

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.4819 of 2019

Date of Decision :25.02.2019

Ajit Singh and another

.....Petitioners

Versus

State of Haryana and others

..... Respondents

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

Present : Mr. Lokesh Sharma, Advocate for the petitioners.

KRISHNA MURARI, CHIEF JUSTICE (Oral):

The petitioner pray for a mandamus commanding respondents No.1 to 3, to take suitable action against respondent No.4, for polluting the environment by releasing toxic and chemicals in the air while working/operating his unit/factory.

The petitioners are resident of village Shahpur Avval, Tehsil Narnaul, District Mohindergarh. The limited grievance that they have is that respondent No.4, has set up an industrial unit for manufacturing *guar gum* in a residential area without obtaining the necessary approvals and sanctions from the concerned authorities. The distance between the unit being run by respondent No.4 and the Government Senior Secondary School, Mandi, District Mohindergarh is less than 200 meters and likewise the Government Primary School, Mandi is situated at a distance of 300 meters, whereas the residential area falls within 500 meters of the factory premises of respondent No.4. It is submitted that the units emits pollutants that are highly hazardous and expose not only the humans but also the livestock to a grave risk.

Faced with the situation, learned counsel for the petitioners submits that the petitioners submitted a complaint dated 30.10.2018 (Annexure P-1) to the Deputy Commissioner, District Mohindergarh to take suitable action against respondent No.4, but to no avail. A similar complaint made to the SDO, Pollution Control Board, Daruhera, dated 30.10.2018 (Annexure P-2), also failed to evoke any response. Thus, it is urged that insensitivity of the respondents-authorities is writ large and owing to their inaction the residents of the area continue to suffer.

In the wake of the above and since the complaints, submitted by the petitioners are pending consideration, we rather deem it appropriate to dispose of the matter, at this stage, only with a direction to respondents No.1 to 3 to consider and deal with the grievance of the petitioners and pass appropriate orders in accordance with law upon their representations/complaints. Needless to assert that the authorities shall pass a comprehensive order, assigning reasons in support thereof, and of course, after affording an opportunity of hearing to all the stakeholders. It is clarified that this order shall not constitute any expression of opinion upon the merits of the case of either party.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

22.02.2019

Manoj Bhutani/Parkash

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