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REGISTERED POST

DATED:- 4.01.2024

ASSISTANT REGISTRAR,
National Green Tribunal
Principal Bench,
Faridkot House, Compennicus Marg,
New Delhi 110001

SUB:- Regarding Your Bench in Court No 2 Case no 619/2022 Mast Ram Vs State of H.P

Respected Sir,

Your court no 2 Petition no 619 /2022 Mast Ram Vs State Of H.P Village Masaulkhana P.O Masaulkhana Parwanoo Distt. Solan H.P Registered Original Application send to your office. In this Application M/s Morepen Laboratory Masaulkhana madicen Plan in 1984. They release waste water in village Canal. Farmer using this water for agriculture and growing crops but Morepen company release waste water regularly. The waste water in very harmful Plant, Crops and soil. No crops are growing health. No fertilizer are working in field. Polluted water effected to plants and Grass and our animal day by day week and unhealthy. Some time some animal are died due to eating grass and leaves of the trees.

I am permanent resistance in village Tirro. My house only 40 meter in front of Morepen factory . So many Noise and Air Pollution are release from factory in day or night. No body can sleep and rest properly so many noise are release by his D.G sets and big Machines fans etc. I got RTI from Pollution Control Board they shown 62 db noise in my house. **(Copy Enclosed)** . In this matter I have issue a notice 29/9/2021 to Morepen factory but they return me a threat notice with 26 lakh penalty. They say no Pollution in your side.**(Copy of Notice enclosed)**

I am filing the Civil suit against Morepen factory for Noise and Air Pollution. Court give me states quo against Morepen buy they contempt the court order. **(Copy of Civil suit enclosed)**. This is my pray to invite me in the case no 619/2022 Mast Ram Vs State Of H.P. and obliged.

Thanking You,

Yours Faithfully,

Lekh Singh
Lekh Singh

Village Tirro, P.O Masaulkhana
Parwanoo Distt. Solan H.P

Mobile No
95182 78476

Envelope No = 12 No
04.6/19/2022
RE submitted
Mr Manoj

Date
5/1/2024

NATIONAL GREEN TRIBUNAL	
Principal Bench, New Delhi	
Receipt & Issue Branch	
Received	
08 JAN 2024	
Entry No.....	116
Signature.....	7

25/01/24
10/01/24

Lekh Singh
48.01.2024
copy (2)

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H.P. STA1
Regional Office Parwanoo SCF 6-2
Telefax- 01792-234081

NOISE CONTROL BOARD
Parwanoo, Distt: Solan (HP)
<http://hppcb.nic.in/>

Noise monitoring report

No. MOREPEN/01-03

Dated 11.07.2023

The Noise monitoring with reference to the Civil Suit No. 126-1/2023 titled Lekh Singh V/s Morepen Laboratories Ltd. & ors pending in the Court of Judge, Kasauli, Distt. Solan, H.P was conducted at M/s Morepen Laboratories Ltd. V.P.O. Masulkhana, Tehsil Kasauli, Solan H.P and at Plaintiff's House was conducted on dated 11.07.2023. During the inspection the Jr. Env. Er. Sh Punesh, HPSPCB, Sh. Arun, S/o Sh. Lekh Ram, and representative of the unit were present. The sample collected at six locations and the observations are tabulated below:-

Sr. No.	Name of Sampling Location	Noise value observed
1	At Main Gate	56.6 dB(A)
2	Near/Laboratory	55.9 dB(A)
3	On rooftop New Building	59 dB(A)
4	Within the Plant near MEE	84.9 dB(A)
5	At Plaintiff's House (With Operation of unit)	63.5 dB(A)
6	At Plaintiff's House (Without Operation of unit)	61.6 dB(A)

As per The Noise Pollution (Regulation and Control) Rules, 2000, the values prescribed for the noise are as below:

Area Code	Category of Area/Zone	Limits in dB(A) Leq *	
		Day Time	Night Time
(A)	Industrial area	75	70
(B)	Commercial area	65	55
(C)	Residential area	55	45
(D)	Silence Zone	50	40

Remark:

The sampling was conducted in day time only i.e. (between 6:00 am to 6:00 pm).
PIO-Cum-Assistant Engineer
HPSPCB Parwanoo, Solan

