

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-8073-2014 (O&M)

Date of Decision: August 13, 2019

Harjinder Singh

... Petitioner

vs.

State of Punjab and Ors

.. Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : None.

ARUN MONGA, J.

Petitioner herein, *inter alia*, seeks issuance of a writ in the nature of mandamus directing the official respondents to stop/restrain the running of a Saw Mill i.e. M/s Gobind Saw Mill Beer Road, Jeewan Nagar, Kotkapura in District Faridkot (Punjab) which is stated to be run by respondent No.6 allegedly without any authorization/permit/license from the Government/State as the same creates nuisance and hazard to life and health of the general public.

2. In the return filed on behalf of respondents No. 1 and 4, it has been deposed in the affidavit that respondent No.6 (Bhupinder Singh) applied for grant of license vide application dated 19.09.2006 for running the Saw Mill. After thoroughly scrutinizing and verifying the authenticity of the particulars stated in the application alongwith the related documents appended thereto, a license No.341/FDK/2008-2009 dated 10.06.2008 (Annexure R-4/1) was granted to run the Mill with one 36" vertical band saw, 42" vertical band saw and one 42" horizontal band saw. The said license is stated to be valid up to 10.06.2018. It is further stated that the Saw

Mill is, therefore, being run by respondent No.6 in accordance with Rules and Regulations and under a valid license.

3. In the replication filed by the petitioner, the abovesaid specific averments qua grant of license have not been controverted by the petitioner

4. Respondent No.6 in his return has further produced on record other requisite permission/sanction as, more particularly, stated by him in Para 2 of his reply/affidavit in the following terms:

*“That in reply to para no.2 of the writ petition, it is submitted that M/s Gobind Saw Mill was originally set up by Gurcharan Singh father of the answering respondent and after his death, the same is being run by the answering respondent as its proprietor. Originally all documentation etc. with the concerned government departments was done by the father of the answering respondent and after his death, the answering respondent is dealing with the requisite departments. The licence dated 10.6.2008 **Annexure R-4/1** to establish/renew/expand/operatesaw mill/veneer/plywood industry as M/s Gobind Saw Mill, Beer Road, Jiwan Nagar, Kotkapura has already been granted to the petitioner by Divisional Forest Officer, Faridkot Forest Division, Faridkot. This licence is valid up to 10.6.2018. Further, Consent to Operate u/s 21 of Air (Prevention and Control of Pollution) Act, 1981 dated 4.11.2014, **Annexure R-6/1** has been granted to the answering respondent to operate M/s Gobind Saw Mill. Said consent has been renewed up to 30.9.2019 vide renewal letter dated 19.5.2015, **Annexure R-6/2**. Similarly, Consent to Operate u/s 25, 26 of Water (Prevention and Control of Pollution) Act, 1974 dated 4.11.2014, **Annexure R-6/3** has been granted to the answering respondent to operate M/s Gobind Saw Mill. Said consent has been renewed up to 30.9.2019 vide renewal*

letter dated 19.5.2015, Annexure R-6/4. The answering respondent has also been granted Licence No.27 for the year 2006-07, Licence No.31 for the year 2007-08, Licence No. 41 for the year 2010-11, Licence No. 33 for the year 2011-12, Licence No. 34 for the year 2012-13 and Licence No.50 for the year 2013-14 u/s 121 of the Punjab Municipal Act for operating the M/s Gobind Saw Mill. As such, answering respondent is dealing with various departments etc. in relation to M/s Gobind Saw Mill.”

5. In the replication filed by the petitioner, none of the aforesaid pleading has been controverted or denied.

6. Having gone through the pleadings and after perusal of the record appended thereto, I am of the opinion that the writ petition is devoid of any merit and the same is liable to be dismissed for the reasons stated hereinafter.

7. The prayer in the writ petition is based on the premise that the official respondents are allowing private respondent No.6 to run/operate the Saw Mill illegally without any authorization/permit/license from the competent authorities. However, as is borne out from the record appended with the return filed by official respondents as also by respondent No.6 that appropriate sanction/permission/ license have been granted to respondent No.6. Thus, the entire edifice of the writ petition in view thereof collapses. The petitioner has had the liberty to challenge the said permission/sanction, in the event, he so wished or was advised that the same have not been granted in accordance with law. Yet the same have never been challenged by him either by instituting any other collateral proceedings or even in the present writ proceedings.

8. There are many other allegations levelled in the writ petition which though have been threadbare dealt with by respondent No.6 as also by official respondents in the respective affidavits filed by them in response to the writ petition but I need not dwell on the same in view of the fact that scope of the writ petition is confined to seek *mandamus* on the ground that the Saw Mill is running/operating illegally without any sanction.

9. Accordingly, confining myself to the legality of running of the Saw Mill, I am of the view that the same is operating/running after having obtained the necessary sanction/permission. The writ petition is, therefore, dismissed being devoid of any merit. However, liberty is granted to the petitioner to take appropriate steps to challenge the permission/license granted to the petitioner, if so advised, by instituting appropriate proceedings, in accordance with law.

10 Any other pending civil miscellaneous application(s), if any, also stands disposed of.

11. Disposed of in above terms.

August 13, 2019
smriti

(ARUN MONGA)
JUDGE

Whether speaking/reasoned	: Yes/No
Whether Reportable	: Yes/No