



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

1. CWP-28580-2023 (O&M)

M/s Denim Craze	Petitioner
Versus	
State of Haryana and others	..Respondents

2. CWP-28598-2023 (O&M)

M/s M.K.Dyeing	Petitioner
Versus	
State of Haryana and others	..Respondents

3. CWP-28596-2023 (O&M)

M/s Vihaan Textiles Pvt.Ltd.	Petitioner
Versus	
State of Haryana and others	..Respondents

4. CWP-27828-2023 (O&M)

M/s Shade X Creations	Petitioner
Versus	
State of Haryana and others	..Respondents

5. CWP-27827-2023 (O&M)

Modern Dyeing Pvt. Ltd.	Petitioner
Versus	
State of Haryana and others	..Respondents

6. CWP-27823-2023 (O&M)

Tabi Creations Pvt. Ltd.	Petitioner
Versus	
State of Haryana and others	..Respondents



7. CWP-28601-2023 (O&M)

M/s New Garment
.....Petitioner
Versus
State of Haryana and others
..Respondents

8. CWP-28958-2023 (O&M)

M/s Jyoti Dhaga Udyog Pvt. Ltd.
.....Petitioner
Versus
State of Haryana and others
..Respondents

9. CWP-20417-2023 (O&M)

Goodrich Carbohydrates Ltd.
.....Petitioner
Versus
State of Haryana and another
..Respondents

10. CWP-28997-2023 (O&M)

M/s Sidhy Vinayak Apparels Pvt. Ltd.
.....Petitioner
Versus
State of Haryana and others
..Respondents

11. CWP-28971-2023 (O&M)

M/s Shree Sidhi Vinayak Tex Colours Pvt. Ltd.
.....Petitioner
Versus
State of Haryana and others
..Respondents

12. CWP-28962-2023 (O&M)

M/s Colour Zone
.....Petitioner
Versus
State of Haryana and others
..Respondents



13. CWP-28951-2023 (O&M)

M/s Spectrum Washing Pvt. Ltd.

....Petitioner

Versus

State of Haryana and others

..Respondents

14. CWP-28912-2023 (O&M)

M/s Fine Dyeing Pvt. Ltd.

....Petitioner

Versus

State of Haryana and others

..Respondents

15. CWP-28877-2023 (O&M)

M/s Generous Textiles Pvt.Ltd.

....Petitioner

Versus

State of Haryana and others

..Respondents

16. CWP-28874-2023 (O&M)

M/s Anand Knit

....Petitioner

Versus

State of Haryana and others

..Respondents

17. CWP-29035-2023 (O&M)

M/s Nutex Knit Fab

....Petitioner

Versus

State of Haryana and others

..Respondents

18. CWP-29032-2023 (O&M)

M/s Sonu Enterprises

....Petitioner

Versus

State of Haryana and others

..Respondents



19. CWP-157-2024 (O&M)

Addiago Knit Creations Pvt. Ltd.

....Petitioner

Versus

State of Haryana and others

..Respondents

20. CWP-1123-2024 (O&M)

M.S.Creation

....Petitioner

Versus

State of Haryana and others

..Respondents

21. CWP-1125-2024 (O&M)

Denimo Design Washing Pvt. Ltd.

....Petitioner

Versus

State of Haryana and others

..Respondents

22. CWP-1147-2024 (O&M)

M/s Shivam Enterprises

....Petitioner

Versus

State of Haryana and others

..Respondents

23. CWP-1149-2024 (O&M)

M/s Denim Art

....Petitioner

Versus

State of Haryana and others

..Respondents

24. CWP-1164-2024 (O&M)

M/s Supreme Fashions

....Petitioner

Versus

State of Haryana and others

..Respondents

Date of decision: 27.09.2024



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

Present:- Mr. V.K.Jindal, Senior Advocate
with Mr. Akshay Jindal, Advocate
Mr. Kshitij Sharma, Advocate
Mr. Pankaj Gautam, Advocate for the petitioners
in CWP-28580, 28596, 28598, 28601, 28874, 28877,
28912, 28951, 28958, 28962, 28971, 28997, 29032, 29035
of 2023