INFORMATION UNDER RTI ACT-2005

Punesh Kumar
JEE
HPSPCB Parwanoo

Pradeep Moudgil
AEE
HPSPCB Parwanoo

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HARYANA STATE POLLUTION CONTROL BOARD
Regional Office Parwanoo SCF 6-8, Sector 4, Parwanoo, Distt: Solan (HP)
Telefax- 01792-234081 Website: <http://hpspcb.nic.in/>

Noise monitoring report

PEPEN 04-06

Dated 21.07.2023

Noise monitoring with reference to the Civil Suit No. 126-1/2023 titled Lekh Singh V/s Morepen Laboratories & others pending in the Court of Judge, Kasauli, Distt. Solan, H.P was conducted at Plaintiff's House was conducted on dated 21.07.2023. During the inspection the Sh Punesh J.E.E., and Sh. Anurag, J.E.E. HPSPCB, Sh. Lekh Ram, and representative of the unit were present. The sample collected and the observations are tabulated below:-

Sr. No.	Name of Sampling Location	Noise Value Observed
1	At Plaintiff's House (At top terrace)	61.14 dB(A)
2	At Plaintiff's House (At top terrace)	61.7 dB(A)
3	At Plaintiff's House (2 nd Floor)	62.0 dB(A)

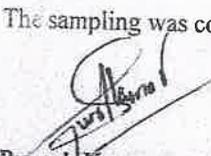
As per The Noise Pollution (Regulation and Control) Rules, 2000, the values prescribed for the noise are as below:

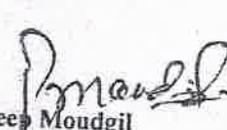
Area Code	Category of Area/Zone	Limits in dB(A) Leq *	
		Day Time	Night Time
(A)	Industrial area	75	70
(B)	Commercial area	65	55
(C)	Residential area	55	45
(D)	Silence Zone	50	40

INFORMATION UNDER RTI ACT 2005

Remark:

The sampling was conducted in night time only i.e. (between 10:00 PM to 06:00 am).


Punesh Kumar
JEE
HPSPCB Parwanoo


Pradeep Moudgil
AEE
HPSPCB Parwanoo

Srijan Tiwari
Advocate

Office # 406, 4th Floor, Antriksh Bhawan, 22, K.G. Marg, New Delhi - 110001
Phone # +91-9650818935, +91-9899966225 | email #srijantiwari@hotmail.com

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REPLY
BY SPEEDPOST
(WITHOUT PREJUDICE)

29.11.2021

TO
MR. RAJENDER KUMAR GARG
ADVOCATE
GARG NIWAS, HOSPITAL ROAD
SOLAN - 173212 (H.P.)

Cc

SH. LEKH SINGH
VILLAGE TIRON
TEHSIL KASAULI DISTRICT
SOLAN HP - 173204

~~SH. KISHAN SINGH~~
VILLAGE TIRON
TEHSIL KASAULI DISTRICT
SOLAN HP - 173204

Subject: Reply to your Legal Notice dated 14.09.2021.

My Client: MOREPEN LABORATORIES LTD. AN INDIAN COMPANY INCORPORATED
UNDER THE PROVISIONS OF THE COMPANIES ACT, 1956 HAVING ITS
REGISTERED OFFICE AT MOREPEN VILLAGE, MALKUMAJRA,
NALAGARH ROAD, BADDI, DISTT. SOLAN (H.P.) 173205, INDIA.

Sir,

My Client is in receipt of your Legal Notice dated 14.09.2021. Under instructions from and on behalf of my aforesaid client, hereinafter referred to as "My Client", I hereby serve upon you the following the reply:

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Srijan Tiwari
Advocate

Office # 406, 4th Floor, Antriksh Bhawan, 22, K.G. Marg, New Delhi - 110001
Phone # +91-9650818935, +91-9899966225 | email #srijantiwari@hotmail.com

PRELIMINARY OBJECTIONS:

1. That at the outset it is stated that the allegations and averments made in the Notice under reply, unless specifically traversed and admitted herein, are strictly denied and refuted.
2. That it is further stated that your aforementioned Notice is without any basis, unfounded and does not merit any consideration.
3. That it is not out of pace to mention here that your clients have provided you with the wrong facts and circumstances in the matter and are using your respected offices to achieve their malafide designs and to damage the hard-earned reputation of My Client and cause losses in business.

