



Regional Office, Ballabgarh Region
Haryana State Pollution Control Board
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Contact No. 0129-2225314



No. HSPCB/BR/2019/8398

Dated: 18-12-2019

To

The Registrar General,
National Green Tribunal,
New Delhi.

Sub:- Report on behalf of Deputy Commissioner, Palwal, Palwal Municipal Council and Haryana State Pollution Control Board in compliance of order dated 12-04-2019.

In this connection, please find enclosed herewith the interim action taken report in compliance of Hon'ble NGT judgement dated 12-04-2019.

DA/as above


Regional Officer
Ballabgarh Region

Endst. No.

Date:

A copy of the above is forwarded to the legal cell, Haryana State Pollution Control Board, Panchkula for information and necessary action please.

Regional Officer
Ballabgarh Region

Endst. No.

Date:

A copy of the above is forwarded to the Chairman, Haryana State Pollution Control Board, Panchkula for information and necessary action please.

Regional Officer
Ballabgarh Region

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,

PRINCIPAL BENCH, NEW DELHI

O.A. No.391 OF 2019

IN THE MATTER OF:-

SND Public School, Palwal

.....Applicant

Versus

State of Haryana & Ors.

.....Respondents

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THROUGH

NEW DELHI:
DATE: __.12.2019

[ANIL GROVER]
ADDL. ADVOCATE GENERAL, HARYANA
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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,

PRINCIPAL BENCH, NEW DELHI

O.A. No.391 OF 2019

IN THE MATTER OF:-

SND Public School, PalwalApplicant

Versus

State of Haryana & Ors.Respondents

**REPORT ON BEHALF OF DEPUTY COMMISSIONER
PALWAL, PALWAL MUNICIPAL COUNCIL AND
HARYANA STATE POLLUTION CONTROL BOARD
(HSPCB), IN COMPLIANCE OF ORDER DATED
12.04.2019.**

MOST RESPECTFULLY SHOWETH:-

1. That the present O.A has been filed by the applicant seeking directions to stop dumping of the waste, and removal of the legacy waste from the site in question.

Factual position at the site:

2. That the waste collected from the city Palwal is being dumped at Mustil No.17's Killa No.17/1, 24/2 of Mauja Meghpur (hereinafter referred as to 'site in question'). The present site is suitable considering the distance from the habitation. The MSW is being dumped at approximate distance of 500 meter from the applicant school. No other site is at such less distance from habitation.

①

3. That there are 31 Wards in the Palwal City with total population of 1,81,254. The approximate generation of the waste is 54 Tonnes per day.

Action plan for disposal of present waste:

4. That the action plan for category-wise waste is as under:-

- a). The wet waste shall be processed through 'Decentralized Aerobic Method'. In this regard a tender dated 21.11.2019 has been issued for construction of Aerobic Composting Pit. A copy of tender dated 21.11.2019 is attached herewith as **Annexure R-1**. (Tentative timeline for awarding the work order is 24-12-2019 and completion of work on dated 30-06-2020)
- b). The horticulture waste received from Parks shall be processed in Aerobic Compost Pit and in this regard tender dated 21.11.2019 has been issued, copy of which is attached herewith as **Annexure R-2**. (Tentative timeline for awarding the work order is 24-12-2019 and completion of work on dated 23-02-2020)
- c). For the treatment of dry waste, the segregation of waste is required. In this regard work of establishment of 3 MRF Centers has been started. The segregated dry waste shall be sent for its re-use/re-cycle.

Thus, the 50% of the total waste received in the form of wet waste shall be treated through Aerobic Decentralised Composting and 35% of the waste in the form of dry waste received after segregation at MRF Centre shall be disposed through re-cycling /re-used. The remaining waste i.e. inert waste shall be sent to the dumping site. This process will reduce the quantity of waste being dumped at the site in question.

Action plan for disposal of legacy waste:

5. That the tentative quantity of the legacy waste at the site is approximate 9000 M.T. The site in question is surrounded with boundary walls and 250 trees has been planted at the site to reduce the pollution effect. The disinfectant is being spread over the legacy waste to avoid possibility of foul smell. The legacy waste is planned to be treated by way of 'Bio-Remediation'. In this regard, Tender dated 20.11.2019 has already been issued. Copy of Tender dated 20.11.2019 for bio-remediation of legacy waste is attached herewith as **Annexure R-3**. but there is no tender has been received for the above said work. Now Re-tender will be called on dated 18-12-2019 & opened on dated 26-12-2019 (Tentative timeline for awarding the work

order is 07-02-2020 and completion of work on dated 06-02-2021)

6. That the site in question has been visited by the Committee constituted by Civil Surgeon, Palwal on 03.01.2019. A copy of the report dated 03.01.2019 prepared by Medical Officers, is attached herewith as **Annexure R-4**.

Action plan of Centralised Integrated Solid Waste Management Project:

7. That it is planned to establish Solid Waste Disposal Plant at Punhana Cluster with facility of Centralized Integrated Waste Management. In this regard Tender was called through online, however, only one bid was received. The further process is under progress in Directorate of Urban Local Bodies, Haryana at Panchkula. After establishment of this integrated facility at Punhana, the waste of Palwal City shall be processed there and shall not be dumped at site in question.

Brief background of the case and response to allegations made in the O.A.

8. That the applicant has tried to mislead this Hon'ble Tribunal by concealing the material facts. The relevant facts are being reproduced below:-

i). The land in question was in the name of Gram Panchayat and vide Intkal No.588 dated 10.7.2014, its ownership vested with the Municipal Council Palwal. After transfer of land to Municipal Council, Palwal, the same can be used to discharge the functions assigned to MC Palwal. A copy of Intkal No.588 dated 10.7.2014 is attached herewith as **Annexure R-5**.

ii) The applicant filed an OA No.551/2015 that dumping site is 200 meters away from the applicant school. The submissions of the applicant were considered by the answering respondent and dumping on the site as mentioned in the OA was stopped. An undertaking was also given accordingly before this Hon'ble Tribunal and OA was disposed of vide order dated 10.03.2016.

iii) That the answering respondent considered for other suitable site for dumping of Municipal Solid Waste, however, no site except the present one at Mustil No.17's Kila No.17/1, 24/2 of Muaja Meghpur was found suitable considering the distance from habitation. The MSW was being dumped at the distance of 200 Meter from the applicant school. No other site is at such less distance from habitation. The applicant filed an

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Execution Application No.1/2017 seeking execution of the order dated 10.03.2016 which was disposed of vide order dated 19.01.2017. Copy of order dated 19.01.2017 is annexed herewith as **Annexure-R-6**.

- iv). That the Deputy Commissioner, Palwal considered the representation received for shifting of dumping yard and vide letter dated 18.01.2017, constituted a committee consisting of Executive Officer, Municipal Council Palwal & District Health Officer under Chairmanship of Sub Divisional Officer (C) to inquire into the matter. The said Committee considered the effects of dumping also and Sub Divisional Officer, Palwal submitted the Enquiry Report alongwith report of District Health Officer/SMO, CHC Dudhola (Palwal). The copy of letter dated 18.01.2017 of Deputy Commissioner, Palwal and the Enquiry Report No.1849/R.K. dated 13.02.2017 submitted by Sub Divisional Officer (C), Palwal alongwith report dated 09.02.2017 of District Health Officer, Palwal are being annexed herewith as **Annexure-R/7** **(Colly)**.
- v) That in view of the above, it is clear that answering respondent has not violated the order and/or undertaking dated 10.03.2016. Infact, present dumping

is being done inside the premises is far from the site as mentioned in OA No.551/2015.

- vi) The applicant filed an OA No.96/2017 in which MC Palwal filed its reply on 03.03.2017. While clarifying the above stated facts, the MC Palwal has stated in its reply that if Hon'ble Tribunal forms the view that MC, Palwal has violated any order/direction of this Hon'ble Tribunal, it tenders unconditional apology. It has never intended to violate the order/direction passed by this Hon'ble Tribunal or undertaking given to this Hon'ble Tribunal. Copy of reply of MC Palwal filed on 03.03.2017 is being annexed herewith as **Annexure-R/8**.
- vii) That best efforts have been made by the MC Palwal to ensure that no unpleasant situation is created by the site in question. Vide order dated 19.04.2017, the Hon'ble Tribunal appointed Sh. Raman Yadav as Local Commissioner and to submit the report in regard to status of the site. Copy of report submitted by the Ld. Local Commissioner is annexed herewith as **Annexure-R/9**.
- viii) That earlier clay earth was being used to cover the waste in view of the observations of this Hon'ble Tribunal made in order dated 17.05.2013 passed in OA No.93(THC)/2013. However, in view of observations of

this Hon'ble Tribunal made in order dated 09.08.2019 passed in OA No.136/2015, the covering of waste with clay earth has been stopped and only disinfectant is being sprayed.

