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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (PIL) No. 27 of 2021**

1. Umesh Kumar Singh, S/o Late Shiv Ratan Singh, aged about 55 years, R/o Aditya Lodge, Kargil Chowk, Post Sitapur, District Suguja (C.G.)
2. Yugal Kishore Chandra, S/o Shyam Sundar Chandra, aged about 36 years, R/o Dingapur, ITI, Rampur, District Korba (C.G.)

---- Petitioners**Versus**

1. Union of India, Through: The Secretary, Ministry of Environment, New Delhi.
2. State of Chhattisgarh, Through – The Secretary, Department of Environment, Mahanadi Bhawan, Mantralaya, Atal Nagar, Nawa Raipur, District Raipur (C.G.)
3. Central Pollution Control Board, Ministry of Environment, Forest and Climate Change, Government of India, Office at Parivesh Bhawan, East Arjun Nagar, New Delhi, Through: Its Chairman.
4. Chhattisgarh Environment Conservation Board, Through its Secretary, Paryavesh Bhawan, North Block Sector-19, Atal Nagar, Nawa Raipur, District Raipur (C.G.)
5. Collector, Korba, District Korba (C.G.)
6. Regional Officer, Chhattisgarh Environment Protection Division, Korba, District Korba (C.G.)
7. Bharat Aluminum Company Limited, Through: It's Chariman-cum-Managing Director, Balco, District Korba (C.G.)
8. Chief Executive Officer and Whole Time Director, Bharat Aluminum Company Limited, P.O. Balco, District Korba (C.G.)

---- Respondents

For Petitioners	:	Shri Punit Ruparel and Shri Rajiv Kumar Shrivastava, Advocates.
For Respondent No. 1	:	Shri Ramakant Mishra, Assistant Solicitor General.
For Respondents No. 2&5:		Shri S.C. Verma, Advocate General with Shri Sudeep Agrawal, Deputy Advocate General.
For Respondents No. 4&6 :		Shri Animesh Tiwari, Advocate.

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

Hon'ble Shri Justice Parth Prateem Sahu, Judge

Order on Board

Per P. R. Ramachandra Menon, Chief Justice

19.03.2021

1. The Petitioners have moved this Court with the following prayers:

“10.1 That, the Hon'ble Court may kindly be pleased to direct the respondent No. 7 & 8 to dispose of chemical waste hazardous substance as per the guidelines issued by the respondent authorities and not dump in open filed.

10.2 That, the Hon'ble Court may kindly be pleased to direct the respondent authorities to frame a committed and personally visit to the respondent company i.e. respondent No. 7 & 8 and submit report before the Hon'ble Court for final adjudication of the instant petition.

10.3 That, the Hon'ble Court may kindly pleased to direct the respondent No. 7 & 8 to pay compensation to the affected family or persons who are badly affected (disabled).

10.4 That, the Hon'ble Court may kindly be pleased to direct the respondent authorities i.e. the respondent No. 1 to 6 to take action on the complaint of petitioners for the purpose of removal of hazardous substance (chemical waste) from the open field and village Lalghat and all nearby places.

10.5 Any other relief, which may deem fit and proper in the circumstances of the case, in the interest of justice.”

2. When the matter is taken up for consideration, the learned counsel for the Petitioners submits that the public cause projected in the writ petition has already been explained in Annexure P/4 representation, which is pending consideration before the Respondent No. 5. The learned submits that the Petitioners would be satisfied, if a direction is given to the 5th Respondent to have it considered and finalized on merits within a reasonable time.

3. In the said circumstance, we do not find it necessary to go into the merits of the case. The writ petition is disposed off directing the 5th Respondent to consider Annexure P/4 and pass appropriate orders in accordance with law; after affording an opportunity of hearing to the Petitioners and other interested parties including the private Respondents, as expeditiously as possible, at any rate within 'three months' from the date of receipt of a copy of this judgment.
4. The Petitioners are directed to produce a copy of the judgment alongwith a copy of the writ petition before the 5th Respondent for further steps.

Sd/-

(P. R. Ramachandra Menon)
Chief Justice

Sd/-

(Parth Prateem Sahu)
Judge