

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

**CWP-PIL No.169 of 2019 (O&M)
Date of Decision :02.03.2022**

Abhiraj Pratap Singh

.....Petitioner

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. A.S.Walia, Advocate for the petitioner.
Mr. Avineet Avasthi, AAG, Punjab.

RAVI SHANKER JHA, CHIEF JUSTICE (Oral):

This petition has been filed by the petitioner praying for a direction to the respondents-authorities to remove the garbage dump from Bhai Chattar Singh Park, Model Town Ludhiana and under the Bus Stand flyover to some other site. Respondent No.2 Municipal Corporation, Ludhiana has filed a reply in which it is clearly stated on affidavit that neither any garbage dump exists at the site stated in the petition nor there is any proposal to construct a garbage dump at the said site. Respondent No.2 in his affidavit has clarified that presently the city garbage is dumped at two designated sites situated at village Jainpur and Tajpur.

Learned counsel for the petitioner does not dispute the aforesaid factual assertions made by the Municipal Corporation, Ludhiana, that no garbage dump has been constructed or is proposed at the site in question. He further submits that the respondents are compacting the garbage in the park which is contrary to the law.

However, it is observed that respondents No.1 and 3 have filed a reply along with the order dated 08.09.2020, passed by NGT in Original Application No.191/2020, wherein the site and location for compacting of garbage has been approved. In the circumstances, and as there is no challenge to the order of NGT in the present petition, second issue raised by the petitioner also does not survive for adjudication.

Learned counsel for the petitioner however, submits that the respondents may take steps in future to take over the entire park for the purposes of garbage assimilation or compaction which would be contrary to the orders passed by the NGT. We are of the considered opinion that the petition in respect of such an issue cannot be entertained, at this stage, as the petitioner would be at liberty to take up this issue in future, in case, the authorities violate the statements made by them before this Court on affidavit or the order passed by the NGT.

In view of the aforesaid statements and by making the aforesaid observations, the petition stands disposed of.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

02.03.2022

Manoj Bhutani

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