- ix) That in reference to recommendation dated 17.12.1015, it is humbly submitted that corrective measures were taken by the MC Palwal and thereafter subsequent report(s) were submitted by the Medical Officers. Copy of report dated 09.02.2017 of District Health Officers, Palwal has already been annexed as Annexure-R/7. Copy of report dated 02.01.2019 of the Medical Officers, Palwal is also annexed herewith as **Annexure-R/4**.
- x) That the ground water samples were collected by HSPCB on dated. 07-08-2019 from two locations (1) Nearby MSW dumping site i.e. Tubewell near thermal power sub-station. (2) Petrol pump near SND Public School. The results received from HSPCB laboratory are almost same in respect of both sample locations. Thus contamination of ground water resulting from dumping of waste in question can not be concluded. The analysis reports are annexed herewith as **Annexure-R/10**. That no contamination of ground water has been noticed as alleged in the OA.

xi) That in reference to vicinity to water Body in Kila No.27 as stated in OA, it is submitted that that at the time of consolidation of Village Meghpur in 1956-57, the Kila No.27 in question was shown as Gairmumkin Shamshan Bhumi and Jamabandi was prepared in 1970-71, since then the said Kila No. was entered in Revenue records as Gairmumkin Shamshan Bhumi till Jamabandi of 2010-11. The copy of report of Patwari, Revenue Department, District Palwal and that of Jamabandi of Year 1970-71 onwards were filed in OA No.96/2017. However, a Civil Suit was filed bearing No.60/2017 by villagers seeking permanent injunction to stop the dumping of garbage. The Ld. Civil Judge (JD), Palwal observed that contention of the plaintiffs is not sustainable as a perusal of the revenue record reveals that since the year 1965-66 till date Khasra no.27 has been shown as Gair Mumkin Graveyard. It has not come on record that earlier the plaintiffs have raised any objections regarding this entry which is in existence for more than 50 years. Finally, the suit was dismissed. Copy of order dated 27.02.2018 passed by Ld. Civil Judge(JD), Palwal is annexed herewith as **Annexure-R/11**.

This order passed by Ld. Civil Judge (JD) was challenged by way of appeal and Ld. Additional District Judge, Palwal allowed the appeal and suit of the

plaintiffs succeed vide Judgment dated 09.04.2018. Copy of Judgment dated 09.04.2018 is annexed herewith as **Annexure-R/12**. On the basis of this judgment, status of Khasra No.27 was changed from 'Gair Mumkin Shamshan' to Gair Mumkin Johar'.

The judgment passed by Ld. ADJ, Palwal has been challenged by MC Palwal before the Hon'ble High Court of Punjab & Haryana by way of RSA No.2587/2018 and Hon'ble High Court, vide order dated 20.05.2019 has kept in abeyance the operation of judgment passed by Court in appeal. Copy of order dated 20.05.2019 is annexed herewith as **Annexure-R/13**.

At present, boundary wall has been constructed around the Khasra No.27 as interim measure to avoid dumping of waste therein. Further, no tubewell exists in or near the dumping site. Infact, Kila/Khasra No.16/9/1 has been shown as 'Hadda Rodi'.

In view of the above submitted facts and circumstances mentioned herein above, it is humbly submitted that any order restraining the answering respondent from dumping the SMW at present site would create sanitation problem(s) resulting mess in the Palwal city.

The report is submitted for kind consideration of this Hon'ble Tribunal. The direction passed by this

Hon'ble Tribunal shall be complied with in true letter and

spirit.

Executive Officer, Municipal Council, Plawal	Regional Officer, HSPCB, Ballabgarh	Deputy Commissioner, Palwal
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PLACE: _____

DATED: 17.12.2019

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31	31/NOV/2019 Const. of Compost pits in Park of MC Palwal	22.74	1500	46000	ACHINT GOYAL, B K BUILDERS, D V ENTERPRISES, MUKESH SHARMA
32	32/NOV/2019 Const. Septic Tank including providing and laying 250mm Id SW Mark pipe for Sewer line in following areas in MC Palwal 1. Near Vanday Matram School in MC Palwal, 2. Lohagarh near Shamshan Ghat in MC Palwal, 3. Hari Nagar near Lohagarh in MC Palwal, 4. Near Dholagarh Rehrana Road in MC Pawal	22.64	1500	45000	 ACHINT GOYAL, DV ENTERPRISE
33	33/NOV/2019 Const. Septic Tank including providing and laying 250mm Id SW Mark pipe for Sewer line in following areas in MC Palwal, 1. Infront of Dholagarh Convent School in MC Palwal, 2. Lohagarh near Govt. School in MC Palwal, 3. Parshuram Colony, Sohna Road in MC Palwal, 4. near Church in MC Palwal	22.74	1500	45000	RAJESH BANSAL CONTRACTOR, ACHINT GOYAL, DV ENTERPRISES
34	Construction of Compost Pits in Three MRF Centres Mc Palwal	20.56	1500	41000	

- (i) Details regarding terms and conditions including the tender documents are available on the website <http://etenders.hry.nic.in> and also in Office of Municipal Council, Palwal.
- (ii) Contractors or firms and L and C societies will have to register by themselves on website <https://etenders.hry.nic.in>.
- (iii) Bidders will have to submit physically work wise hard copy of all documents in separate envelopes in the office of Municipal Council, Palwal as per schedule.
- (iv) The payment of each work will be paid after getting sample report from any Government approved laboratory and monitoring from competent authority.
- (v) The tender form fee or cost will be paid by the Bidder in the shape of demand draft in Favour of Secretary Palwal payable at Palwal, District Palwal and submit hard copy of the Same as per schedule.
- (vi) The contractor will maintain the work free of cost. (Mtc. liability period for period of 6 months) from the date of complete of job.
- (vii) The analysis for the above work can be seen in the Office of Municipal Council Palwal.
- VIII The Work order will be issued after DC approval.

Sd or -
Municipal Engineer,
M.C. Palwal

Sd or -
M. C. Palwal

MUNICIPAL COUNCIL PALWAL
NOTICE INVITING SINGLE PERCENTAGE or ITEM RATE ONLINE TENDER

On behalf of President online e tenders on <https://etenders.hry.nic.in> are here by invited from the eligible contractors or firms enlisted on the approved list of PWD (B and R) ,PWD (PHED) , HUDA , HHSAMB, CPWD , Municipalities for the work as mentioned below:-

Sr. No	Name of Work	Estimated Cost in Lacs	Bid Doc Cost in (Rs)	EMD (Rs.)	Document Download and Bid submission		Tender Opening Date
					Start Date	Close Date	
1	1/NOV/2019 Selection of Service Provider to work as Contractor for "Bio-Remediation of Waste i.e Segregation and Processing of Waste, as per MSW Handling Rules 2016, in Municipal Council Palwal	25.00	5000	50000			NIL
2	2/NOV/2019 Providing and Laying 250mm id SW marked pipe for Sewer line in front of 15MLD MC Palwal (Unapproved area under NGT orders)	7.90	1000	16000			2 ACHINT GOYAL, DV ENTERPRISE
3	3/NOV/2019 Providing and Laying 250mm id SW marked pipe for Sewer line in front of Dholagarh Convent School in M C Palwal (Unapproved area under NGT orders)	13.83	1500	28000			ACHINT GOYAL, DV ENTERPRISE, RAJESH BANSAL, GMG CONSTRUCTION
4	4/NOV/2019 Providing and Laying 250mm id SW marked pipe for Sewer line in Lohagarh near Govt. School MC Palwal (Unapproved area under NGT orders)	13.21	1500	27000			ACHINT GOYAL, DV ENTERPRISE, MUKESH SHARMA
5	5/NOV/2019 Providing and Laying 250mm id SW marked pipe for Sewer line Opp. Church in MC Palwal (Unapproved area under NGT orders)	13.83	1500	28000			ACHINT GOYAL, DV ENTERPRISE, GMG CONSTRUCTION
6	6/NOV/2019 Providing and Laying 250mm id SW marked pipe for Sewer line in Parkash Colony MC Palwal (Unapproved area under NGT orders)	19.99	1500	40000			ACHINT GOYAL, DV ENTERPRISE, RAJESH BANSAL, MUKESH SHARMA
7	7/NOV/2019 Providing and Laying 250mm id SW marked pipe for Sewer line in Parsuram Colony MC Palwal (Unapproved area under NGT orders)	8.69	1000	17500			3 ACHINT GOYAL, DV ENTERPRISE
8	8/NOV/2019 Providing and Laying 250mm id SW marked pipe for Sewer line near Vandey Matram School in MC Palwal (Unapproved area under NGT orders)	8.89	1000	18000			ACHINT GOYAL, DV ENTERPRISE, MUKESH SHARMA
9	9/NOV/2019 Providing and Laying 250mm id SW marked pipe for Sewer line Near Nala in MC Palwal (Unapproved area under NGT orders)	14.78	1500	30000			ACHINT GOYAL, DV ENTERPRISE, MUKESH SHARMA

