

**BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH
NEW DELHI
EX No. 33 of 2023
IN
ORIGINAL APPLICATION NO. 465/2019**

IN THE MATTER OF:

KULWINDER SINGH SANDHU & ORS APPLICANTS
VERSUS
RAM MURTI & ORS.RESPONDENTS

INDEX

S NO.	PARTICULARS	PAGE NO. S
1.	Copy of the order dated 22.05.2017 passed by the Hon'ble Punjab & Haryana High Court in the matter titled as, "Gram Panchayat Village Nurpur Bet and others V. State of Punjab and others" bearing CWP-8363-2016.	1-16
2.	Copy of the order dated 24.11.2017 passed by the Hon'ble Punjab & Haryana High Court in the matter titled as, "Gram Panchayat Village Nurpur Bet and others V. State of Punjab and others" bearing LPA No.2247 of 2017.	17-21
3.	Copy of the order dated 07.09.2021 passed by this Hon'ble Court in the matter titled as, "Gram Panchayat Nurpur Bet & others V. State of Punjab and others" bearing Original Application No. 218/2021.	22-25
4.	Proof of Service	26

THROUGH


Counsel for the Applicant

KRED JURE

Advocates and Legal Solicitors,

940

PLACE: NEW DELHI

DATE: 08.04.2025

W 41, LGF-GF,
Greater Kailash-II,
New-Delhi – 1100448

Email: a.varunbhat@gmail.com

+91-9511752622



CWP-8363-2016 (O&M)

1

114+233

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

CWP-8363-2016 (O&M)

Date of decision : 22.05.2017

Gram Panchayat Village Nurpur Bet and others

... Petitioner(s)

Versus

State of Punjab and others

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMIT RAWALPresent: Ms. Rahish Pahwa, Advocate
for the petitioners.

Mr. Yatinder Sharma, Addl. A.G., Punjab.

Mr. Ashok Kumar Bazaz, Advocate
for respondent No.3.Mr. Gautam Dutt, Advocate
for the applicant/respondent Nos.4 to 7 in CM-1306-2017.

AMIT RAWAL, J. (ORAL)**CM-7719-CWP-2017**

For the reasons stated in the application, which is duly supported by an affidavit, the application is allowed.

Rejoinder to the reply filed on behalf of respondent No.3 is taken on record subject to all just exceptions.

CM-1306-CWP-2017

The present application under Order 1 Rule 10 CPC has been moved for impleading the applicants, namely, Gram Panchayat Rajaap, Gram Panchayat Bokra Dogra, Ludhiana-I, Gram Panchayat Kapoor

Singhwala, Ludhiana and Gram Panchayat Shohlay Ludhiana-II as

***For Subsequent orders see LPA-2247-2017 Decided by HON'BLE MR. JUSTICE MAHESH GROVER;
HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI***



CWP-8363-2016 (O&M)

2

respondent Nos.4 to 7, on the premise that few of the Gram Panchayats/petitioners, namely, Gram Panchayat Nurpur Bet, Ludhiana, Gram Panchayat Bagan Kalan, Ludhiana, Gram Panchayat Rasulpur Patti, Ludhiana and Gram Panchayat Razapur Patti, Ludhiana, have sought the quashing of the scheme dated 29.09.2014, whereby on 5 acres of land, the Municipal Corporation, Ludhiana is setting up a Scientific Carcass Plant at Nurpur Bet (hereinafter called 'the Plant'), which according to them, would be unhealthy and would not be environmental-friendly, much less, endanger the life of the future generation, owing to the fact that the few of the Gram Panchayats, namely, Gram Panchayat Dollon, Gram Panchayat Manowal and Gram Panchayat Bholewal Jadid, submitted the complaints (Annexure A-1, A-2 & A-3), whereby adjacent to their land, some persons have been carrying out unauthorized business of 'Hadda Rodi' i.e. disposal of the carcass of the dead animals (at unauthorized places) and the aforementioned area is being frequented by the stray dogs and causing pollution in the environment etc.

He further submits that the contents of the application be treated as written statement on their behalf.

Notice of this application.

Ms. Rahish Pahwa, Advocate accepts notice on behalf of the non-applicant/petitioners and submits that they are not the necessary party and urges this Court for dismissal of the application.

I have heard the learned counsel for the parties and appraised the paper book and of the view that in order to appreciate the controversy, particularly, when there is a scheme which is being sought to be quashed, it

would be appropriate to implead the applicants, aforementioned, as

For Subsequent orders see LPA-2247-2017 Decided by HON'BLE MR. JUSTICE MAHESH GROVER; HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI



CWP-8363-2016 (O&M)

3

respondent Nos.4 to 7.

