

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

**CWP No. 14148 of 2017 (O&M)
Date of decision: 05.07.2017.**

M/s Mittal Agro Oil Industries, Meham and another Petitioners.

Versus

State of Haryana and others Respondents.

**CORAM: HON'BLE MR. JUSTICE S.S. SARON
HON'BLE MR. JUSTICE SHEKHER DHAWAN**

Present: Mr. Birender Singh Rana, Senior Advocate, with
Mr. Rajinder Paul, Advocate, for the petitioners.

S.S. SARON, J.

The petitioners by way of present petition under Articles 226/227 of the Constitution of India seek quashing of the order dated 24.01.2017 (Annexure P28) passed by the Regional Officer, Haryana State Pollution Control Board, Regional Office, Bahadurgarh (respondent No. 4) in terms of which the operation of M/s Mittal Agro Oil Industries (petitioner No. 1) has been ordered to be closed down by sealing the plant and machinery along with diesel generator set with immediate effect. A further prayer has been made for quashing the order dated 03.02.2017 (Annexure P27) also passed by the Regional Officer, Haryana State Pollution Control Board, Regional Office, Bahadurgarh (respondent No. 4) by which Consent to Establish (CTE) granted to the petitioners under the Water (Prevention and Control of Pollution) Act, 1974 ('Water Act' - for short) and the Air (Prevention and Control of Pollution) Act, 1981 ('Air Act' - for short) has been revoked.

During the course of hearing, it is not seriously disputed by the learned Senior Counsel for the petitioners that the petitioners have alternate remedy of filing an appeal before the Appellate Authority under the Water Act and the Air Act. However, it is stated that the raw material of the petitioners is lying in the factory premises for which they may be granted permission to remove.

We are of the view that the said request of the petitioners can also be considered by the Appellate Authority in case the same is made at the time of hearing.

In the circumstances, learned Senior Counsel for the petitioners submits that for the present he may be allowed to withdraw the writ petition and first approach the Appellate Authority setting out its grievances and even avail other remedies of approaching the Town and Country Planning Department in order to show that the communications conveyed by them that the unit of the petitioners does not fulfill the necessary norms for 'change of land use'/'no objection certificate' is absolutely incorrect.

Accordingly, the petition is dismissed as withdrawn with liberty to the petitioners to approach the Appellate Authority and/or the Town and Country Planning Department for seeking redress to their grievances and showing the factual position.

(S.S. SARON)
JUDGE

(SHEKHER DHAWAN)
JUDGE

05.07.2017
Ramesh

Note: 1. Whether reasoned/speaking : Yes
2. Whether reportable : No