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10	10/NOV/2019 Providing and Laying 250mm id SW marked pipe for Sewer line near Dharam Public School on Agwanpur highway in MC Palwal (Unapproved area under NGT orders)	15.64	1500	31000	ACHINT GOYAL, DV ENTERPRISE, MUKESH SHARMA, GMG CONSTRUCTION
11	11/NOV/2019 Providing and Laying 250mm id SW marked pipe for Sewer line in Bharat Colony on Ashwta Road in MC Palwal (Unapproved area under NGT orders)	23.51	1500	47000	ACHINT GOYAL, DV ENTERPRISE, RAJESH BANSAL
12	12/NOV/2019 Providing and Laying 250mm id SW marked pipe for Sewer line in Lohagarh near Shamshan Ghat in MC Palwal (Unapproved area under NGT orders)	14.95	1500	30000	ACHINT GOYAL, DV ENTERPRISE, RAJESH BANSAL, MUKESH SHARMA
13	13/NOV/2019 Providing and Laying 250mm id SW marked pipe for Sewer line in Hari Nagar Colony near Lohagarh in MC Palwal (Unapproved area under NGT orders)	7.68	1000	15000	ACHINT GOYAL, DV ENTERPRISE, MUKESH SHARMA
14	14/NOV/2019 Providing and Laying 250mm id SW marked pipe for Sewer line in Hari Nagar Colony near Distributory in MC Palwal (Unapproved area under NGT orders)	4.68	500	9000	ACHINT GOYAL, DV ENTERPRISE, MUKESH SHARMA
15	15/NOV/2019 Providing and Laying 250mm id SW marked pipe for Sewer line in Hari Nagar Colony near Golaya School in MC Palwal (Unapproved area under NGT orders)	7.41	1000	15000	ACHINT GOYAL, DV ENTERPRISE, MUKESH SHARMA
16	16/NOV/2019 Providing and Laying 250mm id SW marked pipe for Sewer line in front Paladium Hotel in MC Palwal (Unapproved area under NGT orders)	10.74	1000	22000	4 ACHINT GOYAL, DV ENTERPRISE,
17	17/NOV/2019 Providing and Laying 250mm id SW marked pipe for Sewer line near Doaba Factory in MC Palwal (Unapproved area under NGT orders)	5.54	500	11000	5 ACHINT GOYAL, DV ENTERPRISE,
18	18/NOV/2019 Providing and Laying 250mm id SW marked pipe for Sewer line Agwanpur Nangla W.No.1 in MC Palwal (Unapproved area under NGT orders)	23.15	1500	46000	ACHINT GOYAL, DV ENTERPRISE, GMG CONSTRUCTION
19	19/NOV/2019 Providing and Laying 250mm id SW marked pipe for Sewer line in Rehrana road Dholagarh in MC Palwal (Unapproved area under NGT orders)	21.00	1500	42000	ACHINT GOYAL, DV ENTERPRISE, RAJESH BANSAL
20	20/NOV/2019 Providing and Laying 250mm id SW marked pipe for Sewer line in Panchwati Colony near Shamshan Ghat in MC	17.09	1500	34000	ACHINT GOYAL, DV ENTERPRISE, RAJESH BANSAL, JAGRAM

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	Palwal (Unapproved area under NGT orders)				
21	21/NOV/2019 Providing and Laying 250mm id SW marked pipe for Sewer line near Tijuwala Mandir or Parsuram Colony Sohna road in MC Palwal (Unapproved area under NGT orders)	17.70	1500	36000	6 ACHINT GOYAL, DV ENTERPRISE,
22	22/NOV/2019 Providing and Laying 250mm id SW marked pipe for Sewer line in Poultry Farm in MC Palwal (Unapproved area under NGT orders)	24.95	1500	50000	ACHINT GOYAL, DV ENTERPRISE, RAJESH BANSAL
23	23/NOV/2019 Providing and Laying 250mm id SW marked pipe for Sewer line in New Bhatia Colony behind Meat Market in MC Palwal (Unapproved area under NGT orders)	22.46	1500	45000	7 ACHINT GOYAL, DV ENTERPRISE,
24	24/NOV/2019 Providing and Laying 250mm id SW marked pipe for Sewer line near /Opp. Baghel Choupal Dholagarh in MC Palwal (Unapproved area under NGT orders)	10.99	1000	22000	ACHINT GOYAL, DV ENTERPRISE, GMG CONSTRUCTION
25	25/NOV/2019 Providing and Laying 250mm id SW marked pipe for Sewer line in Ramgarh Kithwari in MC Palwal (Unapproved area under NGT orders)	20.12	1500	40000	8 ACHINT GOYAL, DV ENTERPRISE,
26	26/NOV/2019 Providing and Laying 250mm id SW marked pipe for Sewer line in Parkash Colony in MC Palwal (Unapproved area under NGT orders)	11.64	1000	23000	ACHINT GOYAL, DV ENTERPRISE, MUKESH SHARMA
27	27/NOV/2019 Providing and Laying 250mm id SW marked pipe for Sewer line Near or Opposite Church on Nuh road in MC Palwal (Unapproved area under NGT orders)	24.36	1500	49000	9 ACHINT GOYAL, DV ENTERPRISE,
28	28/NOV/2019 Providing and Laying 250mm id SW marked pipe for Sewer line near Jodhpur road in MC Palwal (Unapproved area under NGT orders)	15.64	1500	31000	10 ACHINT GOYAL, DV ENTERPRISE,
29	29/NOV/2019 Providing and Laying 250mm id SW marked pipe for Sewer line in Bhati Colony near Omaxe City in MC Palwal (Unapproved area under NGT orders)	16.19	1500	32000	ACHINT GOYAL, DV ENTERPRISE, JAGRAM, GMG CONSTRUCTION
30	30/NOV/2019 Providing and Laying 250mm id SW marked pipe for Sewer line Amar Colony in MC Palwal (Unapproved area under NGT orders)	21.59	1500	43000	RAJESH BANSAL CONTRACTOR, ACHINT GOYAL, DV ENTERPRISES



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S.No	e-Published Date	Closing Date	Opening Date	Title and Ref.No./Tender ID	Organisation Chain
21.	21-Nov-2019 12:00 PM	27-Nov-2019 10:00 AM	29-Nov-2019 02:00 PM	[Providing and Laying 250mm id SW marked pipe for Sewer line near Tiju wala Mandir or Parsuram Colony Sohna road in MC Palwal (Unapproved area under NGT orders)] [21/NOV/2019] [2019_HRY_109667_1]	Haryana Government Urban Local Bodies MC Palwal
22.	21-Nov-2019 12:00 PM	27-Nov-2019 10:00 AM	29-Nov-2019 02:00 PM	[Providing and Laying 250mm id SW marked pipe for Sewer line in Poultry Farm in MC Palwal (Unapproved area under NGT orders)] [22/NOV/2019] [2019_HRY_109668_1]	Haryana Government Urban Local Bodies MC Palwal
23.	21-Nov-2019 12:00 PM	27-Nov-2019 10:00 AM	29-Nov-2019 02:00 PM	[Providing and Laying 250mm id SW marked pipe for Sewer line in New Bhatia Colony behind Meat Market in MC Palwal (Unapproved area under NGT orders)] [23/NOV/2019] [2019_HRY_109670_1]	Haryana Government Urban Local Bodies MC Palwal
24.	21-Nov-2019 12:00 PM	27-Nov-2019 10:00 AM	29-Nov-2019 02:00 PM	[Providing and Laying 250mm id SW marked pipe for Sewer line near /Opp. Baghel Choupal Dholagarh in MC Palwal (Unapproved area under NGT orders)] [24/NOV/2019] [2019_HRY_109672_1]	Haryana Government Urban Local Bodies MC Palwal
25.	21-Nov-2019 12:00 PM	27-Nov-2019 10:00 AM	29-Nov-2019 02:00 PM	[Providing and Laying 250mm id SW marked pipe for Sewer line in Ramgarh Kithwari in MC Palwal (Unapproved area under NGT orders)] [25/NOV/2019] [2019_HRY_109673_1]	Haryana Government Urban Local Bodies MC Palwal
26.	21-Nov-2019 12:00 PM	27-Nov-2019 10:00 AM	29-Nov-2019 02:00 PM	[Providing and Laying 250mm id SW marked pipe for Sewer line in Parkash Colony in MC Palwal (Unapproved area under NGT orders)] [26/NOV/2019] [2019_HRY_109675_1]	Haryana Government Urban Local Bodies MC Palwal
27.	21-Nov-2019 12:00 PM	27-Nov-2019 10:00 AM	29-Nov-2019 02:00 PM	[Providing and Laying 250mm id SW marked pipe for Sewer line Near or Opposite Church on Nuh road in MC Palwal (Unapproved area under NGT orders)] [27/NOV/2019] [2019_HRY_109677_1]	Haryana Government Urban Local Bodies MC Palwal
28.	21-Nov-2019 12:00 PM	27-Nov-2019 10:00 AM	29-Nov-2019 02:00 PM	[Providing and Laying 250mm id SW marked pipe for Sewer line near Jodhpur road in MC Palwal (Unapproved area under NGT orders)] [28/NOV/2019] [2019_HRY_109681_1]	Haryana Government Urban Local Bodies MC Palwal
29.	21-Nov-2019 12:00 PM	27-Nov-2019 10:00 AM	29-Nov-2019 02:00 PM	[Providing and Laying 250mm id SW marked pipe for Sewer line in Bhati Colony near Omaxe City in MC Palwal (Unapproved area under NGT orders)] [29/NOV/2019] [2019_HRY_109687_1]	Haryana Government Urban Local Bodies MC Palwal
30.	21-Nov-2019 12:00 PM	27-Nov-2019 10:00 AM	29-Nov-2019 02:00 PM	[Const. of Compost pits in Park of MC Palwal] [31/NOV/2019] [2019_HRY_109690_1]	Haryana Government Urban Local Bodies MC Palwal
31.	21-Nov-2019 12:00 PM	27-Nov-2019 10:00 AM	29-Nov-2019 02:00 PM	[Providing and Laying 250mm id SW marked pipe for Sewer line in front Pabidium Hotel in MC Palwal (Unapproved area under NGT orders)] [16/NOV/2019] [2019_HRY_109657_1]	Haryana Government Urban Local Bodies MC Palwal
32.	21-Nov-2019 12:00 PM	27-Nov-2019 10:00 AM	29-Nov-2019 02:00 PM	[Providing and Laying 250mm id SW marked pipe for Sewer line Amar Colony in MC Palwal (Unapproved area under NGT orders)] [30/NOV/2019] [2019_HRY_109688_1]	Haryana Government Urban Local Bodies MC Palwal
33.	20-Nov-2019 09:20 AM	27-Nov-2019 05:00 PM	29-Nov-2019 03:00 PM	[Selection of Service Provider to work as Contractor for Bio-Remediation of Waste Le Segregation and Processing of Waste, as per MSW Handling	Haryana Government Urban Local Bodies MC Palwal