Accordingly, the application is allowed and the aforementioned applicants are ordered to be impleaded as respondent Nos.4 to 7 and the contents of the application be treated as a written statement on their behalf.

CWP-8363-2016

The petitioners have sought the quashing of the Scheme submitted, vide letter dated 29.09.2014 (Annexure P-2) of respondent No.3/Municipal Corporation, Ludhiana and with further prayer for issuance of a writ in the nature of Mandamus directing the respondent No.3/Municipal Corporation, Ludhiana not to pursue any further activity for installation of the Plant in the revenue estate of Village Nurpur Bet on the pleadings that respondent No.3/Corporation, in order to resolve the issue of disposal of dead animals, was looking for some suitable area, but it was not able to install such a plant within the limits of Municipal Corporation, because of the numerous objections and oppositions raised by local inhabitants and in order to resolve this issue, respondent No.3 had purchased an agricultural land measuring 51 kanals 1 marla comprised in Khewat No.444/440, Khatoni No.519, Khasra No.68, Killa No.13 (8-0) in 1 kitta, Khewat No.676/668, Khatoni No.779, Khasra No.63, Killa Nos.2, 3, 4, 5, 6/1, 7, 8, 12/2 in total 8 Kittas, situated within the revenue estate of Nurpur Bet, District Ludhiana and as per jamabandi for the year 2009-10, respondent No.3/Corporation is the owner of the land. Vide letter dated 29.09.2014 (Annexure P-2), respondent No.3/Corporation had taken a decision to install a carcass utilization plant and sanctioned the grant of ₹ 6 Crores for said purpose. Various steps, in this regard, have been taken i.e.

No Objection Certificate from Punjab Pollution Control Board etc. as

For Subsequent orders see LPA-2247-2017 Decided by HON'BLE MR. JUSTICE MAHESH GROVER; HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI



CWP-8363-2016 (O&M)

4

evident from the letter dated 16.01.2015 (Annexure P-3).

Ms. Rahish Pahwa, learned counsel appearing on behalf of the petitioners submits that the site earmarked by respondent No.3/Corporation is situated within the revenue estate of Village Nurpur Bet and surrounded by the revenue estates of Villages and the petitioners acquired the knowledge of the aforementioned fact as per the news item published in the news paper and approached respondent No.3/Corporation not to install the plant and ultimately, sought the information under the Right to Information Act, 2005 by acquiring knowledge that the present place, which is being used as 'Hadda Rohri' meant for disposal of the dead animals without adopting scientific method, is the best suitable place for installation of the said plant as there is enough open space all round because of unhabitated nor any agricultural activity being carried out. In fact the area purchased by respondent No.3/Corporation is the territorial area of Gram Panchayat having a governance of self-government known as Gram Panchayat within the meaning of Section 2(ZA) of the Punjab Panchayati Raj Act, 1994 (for short 'the 1994 Act'). Article 243(G) of Chapter IX stipulates the powers, functions and responsibilities of Panchayat to be determined by the legislature of the State. The 1994 Act came into force w.e.f. 21.04.1994, which is a complete code. By virtue of Seventy Fourth Amendment Act, 1992, part IX-A was incorporated in the Constitution Of India, for establishment of municipalities. The subject of dead animals is governed by the Municipal Solid Waste (Management and Handling) Rules, 2000 (for short 'the 2000 Rules), formulated by the Ministry of Environment and Forests, while exercising the powers conferred under the provisions of Environment Protection Act, 1986 and Rule 4 of the 2000 Rules casts the

For Subsequent orders see LPA-2247-2017 Decided by HON'BLE MR. JUSTICE MAHESH GROVER; HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI



CWP-8363-2016 (O&M)

5

responsibility on every municipal authority to ensure the implementation of these rules within their territorial area (emphasis supplied), which reads as under:-

"Rule 4 (1)- Every municipal authority shall, within territorial area of municipality, be responsible for implementation of the provisions these rules, and for any infrastructure development for collection, storage, segregation, transportation, processing and disposal of municipal solid waste."