PRELIMINARY SUBMISSIONS:

1. That My Client is an Indian pharmaceutical company incorporated under the provisions of the Companies Act, 1956 and has earned a good reputation throughout India. My Client is a well-known listed company.
2. That at the outset it is pertinent to mention herein that My Client is a company of high repute and has always been following all applicable laws. Being a pharmaceutical company, it is needless to say that the health of the general public is the priority of My Client's business modal. My Client has worked hard during the ongoing COVID-19 pandemic to ensure that there is no shortage of supply of lifesaving medicines and drugs. That as My Client adheres to highest standards of pollution control and environment protection. Further, there are regular audits to ensure compliance with the applicable laws.
3. That it is further stated that your Notice is without any basis, unfounded and does not merit any consideration. It is abundantly clear that your clients are trying to cause illegal gain to themselves and wrongful loss to My Client. That this form of arm-twisting

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Srijan Tiwari
Advocate

Office # 406, 4th Floor, Antriksh Bhawan, 22, K.G. Marg, New Delhi - 110001
Phone # +91-9650818935, +91-9899966225 | email #srijantiwari@hotmail.com

tactics is absolutely unwarranted. Your client has deliberately not provided any proof of their tall claims and allegations rendering the same void ab initio.

4. Therefore, you are directed to immediately withdraw your legal notice.
5. It is not out of place to mention here that non-compliance of the directions may result in the legal proceedings both civil and criminal against your clients and your clients shall be responsible of all the costs and consequences thereof.

PARAGRAPH WISE REPLY:

1. That the contents of paragraph no. 1 of your Notice are denied, and your client is subject to strict proof of the same.
2. That the contents of paragraph no. 2 of your Notice are only admitted to the extent that My Client has its factory at Masul-khana, Kasauli District Solan, H.P. It is denied that the residence of your clients is opposite and below the factory of My Client. Your client subject to strict proof of the same. It is denied that your client's locality is existing 40 Mts from the factory and that the factory carries work on day and night. It is denied that about 500 workers are carrying on three shifts day and night and that on account of this working; much vibrations, noise, water and air pollution is taking place. It is vehemently denied that the working of the factory in any manner whatsoever has made the living of your clients difficult. Your client is subject to strict proof of the same.
3. That the contents of paragraph no. 3 of your Notice are false and concocted and are hence vehemently denied. It is denied that the said persons are being compelled to live in such a measurable condition that due to that their mental condition is being adversely affected. It is denied that many generator sets have been installed. It is denied that there is any vibration, harassment, voice, noise etc. It is strictly denied that it is impossible of household work to be carried out in residential houses. It is strictly denied that the residents are facing any hearing problems due to the business activities of My Client. Your clients are subject to strict proof the false allegations being submitted by them.

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Srijan Tiwari
Advocate

Office # 406, 4th Floor, Antriksh Bhawan, 22, K.G. Marg, New Delhi - 110001
Phone # +91-9650818935, +91-9899966225 | email #srijantiwari@hotmail.com

4. That the contents of paragraph no. 4 of your Notice are vehemently denied as the same are false, concocted and frivolous. That it is denied that children are not able to study or rest peacefully. The remaining contents of the paragraph do not require a reply as the same are a matter of record.
5. That the contents of paragraph no. 5 of your Notice are vehemently denied as the same are false, concocted and whimsical. That it is strictly denied that initially the things were kept in control and later due to expansion and working any form of noise, air or water or any other environmental pollution has ever taken place. It is strictly denied that there is any spread of particles, or any waste is thrown, or any polluted water is released out. It is denied that your client has ever served any notice upon My Client in the month of April, 2019. It is further vehemently denied that My Client threatened your clients in any manner whatsoever or made any statement to the effect of using any influence to harass your clients to any such extent that your clients would have to go away by selling their properties. It is denied that My Client in any manner even suggested that the state authorities will not in any way come to the help of your clients or that My Client has no stake to loose. The submissions of your clients are absolutely whimsical and are downright fictional. Your clients are creating a false narrative in order to support their false claims and harass My Client.
6. That the contents of paragraph no. 6 of your Notice are vehemently denied as the same are false and concocted. It is denied that there were any compelling circumstances or illegal force used by the officers, officials, or workers of My Client. It is vehemently denied that the intensity of the pollution has increased in any manner whatsoever that living within a radius of 1 Km has become a peril or inhabitable as alleged by your clients. It is denied that the entire area where the factory of My Client is situated is in a village area which was not declared as an industrial land at the time when the factory was installed in 1984. The factory of My Client has obtained all the necessary approvals to set up and run the factory. The demands of your client as contained in the paragraph are baseless and are hence out rightly denied. It is pertinent to submit here that My Client has taken all the required measures and complied as per the rules and guidelines of the HP State Pollution Control Board and any other authority as may be applicable