Historical
But

Bio Remediation

16

Contents owned and maintained by concerned Departments in coordination with Finance Department and Information Technology Department, Government of Haryana

Portal policies

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03/01/19

CS Palwal/1021/2019/01

Civil Surgeon
Palwal

Subject:-Regarding Report of inspection of Dumping site by. Dr. Sanjay Sharma and Dr. Yogesh Malik.

A. Board of two doctors was constituted by Civil Surgeon Palwal on 02/01/2019 in response to letter No:-6062/MC Palwal Received from municipal council Palwal for inspection of Dumping site in Vill-Meghpur. The board had two doctors namely Dr. Sanjay Sharma and Dr. Yogesh Malik. Inspection by team was done on dated-02/01/2019 and found the following:-

1. Dumping site was covered with sand
2. No Residential or commercial site near Dumping site.
3. Bad Stench was emanating from the garbage dumping site. But not found harmful to residents of nearby Villages.
4. The pond near dumping site was covered with boundary wall and no garbage found in pond.
5. Very few fleas were swarming at garbage on dumping site.


Dr. Sanjay Sharma
Medical Officer
CH Palwal


Dr. Yogesh Malik
Medical Officer
CHC Dudhola


Civil Surgeon
Palwal

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

Execution Application No. 01 of 2017

In

(M.A. No. 58 of 2017)

Original Application No. 551 of 2015

SND Public School, Palwal Vs. State of Haryana & Ors.

CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. JUSTICE RAGHUVENDRA S. RATHORE, JUDICIAL MEMBER
HON'BLE DR. AJAY A DESHPANDE, EXPERT MEMBER

Present: Applicant: Mr. Rahul Choudhary & Ms. Meera Gopal, Advs.
Respondents: Mr. Anil Grover, AAG and Mr. Rahul Khurana, Advs

Date and Remarks	Orders of the Tribunal
<p>Item No. 07</p> <p>January 19, 2017 sn</p>	<p>Learned Counsel appearing for the Applicant wishes to withdraw this Application with liberty to file a proper one after stating the complete facts in respect of cause of action on the basis of which the Applicant wishes to raise his claim, and by stating clearly the relief sought. However, the Learned Counsel appearing for the State submits that he would require the concerned authorities to examine the matter at their end and ensure that the Order of the Tribunal is properly obeyed.</p> <p>In view of the above, Execution Application No. 01 of 2017 stands disposed of with no Order as to cost.</p> <p><u>M.A. No. 58 of 2017</u></p> <p>This Application does not survive for consideration as the main Execution Application itself stands disposed of.</p> <p>Thus, M.A. No. 58 of 2017 stands disposed of accordingly.</p> <p align="right">.....,CP (Swatanter Kumar)</p> <p align="right">.....,JM (Raghuvendra S. Rathore)</p> <p align="right">.....,EM (Dr. Ajay A Deshpande)</p>

From

Deputy Commissioner,
Palwal.

R.C

To

Sub Divisional Officer(C),
Palwal.

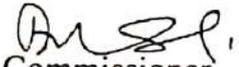
be
S.D.O.C.,
25/1/17

Endst No. 160 /LFA Dated 18/1/2017

Subject: Inquiry report in the case of Meghpur dumping yard.

Find enclosed herewith the representation received from the villagers of Meghpur for ^{to}sifting the dumping yard from their village.

Further, a committee consisting of Executive Officer, Municipal Council Palwal & District Health Officer is constituted under your chairmanship to inquire in to this matter. The committee shall submit its report within 7 days positively.


Deputy Commissioner,
Palwal.

Endst. No. 161-63 /LFA Dated; 18/1/2017

A copy of the above is forwarded to the following for information and necessary action with immediate effect: -

1. Sub Divisional Magistrate, Palwal.
2. District Health Officer, Palwal.
3. Executive Officer, Municipal Council, Palwal.


Deputy Commissioner,
Palwal.

From

District Health Officer/SMO
CHC Dudhola(Palwal)

To

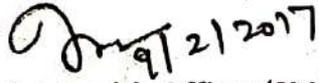
Sun Divisional Magistrate (C)
Palwal

Memo no.PLW/CHC/ALW/2017/10

date:-09/02/2017

Subject: - Inquiry report in the case of Meghpur is dumping Yard.

On the subject cited above, as per reference to letter of worthy Deputy Commissioner Palwal letter no. Endst No-160 dated 18/01/2017. I have visited the site in village Meghpur where garbage has been made the site is about 500 meters from the village Megpur. There is no habitation in immediate vicinity of the dumping site. Any discomfort to the villagers could be due to foul odor from the garbage. However this can be countered if the garbage dump is properly treated by the concerned authorities. This is for your information and necessary action please.


District Health Officer/SMO
CHC Dudhola (Palwal)
Senior Medical Officer
CHC-Dudhola (Palwal)

प्रेषक

उप मण्डल अभियन्ता (ना०)

पलवल।

सेवा में

उपायुक्त, पलवल।

क्रमांक 1847 / आर०के० दिनांक 12/02/2017

विषय:- Enquiry report in the case of Meghpur dumping yard.

यादि

आपके कार्यालय के पत्र क्रमांक 160/एलएफए दिनांक 18.01.2017 के सन्दर्भ में।

विषयाधीन मामले में दिनांक 08.02.2017 को तहसीलदार, जिला स्वास्थ्य अधिकारी, नगर परिषद पालिका अभियन्ता के साथ अधीक्षिकाक्षरी द्वारा मौका निरीक्षण किया गया तथा उनसे रिपोर्ट ली गई। तहसीलदार पलवल ने अपनी रिपोर्ट में लिखा है कि मौका मेघपुर में कीला न० 17 का 17/1, 17/2, 15 में खसरा न० 27 व 17 का 16, 17/1, 24/2, 25/2 व 16 का 11, 20, 21 में समी कीला न० पचासत देह मालिक है। मौका अनुसार कीला न० 17 का 17/1, 24/2 में कुड़ा करकर डाला गया है और डाला जा रहा है। परन्तु जमावदी व खसरा गिरजाधरी अनुसार कीला न० 17 का 14/1, 14/2, 15 इन तीनों नम्बरों में (बारागाह) दर्शाया गया है व कीला न० 17 का 16, 17/1, 24/2, 25/2 इन नम्बरों में (गैर मु०ईधन) दर्शाया गया है व कीला न० 16 का 11, 20, 21 इन तीनों नम्बरों में भी (बारागाह) दर्शाया गया है। जमावन्दी साल 1955-56 अनुसार खसरा न० 27 में गैरमु० जोहड दर्शाया गया है।

इसके अलावा कार्य जिला अभियन्ता ने अपनी रिपोर्ट में लिखा है कि मौका मेघपुर तहसील व जिला पलवल में कीला न० 17 का 17/1, 24/2 जो नम्बरन पहले पचासत दे. हके नाम रैवन्डू रिकार्ड में थे अब मुताबिक ईन्तकाल न० 588 के अनुसार नगर परिषद पलवल में आ गए हैं। नगर परिषद पलवल को इन उपरोक्त कीला नम्बरों में उपायुक्त महाराज पलवल के मतदान से सी०एम० घोषणाओं के अनुसार कुड़ा डालने की जगह बनाने के लिए उपयोग में लाया जाना है। मुस्तील न० 16 कीला न० 9/1 जो नम्बर हकाल सोडी के नाम रैवन्डू रिकार्ड में है उस जगह में

इन नम्बरों की दूरी 206 मीटर के लगभग है व जो स्कूल एम.एन.डी. की बिल्डिंग के लगभग 532 मीटर की दूरी पर है व उपरोक्त कीला नम्बरान 17 का 17/1 व 24/2 रैक्वियू रिकार्ड में गै0मु0 गैत के नाम से दर्ज है। इन नम्बरान को कुड़ा डालने की जगह के लिये उपयोग में लाया जाना है। जमाबन्दी, इन्तकाल, नक्शा व सी0एम0 घोषणा की प्रति साथ संलग्न है।

इसी प्रकार जिला स्वास्थ्य अधिकारी पलवल ने अपनी रिपोर्ट में लिखा है कि "I have visited the site in village Meghpur where garbage has been made the site is about 500 meters form the village meghpur. There is on habitation in immediate vicinity of the dumping site. Any discomfort to the villagers could be due to foul odor form the garbage. However this can be countered if the garbage dump is properly treated by the concerned authorities".

