

(PROCEEDINGS THROUGH VC)

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CWP No.17464 of 2020

Date of decision: October 16, 2020

Virpal Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE ASHOK KUMAR VERMA**

Present: Mr. Ferry Sofat, Advocate for the petitioner.

Augustine George Masih, J. (oral)

The grievance of the petitioner in the present writ petition, as highlighted, is that the husk of paddy fly from the Rice Sheller being run by respondent No.9, which is adjacent to the land of the petitioner, is coming on his fields causing damage to the crops. Referring to the order dated 15.10.2013, issued by the Secretary to Government of Punjab, Department of Science, Technology and Environment (Annexure P-9), it is asserted that as per clause 3 (vi) of the Guidelines for Handling, Transportation, Storage and Disposal of Ash from Husk Fired Boiler, the rice shelling unit and saila plants are required to close the shed/chamber from at least three sides and a roof, with access only from the front side for the purpose of removal of ash. These guidelines have not been followed by respondent No.9 leading to a situation where the husk flies with the air in the agricultural fields of the petitioner resulting in damage of his crop. Petitioner had been approaching

the Punjab Pollution Control Board time and again with various representations but without any result. Reference in this regard has been made to the representations dated 05.02.2020 (Annexure P-5) and 03.03.2020 (Annexure P-6) addressed to the Chairman, Punjab Pollution Control Board, Patiala with copy thereof to the Sub Divisional Magistrate, Nabha etc.

Counsel for the petitioner states that the petitioner at this stage would be satisfied if a direction is issued to the Punjab Pollution Control Board, Patiala- respondent No.2 to look into the grievance of the petitioner as has been highlighted by him in his representations dated 05.02.2020 and 03.03.2020, Annexures P-5 and P-6 respectively and take appropriate action in accordance with law, if required, against respondent No.9.

In view of above, without going into the merits of the case or commenting thereon, the present petition is disposed of with direction to the Chairman, Punjab Pollution Control Board- respondent No.2, to consider and take appropriate steps in accordance with law, if required, forthwith so that said situation does not arise not only relating to the petitioner but to the other agriculturists as well.

(AUGUSTINE GEORGE MASIH)
JUDGE

(ASHOK KUMAR VERMA)
JUDGE

October 16, 2020
'Rajpal'

Whether speaking / reasoned
Whether Reportable:

Yes / No
Yes / No