

## IN THE HIGH COURT OF PUNJAB &amp; HARYANA AT CHANDIGARH

2025:PHHC:034342-DB



Date of Decision: 11.03.2025

**1. Civil Writ Petition No. 3484 of 2024**Aamin and others

....Petitioners

versus

State of Haryana and others

....Respondents

**2. Civil Writ Petition No. 32981 of 2024**Shareef

....Petitioner

Versus

State of Haryana and others

...Respondents.

**3. Civil Writ Petition No. 96-2025**Naushad Khan

....Petitioner

Versus

State of Haryana and others

...Respondents.

**CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE  
HON'BLE MR. JUSTICE SUMEET GOEL, JUDGE**

Present : Ms. Malkit Kaur, Advocate, for the petitioner in  
CWP-3484-2024 and CWP-32981-2024.

Mr. Sarfaraj Anjum Mor, Advocate, for the petitioner in  
CWP-96-2025.

Mr. Deepak Balyan, Addl. Advocate General, Haryana.

Mr. Yagsimant Attri, Advocate for  
Mr. Khusagra Mahajan, Advocate, for respondent No.6 in  
CWP-3484-2024.

\*\*\*\*

**SHEEL NAGU, CHIEF JUSTICE (Oral)**

By way of this order, all these three petitions are disposed of as the common questions of law and facts are involved therein.

2. The petitioners, who are residents of villages Madhi and Ahmedbass, District Nuh (Mewat), have filed these petitions primarily aggrieved by grant of consent to establish as well as to operate in favour of private respondents by the Haryana Pollution Control Board.

3. The contention of learned counsel for the petitioners while taking the aforesaid consent(s) to establish as well as to operate is that the terms and conditions under which the aforesaid consent(s) were granted have not been complied with in toto by the private respondents.

4. After hearing learned counsel for the rival parties and going through the relevant record, this Court is of the considered view that the nature of pollution is essentially relating to water, which is governed by the Water (Prevention and Control of Pollution) Act, 1974 (for short 'the Act').

5. The power of grant consent to operate is vested with the Haryana Pollution Control Board under Sections 25, 26 and 27 of the Act. There is a further remedy of filing an appeal before the State Government against such orders passed under Sections 25 and 26 of the Act. Another further remedy to the National Green Tribunal (NGT) is also provided against the directions passed by the Central Government as well as by the Board under Section 33-B of the Act of 1974.

6. Thus, the petitioners, who are aggrieved by grant of consent(s) to establish as well as to operate, which are issued under Sections 25 and 26 of the Act of 1974, have statutory alternative remedy of filing appeal before the State Government which has not been availed and instead petitioners have directly approached this Court.

7. Since there is a specialized Tribunal to deal with the environmental matter i.e. National Green Tribunal with its Benches in different States, this Court declines interference on-merits and relegates all the petitioners to avail their remedies before the State Government and thereafter before the National Green Tribunal in accordance with the provisions of the Act of 1974.
8. It is observed that if any appeal under Sections 25 and 26 of the Act of 1974 is filed before the State Government within a period of thirty days from today by the petitioners, the same shall be entertained and decided on-merits as expeditiously as possible by the competent authority without being dismissed on the ground of limitation alone.
9. With these observations, all the petitions stand disposed of.
10. A copy of this order be placed in the connected files.

(SHEEL NAGU)  
CHIEF JUSTICE

(SUMEET GOEL)  
JUDGE

11.03.2025

ravinder

|                           |         |
|---------------------------|---------|
| Whether speaking/reasoned | √Yes/No |
| Whether reportable        | Yes/No√ |