सभी अधिकारीयों की रिपोर्ट का अवलोकन करने पर कमेटी इस निष्कर्ष पर पहुँची है कि:-

1. तहसीलदार की रिपोर्ट अनुसार कीला नं० 17/1,24/2 में कुड़ा डाला जा रहा है, जो कि गैर मुमकिन ईधन/ गैत है तथा नगर परिषद अपनी Land utilization plan अनुसार इसे प्रयोग करे।
2. DHO की रिपोर्ट अनुसार Proper treatment करे तथा DHO द्वारा समय-2 पर Status रिपोर्ट प्राप्त करे।

13/2/17
 तहसीलदार
 तहसीलदार
 पलवल

जिला स्वास्थ्य अधिकारी
 पलवल।

पालिका अभियन्ता(एमसी)
 पलवल।
 उप मण्डल अधिकारी(ना०)
 पलवल।

ok

Before the Hon'ble National Green Tribunal,
Principal Bench, New Delhi.

OA No. 96/2017

In the matter of:

SND Public School Applicant

Versus

State of Haryana & Others Respondents

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Filed By:



New Delhi
Dated: 3/3/2017

ANIL GROVER,
ADDL. ADVOCATE GENERAL, HARYANA
A-174, Second Floor, Defence Colony
New Delhi-24

groveradvocate@rediffmail.com
09811894060



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+

**Before the Hon'ble National Green Tribunal,
Principal Bench, New Delhi.**

OA No. 96/2017

In the matter of:

SND Public School Applicant

Versus

State of Haryana & Others Respondents

**REPLY ON BEHALF OF RESPONDENT NO. 2 i.e.
MUNICIPAL COUNCIL, PALWAL**

Most Respectfully Showeth:

Preliminary Submissions:

1. That present application has been filed raising various allegations including the violation of order dated 10.03.2016 passed in OA No.551 of 2015. It is humbly submitted that the allegation made in the OA are wrong, baseless and untenable. The present reply is being filed through Mr. Maninder Singh, Executive Officer, Municipal Council, Palwal who is authorised and competent to file the same.

2. That the applicant submitted in OA No.551/2015 that dumping site is 200 meters away from the applicant school. The copy of OA No.551/2015 is being annexed herewith as **Annexure-R/1**. The submissions of the applicant were considered by the answering respondent and dumping on the site as mentioned in the OA was stopped. An undertaking was also given accordingly before this Hon'ble Tribunal.

3. That the answering respondent considered for other suitable site for dumping of Municipal Solid Waste, however, no site except the present one at Mustil No.17's Kila No.17/1, 24/2 of Muaja Meghpur was found suitable considering the distance from habitation. Now, the MSW is being dumped at the distance of 510 Meter from the applicant school. No other site is at such less distance from habitation.
4. That even before filing of the present OA, the Deputy Commissioner, Palwal considered the representation received for shifting of dumping yard and vide letter dated 18.01.2017, constituted a committee consisting of Executive Officer, Municipal Council Palwal & District Health Officer under Chairmanship of Sub Divisional Officer (C) to inquire into the matter. The said Committee considered the effects of dumping also and Sub Divisional Officer, Palwal submitted the Enquiry Report alongwith report of District Health Officer/SMO, CHC Dudhola (Palwal). The copy of letter dated 18.01.2017 of Deputy Commissioner, Palwal and the Enquiry Report No.1849/R.K. dated 13.02.2017 submitted by Sub Divisional Officer (C), Palwal alongwith report of District Health Officer are being annexed herewith as **Annexure-R/2 (Colly)**.
5. That in view of the above, it is clear that answering respondent has not violated the order and/or undertaking dated 10.03.2016. Infact, present dumping site is far from the site as mentioned in OA No.551/2015. However, if Hon'ble Tribunal forms the view that answering respondent has violated any order/direction of

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this Hon'ble Tribunal, the answering respondent tenders unconditional apology. The answering respondent has never intended to violate the order/direction passed by this Hon'ble Tribunal or undertaking given to this Hon'ble Tribunal.

6. That the applicant has tried to mislead this Hon'ble Tribunal about the nature and status of dumping site and surrounding area. It is submitted that the land in question was in the name of Gram Panchayat and vide Intkal No.588, its ownership vested with the answering respondent. After transfer of land to the answering respondent, the same can be used to discharge the functions assigned to answering respondent. The copy of Intkal No.588 is being annexed herewith as **Annexure-R/3.**

The applicant has further tried to mislead this Hon'ble Tribunal alleging existence of village pond. It is submitted that before the land vested with the answering respondent, as per Jamabandi of year 2010-11, no pond/Johd has been shown in kila No.27 and 16 as alleged in the OA. The copy of Jamabandi of Khevat No.114, Khatauni No.145, Kila/Khasra No. 16, 17/1, 24/2, 27, Village Meghpur etc is being annexed herewith as **Annexure-R/4.** The small low lying area where rainy water gets collected cannot be termed as pond. In summer days, this water is evaporated

It is submitted no tubewell exists in the dumping site. Infact, Kila/Khasra No.16/9/1 has been shown as 'Hadda Rodi'.

- 4
- 7 That dumping station is to be constructed under Hon'ble Chief Minister Announcement Code No.11184/05.04.2016. The said proposal with estimated cost of Rs.71 Lacs has been sent to Director, Dept. of Urban Local Bodies, Haryana for technical and administrative approval vide letter dated 16.12.2016. The copy of letter No.17-CO/2610/L. F. A dated 16.12.2016 is being annexed herewith as **Annexure-R/5**.
 8. That any order restraining the answering respondent from dumping the SMW at present site would create sanitation problem(s) resulting mess in the Palwal city.

PARAWISE REPLY TO 'FACTS IN BRIEF':

1. The contents of para no.1 of the OA are wrong, incorrect and denied except those are matter of record. It is submitted that distance of the dumping area from the applicant school has already been explained in the preliminary submissions. The allegations made in the present para are denied in toto. The contents of preliminary submissions may kindly be treated as part and parcel of the present para as those are not being repeated herein for the sake of brevity.
2. That the contents of para no.2 of the OA are wrong, incorrect and denied except those are matter of record. The contents of preliminary submissions may kindly be treated as part and parcel of the present para as those are not being repeated herein for the sake of brevity.

3. That the contents of para no.3 of the OA are wrong, incorrect and denied. It is submitted that the land is dug upto 10 feet approx. After dumping of waste, disinfectant is being sprinkled and waste is being covered by the mud. The approximate waste under dumping is 1 (One) MTPD approx. It is denied that there is any possibility of destabilising of high tension electric pole as alleged by the applicant. The apprehension of applicant is unfounded and misconceived. The contention of uprooting of one such high tension electric pole in storm of last year is not in the knowledge of answering respondent. However, storm and careful digging by contractor of answering respondent can be equated as done by the applicant. The contents of preliminary submissions may kindly be treated as part and parcel of the present para as those are not being repeated herein for the sake of brevity.

4. That the contents of para no.4 of the OA are wrong and denied except those are matter of record. It is denied that waste is dumped on the catchment area of the village pond. Infact, there is no pond as alleged by the applicant. The small low lying area where rainy water gets collected cannot be termed as pond. In summer days, this water is evaporated. The contents of para no.6 of preliminary submissions are being reiterated.

5. That the contents of para no.5 of the OA are wrong and denied except those are matter of record. The dumping site area has no tubewell or Tannery in existence. The contents of preliminary submissions may kindly be treated as part and parcel of the

6
present para as those are not being repeated herein for the sake of brevity.

