

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.5698 of 2016
Date of decision: 17.4.2017

The Panipat Dyers Association and anr.

.... Petitioners

Versus

State of Haryana & Ors.

.... Respondents

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

Present: Mr. Pawan Kumar Mutneja, Advocate for the petitioners.

Mr. S.S. Pannu, DAG, Haryana for respondents No.1 to 4 –
State .

Mr. Randhir Singh, Advocate for respondent No.5 –
Haryana State Pollution Control Board.

None for respondent No.6.

S.S. Saron, J.

The petitioners Panipat Dyers Association and Bhisam Singh, its President have filed the present petition under Article 226 of the Constitution of India seeking quashing of the order dated 24.09.2015 (Annexure P-11) passed by the Haryana State Pollution Control Board, Chandigarh (respondent No.5).

In terms of the said impugned order (Annexure P-11), a Committee that had been constituted to examine the request dated 5.6.2015 of M/s Textile World, Panipat (respondent No.6) upon examination accorded permission to M/s Textile World (respondent No.6) to join the sewerage/drain pipeline starting from 79 milestone and terminating at Common Effluent Treatment Plant (CETP), Sector 29 Part-II, HUDA, Panipat (at a point closest to the Unit) functioning under the name of the Panipat Textile Cluster Development Society (PTICDS) subject to conditions as mentioned therein.

The petitioner No.1 which is a Society registered under the Societies Registration Act seeks invalidation of the said permission which has been accorded to M/s Textile World (respondent No.6) to join the sewerage/drain pipeline starting from 79 milestone and terminating at CETP, Sector 29 Part-II, HUDA, Panipat (at a point closest to the Unit) functioning under the name of the PTICDS subject to conditions as mentioned therein.

It is not in dispute that the petitioners have remedy of assailing the order before the Appellate Authority 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).

Learned State Counsel has placed on record three orders dated 14.4.2017 passed in terms of Section 28 (1) (2) of the Water Act and Section 31 (1) (2) of the Air Act as also sub Rule 19 of the Bio Medical (Waste Management & Handling), Rules, 1998 whereby Appellate Authorities have been constituted and Members have been appointed.

In view of the above, the petitioners may, if so advised, approach the Appellate Authority for redressal of their grievances in accordance with law.

The writ petition stands disposed of accordingly.

(S.S. Saron)
Judge

(Darshan Singh)
Judge

17.4.2017
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Note:

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| 1. Whether the order is speaking/reasoned: | Yes. |
| 2. Whether the order is reportable : | No. |