

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(1) CRM No.A-1415-MA of 2016 (O&M)

Haryana State Pollution Control Board
...Applicant

Versus

Dr.Ranjana Gupta and others
...Respondents

(2) CRM No.A-1422-MA of 2016 (O&M)

Haryana State Pollution Control Board
...Applicant

Versus

Inder Bahl and others
...Respondents

(3) CRM No.A-1425-MA of 2016 (O&M)

Haryana State Pollution Control Board
...Applicant

Versus

Shonu Chandra and others
...Respondents

(4) CRM No.A-493-MA of 2017 (O&M)

Haryana State Pollution Control Board
...Applicant

Versus

Rajbail Singh
...Respondent

(5) CRM No.A-502-MA of 2017 (O&M)

Haryana State Pollution Control Board
...Applicant

Versus

Pankaj Sahni
...Respondent

(6)

CRM No.A-524-MA of 2017 (O&M)

Haryana State Pollution Control Board

...Applicant

Versus

Roshan Lal

...Respondent

(7)

CRM No.A-575-MA of 2017 (O&M)

Haryana State Pollution Control Board

...Applicant

Versus

Puran Singh Dabas and others

...Respondents

Date of decision: October 10, 2018

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Sukhmandeep Singh, Advocate for
Mr.Lokesh Sinhal, Advocate
for the applicant.

Mr.S.K.Biriwal, Advocate for
Mr.A.S.Chadha, Advocate
for the respondent (in CRM No.A-1422-MA of 2016).

Mr.Tanmoy Gupta, Advocate
for the respondent (in CRM No.A-493-MA 2017).

Mr.Deep Prabhu, Advocate for
Mr.Anand Chibbar, Advocate
for respondent No.3.

INDERJIT SINGH, J.

All the above-mentioned cases being of similar nature, are
taken up together for decision for convenience and to avoid repetition.

At the very outset, the criminal misc. applications filed in

above case for condoning the delay in filing the application seeking leave to

appeal, are allowed and delay in each case is condoned.

Applicant-Haryana State Pollution Control Board has filed the applications under Section 378(4) read with Section 372 Cr.P.C. seeking permission for leave to appeals against accused-respondents, challenging the impugned judgments passed by learned Presiding Officer-cum-JMIC, Special Environment Court, Faridabad, whereby the accused-respondents were acquitted.

It is mainly stated in the applications that accompanying appeals are likely to succeed on the grounds taken therein. It is, therefore, prayed that leave to file appeals be granted to the applicant.

Facts are taken from CRM No.A-1415-MA of 2016.

From the record, I find that complaint has been filed by Regional Officer, Haryana State Pollution Control Board, Gurgaon under Section 15 of the Environment Protection Act, 1986. As per the complaint, Ministry of Environment and Forest, Government of India, issued notification dated 07.05.1992 [for brevity Aravali Notification], wherein the Central Government imposed certain bans and restrictions in the specified area of Aravali range like area shown as Gair Mumkin Pahar or Gair Mumkin Rada etc. qua location of any industry or mining operations or cutting of trees or construction of any dwelling units, farm houses, sheds, community center, information center and any other activities connected with such construction and electrification etc., without obtaining prior environment clearance from Central/State Government. As per the complainant, when the provisions of the Act were under consideration, the accused in connivance with responsible officers and Revenue Department,

succeeded in making/preparing wrong, frivolous and illegal entries in the

revenue record by showing the entry Gair Mumkin Pahar to Gair Mumkin farm house etc.

Learned trial Court, after appreciating the evidence, acquitted the accused-respondents vide impugned judgments by holding that notification was applicable only on the land shown as Gair Mumkin Pahar on the date of notification in the revenue record and as such, the notification was not applicable upon Aravali Retreat, land of the accused. The allegations of the complainant is that these revenue entries were not changed as per status and were changed to Gair Mumkin Farm House by revenue officials. The perusal of language of Aravali Notification dated 07.05.1992 shows that prior environment clearance is required to be obtained from Environment Department, Haryana, for carrying on certain processes and operations like construction of any clusters of dwelling unit, farm houses, sheds etc. The language of the notification clearly shows that notification is only applicable upon the area/land shown as Gair Mumkin Pahar in the land/revenue records maintained by the State Government on the date of notification. The land in question has been shown as Gair Mumkin Farm House in the khasra girdawari prior to the notification. The Court further held that it was for the complainant to prove that this record has been wrongly/falsely prepared in collusion with revenue officials but there is no such evidence.

From the perusal of the judgments passed by the Court below, I find that the findings have been given as per evidence and law. The evidence has been appreciated in right perspective. In no way, the judgments can be held as perverse or against the evidence. Nothing has been

material evidence has not been considered by the Court below. The findings have been given by correctly appreciating the evidence in right perspective and accused-respondents have been rightly acquitted. In no way, the judgments can be held as perverse or against the evidence.

In view of the above discussion, I find that the impugned judgments passed by learned Presiding Officer-cum-JMIC, Special Environment Court, Faridabad, are correct, as per law and evidence and do not require any interference from this Court. No ground is made out for grant of leave to appeals and therefore, all the above-mentioned applications stand dismissed.

October 10, 2018
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No