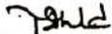
6. That the contents of para no.6 of the OA are wrong, incorrect and hence denied. The contention of existence of pond and its being source of drinking water for residents etc is incorrect, baseless and bogus. The contents of preliminary submissions may kindly be treated as part and parcel of the present para as those are not being repeated herein for the sake of brevity.
7. That the contents of para no.7 of the OA are wrong, incorrect and hence denied. It is submitted that site in question has no borewell and if any agricultural land has any tubewell as alleged by the applicant, distance thereof from the dumping site has not been stated.
- 8-11. That the the contents of para no.8 to 11 of the OA are wrong, incorrect and hence denied. The contents of preliminary submissions may kindly be treated as part and parcel of the present para as those are not being repeated herein for the sake of brevity.
12. That the contents of para no.12 of the OA are denied except those are matter of record. The contents of preliminary submissions are being reiterated. It is denied that distance from habitation is negligible in the present case. It is submitted that in OA no.199/2014 (Almitra H. Patel), the State of Haryana has already submitted the detailed action plan for compliance of MSW Rules, 2016. The copy of said action plan is being annexed

7 88

herewith as **Annexure-R/6**. The Palwal Municipal area shall be under 'Punhana' cluster.

13. That the contents of the para no.13 of the OA are denied except those are matter of record. The all allegations are denied in toto. The contents of para no.4 of the preliminary submissions are being reiterated.
- 14-15. That the contents of para no.14 and 15 of the OA are wrong, incorrect and hence denied except the letter/representation received. The contents of preliminary submissions may kindly be treated as part and parcel of the present para as those are not being repeated herein for the sake of brevity.
16. That in view of the above stated preliminary submissions & objections and parawise, no ground is made out to file the present OA. The grounds raised by the applicant are untenable and are liable to be rejected.

In view of the above stated facts and circumstance mentioned herein above, it is humbly prayed that present OA may be dismissed. Any order restraining the answering respondent from dumping the SMW at present site would create sanitation problem(s) resulting mess in the Palwal city


**Executive Officer,
Municipal Council, Palwal**

8-09

Verification:-

Verified that the contents of paras No. 1 to 8 of preliminary submission and para no.1 to 16 of parawise reply are true and correct to the information derived from the official record. Nothing has been concealed therein.

Jhd
**Executive Officer,
Municipal Council, Palwal**

Before the Hon'ble National Green Tribunal,

Principal Bench, New Delhi.

OA No. 96/2017

In the matter of:

SND Public School Applicant

Versus

State of Haryana & Others Respondents

AFFIDAVIT

I, Maninder Singh S/o Sh. Sajjan Kumar, Executive Officer, Municipal Council, Palwal (Haryana), aged about 36 years, do hereby solemnly affirm and declare as under:-

1. That I am authorized representative of the respondent No.2 and I have gone through the official records. I have made myself conversant with the facts of the present case and therefore, I am competent to depose this affidavit.

2. That the accompanying reply has been drafted under my instructions. I have read the contents thereof, the same are true and correct and may kindly be read as part of this affidavit as the same are not being repeated herein for the sake of brevity.



Register Entry No. 2277
Dated: 28/02/2017

T. Ghid
DEPONENT

VERIFICATION:-

Verified at Palwal on this 28th day of Feb., 2017 that the contents of above affidavit are true and correct to my knowledge. Nothing material has been concealed therefrom.

ATTESTED
NOTARY PUBLIC
Distt. Palwal Haryana
28/02/2017
T. Ghid
DEPONENT

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION No. 96 OF 2017

IN THE MATTER OF:

SND PUBLIC SCHOOL, PALWAL

... APPLICANT

VERSUS

STATE OF HARYANA & ORS.

...RESPONDENTS

INSPECTION REPORT PURSUANT TO THE ORDER
DATED 19.04.2017. PASSED BY THIS HON'BLE TRIBUNAL


RAMAN YADAV.

Advocate

Ch. No.203, M.C.Setalvad Block

Supreme Court of India

9654228211

Email:ramanvadav@aol.in

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BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION No. 96 OF 2017

IN THE MATTER OF:

SND PUBLIC SCHOOL, PALWAL

... APPLICANT

VERSUS

STATE OF HARYANA & ORS.

....RESPONDENTS

INSPECTION REPORT PURSUANT TO THE ORDER DATED 19.04.2017.
PASSED BY THIS HON'BLE TRIBUNAL.

1. Present case was listed for hearing on 19.04.2017 before this Hon'ble Tribunal and during the course of argument some photographs were shown by the applicant that dumping of garbage and municipal solid waste in the pond and the area in question is still going on. The aforementioned allegation was denied by the respondent and made statement before the Hon'ble Tribunal that dumping was not in the pond but alongside with the area, which has been removed and the area is totally cleaned as depicted in the photographs filed by the Respondent.
2. Considering the controversy involve herein, whether there is dumping or no dumping of municipal waste in the pond and in the area in question? This Hon'ble Tribunal appointed the undersigned as Local Commissioner for local inspection and file a report to this Hon'ble Tribunal.
3. Pursuant to the order passed by this Hon'ble Tribunal on 20.04.2017 at about 10.05 A.M. I started my journey by Meru Cab from my Chamber at Supreme Court to Palwal. I reached the office of Nagar Parishad, Palwal at 11.50 AM. where Mr. Maninder Singh, Executive

Officer, Nagar Parishad, Palwal received me and took me to the site in question.

4. Reaching at site in question Mr. JagdevDagar, Principal of SND Public School alongwith some local residents and some students of the school were also present there.
5. I have visited the identified landfill site which was being prepared at Mustil No. 17's Kila No.17/1 and 24/2 of MaujaMeghpur. The identified landfill site waslooking clean and there was no foul odor at site which is being identified and prepared by the Administration. Photographs of the landfill site is annexed hereto and marked as ANNEURE No. R-1 (Pg. 147)
6. As per the averment made by the Applicant in the application that the School is located near the landfill site. I have perused the record and found that the distance from the landfill site and the School is about 512 Mtrs.
7. It is significant to point out that adjacent to the landfill site there is a water body, the source of water was not clear that from where water is coming. As per statement made by Mr. JagdevDagar, Principal of SND Public School and as per Jamabandi 1954-1955 Kila No. 27 (4 Kanal) of site in question is recorded as Pond. Mr. Dagar has shown me the old record of Jamabandi 1954-1955 as well as the Shizra Map. But as per the revenue record of 2010-2011 shown by the Officers present at spot the aforesaid area i.e. Kila No. 27 is recorded as Graveyard.

Further, the Officers have also denied this fact that the water body which is adjacent to the landfill site is natural and the water being collected due to the leakage from the pipeline. To substantiate their

stand they have supplied me the copies of letters dated 21.03.2017 and 06.04.2017 issued by Nagar Parishad, Palwal to Executive Engineer Public Health Department, Palwal where Executive Officer Nagar Parishad Palwal has informed the Executive Engineer Public Health Department that there is leakage from the pipe line resulting into the water logging near Landfill site. Be that as it may, as this issue has to be decided by this Hon'ble Tribunal. True translated copies of letter dated 21.03.2017 and 06.04.2017 issued by Nagar Parishad, Palwal to Executive Engineer Public Health Department, Palwal are annexed hereto and marked as ANNEXURE No. R-2 (colly) (pg. 148 to 149).

8. I have seen the adjacent area and found that on the edge of the water body Municipal Solid Waste was collected as it was reflected in the photographs filed by the applicant on 19.04.2017. The MSW so collected on the edge of the water body seemingly appears to be dumped there earlier some period of time. I have also noticed that there was fresh Tyremarks of JCB near the water body, one of the villager had stated that on 19.04.2017 just a day prior to the date of inspection MSW were being removed throughout evening. Photographs of MSW collected on the edge of the water body are annexed hereto and marked as ANNEXURE No. R-3 (COLLY) (pg. 150 to 151).
9. As per the statement made by the Executive Officer Nagar Parishad, Palwal the area which was adjacent to School where the dumping was being done earlier has been stopped; the statement made by the Executive Officer was accepted by the Applicant also.

10. In the light of above facts and circumstances the present inspection report is being preferred before this Hon'ble Tribunal for kind consideration.

Raman Yadav
(Raman Yadav)
ADVOCATE

Annexure R-10



REGIONAL LABORATORY
HARYANA STATE POLLUTION CONTROL BOARD
Sector 16-A, Near HEWO Apartments,
Faridabad

FTMS-56028
16/8/19

Monitoring
Issued to

M/s Tubewell Near Thermal Power ^{Sub} Station, Report No-149 M
Palwal, Date -16.08.2019

Received on 07.08.2019 a sample of liquid ground water effluent from Sh. Sachin Kumar AEE Collected on 07.08.2019 from the Tubewell Near Thermal Power Station, Palwal.

ANALYSIS REPORT

Sr.No	Parameter	Tubewell Near Thermal Power Station, Palwal
1.	pH Value	8.3
2.	Conductivity $\mu\text{S}/\text{cm}$	4460
3.	Ammonia mg/l	ND
4.	Total Dissolved Solid mg/l	2950
5.	Total Suspended Solid mg/l	38
6.	Total Hardness mg/l	840
7.	Chloride as Cl mg/l	560
8.	Sulphate as SO_4 mg/l	ND
9.	Phosphate as P mg/l	ND
10.	Calcium mg/l	206
11.	Magnesium mg/l	79.5
12.	Nickel as Ni mg/l	ND
13.	Copper as Cu mg/l	ND
14.	Zinc as Zn mg/l	ND
15.	Iron as Fe mg/l	ND

Facility for testing other parameters are not available.

