

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

CWP-21841 of 2016 (O&M)
Date of Decision:- 20.03.2017

Rakesh Kumar and others ... Petitioners

Versus

State of Punjab and others ... Respondents

CORAM: HON'BLE MR. JUSTICE S.S.SARON
HON'BLE MR. JUSTICE DARSHAN SINGH

Present:- Mr. Parvez Akhtar, Advocate for Mr. Mohd. Yousaf,
Advocate, for the petitioners.

Ms. Amarjit Kaur Khurana, Addl. A.G. Punjab,
for respondents No.1, 3 and 4.

Mr. Shekhar Kumar, Advocate for Mr. Nitin Kaushal,
Advocate, for respondent No.2.

Ms. Jasvir Kaur, Advocate, for respondent No.5.

S.S.Saron, J.

Ms. Jasvir Kaur, Advocate, appearing for Municipal Council, Amloh, District Fatehgarh Sahib (respondent No.5) has filed status report by way of affidavit of Sh. Ghur Bharan Sharma, Executive Officer, Municipal Council, Amloh, District Fatehgarh Sahib regarding the sewerage work that was to be carried out at Amloh.

It is submitted that the work of setting up a sewerage work at Amloh has been completed. A reference is made to the letter dated 27.02.2017 (Annexure R-5/5) from the Sub Divisional Engineer, Water Supply and Sewerage, Sub Division, Mandi

Gobindgarh to the Executive Officer, Nagar Council, Amloh in which it is stated that the laying of sewerage in rear street of Billing Sweets near Gobindgarh Chowk, Amloh (respondent No.6) has been completed.

The status report is taken on record.

The petitioners Rakesh Kumar and others who are residents of Ward No.4, Amloh filed the present petition under Articles 226/227 of the Constitution of India seeking a mandamus directing the respondents No.1 to 5 for closing down the shop and workshop of M/s Billing Sweets Shop, Hospital Road, Amloh, District Fatehgarh Sahib (respondent No.6), which is near their residences. According to the petitioners, the said shop was causing pollution.

A copy of the petition was given to learned Additional A.G. Punjab on 21.10.2016 for seeking instructions.

During pendency of the petition, Mr. Nitin Kaushal, Advocate, counsel for the Punjab Pollution Control Board (respondent No.2) ('Board' - for short) put in appearance and filed a short reply of Er. Lavneet Kumar, Environmental Engineer, Punjab Pollution Control Board, Regional Office, Fatehgarh Sahib on behalf of respondent No.2.

In the reply filed on behalf of the Board (respondent No.2) it is *inter alia* stated by Er. Lavneet Kumar, Environmental Engineer that the petitioner is a habitual complainant and he holds out threats of committing suicide. He has filed number of complaints and then even submitted an apology (Annexure R2/1/T). He has also filed a number of complaints against M/s Billing Sweets Shop (respondent No.6) as well. It is submitted that an order dated

21.09.2015 was passed by the Board and after that M/s Billing Sweets Shop (respondent No.6) was directed to shut down all activities of manufacturing sweets in its workshop/shop. The site was then visited by an officer of the Board on 21.09.2015 and seals were put to ensure stoppage of all manufacturing activities. Thereafter, the site was again visited by an officer of the Board on 04.12.2015. It was found that M/s Billing Sweets Shop (respondent No.6) had provided a collection tank along with a submersible pump. Waste water was being discharged in the sewer on the front side of his shop but the overflow from the same was flowing in an open drain. Action under Section 33-A of the Water (Prevention and Control of Pollution) Act, 1974 was initiated.

An officer of the Board again visited the shop and vide letter dated 20.01.2016 (Annexure R-2/3) a recommendation was made for initiating action and also giving a hearing to the defaulter. M/s Billing Sweets Shop (respondent No.6) was granted personal hearing on 26.04.2016. It was submitted by it that it had not been discharging any waste water from the sweets manufacturing activities into the open drain on the back side of the shop. It was decided that the site be inspected to verify the statement. The sweets shop was again inspected 18.05.2016 and it was observed that waste water generated from the shop/workshop was being discharged in an underground collection tank and from there, it was discharged into the sewer located in front side of the shop by way of a submersible pump and PVC pipe. It was also observed that the shop/workshop was not discharging any waste water generated from any manufacturing activities in the open drain. The only waste

water present in the drain was the domestic discharge from the shop and all the surrounding households including that of the petitioners. The sweets shop (respondent No.6) was permitted to operate after the aforesaid inspection that was carried out and that it would ensure that there would be no discharge of waste water from the manufacturing activities into the drain.

The learned Additional Advocate General, Punjab on 18.11.2016 that is the day when the affidavit of Er. Lavneet Kumar, Environmental Engineer was filed submitted that he shall seek instructions from Municipal Council, Amloh (respondent No.5) regarding the sewerage work at Amloh.

Ms. Jasvir Kaur, Advocate put in appearance for the Municipal Council, Amloh (respondent No.5) on 18.01.2017. Learned Counsel submitted that she shall file a status report regarding setting up of sewerage system at Amloh.

A status report by way of an affidavit dated 17.01.2017 of Sh. Ghur Bharan Sharma, Executive Officer, Municipal Council, Amloh, District Fatehgarh Sahib (respondent No.5) was filed. According to the said status report, it has been submitted that the Punjab Water Supply and Sewerage Board (Division No.2) Patiala had engaged a contractor for sewerage work but residents of the locality did not allow the labour to do their work and they were forced to leave the area. A letter was addressed by the Executive Officer, Municipal Council, Amloh on 02.01.2017 to the Sub Divisional Magistrate, Amloh for providing police force so that the work of setting up of a sewerage system could be completed amicably and on priority basis. It was submitted that the work of

setting up of the sewerage system was being done in the entire city of Amloh. More than half of the city had already been covered. The area where the sewerage work had been completed were mentioned, namely, Main Bazar, Bugga Chowk, Khanna Road Chungi, Krishna Colony, Kaka Colony, Mangarh Road, Sai Mandir Colony and Master Colony. The locality of the petitioners, it is stated, was about to be covered on priority basis but the petitioners themselves were obstructing the sewerage work. It was submitted that on the request of Sub Divisional Magistrate, Amloh, the District Magistrate Fatehgarh Sahib had written to the Senior Superintendent of Police, Fatehgarh Sahib to provide police force to complete the work of laying the sewerage system.

It was noticed that the sewerage work was being done and was being carried out in the city of Amloh but the petitioners themselves had been obstructing the work in their own locality.

Learned Addl. A.G. Punjab was accordingly asked to ensure that police force was provided to the contractor and to the employees of the Punjab Water Supply and Sewerage Board so as to enable them to complete the sewerage system.

Now a status report by way of affidavit of Sh. Ghur Bharan Sharma, Executive Officer, Municipal Council, Amloh (respondent No.5) has been filed stating that the work of setting up of sewerage, has been completed.

It is submitted by Ms. Jasvir Kaur, Advocate for Municipal Council, Amloh (respondent No.5) on instructions that no water is being discharged from M/s Billing Sweets Shop (respondent No.6) in the open drain and the same is being discharged on the

back side through the sewerage system.

In the circumstances nothing survives in the present petition and the same is accordingly dismissed.

(**S.S.SARON**)
JUDGE

(**DARSHAN SINGH**)
JUDGE

March 20, 2017
mohan

Note:

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