By referring the aforementioned rule, she further submits that the municipal authority cannot go beyond the municipal limits from the point of collection of waste to its final disposal. In other words, Rule 4 of the 2000 Rules puts a complete embargo/ban for not extending its area of operation outside its limits. Though, prior to the enactment of the Punjab Municipal Corporation Act, 1976 and amended upto 1994 (for short 'the 1976 Act'), the erstwhile Municipal Committee could fix the places for removal of offensive matter within municipal limits i.e. as per Section 278 of the 1976 Act. Sub-Section 3 of Section 278 of the 1976 Act mandates that the Commissioner shall make adequate provisions for preventing such receptacles, depot, place, dustbin vehicles and vessels from becoming sources of nuisance. The Infectious and Contagious Diseases in Animals, Act, 2009, came into force w.e.f. 25.08.2009 and the main object of the 2009 Act is to eradicate the infectious and contagious diseases affecting animals, namely, prevention of outbreak or spreading of such diseases from one state to another. In order to suffice international obligations for facilitating the import and export of the animals, animals products and other related issues and the violation of their, enables the Department of Animal



CWP-8363-2016 (O&M)

6

Husbandry, Dairying and Fisheries, to prosecute the violators. The petitioners consisting of four villages are situated at a distance of 1-2 kms from the site earmarked for the aforementioned plant. A school having approximate strength of 1200 students and a fact that enough number of workers working day and night therein, are also situated at a very short distance, besides there is a Mandir, namely, Shiv Dham, which is ½ km from the site endangering the life of the inhabitants, resulting into, violation of Article 21 of the Constitution of India, as Right to Live in a clean and healthy environmental, is fundamental right, thus, in view of the aforementioned facts, the scheme is liable to be set aside.

Respondent No.3/Municipal Corporation through Senior Veterinary Officer, has filed the reply raising numerous preliminary objections qua maintainability of the present writ petition, by submitting that apprehension of the petitioners is totally ill-founded and misconceived.

Mr. Ashok Kumar Bazaz, learned counsel appearing on behalf of respondent No.3/Corporation submits that the Government of India before enacting the 2000 Rules, highlighted the need of disposal of carcasses of dead animals in a scientific manner, as per Clause 5.5.9 of the Manual, which reads as under:-

"In most of the cities the animals dying of unnatural death are carried away to outskirts of the city limits by the people who perform the job of dehidng of the carcasses. After dehidng these carcasses are left in open. Vultures and other animals feed on meat of the carcasses. This entire activity is nuisance to the aviation industry and hazard for public health. The carcasses utilization plant which is run by adopting the dry rendering plants should be provided at all major towns to process the dead animal carcasses in a

For Subsequent orders see LPA-2247-2017 Decided by HON'BLE MR. JUSTICE MAHESH GROVER; HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI



CWP-8363-2016 (O&M)

7

scientific manner. These plants should process the Solid waste generated from the slaughter houses as well as the places of illegal slaughter. The products of rendering the plants are widely used as meat/bone meal etc. The slaughter Houses waste can also be subjected to Biomethanation as resources of energy."

Department of Animal Husbandry, Ministry of Agriculture, Government of India is providing substantial financial assistance for setting up the Slaughter Houses and the Carcass Utilization Plants. The details including the guidelines are given in the Annexure 5.2."

The answering respondent(s)/Corporation vide its Resolution No.4647 dated 09.11.2000 (Annexure R-3/1), had purchased 21 acres of land in Village Nurpur Bet for setting up of the Municipal Solid Waste Treatment Plant and owing to the fact that before the commencement of the aforementioned Rules, the Municipal Solid Waste was being disposed of by traditional method of dumping of solid waste at two different sites, which were initially situated outside the Municipal limits, but owing to the extension of the limits of the Municipal Corporation, the sites came within Municipal limits. 'Hadda Rori' was situated at Village Ladowal i.e. a site situated outside the Municipal limits, and by adopting old traditional method, carcasses of dead animals were disposed of i.e. the method of de-hiding the dead animals and leaving them in open to become a feed of vultures, meat-eating birds and animals. The aforementioned concept is a continued source of nuisance, much less, emission of the foul smell and polluting ground-water also environment. It is, in this background of the matter, the respondent No.3/Corporation vide order dated 08.11.2005 (Annexure R-3/2) decided that carcass of all dead animals will be conveyed,



CWP-8363-2016 (O&M)

8

deposited and disposed of at a Municipal Carcass Disposal Site, set up at Village Nurpur Bet and in this regard, vide letter dated 02.07.2012 (Annexure R-3/3), the Punjab Pollution Control Board had on the basis of the complaints received from the residents of area of Village Ladhowal, requested the Deputy Commissioner for removal of 'Hadda Rori' or shifting it, at some appropriate place and it had also issued a notice under Section 33-A of the Water (Prevention & Control of Pollution) Act, 1974, to one Parshottam, who was carrying out the illegal activity of 'Hadda Rori', Parshottam has also filed a civil suit for injunction and the same is pending, but the pendency of the suit has nothing to do with the present case. Vide Resolution No.171 dated 20.12.2014 (Annexure R-3/5), a proposal for setting up of the "Carcass Utilizations Plant" was approved as the provision of Section 278 of the 1976 Act, puts an obligation upon the Corporation to make adequate provisions for preventing receptacles, depots, places, dustbins, vehicles and vessels, much less, final disposal of solid waste and also of the disposal of carcass of the animals in view of the Infectious and Contagious Diseases in Animals Act 2009. Respondent No.3/Corporation, vide order dated 16.01.2015 (Annexure P-3/6), requested the Punjab Pollution Control Board for issuance of 'No Objection Certificate' for setting up the aforementioned plant and simultaneously, also approached the District Town Planner, vide letter dated 19.01.2015 (Annexure R-3/7) for change of the land. Moreover, respondent No.3/Corporation, vide letter dated 17.07.2015, has also invited the open bids and in such process, appointed G.K. Sen & Associates, Kolkata, as Project Management, Consultant, which has submitted a detailed project report (Annexure R-3/8).