Sample Not Collected by us

Sample consumed in testing

JSA

Lab Incharge

HSPCB/Lab/FR/2019/840

Dated 16/8/19

1. Copy to The Member Secretary, HSPCB, Panchkula
2. Copy to Regional Officer, Ballabgarh

(41)



REGIONAL LABORATORY
HARYANA STATE POLLUTION CONTROL BOARD
Sector 16-A, Near HEWO Apartments,
Faridabad

FTMS-56021

16/8/19

Monitoring
Issued to

M/s Petrol pump near Before SND School ,

Report No-147 M

Date -16.08.2019

Palwal.

Received on 07.08.2019 a sample of liquid ground water effluent from Sh. Sachin Kumar AEE Collected on 07.08.2019 from the Petrol pump near Before SND School , Palwal.

ANALYSIS REPORT

Sr.No	Parameter	Petrol pump near Before SND School , Palwal
1.	pH Value	8.7
2.	Conductivity μ S/cm	4350
3.	Ammonia mg/l	ND
4.	Total Dissolved Solid mg/l	2870
5.	Total Suspended Solid mg/l	24
6.	Total Hardness mg/l	980
7.	Chloride as Cl mg/l	520
8.	Sulphate as SO ₄ mg/l	ND
9.	Phosphate as P mg/l	ND
10.	Calcium mg/l	208
11.	Magnesium mg/l	112.2
12.	Nickel as Ni mg/l	ND
13.	Copper as Cu mg/l	ND
14.	Zinc as Zn mg/l	ND
15.	Iron as Fe mg/l	0.15

Facility for testing other parameters are not available.

Sample Not Collected by us

Sample consumed in testing

JSA

Lab Incharge

HSPCB/Lab/FR/2019/ 836

Dated 16/8/19

1. Copy to The Member Secretary, HSPCB, Panchkula

2. Copy to Regional Officer , Ballabgarh

(42)

Copy of Judgement dt 27-2

CS/297/2017

Girraj et. Vs. MC Palwal

(UID NO. HR-0426)

A - R/11
1

**IN THE COURT OF GAURAV KHATANA, CIVIL JUDGE
(JUNIOR DIVISION), PALWAL.**

Civil Suit No. : 60 of 2017
C.I.S. No. : CS/297/2017
Date of Institution : 09.04.2017
Date of Decision : 27.02.2018

1. Girraj Singh son of Budh Ram, 2. Lallu Ram son of Sumera Singh,
Both Residents of Village Meghpur, Tehsil and District Palwal.

.....Plaintiffs.

Versus

Municipal Council Palwal, District Palwal, through its Executive
Officer, M.C. Palwal.

.....Defendant.

Suit for Permanent Injunction

Present: Sh. D.P. Arya, Advocate for plaintiffs.
Sh. Mahesh Bhardwaj, Advocate for defendant.

JUDGMENT:-

The present suit has been filed by the plaintiffs seeking a
decree for Permanent Injunction to the effect that the plaintiffs the
applicants are the permanent residents of the Village Meghpur and the

Gaurav Khatana,
CJ(JD), Palwal. 27.02.2018
(UID NO. HR-0426)

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the Indian Evidence Act.

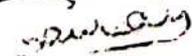
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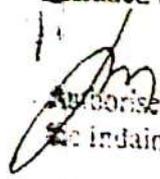
said Village has recently been included in the Municipal Area of Municipal Council Palwal and all the properties of the Gram Panchayat, Village Meghpur have been transferred in the name of Municipal Council Palwal.

2. The plaintiffs further submitted that after the said conversion, the officials of M.C. Palwal started dumping garbage on the common land of the Village surrounding the land of Johar bearing khasra no. 27 and also threatened to convert the same into a dumping ground. It was further submitted that the area of land Bearing Khasra no. 27 of the revenue estate of the Village Meghpur was reserved for Pond (Johar) as is evident from the Scheme Arajji Ishtemal of Village Meghpur Dated 27.04.1954. It was further submitted that since then the said water body in the village has been used for the water conservation and other purposes.

It was further submitted that the defendant is creating nuisance and also causing pollution and the same poses a serious health hazard for the inhabitants of the village. It was further submitted that the defendant is continuously throwing garbage in khasra no. 17/1, 16 & 24/2 of rect. no. 17 just adjoining the land of johar (pond) wrongly and


Suresh Khatana,
CJ(JD), Palwal, 27.02.2018
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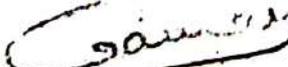
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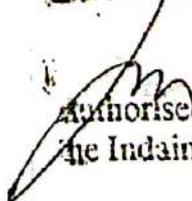
Environment. It was further submitted that the plaintiffs have requested the defendant several times not to do so but the defendant has paid no heed to such repeated requests. Hence this suit.

3. Upon notice, defendant appeared and filed his written statement by taking preliminary objections as to maintainability, no locus-standi, no cause of action, estoppel etc. On merits, it was submitted that the said dumping station is to be constructed under the Hon'ble Chief Minister announcement code no. 11184/05.04.2016 and the said proposal with an estimated cost of Rs. 71 lacs has been sent to the Director Department of Urban Local bodies, Haryana for technical and administrative approval vide letter dated 16.12.2016. It was further submitted that after the dumping of the waste, disinfectant is being sprinkled and the waste is being covered by the mud. It was further submitted that the plaintiffs are trying to mislead the hon'ble Court and are concealing the actual facts.

It was further submitted that the ownership of the said land has been vested in the defendant and as per the revenue record i.e. the jamabandi for the year 2010-11 no pond/Johar has been shown in killa


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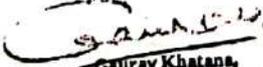
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no. 27 & 16. It was further denied that the plaintiffs shall suffer any irreparable loss or injury. Rest of the averments have been denied specifically and a prayer for dismissal of the suit has been made.

4. From the pleadings of the parties, following issues were settled down by the court on 23.05.2017:-

- (1. Whether the plaintiffs are entitled to relief of permanent injunction as prayed for? OPP
- (2. Whether the suit of the plaintiffs is not maintainable in the present form?OPD
- (3. Whether the plaintiffs are estopped from filing the present suit from by their own act and conduct? OPD
- (4. Whether the plaintiffs have no locus standi and cause of action to file the present suit? OPD
- (5. Whether the suit of the plaintiffs is false, frivolous and vexatious in nature?OPD
- (6. Whether the plaintiffs have concealed true and materials facts from the Hon'ble Court? OPD
- (7. Relief.

5. In order to prove these issues, plaintiffs examined Girraj


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Singh as PW1 (Affidavit Ex. PW1/A), Bhagwan Singh, Numberdar as PW2 (Affidavit as Ex.PW2/A), Dharam Chand as PW3 (Affidavit as Ex.PW3/A) and Lakhmi Chand, Numberdar as Pw4 (Affidavit Ex. PW4/A). Thereafter, Ld. Counsel for the plaintiffs closed the evidence on behalf of the plaintiffs after tendering the following document:

- Ex.P1 : Scheme Ishtemal (Urdu)
 Ex.P1/H : Hindi Translation of Scheme Ishtemal.
 Ex.P2 : Aks Shijra
 Ex.P3 : Copy of Jamabandi for the year
 2010-11
 Ex.P4 : Copy of Notification Issues by ministry
 of Environment, Forest & Climate
 Change
 Ex.P5 : Copy of Enquiry Report
 Ex.P6 & 7 : - Copy of Applications
 Ex.P8 : Document in Urdu
 Ex.P9 : - Copy Of Masawi
 Ex.P10 : Copy of Field Book
 Mark A to F : Photographs

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Mark G : Enquiry Report

Mark H : Copy of Letter Dated 16.12.2016

6. On the other hand, the defendant examined Jagvinder, Halqa Patwari Gughera as DW1 (Affidavit Ex.DW1/A) and Krishan Gopal, J.E. MC Palwal as DW2 (Affidavit as Ex.DW2/A). Ld. counsel for the defendant closed the defendant's evidence after tendering the following documents:-

Ex.DW1/A : Copy of Jamabandi for the year
1965-66

Ex.DW1/B : Copy of Jamabandi for the year
1970-71

Ex.DW1/C : Copy of Jamabandi for the year
1975-76

Ex.DW1/D : Copy of Jamabandi for the year
1985-86

Ex.DW1/E : Copy of Jamabandi for the year
1990-91

Ex.DW1/F : Copy of Jamabandi for the year
1995-96

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Ex.DW1/G : Copy of Jamabandi for the year
2000-01

Ex.DW1/H : Copy of Jamabandi for the year
2010-11

Ex.DW1/I : Copy of Mutation No. 588

Ex.DW2/1 : Enquiry Report dated 09.02.2017

Ex.DW2/2 : Enquiry Report dated 07.11.2017

Ex.D1 : Inspection Report

Mark A : Copy of Enquiry Report

Mark B : Copy Of Letter dated 25.07.2017

7. I have heard Sh. D.P. Arya, Ld. counsel for plaintiff and Sh. Devinder Singh, Ld. counsels for defendant and have also perused the record available on case file very carefully and minutely. My issue wise findings are as under:-

Issue no. 1:-

8. The onus to prove this issue lies upon the plaintiff. In order to prove this issue plaintiffs examined Girraj Singh as PW1 and he tendered his affidavit Ex. PW1/A, in which he fully supported the version of the plaint and no useful purpose would be served by

Gaurev Khatana,
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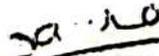
(49)

reproducing the same. During his cross-examination, he deposed that it is correct that at present the suit property vests in MC Palwal and earlier it used to vests in Gram Panchayat. He further deposed that he does not know whether the government has approved any grants for the construction of the dumping station. He denied all the other suggestions put to him by the opposite counsel.

