

CWP-10364-2024

-1-

(123) **IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-10364-2024

Date of decision : 06.05.2024

Beant Singh and another

.....Petitioners

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE G.S. SANDHAWALIA, ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Vishal Sharma (Vasudeva), Advocate, for the petitioners.
Mr. Saurav Khurana, Addl. Advocate General, Punjab.

G.S. SANDHAWALIA, ACTING CHIEF JUSTICE (Oral)

1. The petitioners are seeking a direction to the Sub Divisional Officer, Batala (respondent No.5) to take action on their application dated 13.12.2023 (Annexure P-4). The prayer is based on the provisions of the Water (Prevention and Control of Pollution) Act, 1974, on the ground that there is illegal construction of poultry farm by respondents No.6 and 7. A further prayer has also been made to direct the Deputy Commissioner, Gurdaspur; and the Sub Divisional Magistrate, Batala (respondents No.2 and 3) to decide the respective application/complaint, which are pending in their offices.

2. Notice of motion.

3. Mr. Saurav Khurana, learned Additional Advocate General, Punjab, on the strength of advance copy, accepts notice on behalf of the official respondents.

4. Learned State counsel has pointed out that in the month of January, 2024, a civil suit for permanent injunction has also been filed by one Kulwant Singh, against the said private respondents, for restraining them from changing the existing nature of the joint suit property. Copy of the said civil

suit has been annexed with the petition as Annexure P-1. It is also stated that a complaint under Section 133 Cr.P.C. dated 20.10.2023 (Annexure P-2) has also been filed before respondent No.3 by residents of village Sodhpur.

5. Apparently, applications dated 12.12.2023 and 13.12.2023 (Annexure P-3 and P-4) have also been filed by the Sarpanch, Gram Panchayat, Village Sodhpur, even before the Sub Divisional Officer, Punjab State Power Corporation Limited, Batala (respondent No.4) and the Sub Divisional Officer, Pollution Control Board, Batala (respondent No.5). It has also been brought to the notice of respondent No.2 by filing an application (Annexure P-5).

6. In such circumstances, without going into the merits of the case, we are of the considered opinion that it will be appropriate if respondent No.3 decides the complaint under Section 133 Cr.P.C. (Annexure P-2), after issuing appropriate notice to the private respondents in accordance with law, after following all prescribed procedures, so that the principles of natural justice are not violated and they are also heard before any order is passed, either way.

7. The said exercise by respondent No.3 be conducted expeditiously preferably within a period of three months from the date of receipt of a certified copy of this order.

8. Petition is, accordingly, disposed of.

(G.S. SANDHAWALIA)
ACTING CHIEF JUSTICE

(VIKAS BAHL)
JUDGE

May 06, 2024
ndj

Whether speaking/reasoned	Yes
Whether reportable	No