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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-7587-2025 (O/M)

Date of decision : 03.04.2025

Munish Parbhakar

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present :- Mr. Karanjot Singh Jhikka, Advocate
for the petitioner.

Ms. Harpriya Khaneka, Advocate
Mr. Navneet Singh, Senior DAG Punjab
for respondents No. 1.

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HARSH BUNGER, J. (ORAL)

1. Prayer in the instant civil writ petition filed under Articles 226/227 of Constitution of India is for issuance of a writ in the nature of mandamus for directing respondents No. 1 to 3 to remove garbage/solid waste collected from waste generators, which is being dumped by the Municipal Corporation, Phagwara at a location in Old Post Office Road, Ward No. 20, Phagwara.

1.1 A further prayer has been made for directing respondents No. 1 to 3 to dump garbage collected from various waste generators at proper dumping grounds, which are situated 12 kilometers away from the city as directed by this Court, vide orders dated 25.09.2018 and 08.05.2019 passed in CWP-23341-2018.

2. Ms. Harpriya Khaneka, Advocate alongwith Mr. Navneet Singh, Senior DAG Punjab appear on behalf of respondent No. 1 and

handed over a copy of office letter dated 27.03.2025, issued by Punjab Pollution Control Board and addressed to the Commissioner, Municipal Corporation, Phagwara, District Kapurthala, in Court today itself, which is taken on record subject to all just exceptions and copy thereof has been handed over to learned counsel for petitioner. The relevant extracts of the aforesaid letter read as under :-

“ After hearing the officers of the Board, representative of the Municipal Corporation and considering the material facts on record, the Chairman of the Board decided that :-

- 1) The Municipal Corporation, Phagwara shall provide boundary wall around the Municipal Solid Waste Dump site within 03-months.*
- 2) The Municipal Corporation, Phagwara shall provide adequate plantation around the Municipal Solid Waste Dump site within 06-months.*
- 3) The Municipal Corporation, Phagwara shall ensure that the piezometer is not choked and shall get its ground water analyzed from the Board lab within one month.*
- 4) The Municipal Corporation, Phagwara shall also develop the vermicomposting/composting to manage the biodegradable solid waste. The Municipal Corporation, Phagwara shall ensure that the Municipal Solid Waste is not thrown, burnt or bury in open, or in drain / water bodies.*
- 5) The MC shall devise the ways and means to minimize the generation of all kind of municipal wastes through REDUCE, REUSE and RECYCLE activities. The generated waste, if any, shall be properly handled and managed as per the provisions of the Solid Waste Management Rules 2016 in an environmentally sound manner.*

- 6) *The Municipal Corporation, Phagwara / Department of Local Govt. / PMIDC shall deposit the balance Environmental Compensation of Rs. 60 lacs from the earlier imposed, within 15-days.*
- 7) *The Municipal Corporation, Phagwara shall apply for authorization under Municipal Solid Waste Rules 2016 within 01-month.*
- 8) *The progress will be reviewed after July, 2025. It was made clear to the representatives of the Municipal Corporation, Phagwara that in case no tenable progress is achieved, Board will be constrained to initiate legal proceedings against the Municipal Corporation, Phagwara and concerned officers under the provisions of Environment (Protection) Act, 1986.*
- 9) *The Environmental Engineer, Regional Office-2, Jalandhar shall visit the dump site after one month, verify the compliance made by the Municipal Corporation, Phagwara, collect piezometer sample and send complete compliance within 03-months."*

2.1 While referring to aforesaid letter, learned counsel(s) appearing on behalf of respondent No. 1 submit that necessary directions as regards removal of garbage from the location in question i.e. at Old Post Office Road, Ward No. 20, Phagwara, District Kapurthala and other such locations within the vicinity of Phagwara, already stands issued.

3. Mr. H.K. Aurora, Advocate, appears and files Vakalatnama on behalf of respondent No. 2 (Municipal Corporation, Phagwara, District Kapurthala) in Court today itself, which is taken on record subject to all just exceptions. Learned counsel submits that within the vicinity of Phagwara, there are five garbage collection centres and one dumping site, which is stated to be located 12 kilometers away from the city. It is stated that as of now, the garbage (as shown in Annexure P-5-Photos), stands

cleared. It is further submitted that Municipal Corporation, Phagwara, shall abide by directions issued by Punjab Pollution Control Board.

4. Considering the aforesaid stand taken by the Punjab Pollution Control Board / State of Punjab and also the statement made by learned counsel representing Municipal Corporation, Phagwara; I am of the considered view that the grievance(s) raised by the petitioner are addressed to some extent. Accordingly the instant writ petition is disposed of with the following directions:-

(i) The respondents shall ensure compliance of the directions contained in letter dated 27.03.2025 issued by the Punjab Pollution Control Board in its true letter and spirit;

(ii) Municipal Corporation, Phagwara should initiate comprehensive public education campaigns to raise awareness about the environmental and health impacts of illegal dumping. The campaign may include announcements through local radio / Television; outreach via social media platforms to inform citizens about proper waste disposal methods, the harms of illegal dumping and available facilities for garbage collection and recycling. Educational workshops in schools and residential colonies be encouraged;

(iii) Municipal Corporation, Phagwara should deploy surveillance measures; such as, clear signage prohibiting dumping and CCTV cameras may be installed in known “dumping hotspots” to deter loitering / illegal activities;

(iv) Municipal Corporation, Phagwara may consider establishing regular patrolling and reporting mechanisms to

monitor compliance and issuing warnings to first offenders;

(v) Municipal Corporation, Phagwara may consider establishing and enforcing a structured penalty system for repeated violations, which may include fines, community service or appropriate legal action for illegal dumping which can serve as deterrent;

(vi) Before implementing structured penalty system, Municipal Corporation, Phagwara shall ensure that such system is well publicized.

5. The respondents shall ensure compliance of the aforesaid directions in its true letter and spirit.

6. Pending applications(s), if any, shall also stand closed.

(HARSH BUNGER)
JUDGE

03.04.2025
sjks

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No