

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

**CWP-9627-2021 (O&M)
Date of decision : 11.05.2021**

KAMAL GUPTA

...PETITIONER

Versus

STATE OF HARYANA AND ORS

...RESPONDENTS

**CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN
HON'BLE MR. JUSTICE VIVEK PURI**

Present: Mr. Shivam Grover, Advocate
for the petitioner.

Mr. Vivek Saini, Additional Advocate General, Haryana
for respondent Nos.1 to 4.

JITENDRA CHAUHAN J. (ORAL)

The matter has been taken up through video-conferencing in the light of the pandemic COVID-19 situation and as per instructions.

This Civil writ petition under Article 226 of the Constitution of India has been filed for issuance of a writ in the nature of mandamus for directing respondent Nos. 1 to 4 to stop the construction of Poultry Farm by respondent Nos. 5 and 6 in violation of various environmental Guidelines given vide Government Order dated 27.05.2013 (Annexure P-3).

States that the report furnished by the Regional Officer of respondent No. 3 is not as per the existing position on the spot and the

petitioner as well as other residents of the area were not joined at the time of visit/inspection. Learned counsel for the petitioner further states that at this stage he would be satisfied, if a direction is issued to respondent No. 4- Deputy Commissioner Karnal, to decide the representation dated 08.03.2021 (Annexure P-5) expeditiously.

Learned State counsel on instructions from Regional Officer, Haryana State Pollution Control Board, Karnal Region submits that on 10.05.2021 the field officer was directed to visit the site and submit report. The field officer reported that there were neither houses/residences nor any major water body in the proximity of the farm and proposes that for proper verification/parameters as per Environment Department, Haryana notification on poultry farms dated 27.05.2013, the verification of site parameters may be conducted through concerned Tehsildar and also from District Town and Country Planner, Karnal. For a detailed verification of the poultry farm, communications have been written to the concerned Tehsildar, Karnal and District Town and Country Planner, Karnal vide letter Nos. HSPCB/KAR/2021/558 and HSPCB/KAR/2021/557 dated 10.05.2021 respectively asking them to check and verify whether the above mentioned poultry farm is fulfilling the norms pertaining to their respective Departments.

However, to accord finality to the matter, in the larger interest of residents and to ensure that the poultry farm being raised is in conformity with the guidelines prescribed by the State authorities, without adverting to

the merits of the case, we dispose of the present petition with a direction to respondent No. 4-Deputy Commissioner Karnal, to consider the grouse of the petitioner after affording opportunity of hearing to him within eight weeks from the receipt of the certified copy of the order and ensure that no violation is carried out in the area under his/her jurisdiction. In case, the assertions raised by the petitioner are found to be against the record during inspection, the petitioner shall pay costs of litigation, which is quantified as Rs. 25,000/- to be deposited with District Legal Services Authority, Karnal within eight weeks of the said inspection.

(JITENDRA CHAUHAN)
JUDGE

(VIVEK PURI)
JUDGE

11.05.2021

jyoti-II

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