The site, in question, is situated at a distance is between 1000-2500 meters

***For Subsequent orders see LPA-2247-2017 Decided by HON'BLE MR. JUSTICE MAHESH GROVER;
HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI***



CWP-8363-2016 (O&M)

9

from the aforementioned four villages, and the location of school is at a distance of 1500 meters, whereas Mandir Shiv Dham is at a distance of 900 meters. In this regard, Tehsildar, Ludhiana (West) has issued a certificate dated 09.01.2015 (Annexure R-3/9) certifying that no *pucca* house of permanent construction is situated within a radius of 100 meters from the plant site, therefore, there is no likelihood of any nuisance, thus, information provided and pleaded in the present writ petition is wholly misplaced and ill-founded, thus, urges this Court for dismissal of the writ petition.

The objection with regard to the dismissal of the writ petition on the ground of delay latches has also been raised inasmuch as as much as that, the land was purchased in the year 2009, whereas the present writ petition has been filed in 2016, besides the aforementioned objection, Mr. Bazaz has also referred to the provisions of Section 4(1) 44(c), (e) and 45 (zc) of the 1976 Act, to contend that respondent No.3/Corporation is empowered and conferred upon the responsibilities to take a suitable measure, in this regard.

He further submits that the site presently used for disposal of carcasses of dead animals at Village Ladhowal, is also situated outside the municipal limits and therefore, suggestion of the petitioners that the site is best suited, is totally against their own argument, in essence, the petitioners cannot approbate and reprobate, as the provisions of Sections 183, 192, 193 and 215 of the 1976 Act, empower the Municipal Corporation even to go beyond the municipal limits for the benefit of the public at large.

The aforementioned written statement has been rebutted by Ms. Pahwa, by filing a replication, stating that the distances given in the written statement are wrong as measurement of the same was not done in the

For Subsequent orders see LPA-2247-2017 Decided by HON'BLE MR. JUSTICE MAHESH GROVER; HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI



CWP-8363-2016 (O&M)

10

presence of the petitioners.

Ms. Pahwa further submits that the petitioners are genuinely concerned with the installation of the plant at the proposed site and the provisions of Section 278 of the 1976 Act, is being misconstrued and misinterpreted as there is no such provision in the Act, enabling the Corporation to fix the places beyond the municipal limits.

In rebuttal, an additional affidavit on behalf of Municipal Corporation dated 24.04.2017, has also been filed through Mr. Bazaz, along with letter dated 31.03.2017 (Annexure R-3/10) and proceedings dated 30.11.2016 (Annexure R-3/11) i.e. decision accorded by the Additional Director of Factories for Director of Factories, Punjab, regarding approval of the site for setting up of the aforementioned plant. In support of his contentions, he relies upon the *ratio decidendi* culled out by the Division Bench of this Court in "**Karamjit Singh and others V/s State of Punjab and others**" 2014 (2) RCR (Civil) 382, wherein while referring to the 2000 Rules regarding problem of the Pollution Board, Ludhiana, the Division Bench of this Court had disposed of the writ petition, with the following directions:-

(1) The concessionaire, who has been given 51 acres of land for setting up of Municipal Solid Waste Management Plant in pursuance of agreement dated 30.11.2011 shall complete the process of installation and operation of such Plant expeditiously preferably within one year from today.

