

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

**CWP No. 1681 of 2017
Date of decision: 24.9.2018**

Rajesh Sraw and others

... Petitioners

Versus

Union of India and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE KRISHNA MURARI,
CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI, JUDGE**

Present: Mr. APS Shergill, Advocate, for the petitioners.

Mr. Lokesh Sinhal, Additional A.G. Haryana,

Mr. Ramandeep Singh, Advocate for respondent No.7.

KRISHNA MURARI, CHIEF JUSTICE (Oral)

This writ petition in the nature of Public Interest Litigation has been filed, seeking a writ of Mandamus to command the official respondents/authority, and in particular respondent No.4-Haryana Pollution Control Board, to immediate shut down the offending unit of respondent No.7, which is running Tyre Pyrolysis unit illegally in gross violation of the Environment (Protection) Act, 1986.

Status report has been filed by respondent No.4-Haryana Pollution Control Board stating that vide order dated 26.5.2016, the unit of respondent No.7 was directed to be closed. The said action is stated to have been taken on physical verification, finding serious lapses, which was carried out on the complaint made by the petitioners themselves, after issuing a show cause notice to respondent No.7. Even after the closure order, when respondent No.4 did not find reply filed by respondent No.7 to be satisfactory, the unit was sealed on 1.12.2016.

Learned Additional Advocate General appearing for the State of Haryana, on the basis of instructions, states that the unit is lying closed under the seal of respondent No.4 till date. If that is so, the intent and purpose of filing this petition stands served. However, learned counsel for the petitioners points out that despite the closure order, the unit is still functioning illegally during night time.

In such circumstances, we direct respondent No.4 to verify the allegations made by the petitioners about the illegal running of the unit of respondent No.7 during night time and if that is so, strict action, as per the provisions of the Environment (Protection) Act, may be taken against respondent No.7. It is also being made clear that it is an obligation of respondent No.4 to find out and take suitable action if any such illegal unit(s) is running in and around the area, without having appropriate no objection certificate. We have been assured by learned Additional Advocate General, Haryana, that appropriate action would be taken in this regard if respondent No.7 or any other such unit is found to be functioning illegally.

Accordingly, we dispose of this writ petition, with the aforesaid observations, leaving it open to the petitioners to move appropriate application for revival of this petition in case there is any violation in this regard or recurrence of the cause of action.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

September 24, 2018
AK Sharma

Whether speaking / reasoned: YES
Whether Reportable: NO