

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

**208**

**CWP-15205-2016**

**Date of Decision: 03.04.2018**

**GURJANT SINGH CHANANWAL AND ANR. ....Petitioner(s).**

Versus

**STATE OF PUNJAB & ORS. ....Respondents.**

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL  
HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL**

Present: Mr. Pawan Kumar, Senior Advocate with  
Mr. Vipin Kumar, Advocate  
for the petitioners.

Mr. Shireesh Gupta, Sr. DAG, Punjab.

Mr. G.S. Brar, Advocate for  
respondents No.5, 7 and 8.

Mr. Aman Sharma, Advocate for respondent No.6.

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**ANUPINDER SINGH GREWAL, J.**

The petitioners have preferred the instant public interest litigation seeking a direction to respondents to remove the garbage/waste material, which is being dumped near the Vegetable Market, Barnala.

2. The petitioners are stated to be public spirited persons and have undertaken social work including organizing mass marriages of poor girls. It is stated in the petition that the health of the people living in the vicinity of Vegetable Market, Barnala has been put to peril as the respondents have been dumping garbage including the carcasses of dead animals. Photographs in this regard have been appended as Annexure P-2 with the petition.

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3. In the status report filed by the Environmental Engineer, Punjab Pollution Control Board, it is stated that in accordance with the provisions of Solid Waste Management Rules, 2016, the Municipal Council, Barnala (respondent No.6) was required to submit solid waste management plan to the State Government. As they had failed to submit a plan, a show cause notice was issued to the President and Executive Officer, Municipal Council, Barnala.

4. On 25.10.2017, when the matter had come up for hearing, the Executive Officer, Municipal Council, Barnala (respondent No.6) who was present in Court, had assured the Court that the garbage and the dead animals as shown in the photographs at Annexure P-2 and P-3 shall be removed. When the matter was taken up on 05.12.2017, the State counsel had submitted that the meeting of the District Level Committee will be held to identify and approve an alternative dump site. Learned State counsel has submitted that in the meeting of the District Level Committee held on 13.12.2017, dumping site located near Moga bye pass Barnala bearing Khasra No.560, Hadbast No.28 measuring 7 kanals has been identified and the Executive Officer, Municipal Council, Barnala shall apply for change of land use with competent authority as well as for authorization of site to the Punjab Pollution Control Board as per rules.

5. Learned counsel for respondent No.6 has further submitted that the alternative disposal site at Moga bye-pass road in the revenue estate of Handiaya- D, Tehsil and District Barnala has been approved.

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He has furnished a copy of the letter dated 28.03.2018 of authorization under Rule 16 of the Solid Waste Management Rules, 2016 on behalf of Member Secretary, PPCB, addressed to Executive Officer, Municipal Council, Barnala, approving the alternative site, which is taken on record. Learned counsel has also submitted that the garbage is being dumped at the new site w.e.f. 01.04.2018 and the existing site shall be cleared of all garbage and waste material by 30.06.2018.

6. In view of the decision taken to set up an alternative dumping site and the assurance of the learned counsel for respondent No.6 that there is no dumping of waste material on the existing site, this petition has been rendered infructuous and stands disposed of accordingly.

7. It shall, however, be open to the petitioners to revive this petition, if the dumping of waste material persists on the existing site.

**(AJAY KUMAR MITTAL)**  
**JUDGE**

**(ANUPINDER SINGH GREWAL)**  
**JUDGE**

**03.04.2018**

SwarnjitS

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|-----------------------------|--------|
| Whether speaking/reasoned : | YES/NO |
| Whether reportable :        | YES/NO |