



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-PIL-255-2024
Date of decision : 24.01.2025

Gaurav Partap Singh Pathania

.....Petitioner

Versus

Union of India and others

.....Respondents

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

Present: Mr. Lakhwinder Singh Mann, Advocate, for the petitioner.

Mr. Satya Pal Jain, Addl. Solicitor General of India, with
Mr. Ashish Rawal, Sr. Panel Counsel, UOI, for respondent No.1.

Mr. Anurag Chopra, Addl. Advocate General, Punjab, and
Ms. Harpriya Khaneka, Deputy Advocate General, Punjab,
for respondents No.2 to 4.

Ms. Gagandeep Kaur, Advocate, for respondent No.5.

SHEEL NAGU, CHIEF JUSTICE (Oral)

1. The present petition in the shape of PIL has been filed essentially challenging the notification dated 15.01.2016 vide Annexure P-2, whereby certain exemptions have been granted as regards environment clearance for dredging and de-silting of dams, reservoirs, weirs, barrages, rivers and canals.

2. After having heard learned counsel for the rival parties at length on the question of admission, this Court is of the considered view that the above said subject relates to the issue of environment and disputes arising out of interpretation of the Environment (Protection) Act, 1986 and the Rules framed there-under. The causes arising out of the enforcement of any legal right relating to environment, including any of the enactments mentioned in



Schedule I of the National Green Tribunal Act, 2010, lie within exclusive domain of the National Green Tribunal (‘NGT’, for brevity) to be adjudicated.

3. Learned counsel for the petitioner has relied upon decision of the Apex Court in the case of **L Chandra Kumar v. UOI**, reported in 1997 (3) SCC 261, to contend that the power of judicial review is not ousted even when the NGT is functional in respect of environment matters.

4. There is no dispute as regards the law laid down by Apex Court in **L Chandra Kumar’s case** (supra), but the propriety demands that when an expert body created by the statute, i.e. NGT, is functional, this Court in its limited power of judicial review should not entertain the issues pertaining to environment, which exclusively lie within domain of the NGT.

5. In view of the above, this Court declines to interfere on merits and relegates the petitioner to avail his remedy before the NGT.

6. Accordingly, the petition stands dismissed.

(SHEEL NAGU)
CHIEF JUSTICE

(SUMEET GOEL)
JUDGE

January 24, 2025
narotam

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