(2) The Respondents shall obtain all clearances and/or no objections etc. where ever required except that it shall not be necessary to obtain no objection from Airport Authority/ DGCA;



CWP-8363-2016 (O&M)

11

(3) *The Municipal Corporation, Ludhiana or the concessionaire shall make arrangements for erection of the boundary wall, if already not done so, to protect the garbage from spilling on road or the adjoining properties and to restrict the entry of unauthorized persons in the garbage area;*

(4) *The concessionaire will do spray of herbal sanitizer daily on regular basis at the Jamalpur dump site to prevent any environmental hazard and to retard the foul smell;*

(5) *Fogging of melathene will also be done every week of Jamalpur dump site to kill the insects and flies;*

(6) *The concessionaire will not burn the garbage or allow anyone to burn the garbage at Jamalpur dump site;*

(7) *A green belt along the entire boundary of the Jamalpur plant/dump site, will be ensured by growing of dense tree and shrubs for fresh air for the purpose of greenery and healthy environment at that area;*

(8) *The fully covered vehicles shall be used for shifting of waste to avoid foul smell and preventing from scattering the same as well as keep it environment friendly;"*

Ms. Pahwa, in reply thereto, submits that the aforementioned directions, even, remotely are not connected with the controversy raised in the present writ petition.

I have heard the learned counsel for the parties and appraised the paper book and of the view that the grievance of the petitioners, in the present writ petition, is fully ill-founded and misplaced and same is hereby rejected/repelled, for, the pith and substance of the arguments of Ms. Pahwa is that respondent No.3/Corporation cannot go beyond its limits to establish the aforementioned plant by purchasing the land in the Village Nurpur Bet. The purchase of land has not been challenged by the petitioners, much less,



CWP-8363-2016 (O&M)

12

the resolution passed from time to time and as well as, no objection certificates, even given by the various authorities i.e. Punjab Pollution Control Board, District Town Country Planer, Director of Factories, much less, appointment of the Consultant.

It would be apt to reproduce the provisions of Sections 183, 192, 193 and 215 of the 1976 Act, which reads as under:-

"183. Power to construct additional works. - If the Corporation is of opinion that the works and other properties for the time being vested in it for the purpose of water supply, drainage and sewage disposal are inadequate for the purpose of sufficient supply of water or for the purpose of proper drainage and efficient disposal of sewage under this Act, it may take steps in accordance with the provisions of this Act for the construction of additional works, whether within or without the local limits of the Corporation and for the acquisition of additional properties for such works.

192. Power to lay mains. - (1) The Commissioner may lay a main whether within or without the local limits of the Corporation-

(a) in any street; and

(b) with the consent of every owner and occupier of any land not forming part of a street, in, over or on that land, and may, from time to time, inspect, repair, alter or renew or may at any time remove any main so laid whether by virtue of this section or otherwise:

Provided that where a consent required for the purpose of this sub-section is withheld, the Commissioner may, after giving the owner or occupier of the land a written notice of his intention so to do, lay the main in, over or on that land even without such consent.

(2) Where the Commissioner, in exercise of the powers



CWP-8363-2016 (O&M)

13

under this section lays a main in, over or on any land not forming part of a street or inspects, repairs, alters, renews or removes a main so laid down in, over or on any such land, he shall pay compensation to every person interested in that land for any damage done to, or injurious affection of that land by reasons of the inspection, laying, repair, alteration, renewal or removal of the main.

193. Power to lay service pipes etc. - (1) *The Commissioner may, in any street, whether within or without the local limits of the Corporation, lay such service pipes with such stopcocks and other water fitting as he may deem necessary for supplying water to premises and may, from time to time, inspect, repair, alter or renew and may, at any time, remove any service pipe laid in a street whether by virtue of this section or otherwise.*

(2) *Where a service pipe has been lawfully laid in, over or on the land not forming part of a street, the Commissioner may from time to time enter upon that land and inspect, repair, alter, renew or remove the pipe or lay a new pipe in substitution thereof but shall pay compensation for any damage done in the course of such action.*

215. Rights of user of property for aqueducts, lines etc. -

(1) *The Commissioner may place and maintain aqueducts, conduits and lines of mains or pipes or drains over, under, along or across any immovable property whether within or without the local limits of the City, without acquiring the same, and may at any time for the purpose of examining, repairing, altering or removing any aqueducts, conduits or lines of mains or pipes, or drains, after giving a reasonable notice of his intention so to do, enter on any property over, under, along or across which the aqueducts, conduits or lines of mains or pipes or drains have been placed:*

Provided that the Corporation shall not acquire any right other than a right of user in the property over,



CWP-8363-2016 (O&M)

14

under, along or across which any aqueduct, conduit or line of mains or pipes, or drain is placed.

(2) The powers conferred by sub-section (1) shall not be exercisable in respect of any property vested in the Government or under the control, or management of the Government or railway administration or vested in any local authority save with the permission of the Government or railway administration or the local authority as the case may be, and in accordance with any bye-law made in this behalf:

Provided that the Commissioner may, without such permission, repair, renew or amend any existing works of which the character or position is not to be altered if such repair, renewal or amendment is urgently necessary in order to maintain without interruption the supply of water, drainage or disposal of sewage or is such that delay would be dangerous to health, human life or property.

