

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 13996 of 2021 (O&M)

Date of decision:- 29.07.2021

Sukhwinder Singh and others

.....Petitioners

Versus

State of Punjab and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE RAVI SHANKER JHA, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI, JUDGE.**

Present:- Mr. D.S.Patwalia, Sr. Advocate with
Mr. Gaurav Rana, Advocate and
Mr. Rubal Garg, Advocate, for the petitioners.
Mr. Pankaj Gupta, Addl. Advocate General, Punjab.
(The aforesaid presence is being recorded through video conferencing since the
proceedings are being conducted in virtual Court).

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RAVI SHANKER JHA, CHIEF JUSTICE (oral)

This petition has been filed by the petitioner against the act of respondent No.2-Municipal Council, Faridkot whereby it is using the land adjacent to the village and the residential and other areas as a garbage dump.

Learned senior counsel for the petitioners submits that the procedure and the rules governing the selection of site for garbage dumping has not been followed by the municipal authorities. He has further stated that on information being sought from the Sub Divisional Magistrate, Faridkot, he has informed the petitioner by his letter dated 17.05.2021 that he has not passed any order or designated the area in question as a dumping site.

Learned senior counsel for the petitioners pointed out that infact the authorities are forcing the residents of the area to permit them to use the area in question as a dumping ground and have registered FIRs against them with a view to threaten them for taking further action in the matter. He further pointed out that the resolution dated 13.07.2021 (Annexure P-15) passed in the general meeting of Gram Sabha, Sikhawala objecting to and protesting against the act of the respondents, has also not been considered by the authorities concerned. He submits that the entire action of the respondent-authorities is contrary to the law and the authorities are illegally trying to use the area in question as a dumping site though an alternative approved dumping site is already existing in the area in question.

Learned Additional Advocate General appearing for the respondent-State of Punjab, who is also directed to accept notice on behalf

of Municipal Council, Faridkot, on advance copy submits that the petitioners

have not filed a representation before any of the authorities or Municipal Council, Faridkot but they have only made a representation before the authorities of Punjab Pollution Control Board. He further submits that the authorities in question shall consider all the grievances of the petitioners in accordance with law and also follow the rules and law in this regard before taking any further steps in the matter provided the petitioners approach the respondent-authorities by filing a proper representation. He submits that the authorities, if so required, will also grant hearing to the petitioners.

On this, in view of the aforesaid statement made by learned Additional Advocate General, Punjab, learned senior counsel for the petitioners submits that the petitioners shall immediately approach the authorities of the Municipal Council, Faridkot as well as Deputy Commissioner, Faridkot by filing a representation.

In view of the aforesaid statements made by learned counsel for the parties, the petition is disposed of with an observation and direction that in case the petitioners approach the competent respondent-authorities within a period of one week, the authorities concerned shall thereafter proceed further in the matter within a period of four weeks after giving due opportunity of hearing to the petitioners and take up further steps to take a decision in accordance with the statement made by learned Additional Advocate General, Punjab before this Court, which is taken on record and treated as a part of this petition.

It is made clear that this Court has not expressed any opinion on the merits of the case and therefore, the respondent-authorities would be at liberty to examine the matter keeping all facts and facets into consideration and thereafter accept or reject the same in accordance with law.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

29.07.2021
ravinder

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No