

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 3094 of 2018

Mohd. Sirajuddin Ansari, Proprietor M/s Ansari Retrading Aged About 28 Years, S/o Mohd Salimuddin Ansari, R/o Behind Cooperative Bank, Ward No. 18, School Road, Manendragarh, District Koriya Chhattisgarh.

---- Petitioner

Versus

1. The State Of Chhattisgarh Through Its Principle Secretary, Department Of Housing And Environment, Mantralaya, Mahanadi Bhawan, Atal Nagar, District Raipur Chhattisgarh.
2. Chhattisgarh State Power Distribution Co. Ltd. Through Executive Engineer, Manendragarh, District Koriya Chhattisgarh.
3. Chhattisgarh Environment Protection Board, Through Its Regional Officer, Ambikapur, District Sarguja Chhattisgarh.
4. Municipal Council Through Its Chief Municipal Officer, Nagar Palika Manendragarh, District Koriya Chhattisgarh
5. Irfan Ahmed S/o Marhoom Abdul Wahid R/o Ward No. 18, Tahsil Manendragarh, District Koriya Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. Parag Kotecha, Advocate
For State	:	Mr. Sudeep Verma, Dy. G.A.
For Respective Respondents	:	Mr. Paras Mani Shriwas & Mr. Raja Sharma

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

16.04.2019

Heard

1. The present petition is filed for the following reliefs:

(1.1). To quash the order dated 06/10/2018 (Annexure P/8) and direct the respondent authority to continue with the supply of electricity to the Petitioner.

(1.2). To direct the respondent authority to consider the application of the Petitioner for grant of environment clearance.

(1.3). The Hon'ble Court may kindly be please to call the entire records of the present case.

(1.4). Any other relief which this Hon'ble Court deems fit and proper under the facts and circumstances of the case and in the interest of justice and cost of the petition may be awarded in favour of the petitioner and compensation for illegal harrasment may awarded to the petitioner.

2. An objection has been raised by the Respondent No. 2 i.e. Chhattisgarh State Power Distribution Co. Ltd that they have only complied with the direction which has been issued to them to disconnect the electricity under Section 37 of the Air (Prevention and Control of Pollution) Act, 1981 and Section 41 of the Water (Prevention and Control of Pollution) Act, 1974.

3. It is further submitted that if the main order of the Pollution Control Board has not been put to challenge, then this petition is not maintainable.

4. Perusal of the petition shows that no challenge has been made to the order by Chhattisgarh Environment Protection Board. Under the circumstances when no relief was claimed, the Electricity Board has only complied with the direction of the Environmental Board which is the main order. Therefore, no substantial relief can be granted.

5. The petitioner shall be at liberty to challenge the order passed by the Chhattisgarh Environment Protection Board, if so advised and take appropriate steps available to him under the Act of 1981 or Act of 1974.

6. With such observations, the petition stands disposed of.

Sd/-
(Goutam Bhaduri)
JUDGE