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Srijan Tiwari
Advocate

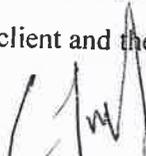
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time to time. Further, the factory of My Client has obtained the required environmental clearances as required under the law. Regular audits are conducted to ensure ambient noise levels, safe emissions and proper water and waste management processes.

7. It is denied that My Client is liable to you in any manner whatsoever and that any cost of Rs 10 Lakhs is payable MY client to your clients. Your clients have failed to provide any reliable document in support of their claims of injurious or adverse effects on the health of their family members due to the operations of My Client.

The conduct of your clients in trying to ruin the hard-earned goodwill and reputation of My Client and to cause loss of business, shall be viewed very strictly and may attract a payment of calculable damages along with an amount of **Rs. 25,00,000/- (Rupees Twenty-Five Lakhs Only)** towards damages and the losses suffered by My Client along with the interest @ 15 % P.A. towards My Client.

Hence, in view of the same you are hereby directed to advise your clients and immediately withdraw your Legal Notice dated 14.09.2021, addressed to My Client and send a reply confirming the same within a period of **7 days** of the receipt of this notice by you the addressee, failing which kindly take note that My Client without any further intimation to you the addressee, shall be constrained to pursue any and all legal remedies in the nature of civil and criminal and other legal remedies available to my client and the same shall be at your client's own risk, costs and expenses.


Srijan Tiwari
Advocate



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IN THE COURT OF HON'BLE CIVIL JUDGE (SENIOR DIVISION) KASAUJI, DISRICT SOLAN (H.P.)

Lekh Singh son of Late Sh. Amar Singh and resident of village Tiron Tehsil Kasauli District, Solan, H.P. age about 58 years
Mobile No.9518278476

....Plaintiff

Versus.

- 1. M/S. Morepen Laboratories Ltd, V.P.O. Masul-khana, Tehsil Kasauli Solan, H.P. through its Managing Director.
- 2. Managing Director M/S. Morepen Laboratories Ltd, V.P.O. Masul-khana, Tehsil Kasauli District Solan H.P. Solan, H.P.

- ✓ 3. The Collector, District, Solan, H.P. District, Solan, H.P. —
- ✓ 4. State of Himachal Pradesh, through Secretary, Industries, Shimla.

Admission HK
by PMS
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- 5. H.P. State Pollution Control Board, Shimla through its member secretary .
- 6. The Environment Engineer, H.P. Pollution Control Board, Sector-4, Parwanoo, tehsil Kasauli, district, Solan, H.P.
- 7. Executive Engineer, H.P.S.E.B.L Division, Parwanoo, Tehsil Kasauli, District Solan H.P.

- 8. Executive Engineer I.P.H. Department Sub-division, Parwanoo , Tehsil Kasauli, District Solan H.P.,

JA → SC

.....Defendants.

Suit for Permanent prohibitory injunction and mandatory injunction under Specific Relief Act, 1963.

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Respectfully showeth: -

1. That plaintiff is co-owner in possession of land comprised in khata Khatoni no. 16/45 khasra no. 790,798,993,485,689,683 kita 6 total measuring 3917 sq. mts. situated in mauja Tiro, Tehsil Kasauli District Solan H.P. to the extent of his respective share as mentioned in the revenue record appended with this plaint for the year 2016-2017. Alongwith said land there is natural Gair Mumkin Khad , Gair Mumkin Hauz/Khal, Gair Mumkn Khul depicted by Khata Khatoni no.105/274 khasra no.,^{80,}829,830,831 situated in mauja Tiro ,Tehsil Kasauli District Solan H.P. in which plaintiff has irrigation rights for his above stated landed property as such both said land mentioned as Kha, Hauz and Kuhal and land of plaintiff mentioned above are **hereafter refereed as suit property.**

2. That adjoining to suit land , there is a property of defendant no.1 and 2 who under the name and style of M/S. Morepen Laboratory Ltd. are running a factory of manufacturing drugs and medicines and this factory carries on working day and night. Initially the said factory was just a small scale industry, but with the passage of time , the size of the factory expended and more than 500 workers are working on three shifts day and night and that on account of this working much vibrations, noise and water and air pollution is taking place and the living of plaintiff and others has become very difficult.

