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

**CRR NO. 2567 OF 2019 (O&M)
DATE OF DECISION: 04.10.2023**

Karta Vikram Singh**...Petitioner****Versus****Haryana State Industrial & Infrastructure Development
Corporation Limited and others****...Respondents****CORAM : HON'BLE MR. JUSTICE ARUN MONGA**

Present : Petitioner in person.

None for respondents No.1 and 3.

Mr. P.K. Dwivedi, Advocate for respondent No.6.

ARUN MONGA, J. (ORAL)**CRM-30581-2019**

For the reasons stated in application, same is allowed and delay of 31 days in re-filing instant revision petition is condoned, subject to all just exceptions.

MAIN CASE

Instant revision petition has been filed by the complainant against impugned order dated 27.05.2019 passed by learned Presiding Officer, Special Environment Court, Kurukshetra, whereby application filed by the petitioner for impleadment as intervener in a complaint case bearing No.1/19 titled as "Haryana State Pollution Control Board Versus Haryana State Industrial and Infrastructure Development Corporation and others" (for short "HSIIDC"), was dismissed.

2. Succinct facts first, as pleaded in the instant petition.

2.1 Allegedly, HSIIDC started development of industrial sector in Sector-37, Karnal without obtaining necessary permission/clearance from the Ministry of Environment and Forest as per procedure laid down which is in violation of notification under Sections 15 and 16 of the Environment Protection Act, 1986 (for short 'the Act'). As a public spirited person, complaint was filed by the petitioner against HSIIDC under Section 203 of Code of Criminal Procedure, 1973. He led pre-charge evidence, pursuant thereto Haryana State Pollution Control Board was directed to conduct site inspection of Sector-37, Karnal and give its report. As per report, it was found that there is violation of Section 15 of the Act. Resultantly, HSIIDC was directed to file a separate complaint. Petitioner was further directed by learned Special Environment Court, Kurukshetra to withdraw his complaint.

2.2 Petitioner filed application seeking his impleadment as per Section 2 (wa), 302, 314 of Cr.P.C, which was dismissed vide order dated 27.05.2019, impugned herein. Hence, the instant revision petition.

3. Learned counsel for respondent No.6 appears and opposes the instant revision petition.

4. Neither anyone appears on behalf of respondents No.1 and 3 nor any reply has been filed on their behalf, which is deemingly suggestive that they have no objection of the instant petition being allowed.

5. Given the nature of order being passed, service upon remaining respondents No.2, 4 and 5 is dispensed with, at this stage.

6. I have heard the petitioner in person and have perused the case file.

7. Petitioner, who is present in person, relies on Section 19(b) of the Environment Protection Act, 1986 (hereinafter referred to as "the Act") and argues that any person who is a citizen of the country is entitled to pursue his cause.

7.1 For ready reference, relevant extract of Section 19 (b) of the Act is reproduced herein below:

“19. Cognizance of offences – No Court shall take cognizance of any offence under this Act except on a complaint made by –

Xxx

(b) any person who has given notice of not less than sixty days, in the manner prescribed, of the alleged offence and of his intention to make a complaint, to the Central Government or the authority or office authorized as aforesaid.”

7.2. Afore Section also provides to give notice of the complaint of not less than 60 days of the alleged offence to the erring officials. Petitioner states that even though he earlier gave notices qua offences which are alleged to have been committed under the Act, *ibid*, but in order to obviate any possibility of said notice not having been received, he would issue fresh notice and seek his remedy afresh under 19(b) of the Act.

8. Being so, the petitioner is granted liberty to file a complaint in his personal capacity as per Section 19 (b) of the Act and same would be entertained in accordance with law by the Court below. It is also made clear that if any such is complaint is filed, in order to obviate any contradictory findings, the same shall be heard along with complaint already filed by HSIIDC.

10. Disposed of in above terms.

11. Pending application(s), if any, shall also stand disposed of.

OCTOBER 04, 2023
Shalini

(ARUN MONGA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No