



210 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

1.CWP-20619-2019 (O&M)

Vishal Mahajan and others
....Petitioners
Versus

Union of India and others
..Respondents

2.CWP-4590-2020 (O&M)

Gauravdeep Singh and others
....Petitioners
Versus

Union of India and others
..Respondents

Date of decision: 02.09.2024

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

Present:- Mr. Vikas Bali, Advocate for the petitioners
in CWP-20619-2019

Mr. Vishal Aggarwal, Advocate for the petitioners
in CWP-4590-2020

Mr. Saurav Khurana, Addl. AG, Punjab

Ms. Monica Chibber Sharma, Advocate for
respondent no.4 and 5

SHEEL NAGU, CHIEF JUSTICE (Oral)

1. These present writ petitions have been filed by the residents of different localities, falling within the territorial jurisdiction of the Municipal Corporation, Jalandhar, complaining that Municipal waste is being dumped and collected at the land adjacent to their residential area



for preparation of manure without complying with the Solid Waste Management Rules, 2016 framed under the Environment (Protection) Act, 1986.

2. Civil Writ Petition No.20619-2019 was filed in the year 2019. While taking cognizance of the matter, this Court vide interlocutory order dated 23.09.2019 restrained the Municipal Corporation, Jalandhar from constructing composting centre. The writ petitions have been pending since then and when the same were taken up today, this Court is of the considered view that grievance raised herein essentially involves non-compliance of the Solid Waste Management Rules framed under the Environment Act, therefore, the issue relates to jurisdiction of the National Green Tribunal (hereinafter referred to as 'Tribunal') in accordance with the Schedule and Section 14 of the National Green Tribunal Act, 2010.

3. Since the Tribunal specially constituted for the purpose of adjudicating any dispute arising due to violation of any provision of Environment Act and the dispute raised herein falls squarely within the jurisdiction of the Tribunal, it would be appropriate that the petitioner is extended liberty to approach Tribunal. The interim order dated 23.09.2019 passed in CWP-20619-2019 shall continue to be in operation for a period of 30 days from today or till original application is filed by the petitioner before the NGT, whichever is earlier.

4. The Tribunal shall be free to decide the question of admission as well as requirement to pass interim order or not on its own volition, without being influenced by the pendency of these petitions



and also passing of the interim order dated 23.09.2019 in CWP-20619-2019 by this Court.

5. Accordingly, the writ petitions stand disposed of.

(SHEEL NAGU)
CHIEF JUSTICE

(ANIL KSHETARPAL)
JUDGE

02.09.2024

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No