3. That the houses of plaintiff are situated in village Tiron which is just opposite to above factory at a distance of about 40 meters. It is pertinent to mention here that on account of day and night

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running of factory it is causing noise, water as well as air pollution.

(A1) Noise Pollution :

To keep the constant electricity supply in factory Respondent No. 2 have installed Generator Sets. These Generator Sets when switched on cause tremendous noise which is to the extent that it is difficult to do any thing inside the house of ~~Plaintiff~~ even if doors are closed. On account of frequent power failures and power cut during the peak hours between 6 A.M. to 8 A.M. and 6 P.M. to 9 P.M. no normal house hold activity can be performed by the family members of Plaintiff . Children are not able to study and ill persons cannot rest peacefully. The noise pollution caused in this manner exceeds all the limits prescribed by the Pollution Control Board. Farther installation of Heavy Machinery and Boilers, which runs for 24 hours, also cause tremendous noise pollution. In the event of burst of any one of such Boilers there would be total damage of the house of Plaintiff causing loss to the property and also danger to the life of the family members of Plaintiff , however it is submitted that the steps taken by defendant no.1 and 2 to minimize noise pollution are not at all adequate inasmuch as the level of noise is very much on the higher side which can be noticed by any one by standing near the factory. The authorities concerned with the control of noise pollution are not taking effective steps despite repeated requests made by the villagers of the surrounding villages. The copies of complaint so submitted with the defendants are appended with this plaint for the kind perusal of this Hon'ble Court.

(A2) Water Pollution:

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Since defendant no.1 and 2 are dealing with the manufacturing of different kinds of drugs and medicines for which various concentrated acids such as Potassium Cyanide, Sulfuric Acid, Nitric Acid etc. Alkalis and other formulations are also being used by them ,However, in the process the residue left is allowed to drain down the 'Nullah' along with water and to in the Khal mentioned above. There are instances that on account of mixing of some poisonous material in the down flowing water, the crops of the plaintiff and the villagers have been damaged for which compensation was claimed and given. The record of said damages are appended with this plaint. No human being can afford to drink any water from the down flowing water below defendant 's factory or even from any water source below the factory of defendant no.1 and 2. The plaintiff got one effluent sample tested on 25.2.2002 from Composite Testing Lab Kandaghat. The result of said sample is annexed herewith as Annexure P-2. The expert bodies like Pollution Control Boards can very well point out the pollutants available in the water as the sample referred above also contain industrial effluent. That on account of draining of poisonous material in the water, it is affecting the bio-diversity as the living beings prevalent in water are totally missing in the area concerned and the plant growth around water channel is also affected. The extent of pollution can be seen from the fact that even the colour of the soil and stones around the nullah have changed their original colours. That there is soil degradation to the extent that with the pace of pollutants addition in the water and environment it would be very difficult to

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bring back the soil to its natural form. The agricultural production has tremendously reduced.

(A3) Air Pollution:

There is emission of gases in the air from the factory of defendant no.1 and 2 which spreads foul smell in the entire atmosphere surrounding factory and over the surrounding villages. The gases like Sulphur Dioxide. Oxide of Nitrogen and Benzene and other aromatic gases are causing tremendous air pollution, which require immediate check. The smoke emission is another problem being faced by the plaintiff .No steps are taken by defendant no.1 and 2 to minimize such emission and to make the emitted gases Eco-friendly. That the plaintiff as well as other villagers represented to defendant no.1 and 2 many times orally as well as in writing about the above mentioned pollutions but Defendant no.1 and 2 ignored it or at times defendant no.1 and 2 gave assurances not intended to be fulfilled. That a representation was also sent with regard to the pollution to the Deputy Commissioner/Defendant no.3 with a copy there of to the defendant no.5/Environment Engineer. Pollution Control Board, Sector- 4. Parwanoo. Some of the Pollution Control Board Officers also visited the factory site for checking the level of pollution, but ultimately the level of pollution remained at the earlier level. That it may also be pointed out here that defendant no.1 and 2 is unauthorisedly using water for their factory which is meant for irrigation for village Tiron. Pumps have been installed by defendants for lifting the water for factory unauthorisedly and without the consent of the inhabitants of village Tiron. As a result of above, no water is left for the villagers for their own use as well