(3) In the exercise of the powers conferred upon him by this section, the Commissioner shall cause as little damage and inconvenience as may be possible, and shall make full compensation for any damage or inconvenience caused by him. "

On cumulative reading of the aforementioned provisions, it reveals or leaves no manner of doubt that respondent No.3/Corporation, for the purpose of carrying out its activity for managing aqueducts, conduits and lines of mains or pipes or drains over, under, along or across any immovable property, whether within or without the local limits of the City, has the powers, therefore, argument of Ms. Pahwa, not establishing the waste plant within municipal limits is wholly misplaced and the same is hereby rejected.

The specific distances between 1000-2500 meters and of a
**For Subsequent orders see LPA-2247-2017 Decided by HON'BLE MR. JUSTICE MAHESH GROVER;
 HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI**



CWP-8363-2016 (O&M)

15

school and Mandir *ibid*, have not been specifically rebutted in the rejoinder, except by vague denial that the distances are not correct. No concrete evidence to belie the aforementioned statement has been placed on record. Even otherwise, the earlier traditional method of de-hiding and disposal of the carcass of the dead animals being done in Village Ladhawal, which was also outside the limits of municipal corporation. The respondent Nos.4 to 7 have also submitted the complaints Annexure R-A1 to A3 i.e. existing place for disposal i.e. 'Hadda Rori' has been creating nuisance and a source of pollution also platform of spread of various diseases, as stray dogs, meat-eating birds and animals converge at the area and excrete and birdshit are also source of spread of the diseases. The plant has been set up in a scientific manner for the disposal of the animals carcass. Once the authorities have given no objection certificates, the petitioners cannot possibly have any objections, but rather it appears to be a personal battle between the two sets of villagers the one impleaded and the petitioners. In such battle, development work for the purpose of implementation of Swachh Bharat Scheme cannot be put at rest and residents or public, made to suffer.

It has come across in many cases that acts of the Corporation or the State for the better environment and for welfare of the citizens, are being hampered and impeded with the intervention of the local residents, for settlement of the personal egos and sometimes capitalization of the situation and the Court should be wary/circumspect in causing interference, rather the writ petition should be dismissed by imposing exemplary cost.

Already the matter with regard to the spread of pollution and its prevention, has been taken care of by Division Bench's judgment cited supra

For Subsequent orders see LPA-2247-2017 Decided by HON'BLE MR. JUSTICE MAHESH GROVER; HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI



CWP-8363-2016 (O&M)

16

i.e. with regard to the taking the preventive measures for setting up the Solid and Waste Management Plant and not with regard to the carcass of the animals. Respondent No.3/Corporation had already spent a lot of money in purchasing the land, but the the petitioners have made all possible efforts in creating hurdles, rather acted as stumbling block in installation of the plant by obtaining the interim injunction way back on 03.05.2016 and almost one year has elapsed in this manner.

As an upshot of my reasoning/finding, the grievance of the petitioners is totally ill-founded and do not call for interference, much less, does not fall within the realm of 'Judicial Review' under Article 226 of the Constitution of India.

Accordingly, the present writ petition is dismissed.

Though I intended to impose the cost, but I refrain myself as it is only the Gram Panchayat, which has come forward and not the individual, though, apparently it looked that the present litigation approximately is at the instance of the persons, who are carrying on the business of 'Hadda Rori/Rodi'.

22.05.2017

Yogesh Sharma

(AMIT RAWAL)
JUDGE

✓

Whether speaking/reasoned Yes/ No

✓

Whether Reportable Yes/ No

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

LPA No.2247 of 2017 (O&M)

Date of Decision : 24.11.2017

Gram Panchayat Village Nurpur Bet
and others

....Appellants

Versus

State of Punjab and others

....Respondents

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR.JUSTICE ANIL KSHETARPAL

...

Present: Mr.P.S.Khurana, Advocate
for the appellants.

...

MAHESH GROVER, J. (Oral)

This appeal is directed against the judgment of the learned Single Judge dated 22.05.2017.

The appellants are Gram Panchayats of various villages and question the action of the Municipal Corporation, Ludhiana to set up a “Carcass Utilization Plant” for which it has purchased land in the vicinity of the appellants.

The arguments that have been raised before us can be enumerated as follows :-

i) That no clearances have been obtained from the Punjab Pollution Control Board and the learned Single Judge has noticed this fact in affirmation erroneously in the absence of any material on record.

