

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (PIL) No. 110 of 2019**

Chhattisgarh Agricon Samati Raipur Through Its President Rajnish Awasthi,
Son of Late Shri Dr. R.N. Awasthi, Aged About 50 Years, R/o Progressive
Point, Lalpur, Raipur Chhattisgarh.

---- Petitioner**Versus**

1. State of Chhattisgarh Through The Chairman, Chhattisgarh Environment Conservation Board, Paryawas Bhavan, North Block, Sector 19, New Raipur, District Raipur Chhattisgarh.
2. Chhattisgarh Environment Conservation Board Paryawas Bhavan, North Block, Sector 19, New Raipur, District Raipur Chhattisgarh.
3. Union of India Through The Secretary, Ministry of Environment, Forest And Climate Change, Indira Paryawaran Bhavan, Jorbagh Road, New Delhi.

---- Respondents

For Petitioner : Shri Abhyuday Singh, Advocate.

For Respondent No.1 : Shri Gagan Tiwari, Deputy Government Advocate.

For Respondent No.2 : Shri Abhijeet Mishra, Advocate.

For Respondent No.3 : Shri B. Gopa Kumar, Assistant Solicitor General.

Hon'ble Shri P. R. Ramachandra Menon, Chief Justice

Hon'ble Shri Parth Prateem Sahu, Judge

Order on Board

P.R. Ramachandra Menon, Chief Justice

21.01.2020

1. This writ petition styled as a 'Public Interest Litigation' has been filed by the
Petitioner with the following prayers :

“10.1 The Hon'ble Court may kindly be pleased to issue an appropriate writ directing the respondent authorities to establish Common Treatment, Storage and Disposal Facility in the State at various places for environmentally sound disposal of waste.

10.2 The Hon'ble Court may kindly be pleased to direct the respondent authorities to abide by the order dated 29.05.2018.

10.3 The Hon'ble Court may kindly be pleased to direct the respondent authorities to take the future course of action of granting permits only after ascertaining the quantified data and on a need only

basis, so as to prevent the state from becoming a Junk's Yard of the nation.

10.4 Any other relief/order/direction/costs, which this Hon'ble Court may deem fit and proper may also be awarded in the interest of justice."

2. Heard Shri Abhyuday Singh, the learned counsel for the Petitioner, Shri Gagan Tiwari, the learned counsel representing the State, Shri Abhijeet Mishra, the learned counsel for the 2nd Respondent and Shri B. Gopa Kumar, the learned Assistant Solicitor General for the 3rd Respondent.
3. With reference to the pleadings and prayers, a reply has been filed by the 2nd Respondent pointing out the facts and figures, and in particular, that the role of the 2nd Respondent is regulatory in nature. It is also pointed out that the 1st Respondent, though shown as 'State of Chhattisgarh', virtually happens to be the very same Authority represented by the 2nd Respondent insofar as the environmental issues are concerned.
4. The 2nd Respondent also points out that it is the Chhattisgarh State Industrial Development Corporation (CSIDC), who is inviting tenders with regard to the various transactions mentioned in the writ petition. The Petitioner has not chosen to implead the CSIDC in the party array and hence, the writ petition is bad for non-joinder of necessary party. However, the learned counsel makes a specific reference to the contents of the reply as to the course and action proposed to be taken and are being taken by the 2nd Respondent in discharge of statutory duties.
5. The learned counsel for the Petitioner submits with reference to the 1st point raised in the writ petition that, it is on the basis of the 'apprehension' as put-forth by the Respondents and hence, it is not pressed much for the

time being; as pre-mature and insofar as proper remedial measures are being taken by the 2nd Respondent in this regard. The learned counsel submits that, with regard to the 2nd point, which is the main point, the 2nd Respondent has given its version in paragraph-7 of the reply and the Petitioner would be satisfied to have the matter disposed off accordingly. Paragraph-7 of the reply filed by the 2nd Respondent is in the following terms :

“7. It is humbly submitted that the respondent No.2 issued a Notification dated 29.05.2018 (Annexure P/3) under the apprehension of the State becoming a hazardous waste trading hub. As per Clause 1 of the aforesaid notification, respondent No.2 refused to grant the permission to those industries which are dependent on the import of hazardous waste from other states. Further as per Clause 2, if the industry is dependent on the domestic waste production, document to that effect of quantity of production of the waste to be disposed, has to be submitted with the respondent No.2 or else permission shall not be granted. The aforesaid provisions are self-elaborative to the effect that embargo is placed on setting up of industries who fails to produced quantified data of waste produced.”

6. In view of the assurance made by the 2nd Respondent with reference to the nature of duties to be performed by the said Respondent in terms of the relevant provisions of the statute, the submission of the learned counsel for the Petitioner that the matter can be closed accordingly is accepted.
7. The writ petition is disposed of in the above terms.

Sd/-

(P.R. Ramachandra Menon)
Chief Justice

Sd/-

(Parth Prateem Sahu)
Judge