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as for irrigating their lands. The Khal/suit property has been drained out which has adversely affected the crops of the villagers and at times there is no yield. It is pertinent to mention here that ~~The~~ factory of the defendant is situated within a village that has not been notified for the purpose of setting up of the Factory of the dimension and magnitude as has been established by defendants, Thus, it appears that the factory has been established without taking care of the consequential problems that would be caused to the inhabitants of the village and of the surrounding villages. That the statutory authorities responsible to maintain the pollution free environment either did not bother to take timely and effective steps or have given permission in most casual and mechanical manner. Extra care and precaution has to be taken with regard to the standards of pollution when the factory in question is not situated in an identified Industrial area and in fact is situated in the midst of the village. That the authorities responsible for the maintenance of the standards of pollution-free environment are abdicating its duties. As a result the plaintiff and villagers are suffering. There is violation of Article 14 and 21 of the Constitution of India.

4. That plaintiff for all above mentioned misact and conducts on the part of defendant no.1 and 2 including others defendants filed one writ petition before the Hon'ble High Court of H.P. registered as CWP No.530/of 2002 decided on 08-04-2003 where in specific directions were issued to the defendant no.5 and 6 to keep regular and periodically monitoring to the functioning and activities of defendant no.1 and 2 to ensure that the unit does not cause any industrial pollution, any environmental pollution or

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any noise pollution. The said wrong and unlawful activities remained continued as defendant fail to comply in terms of order passed by the Hon'ble High Court of H.P. That under compelling circumstance plaintiff was forced to write various letter to pollution controlling agencies but all in vain and at last cause served upon one legal notice requesting the defendants to curtail their unlawful acts as mentioned above.

5. That now defendant no.1 and 2 has started digging activities abutting said Khal /suit property and are throwing malba /debris in said Khal where they were discharging the chemical and pollutants and have raised ninety degree straight cemented wall abutting said Khal. It is worth to mention here that all the debris /discharge of chemicals now have been thrown in the said Khal and are continuously doing so. When the plaintiff objected the same then defendant no.1 and 2 threatened the plaintiff with dire consequences and stated that no one can stop them by doing so as they have great administrative and political nexus. Throwing of debris shall not only disturb the natural flow of water in the said Khal but shall cause great loss to the land/suit property of plaintiff and flow of water shall cause erosion of land and will wash away the same fertile land of plaintiff with it. On the other side defendant no.1 and 2 have protected their land by raising big cemented wall as mentioned above. The plaintiff has written many application to the other defendants being law enforcing agencies but all in vain. In such circumstances a need has arisen qua the indulgence of this Hon'ble Court to check the illegal act and threats of the defendant no.1 and 2 by passing an order of perpetual injunction not to throw debris, discharge

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chemical pollutants in the said Khal /suit property which will ultimately effect the plaintiff in all respect as detailed above, further defendant no.1 and 2 are required to stop noise pollution, air pollution and water pollution as detailed above, a need has further arisen to issued direction to the defendant no.3 to 8 to check the said illegal activities of the plaintiff no.1 and 2 and cause disconnection of power and electricity connection and withdrawal of N.O.C. given for running said factory by way passing a order of mandatory injunction. The acts and conducts of the defendant no.1 and 2 in connivance of other defendants have caused financial loss, mental harassment, pain, agony, health weakness and bad environment to live there. The plaintiff has been suffering from medical ailment due to his accident which occurred about 10 years and now continuous wrong act of defendant no.1 and 2 as detailed above are acting as catalyst to deteriorate the health condition of plaintiff. The plaintiff is suffering a lot because of misact, misconducts on the part of defendants for which plaintiff is entitled for monetary damages from the defendants which are presently assessed to the tune of Rs.5,00,000/-.

