



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

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CRR-1418-2019 (O&M)

Date of decision: 05.05.2026

Sarvjeet

...Petitioner(s)

VERSUS

Gram Panchayat Seewan and others

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Mr. H.P.S. Rahi, Advocate for the petitioner.

Mr. Rahul Verma, Advocate for

Mr. Rajinder Goyal, Advocate for respondents No.1 & 2.

Mr. Paras Talwar, Sr. DAG, Haryana.

VINOD S. BHARDWAJ, J. (Oral)

CRM-18799-2019

Allowed, as prayed for, subject to all just exceptions. Accordingly, Annexures P-1 to P-12 are taken on record and the applicant-petitioner is exempted from filing certified copies of the same. Registry is directed to tag the same at an appropriate place with page marking.

Main case

Challenge in the present petition is to the order dated 08.10.2018/15.03.2019 passed by Sub-Divisional Magistrate, Kaithal in case No.219/SDO titled as “*Gram Panchayat Seewan and another Vs. Sarvjeet and another*” under Section 133 Cr.P.C.

2. The brief facts of the present case are that the Gram Panchayat, Seewan, passed Resolution No. 3 dated 21.09.2018 against an unauthorized carcass dumping site allegedly owned and operated by the petitioner herein, situated near village Seewan on the Kaithal–Cheeka Road. It was alleged that no permission had been obtained from the Government of Haryana, the

Haryana State Pollution Control Board, or any other competent authority for carrying out the activity of skinning dead animals. It was further alleged that the operation of the said unauthorized carcass dumping site resulted in the emission of a strong and unbearable stench into the surrounding environment. It was also alleged that there are approximately four schools, one college, and about ten residential houses in the immediate vicinity, due to which the children coming to the schools or other institutions had to face the agony of the foul stench being generated on account of activities undertaken by the petitioner herein. It was also alleged that on account of the flesh and skin being thrown, numerous stray dogs used to gather there and there had been instances of the children suffering dog bites. Additionally, allegations were levelled that due to the unhygienic conditions generated, a swarm of flies and mosquitoes had been generated thus causing pandemic and diseases in the locality.

3. On the aforesaid allegations, proceedings were initiated before the Court of Sub-Divisional Magistrate under Section 133 Cr.P.C. and vide order dated 15.03.2019, the Sub-Divisional Magistrate, Kaithal accepted the existence of public nuisance on account of the exercise being undertaken by the petitioner herein. It was noticed that the carcass site was unauthorized and no permission had been obtained from the Haryana State Pollution Control Board or any other competent authority. Hence, the premises were closed and sealed.

4. Aggrieved thereof, the present petition has been filed.

5. Learned counsel appearing on behalf of the petitioner submits that the petitioner undertakes that he shall not carry out any unauthorized business activity without obtaining requisite permissions from all the competent authorities. He corroborates his aforesaid argument by an undertaking filed by way of an affidavit dated 15.07.2019 before this Court.

6. Counsel for the petitioner further contends that even otherwise, the order suffers from an illegality inasmuch as the Sub-Divisional Magistrate, Kaithal was empowered to direct closure of the activity which was a public nuisance; however, sealing premises belonging to the petitioner was unwarranted. He contends that the Sub-Divisional Magistrate has exceeded his jurisdiction in denying the use, enjoyment and occupation of the site by the petitioner for any other purpose as well. Hence, it is prayed that the order be set aside to the said extent.

7. Counsel for respondents No.1 & 2 fairly submits that he would have no objection to the petitioner carrying out the activities, if any, only after obtaining all statutory clearances from the competent authorities and that since the petitioner has undertaken not to carry out any unauthorized illegal activity, he would not press the continuance of the order of seizure against the petitioner herein at this stage.

8. In view of the above, the present petition is *allowed*, the order dated 08.10.2018/15.03.2019 passed by the Sub-Divisional Magistrate, Kaithal directing seizure of the property/premises of the petitioner herein is set aside.

9. The petitioner is however restrained from carrying out the aforesaid activity of dumping or carcass skinning of the animals or undertake any other activity of public nuisance without obtaining requisite statutory clearances from the competent authorities.

10. Pending application(s), if any, shall stand disposed of.

(VINOD S. BHARDWAJ)
JUDGE

05.05.2026

Sumit Gusain

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