LPA No.2247 of 2017 (O&M) -2-

- ii) That the Municipal Corporation in terms of Section 25-a and Section 4 of the Municipal Corporation Act, 1976 can function only within the prescribed limits as notified by the process of law.
- iii) That there is no methodology prescribed in the Municipal Corporation Act for disposal of dead animals and thus the setting up of a plant without any proper resolution authorising the Corporation to do so cannot be permitted.
- iv) That the interest of the citizens, their rights and action of the Corporation has to be maintained which according to the appellants is being disturbed by setting up the plant.

We have heard the learned counsel for the appellants at some length.

In so far as the first argument raised before us regarding the clearances obtained from the competent authorities is concerned, we are of the opinion that the appellants failed to implead the Punjab Pollution Control Board as a necessary party to the petition which was essential to understand whether any clearances have been obtained by the Corporation or not. We find on record an application submitted to the Punjab Pollution Control Board for the purpose, but no material has been pointed out by the appellants to show the clearances granted by the Board. Be that as it may, we make it clear that setting up of a

LPA No.2247 of 2017 (O&M) -3-

plant of the kind indicated in the proceedings shall be permitted only after requisite clearances have been obtained from the competent authorities. The Punjab Pollution Control Board, though not a party before us, is, therefore, mandated to ensure proper compliance. Likewise, the State authorities are also directed to ensure that the change of land use is in place. This effectively takes care of latent public interest in the petition.

In so far as the second objection of the appellants qua the Corporation being permitted to confine only within its limits, there would be no quarrel with it. But strangely the appellants themselves have not brought on record any notification in order to enable us to understand whether the proposed plant being set up is within the boundary confines of the Corporation. This objection, therefore, cannot be appreciated and is thus discarded.

It is next contended that there is no methodology prescribed for disposal of dead bodies of animals. We are of the opinion that disposal of bodies of dead animals is indeed a very serious issue confronting the urban as also the rural bodies. If an attempt is being made by the Corporation to set up a plant on scientific lines, we do not see any reason why there should be any objection by the appellants particularly when the villagers are still persisting with age old traditions of having a Hadda Rori in the vicinity of the village to dispose of bodies of dead animals

LPA No.2247 of 2017 (O&M) -4-

which is neither scientific nor hygienic. Even if the methodology as such is not prescribed it has to be understood that there is an acute necessity of dealing with this situation of carcass disposal which cannot be left in the open. The attempt of the Corporation to set up a plant by adopting modern techniques thus cannot be faulted with or discouraged.

Lastly, it has been argued that the rights of the individuals have to be balanced with the acts of the State. Such an argument has to be discarded outright in view of the settled proposition of law that private interest has to yield to public interest. We have noticed that disposal of carcass of dead animals is certainly a public interest. The carcass if permitted to rot in the open are obviously going to be hazardous to the health of the inhabitants living in the vicinity. The action of the Corporation, therefore, has an element of advancing a public interest. Any action taken by them in this regard cannot be thwarted or attenuated on such considerations as the ones advanced before us. A feeble attempt has been made by the appellants to state in continuation of the second argument that the Corporation has to function within its boundaries confined. The Municipal Corporation, which is a body corporate and a legal entity, is fully empowered to go beyond its limits and purchase land. If the land has been purchased for a particular purpose then they are entitled

LPA No.2247 of 2017 (O&M) -5-

to put it to use subject to other constraints of law. We, therefore, do not find any ground to interfere. However, delay of 49 days in filing and 58 days in re-filing the appeal is condoned for the reasons mentioned in the applications.

Appeal dismissed.

(MAHESH GROVER)
JUDGE

24.11.2017
dss

(ANIL KSHETARPAL)
JUDGE

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

Item No. 02

(Court No. 1)

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

(By Video Conferencing)

Original Application No. 218/2021

Gram Panchayat Nurpur Bet & Ors.

Applicant(s)

Versus

State of Punjab & Ors.

Respondent(s)

Date of hearing: 07.09.2021

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE MR. JUSTICE BRIJESH SETHI, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Applicant: Mr. Jitender Cheema & Mr. Amber Sachdeva, Advocates

ORDER

1. Grievance in the application is against clearance granted by the State PCB for setting up of a Carcass Utilization Plant at Nurpur Bet, District Ludhiana, Punjab by Respondent No.05 - Modern Carcass Utilization Plant, ESS DEE Enterprises, Greater Noida.

2. According to the applicant, installation of such plant will adversely impact the environment, lives of inhabitants and the livestock. The site is surrounded by inhabitation of our villages, school, temple and factory and as such would cause health hazard and pollute the environment.

3. We have heard learned counsel for the applicants and perused the record. We are of the view that no case is made out for interference by the Tribunal.

