

**CWP-7540-2022 (O&M)**

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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CWP-7540-2022 (O&M)**

Date of decision: 03.09.2024

Kamdhenu Gaushala Seva Sadan

...Petitioner

Versus

State of Haryana and others

..Respondents

**CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MR. JUSTICE ANIL KSHETARPAL**

Present:- Mr. A.S.Salar, Advocate for the petitioner

Mr. Ankur Mittal, Addl. AG, Haryana

Mr. Aman Bahri, Advocate for respondent no.3

Mr. Deepak Balyan, Advocate for
respondent-M.C. Kalka**ANIL KSHETARPAL, JUDGE**

1. By filing this writ petition, the petitioner-Gaushala prays for direction to the respondents not to start dumping any garbage for manufacture of compost or for any purpose, in a piece of land adjoining to it, near Kaushalya Dam and river, Pinjore. Originally, the Haryana Pollution Control Board as well as the Municipal Council, Kalka filed their written statements deposing that as per the Solid Waste Management Rules, 2016, efforts are being made to manage



approximately 68 tons of daily collected solid waste from the residents of Kalka and Pinjore and the land in dispute is only being used for secondary transportation point and the disputed site is neither being used for dumping or segregation of solid waste nor there is any plan to manufacture compost at the disputed site.

2. During the course of hearing, an affidavit of Commissioner and Secretary to Govt. of Haryana, Urban Local Bodies Department has also been filed disclosing that at present the solid waste collected from Kalka, Pinjore and Panchkula is transported to Patvi, Ambala for further processing and disposal into different fractions because in the area of Pinjore and Municipal Council, Kalka most of the land, which was identified for setting up a Solid Waste Management Plant falls in Nall/Choui or near river Bank. Some garbage is also being processed in District Yamunanagar. It has also been disclosed that National Green Tribunal (hereinafter referred to as 'NGT') is also seized of the matter as OA No.4 of 2022 titled as 'Sanjay Kumar vs. Union of India and others' is pending before it and the 'action taken report' has already been submitted by the Municipal Corporation, Panchkula.

3. Keeping in view the aforesaid developments, the writ petition is disposed of while directing the respondents not to store solid waste at the site adjoining the petitioner- Gaushala near Kaushyla Dam and river. Efforts should also be made to expeditiously transport the garbage already lying at the site. The petitioner, if so advised, may file an intervention application in the matter i.e OA No.4 of 2022 titled as 'Sanjay Kumar vs. Union of India and others' pending before NGT, as



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primarily the concern of the petitioner is with respect to environment and the NGT, which consists of experts in the said field, is in better position to pass appropriate directions, in accordance with law.

(ANIL KSHETARPAL)
JUDGE
03.09.2024

(SHEEL NAGU)
CHIEF JUSTICE

rekha
Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No