

2023:PHHC:139152

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

211

CWP-17880-2018
Date of decision:31.10.2023

MALKIT SINGH

....PETITIONER

VS

DEPUTY COMMISSIONER BARNALA AND ORSRESPONDENTS

CORAM : HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Nitin Meel, Advocate
for the petitioner.

Mr. Sanjeev Soni, Addl. AG, Punjab.

Mr. Surveer Sheokand, Advocate
for respondent Nos. 3 and 4.

Mr. Ashok Goel, Advocate
for respondent No.5.

HARPREET SINGH BRAR, J. (Oral)

The petitioner in the present petition has approached this Court for issuance of a writ in the nature of mandamus directing the respondents not to allow the private respondents from constructing the poultry farm against the policy formulated by the Punjab Pollution Control Board.

Learned counsel for respondents No. 3 and 4 at the outset contends that the order has been passed on 30.10.2023 under Section 33-A of the Water (Prevention & Control of Pollution) Act, 1974 as amended in 1988 and under Section 31-A of the Air (Prevention & Control of Pollution) Act, 1981.

The perusal of the order dated 30.10.2023 indicates that Central Pollution Control Board has framed the guidelines for establishment of poultry farms vide letter No.B-4032/PCI-SSI/Poultry /2015/13165 dated 20.10.2015. The poultry farm owned by respondent No.5 had not been complying with the said guidelines as such show cause notice for violation of the Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981 was issued on 22.01.2019. After providing the personal hearing to respondent No.5 by the Chief Environmental Engineer of the Board, he was directed to comply with said guidelines prescribed by the Central Pollution Control Board dated 20.10.2015 and he was also advised to follow standard operating procedures. Respondent No.5, pursuant to the aforesaid directions dated 30.01.2019, has not submitted any compliance report and finally the poultry farm was found not complying with the siting guidelines issued by Central Pollution Control Board and after due consideration by the Competent Authority it was decided that it is fit case for closure of the unit. Thereafter, the Chairman, Punjab Pollution Control Board, in exercise of the powers conferred upon under Section 33-A of the Water (Prevention & Control of Pollution) Act, 1974 as amended in 1988 has issued directions as under:

“1. The poultry farm to take all necessary steps to close down its operation and stop forthwith discharging any effluents/wastewater onto land for stagnation/inland surface water/irrigation or through any mode.

- 2. *The poultry farm shall immediately stop its operation/activities and will not restart the same unless all necessary water pollution control measures are taken as per guidelines of Central Pollution Control Board as well as Punjab Pollution Control Board.*
- 3. *The poultry farm shall not restart discharging the wastewater until it obtain ‘consents to operate’ under the Water (Prevention & Control of Pollution) Act, 1974.*
- 4. *The Punjab State Power Corporation Limited authorities is directed to disconnect the supply of electricity available to the poultry farm.”*

The copy of directions issued vide letter No.3954 dated 30.10.2023 has been taken on record and a copy of the same has also been supplied to the learned counsel for the parties.

In view of above, the grievance raised by the petitioner in the present petition has already been redressed, as such the present petition has become infructuous. However, respondent No.5 seeks liberty to challenge the directions issued by respondent Nos. 3 and 4, in accordance with law.

Disposed of as having been rendered infructuous with liberty aforesaid.

(HARPREET SINGH BRAR)
JUDGE

31.10.2023
pry

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