4. The applicants have stated that earlier carcass disposal activity was at a different site but as a result of order of this Tribunal dated 15.04.2021 in O.A No.465/2019, *Kulwinder Singh Sandhu & ors v. Ram Murti & Ors*, the said activity is being shifted to the present site. We find that in the said matter, the Tribunal considered grievance of crude and unscientific carcass disposal at Village Ladhawal, District Ludhiana. The Tribunal also considered the report of the CPCB on the subject of Guidelines for Scientific Handling of Carcass as well as remedial action to redress the grievance raised in the said matter. The Tribunal disposed of the application by following directions:

“

7. *We are of the view that CPCB also needs to look into the lay down siting criteria for location of Carcass management facilities in deep burial method. It may also lay down standards for treated effluents, solid waste and air emissions which may be required to be incorporation as consent conditions by State PBCs/PCCs. Such modified guidelines may be issued within two months and compliance by State PCBs/PCCs may be periodically monitored.*

8. *The report of the State PCB dated 13.04.2021 is that the Monitoring Committee visited the site 27.11.2020 and found 45% was construction completed and rest was to be completed till 28.02.2021. The Monitoring Committee made the following recommendations:-*

“i. The construction work of Modern Carcass Plant should be completed by 31.12.2020. The machinery should be installed by 31.01.2021 and the plant should be commissioned by 28.02.2021, failing which Environmental Compensation double the amount as already imposed by the Monitoring Committee shall be imposed.

ii. The Concessionaire shall install and commission effluent treatment plant and other solid waste management plant simultaneously along with the commissioning of the main plant.

iii. There shall be no discharge from the plant and the same shall be utilized/recycled within the premises of the main plant.

iv. The Concessionaire shall plant at least 03 rows of broad leaf trees to attenuate air pollution any gaseous emission generated during the operation of main plant by 31.01.2021.

v. The Concessionaire shall obtain permission from the concerned authority for the abstraction of ground water before commissioning the main plant.

vi. The Concessionaire should ensure that there shall be no obnoxious odour and nuisance in the area with the operation of the main plant.”

5. The applicant has also filed DPR in respect of the project in question which states that the site in question was duly approved by the Municipal Corporation after considering all the major factors.

6. According to the applicants, the Punjab State PCB granted its approval on 16.01.2015 and the State has given subsidy for the plant as per its scheme dated 29.09.2014. The applicants filed *Writ Petition (Civil) No. 8363/2016* before the High Court of Punjab and Haryana against the scheme dated 29.09.2014 for setting up of such plants which was dismissed on 22.05.2017 by the Single Bench of the High Court, which order was affirmed by the Division Bench of the High Court on 24.11.2017 in *LPA No. 2247 of 2017*. Thus, the matter having been considered by the High Court and the site selection have been duly approved by the statutory authorities, no case is made out for interference by this Tribunal.

7. We have noted that there is no allegation of violation of environmental norms in running of the plant. Needless to say that the plant has to be operated consistent with the environmental norms and if there is any violation, the affected parties are free to take remedies in accordance with law.

The Application is disposed of.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Brijesh Sethi, JM

Dr. Nagin Nanda, EM

September 07, 2021
Original Application No. 218/2021
AB



ADITYA VARUN <adi.varun121@gmail.com>

Advance service of documents being filed in the matter, "KULWINDER SINGH SANDHU & ORS V. RAM MURTI & ORS."

1 message

ADITYA VARUN <adi.varun121@gmail.com>

Tue, Apr 8, 2025 at 1:14 AM

To: chairmanppcb@yahoo.co.in, ccb.cpcb@nic.in, chairman.ptl.ppcb@punjab.gov.in, commissionerml@gmail.com, dc.ldh@punjab.gov.in

Sir,

Please take this as an advance service of the documents being filed in the matter titled as, "**KULWINDER SINGH SANDHU & ORS V. RAM MURTI & ORS.**", Ex No. 33 of 2023.

--

Aditya Varun**Advocate**

W-41, Greater Kailash-II,
New Delhi-110048.
Telephone: (+91) 9511752622
Mobile: (+91) 8713977007

This message is intended for the addressee only and may contain confidential information. It may not be copied to others without our permission. If you are not the intended recipient, please contact the sender as soon as possible and delete the material from any computer and storage system, electronic or otherwise without taking any copies or showing it to anyone. Unauthorised use of this e-mail is prohibited. The author takes no responsibility for misdirection, corruption or unauthorised use of e-mail communications, or for any damage that may be caused as a result of transmitting or receiving an e-mail communication.

Please help the environment. Print this email only if absolutely necessary.

 **Documents KULWINDER SINGH V RAM MURTI pdf.pdf**
958K