishnan)
Chief Justice

Sd/-
(P. Sam Koshy)
Judge