

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

CWP-17430-2019

Date of Decision: 29.08.2019

Satinder Kaur

... Petitioner

Versus

State of Punjab and others

...Respondents

CORAM : Hon'ble Mr. Justice Jitendra Chauhan

Present : Mr. P.S. Dhaliwal, Advocate
for the petitioner.

Mr. B.S. Sidhu, Advocate
for respondent No.7.

JITENDRA CHAUHAN.J.(ORAL)

Present writ petition is for issuance of directions to the respondents to remove the dumping area from the land of Panchayat which has later on come under the Municipal Council, Barnala, which is adjoining to the school and Gurudwara Sahib situated nearby and near to the *abadi* of the village.

Learned counsel for the petitioner refers to Annexure P-I whereby approval granted by the Punjab Pollution Control Board has lapsed.

Heard.

The site in question stands approved as reflected in CWP-15205-2016. A copy of the judgment passed in CWP-15205-2016, has also been placed on record, the operation part of which reads as under:-

“3. In the status report filed by the Environmental Engineer, Punjab Pollution Control Board, it is stated that in accordance with the provisions of Solid Waste Management Rules, 2016, the Municipal Council, Barnala (respondent No.6) was required to submit solid waste management plan to the State Government. As they had failed to submit a plan, a show cause notice was issued to the President and Executive Officer, Municipal Council, Barnala.

4. On 25.10.2017, when the matter had come up for hearing, the Executive Officer, Municipal Council, Barnala (respondent No.6) who was present in Court, had assured the Court that the garbage and the dead animals as shown in the photographs at Annexure P-2 and P-3 shall be removed. When the matter was taken up on 05.12.2017, the State counsel had submitted that the meeting of the District Level Committee will be held to identify and approve an alternative dump site. Learned State counsel has submitted that in the meeting of the District Level Committee held on 13.12.2017, dumping site located near Moga bye pass Barnala bearing Khasra No.560, Hadbast No.28 measuring 7 kanals has been identified and the Executive Officer, Municipal Council, Barnala shall apply for change of land use with competent authority as well as for authorization of site to the Punjab Pollution Control Board as per rules.

5. Learned counsel for respondent No.6 has further submitted that the alternative disposal site at Moga bye-pass road in the revenue estate of Handiaya-D, Tehsil and District Barnala has been approved. He has furnished a copy of the letter dated 28.03.2018 of authorization under Rule 16 of the Solid Waste Management Rules, 2016 on behalf of Member Secretary, PPCB, addressed to Executive Officer, Municipal Council, Barnala, approving the alternative

site, which is taken on record. Learned counsel has also submitted that the garbage is being dumped at the new site w.e.f. 01.04.2018 and the existing site shall be cleared of all garbage and waste material by 30.06.2018.

6. In view of the decision taken to set up an alternative dumping site and the assurance of the learned counsel for respondent No.6 that there is no dumping of waste material on the existing site, this petition has been rendered infructuous and stands disposed of accordingly.

7. It shall, however, be open to the petitioners to revive this petition, if the dumping of waste material persists on the existing site.”

Considering the fact that the judgment dated 03.04.2018, in CWP-15205-2016, was passed in public interest litigation, directing respondent No.7 to take all necessary permission from respondent No.5 to continue the operation on the site in question.

In view of the above, without advertng to the merits of the case, the present petition is dismissed. Needful be done in accordance with law expeditiously preferably within eight weeks from the receipt of the certified copy of the judgment.

29.08.2019

ps-I

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No