6. The defendants no.1 and 2 indulging in giving threats which are illegal, unlawful and arbitrary and if defendant no.1 and 2 did not resist from their above illegal acts then in that eventuality applicant will suffer irreparable loss and injury which can not compensated in terms of money as filling of Khal with debris shall take away the suit land to the gaurage for all time to come by errosing the land. On the other side other defendants being law enforcing agencies are not acting in any way to stop the said

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illegal acts of the defendants no.1 and 2, hence seems direct connivance as plaintiff is having great garages against the other defendants too apart from defendant no.1 and 2.

7. That the case of the plaintiff is prima-facie good and there is every likelihood for the plaintiff to succeed in the same. The balance of convenience also lies in favour of the plaintiff and against the defendants as plaintiff is directly connected with suit property and is having every right to protect the same from strangers.

8. That there is no other suit is pending between the same parties upon the same cause of action nor has been decided in any court of law till date, however one writ petition was filed earlier as detailed above but no compliance has been done so far by either of the defendants hence upon recent development as detailed above the present suit has been filed.

9. That the cause of action to file the present suit in favor of plaintiff and against the defendants firstly arose about 4 months ago when defendant no. 1 and 2 start raising the said cemented wall by excavating the land for it and thereafter on about month ago when they start throwing the said debris in the abutting Khal /suit property despite objection on the side of plaintiff. The cause of recently arose 06-06-2023 when defendant 1 and 2 threatened the plaintiff with dire consequences if any objection raised to their misact by filing any complaint to authorities .The cause of action is still continued one as defendant no.1 and 2 are still continuing with above stated detailed illegal acts and other defendant are not taking any action against them despite written and oral complaints to them from the side of the plaintiff.

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10. That the suit is valued for the purpose of court fee and for the relief of permanent prohibitory injunction and for mandatory injunction for Rs.123 and Rs.146 upon which consolidated fee of Rs.46 has been affixed. The court fee for damages has been assessed for Rs. Five lakh upon which court fee of Rs. _____ has been affixed. The other co-owners have not been made parties as plaintiff is not having any adverse against them.

11. That the suit property in question is situated at village Tiro, Tehsil Kasauli, District Solan (HP) a place situated within the territorial jurisdiction of this Hon'ble Court, hence, this Hon'ble Court has got the jurisdiction to try and decide the present suit.

It is therefore, prayed that suit of the plaintiff be decree thereby :-

A) decree of permanent prohibitory injunction may please be passed in favour of the plaintiff and against the defendants no.1 and 2 thereby restraining the defendant no.1 and 2 from throwing debris, chemical, Malba in the suit property i.e. Gair Mumkin Khad, Gair Mumkin Hauz/Khal, Gair Mumkn Khul depicted by Khata Khatoni no.105/274 khasra no. ⁸⁰¹ 829,830,831 situated in mauja Tiro, Tehsil Kasauli District Solan H.P. denoted by natural Khal/Nala and damaging in either way the land depicted by khata Khatoni no.16/45 khasra no.790,798,993,485,689,683kita 6 total measuring 3917 sq.mts. situated in mauja Tiro, Tehsil Kasauli District Solan H.P. to the extent of his respective share as mentioned in the revenue record. And further causing noise pollution, water pollution and air pollution in a manner detailed above either by themselves or through their agents, subordinates, servants, assignees, workers,

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labourers or any other person working under them, in any manner whatsoever, in the interest of justice.

- b) A decree of mandatory injunction may also please be passed in favour of the plaintiff and against the defendant no.1 and 2 to restore the suit property by lifting the thrown debris /malab in said Khal to some other suitable places to prevent damages to the suit property at the time of the natural flow of water to its original position. That other defendant be directed to check the pollution spreading activities of the defendant no.1 and 2 by withdrawing power and water supply to the factory of defendant no.1 and 2 and further withdrawing the N.O.C. for running the said factory in wrong and illegal way as detailed above.
- c) A decree of damages by directing the defendants to pay damage of Rs. 5,00,000/- alongwith interest @ 18% p.a. from the date of suit till its realization.

Any other relief to which this Hon'ble Court may deem fit and just may also be passed in favour of the applicant and against the defendants under the facts and circumstances of the case, in the interest of justice.

Leung
Plaintiff.

Through Counsel:

Verification :

I that above named plaintiff do here by verified that the contents of para ___to ___ are true and correct to the best of

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my knowledge and contents of para ___ to ___ are true and correct on the basis of legal information so received. No part of its false and nothing has been concealed therefrom.

Verified at Kasauli

Singh
Plaintiff