

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

Civil Writ Petition No. 21506 of 2016 (O&M)

Date of Decision: 25.10.2018

Alka Sarin

.....Petitioner

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. Hemant Sarin, Advocate, for the petitioner.
Mr. Amar Vivek, Addl. Advocate General, Haryana.
Mr. Arun Gosai, Central Govt. Counsel for UOI.
Mr. Sandeep Moudgil, Advocate for HUDA.

KRISHNA MURARI, C.J.(oral)

Civil Writ Petition No. 21506 of 2016 has been filed by the petitioner seeking the following reliefs;-

- i) Issue an appropriate writ, direction or order quashing the impugned decision dated 26.02.2016 (Annexure P-1) taken by the SCNBWL giving clearance to the setting up of a solid waste management plant by the Haryana Urban Development Authority (HUDA) at a site which is merely 140 meters away from a declared wildlife sanctuary and is within the eco-sensitive zone.
- ii) Issue an appropriate writ, direction or order directing HUDA not to take any steps in furtherance of the impugned decision (Annexure P-1), ad-interim;.

2. The grievance of the petitioner is that initially the State of Haryana had decided to set up a compost plant and had obtained necessary clearances from various authorities for the purpose. However, subsequently a decision was taken to set up a solid waste management plant by Haryana Urban Development Authority at the

site and instead of obtaining fresh clearances for this project of Solid Waste Management Plant they are proceeding on the basis of the clearances obtained in the earlier project which was for establishing a compost plant. It is an admitted case between the parties that the project for the compost plant has been finally shelved.

Shri Amar Vivek, learned Additional Advocate General appearing for the State of Haryana at the outset made a statement that the State shall not proceed with the project of setting up a solid waste management plant unless and until all the necessary required clearances for the said project under any of the statute or enactment, if required, are obtained. A categorical statement has been made before us that apprehension of the petitioner that execution for establishment of the solid waste management plant would be undertaken on the basis of the clearances earlier obtained in respect of the compost plant is totally unfounded.

In view of the aforesaid statement made before us by the learned Additional Advocate General, Haryana we find that the cause of action does not survive and to this proposition even learned counsel appearing for the petitioner also could not object.

In view of the above, the petition stands disposed of in terms of the statement made by learned Additional Advocate General, Haryana. The apprehension of the learned counsel for the petitioner for an alleged violation needs no consideration at this stage inasmuch as in the said eventuality the remedies available can always be invoked.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

25.10.2018

ravinder

Whether speaking/reasoned	√Yes/No
Whether reportable	Yes/No√