



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP-22196-2024
Date of decision: 04.09.2024

GURTEJ SINGH AND OTHERS ..Petitioners

Versus

STATE OF PUNJAB AND OTHERS ..Respondents

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

Present: Mr. Narinder Mann, Advocate
for the petitioner.

Ms. Harpriya Khaneka, DAG, Punjab.

* * * *

SHEEL NAGU, C.J. (Oral)

1. The present petition has been filed by the residents of Village Akhara, Tehsil Jagraon, District Ludhiana.
2. Aggrieved by the consent given vide Annexure P-5 by the Punjab Pollution Control Board to respondent No.8, granting Consent to Establish (NOC) for setting up an industrial Unit/CBG Plant based on animal waste (dairy farms, poultry farms and other animal waste) under Section 25 of the Water (Prevention and Control of Pollution) Act, 1974 (in short '1974 Act') and Section 21 of the Air (Prevention and Control of Pollution) Act, 1981 (in short '1981 Act').
3. Learned counsel for the petitioners does not dispute that Section 28 of the 1974 Act makes available the remedy of an appeal, which can be availed by the petitioner since the petitioners fall in the category of aggrieved persons. The remedy is before the Government.



4. In view of above, this Court while declining interference on merits of the matter, which essentially pertains to adverse effect to the environment, which is the exclusive domain of the State Government as Appellate Authority and thereafter, the National Green Tribunal in view of Section 33B of the 1974 Act.

5. Accordingly, this Court disposes of the present petition without entering into merits of the case while directing that in case the petitioner prefers an appeal under Section 28 of 1974 Act before the State Government within a period of 30 days from today then the same shall be considered and decided on merits without being dismissed on limitation.

(SHEEL NAGU)
CHIEF JUSTICE

(ANIL KSHETARPAL)
JUDGE

September 04th, 2024
Ay

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No