Mr. Neeraj Sharma, Advocate
for the petitioners in CWP-20417-2023

Mr. Baltej Singh Sidhu, Senior Advocate
with Mr. Chandan Singh, Advocate
for the petitioners in CWP-157-2024, 27823, 27827 &
27828 of 2023

Mr. Vikram Singh, Advocate
and Ms. Tusharika Sharma, Advocate
for petitioners in CWP-1123, 1125, 1147 and 1149
of 2024

Mr. Deepak Balyan, Addl. AG, Haryana

ANIL KSHETARPAL, JUDGE

1. With the consent of the learned counsel for the parties, a batch of aforesaid 24 writ petitions is being disposed of by this common order.

2. In these writ petitions, the petitioners are primarily seeking a writ of Certiorari to quash the impugned show cause notices issued on 08.11.2023 by the Deputy Commisioner, Sonapat. In some of these writ petitions, the constitutional validity of provisions of the Haryana Water Resources (Conservation, Regulation and Management) Authority Act, 2020 (hereinafter referred to as '2020 Act') has also been challenged.

3. Though the learned senior counsels representing the petitioners started with challenge to the provisions of the 2020 Act,



however, when their attention was drawn to difference between Entry no.56 of Union List (List I) and Entry no.17 of List II of 7th Schedule attached to the Constitution of India, challenge to the constitutional validity of the said provision was not further pressed. Hence, this Bench does not wish to further examine the matter.

4. From the reading of show cause notice issued on 08.11.2023, it is evident that 15 days period was granted to the petitioners to submit reply that “why environmental compensation, as assessed, may not be imposed on the unit in compliance with National Green Tribunal’s order passed on 29.11.2023 in OA No.32 of 2020.” Learned counsel representing the petitioners were confronted with availability of various remedies including filing reply to show cause notice and thereafter, filing an appeal once the competent authority passes an order. They do not dispute the aforesaid position.

5. The Constitutional Courts have been adopting self imposed rule of not entertaining a writ petition, particularly when equally efficacious remedy is available. A three Judge Bench of the Apex Court in **Harbans Lal Singhania vs. Indian Oil Corporation 2003 (2) SCC 107** carved out the following three exceptions:-

- i) If the writ petition is for enforcement of fundamental rights.
- ii) The principles of natural justice have been violated.
- iii) The impugned orders are wholly without jurisdiction.

6. Similar view was expressed in **State of Himachal Pradesh vs. Gujarat Ambuja Cement Limited, 2005 (6) SCC 499** and **Ram and Shyam Company vs. State of Haryana, 1985 (3) SCC 267.**



7. The Haryana Water Resources Authority (HWRA) on 13.10.2023 authorized the Deputy Commissioner, Sonipat to implement notification dated 17.03.2022 and order dated 29.11.2022. The petitioners do not dispute the existence of such authorization. In this case, the petitioners are neither seeking enforcement of fundamental rights nor they claim that show cause notice has been issued by the authority who is not competent/authorised. Once a show cause notice has been issued, the principles of natural justice are being followed.

8. Learned State counsel has very fairly submitted that the appropriate competent authority will pass speaking orders, after granting hearing to the notices, within one month and till then no coercive steps would be taken against the petitioners.

9. In view of the aforesaid position, the petitioners are relegated to alternative remedy, particularly when it is not alleged that such remedy is neither onerous nor ineffective. With these observations, all these writ petitions are disposed of. No expression on the merits of the case have been made and the competent authority shall proceed to decide the matter uninfluenced by the observations made in this order.

(ANIL KSHETARPAL)
JUDGE

27.09.2024

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

(SHEEL NAGU)
CHIEF JUSTICE