



CM-5257-CWP-2026 in/and CWP-17501-2024

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

CM-5257-CWP-2026 in/and CWP-17501-2024

Date of decision : 09.04.2026

Subhash Chander

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MR. JUSTICE SANJIV BERRY

Present: Mr. Kuldeep Khandelwal, Advocate,
for the petitioner.

Mr. Neeraj Gupta, Addl. Advocate General, Haryana.

SHEEL NAGU, CHIEF JUSTICE (Oral)

CM-5257-CWP-2026

In view of reasons stated in the application, which is duly supported by an affidavit of the petitioner, writ petition (CWP-17501-2024) which is listed for 07.05.2026, is taken up today itself.

Accordingly, **CM-5257-CWP-2026** stands allowed.

CWP-17501-2024

1. This petition has been filed praying for the following reliefs :

*“i. to issue a writ in the nature of mandamus for directing
the responsible and accountable respondents to pay Rs.*



*5 crores as compensation amount to petitioner for causing damages and huge loss in the field (agriculture land) of petitioner, as on account of mismanagement and non processing of waste and frequent fires in the waste management plant situated at village Bakrianwali, Sirsa, which is emitting dangerous fumes from the combustion of the wide range of materials, emitting carbon monoxide, hydrogen sulphide, volatile organics, production of dioxides and due to atmospheric emissions from such fire, has adverse impact on the environment and human health in terms of both greenhouse gases and air borne particulate matter and Toxic gases released from landfill site are responsible of lung and heart diseases and also badly affect the flora and fauna of the area, inter-alia due to above said mismanagement of waste plant, the adjoining 4 acres agriculture land out of 7 acres land of petitioner has become totally barren (**BANJAR**) due to severe adverse effect on fertility quality of agriculture land of petitioner (**now agriculture land is not cultivation able**), and conditions of bore well water become deteriorate and contaminated which is not useable being dangerous for irrigation purpose, moreover, due to huge smoke (air pollution) and in shock of having agriculture land as barren (banjar land) the mother of petitioner namely Smt. Parmeshwari Devi has expired 5 years ago and father of the petitioner has suffered with heart attack and now he is paralyzed and bed ridden, therefore, all the respondents being responsible for proper management/supervision of said waste plant as per Waste Management Rules, 2016 and as per various judgments/directions of Hon'ble Supreme Court as well as of National Green Tribunal, mentioned in the*



- writ petition and for violation of the fundamental rights of petitioner and his family members (right to clean and healthy environment, right to clean and hygienic water and right to life, liberty and property) are liable to pay above said compensation amount to petitioner, in the interest of justice, equity and fair play;*
- ii. *to issue a writ of mandamus for directing the respondent No.1 to shift the waste management plant situated on agriculture land of village Bakrianwali, Sirsa, to other suitable site/place, which is just one kilometer away from Bakrianwali village abadi, as just because of mismanagement of said plant, due to heavy legacy waste on landfill site and non processing the same since beginning, it become more than 150 feet high mountain and contactors (respondents No.14 and 15) of plant are setting fire knowingly and intentionally on waste site in order to minimize the waste, resulting frequent fires in the waste management plant are emitting dangerous fumes from the combustion of the wide range of materials, emitting carbon monoxide, hydrogen sulphide, volatile organics, production of dioxides and due to atmospheric emissions from such fire, has adverse impact on the environment and human health in terms of both greenhouses gases and air borne particulate matter and Toxic gases released from landfill site are responsible of lung and heart diseases and also badly affect the flora and fauna of the area and petitioner and his co-villager and surrounding villages, are suffering continuously from huge Air pollution which created hazardous atmosphere, spreading chronic diseases like cancer, TB etc., inter-alia, on the complaint of petitioner, in medical camp at village Bakrianwali on 05.10.2023 and 6.10.2023, Doctors team have found 7 patients of*



asthma, 24 patients of skin allergy, 9 patients of ANC, 13 cough patients, 6 patients of cancer, HTN patients 7, DM patients 6 etc. out of 147 patients and some of patients were advised for X-ray test, blood test and phlegm test, therefore, it is highly necessary for human beings as well as for lives to shift the said plant elsewhere as soon as possible and till the shifting of the same respondents be directed to manage the said waste management plant as per Waste Management Rules, 2016 and directions of Hon'ble Supreme Court as well as National Green Tribunal mentioned in the petition, in the interest of justice and to protect the environment;

- iii. to issue a writ of mandamus for directing the respondents No.11 and 12 to register an FIR against respondents No.14 and 15 and against municipal as well as other concerned responsible officials, under section 270 of Bhartiya Nyaye Sanhita 2003, section 3 of Prevention of Damages to Public Property Act, 1984 and section 15 and 17 of Environment Protection Act 1986 and under Prevention of Corruption Act 2002 and take departmental actions against the guilty officials as per law, in the interest of justice;*
- iv. to issue a writ of mandamus for directing the respondent No.1 to take all corrective, preventive remedial, punitive steps including legal as well as criminal action, against the wrong doers or responsible officials including respondents No.14 and 15 for mismanagement of waste management plant and get Estimate of value of environmental degradation/damages and compensation be planned and recovered from polluters for environmental restoration and restitution, as per polluter pay principles and Performance audit of functioning of all*



*regulatory bodies may be got conducted and remedial measures be taken, as per Waste Management Rules and land mark judgments/directions of Hon’ble NGT passed in **O.A. o. 606/2018 In re: Compliance of Municipal Solid Waste Management Rules, 2016 and other environmental issues (Arising out of directions of the Hon’ble Supreme Court in W.P. No. 888/1996 and W.P. No. 375/2012) vide its order/direction dated – 06.03.2019, 23.09.2022, 18.05.2023 and judgment/Direction dated 13.01.2020 passed by Hon’ble Apex Court of India, in case M.C. Mehta vs. Union of India and others, in the interest of justice, equity and fair play;***

- v. xxx xxx xxx
- vi. xxx xxx xxx
- vii. xxx xxx xxx”

2. The grievance of the petitioner, who happens to be a resident of village Bakriawali, District Sirsa, is that Waste Management Plant situated at village Bakriawali, Sirsa, is emitting dangerous fumes from the combustion of the wide range of materials, emitting carbon monoxide, hydrogen sulphide, volatile organics and production of dioxides, because of which the human health, including that of petitioner, is adversely affected. It is alleged that it has become difficult for the petitioner to undertake the agricultural activities in his agricultural fields, situated in close vicinity to the said Waste Management Plant.

2.1 The aforesaid issue essentially relates to environment.

3. National Green Tribunal (NGT) has been constituted under the National Green Tribunal Act, 2010, which is a complete Code, providing all ancillary aspects, including compensation, if due.



4. In view of above, this Court declines interference in the present matter and relegates the petitioner to avail his remedy before the NGT.
5. With aforesaid liberty, the petition stands disposed of.

(SHEEL NAGU)
CHIEF JUSTICE

April 09, 2026
narotam

(SANJIV BERRY)
JUDGE

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