

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

242

**CWP-20881-2017
DATE OF DECISION: 18.01.2018.**

JAKIR

....Petitioner.

Versus

STATE OF HARYANA AND ORS.

...Respondents

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

Present: Ms. Rosi, Advocate for
Mr. M.D. Khan, Advocate
for the petitioner.

Mr. Sandeep Moudgil, Addl. A.G., Haryana
for respondents No.1 to 4.

Mr. Mohd. Arshad, Advocate for respondent No.5.

ANUPINDER SINGH GREWAL, J.

The petitioner has sought a direction to respondents No.1 to 4 to take legal action against respondent No.5 for illegally dumping waste in the Forest and Distributary of Nuh.

2. The petitioner is stated to be a resident of Village Kotla. It is alleged in the petition that respondent No.4 is dumping dung and meat of animals in the Forest and Distributary of Nuh.

3. In response to the issuance of notice, written statement had been filed on behalf of Haryana State Pollution Control Board-respondent No.2, wherein it is stated that the

Field Officer along with the petitioner and SDM, Nuh had inspected the site where the alleged dumping was taking place and it was found that there is neither any heap of waste, dung and bones as described in the petition nor any discharge of waste in the canal. It is further stated that the petitioner was also requested to show the place where the waste was allegedly dumped as reflected in the photographs attached to the petition but he was unable to specify any such place. The premises of respondent No.5 were also inspected and its effluent treatment plant was thoroughly checked, which indicated that the company recycles its waste water and uses the recycled water for horticulture within their campus.

4. This had been seriously controverted by the learned counsel for the petitioner and, therefore, the Division bench of this Court of which one of us (Ajay Kumar Mittal, J.) was a member, had on 12.12.2017 directed the Chief Judicial Magistrate, Nuh or any other officer to be appointed by the District Judge, Nuh to inspect the site along with Sub Divisional Magistrate, Nuh, Sub-Divisional Officer, Pollution Control Board, Nuh & the petitioner and submit a report to this Court.

5. The report of Additional Civil Judge(Senior Division) -cum-Chief Judicial Magistrate, Nuh dated 10.01.2018 has been received. It is mentioned in the report that the Judicial

Officer along with SDM, Nuh, SDO, Pollution Control Board, Nuh and the petitioner had inspected the site on 03.01.2018 (wrongly mentioned as 03.01.2017), which did not indicate any heap of bones, dung or waste. The petitioner was specifically asked to point out the spot which allegedly contained the waste but he had stated that everything had been cleaned up by the company. The statement of the petitioner is stated to have been duly recorded. The premises of respondent No.5 were also inspected which indicated that elaborated mechanisms were found in place for recycling the waste and there was no sign of any waste including bones or dung being released in the canal at the time of inspection.

6. In view of the above, especially the report of the Additional Civil Judge (Senior Division)-cum-Chief Judicial Magistrate, Nuh, no further directions are called for in the matter which stands disposed of.

(AJAY KUMAR MITTAL)
JUDGE

(ANUPINDER SINGH GREWAL)
JUDGE

18.01.2018
SwarnjitS

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No