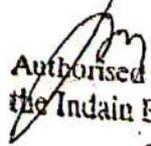
Bhagwan Singh, Numberdar while being examined as PW2 tendered his affidavit Ex. PW2/A, in which he fully supported the version of the plaint and no useful purpose would be served by reproducing the same. During his cross-examination, he deposed that it is correct that at present the suit property vests in MC Palwal. He pleaded ignorance to most of the questions put to him.

Dharam Chand while being examined as PW3 tendered his affidavit Ex. PW3/A, in which he fully supported the version of the plaint and no useful purpose would be served by reproducing the same. During his cross-examination, he pleaded ignorance to most of the questions put to him. He denied all the other suggestions put to him by the opposite counsel.

Lakhmi Chand, Numberdar while being examined as


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PW4 tendered his affidavit Ex. PW4/A, in which he fully supported the version of the plaint and no useful purpose would be served by reproducing the same. During his cross-examination, he deposed that it is correct that at present the suit property vests in MC Palwal and earlier it used to vests in Gram Panchayat.

9. On the other hand, defendants examined Jagvinder, Halqa Patwari Gughera as DW1 (Affidavit Ex.DW1/A) and he fully supported the defendant's version during his cross-examination, he deposed that it is correct that Khasra No. 27 has been shown as Gair Mumkin Johad in the jamabandi for the year 1956-57 and the same has been shown as Gair Mumkin Marghat in the jamabandi for the year 1965-66.

Krishan Gopal, J.E. MC Palwal was examined as DW2 (Affidavit as Ex.DW2/A) and he fully supported the defendant's version during his cross-examination, he deposed that it is correct that Khasra No. 27 has been shown as Gair Mumkin Johad in the jamabandi for the year 1956-57 and the same has been shown as Gair Mumkin Marghat in the jamabandi for the year 1965-66. Apart from that nothing favourable was culled out from the cross-examination of this witness.

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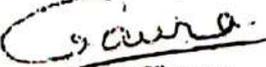
10. Learned counsel for the parties argued as per their pleadings and hence they can be safely omitted for the sake of brevity.

11. I have heard the contentions raised by both the counsels and perused the case file very carefully.

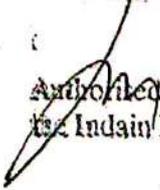
12. In the present case, Ld. counsel for plaintiffs has argued that the defendant has started dumping garbage on the common land of the Village surrounding the land of Johar bearing khasra no. 27 and also threatened to convert the same into a dumping ground. It was further submitted that the defendant is creating nuisance and also causing pollution and the same poses a serious health hazard for the inhabitants of the village. It was further submitted that the defendant is continuously throwing garbage in khasra no. 17/1, 16 & 24/2 of rect. no. 17 just adjoining the land of johar (pond) wrongly and illegally and in contravention of the guidelines of the Ministry of Environment.

13. On the other hand, Ld. counsel for defendants have argued that the said site has been duly sanctioned by the Government for Dumping Ground and due precautions are being taken for the proper disposal of the Garbage and nothing illegal is being done by the

defendants.


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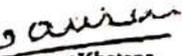
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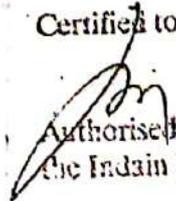
14. In the present case, a perusal of the entire oral as well as documentary evidence it appears that the suit property bearing Khasra No. 27 earlier vested in the Gram panchayat and at present the same vests in the defendant i.e. Palwal. This fact has not been disputed by the plaintiffs in the present case. In the present case, it is an admitted fact that the ownership of the alleged land has been transferred to the defendant i.e. Municipal Council Palwal. A perusal of the mutation no. 588 also corroborates the same. A further perusal of the enquiry reports also reveals that the alleged suit land is to be used for the purpose of construction of dumping ground. A further perusal of the said reports also reveals that there is no habitation in the immediate vicinity and its further perusal also reveals that the problem of foul smell is to be countered with the proper treatment of the said garbage. A further perusal of the revenue record reveals that at present Khasra No. 27 has been shown as Gair Mumkin Graveyard.

In the present case, at this stage, the plaintiffs have merely apprehended that the defendant is illegally and unlawfully dumping garbage at the spot but they have failed to corroborate the same.

15. In the present case the plaintiffs have contended that


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earlier the Khasra no. 27 has been shown as Gair Mumkin Graveyard and the same cannot be used for any other purpose. This contention of the plaintiffs is not sustainable as a perusal of the revenue record reveals that since the year 1965-66 till date Khasra no. 27 has been shown as Gair Mumkin Graveyard. It has not come on record that earlier the plaintiffs have raised any objections regarding this entry which is in existence for more than 50 years. The plaintiffs have to prove through cogent evidence that the defendant is unlawfully and illegally dumping garbage near the Village pond and the same is causing serious health hazard and is also creating pollution but they have failed to do so.

The plaintiffs have failed to support their contentions and nothing has been placed on record to corroborate their apprehensions at this stage. However, no evidence in this regard has been placed on record by the plaintiffs for proving the above mentioned contentions. The plaintiffs have failed to bring any evidence on file which can corroborate and support their contentions.

The Hon'ble Supreme Court in Rangammal vs. Kuppuswami & Anr. 2011 (3) CIVIL COURT CASES, 446 SC, has

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held that burden of proof always lies upon a person who asserts and until such a burden is discharged, the other party is not required to be called upon to prove its case.

The Hon'ble Supreme Court in State of J&K vs. Hindustan Forest Company 2006 (12) SCC 198, has held that the onus is on the plaintiff to positively establish its case on the basis of the material available and it cannot rely on the weakness or absence of defence to discharge the onus.

Keeping in view the aforesaid discussion, both this issue is hereby decided against the plaintiffs and in favour of the defendant.

Issues no. 2 & 4 :-

16. In view of my finding on aforesaid issues, it has been proved that suit of the plaintiffs is not maintainable and they had no locus standi and cause of action to file the instant suit. Hence, these issues are decided in favour of the defendants and against the plaintiffs.

Issues no. 3, 5 & 6:-

17. These issues were not pressed by learned counsel for the defendants at the time of arguments nor any specific evidence has been led to prove the points covered by these issues. Hence, these issues are

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CJ(JD), Palwal, 27.02.2018
(UID NO. HR-0426)

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decided against the defendants.

ISSUE NO. 7 (RELIEF):-

18. In view of the above discussion, the suit of the plaintiffs fails and the same is hereby dismissed with cost. Decree sheet be prepared accordingly. File, after due compliance, be consigned to the record room.

Pronounced in open Court:
Dated: 27.02.2018

Gaurav Khatana,
Civil Judge(Junior Division),
Palwal.
(UID NO. HR-0426)

—sd—

Note:-All the pages of this judgment have been checked and signed by me.

Sachin
Stenographer

Gaurav Khatana
Civil Judge(Junior Division),
Palwal.27.02.2018
(UID NO. HR-0426)

—sd—

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Registrar NO. 5-3-18

Date of Presentation of appl. 5-3-18

Period Received on 5-3-18

Date of Preparation 5-3-18

No. of Pages 4

Urgent Fee 5

Copying Fee 49

Sign. of Copyst. Sachin

Date of Delivery 9-3-18

Total Fee 4.7

Gaurav Khatana,
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(UID NO. HR-0426)

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Copy of Decree Sheet

Value of the suit for the purpose of Jurisdiction for Rs. 200/-

Value of the suit for the purpose of Court Fee for Rs. 25/-

DECREE SHEET

In the Court of Shri Gaurav Khatana, Civil Judge (Junior Division), -Palwal

Civil Suit No. : 60 of 2017
C.I.S. No. : CS/297/2017
Date of Institution : 09.04.2017
Date of Decision : 27.02.2018

1. Girraj Singh son of Budh Ram, 2. Lallu Ram son of Sumera Singh,
Both Residents of Village Meghpur, Tehsil and District Palwal.

.....Plaintiffs..

Versus

Municipal Council Palwal, District Palwal, through its Executive Officer,
M.C. Palwal.

.....Defendant.

Suit for Permanent Injunction

Claim for :

That a decree of permanent injunction restraining the defendant/Municipal Council from dumping Garbage on the common land of village Meghpur surrounding the land of Hohar bearing Khasra No. 27 and from converting the land of Johar in the dumping ground in any manner illegally and unlawfully and from creating nuisance and pollution for inhabitants of village and from dumping any Garbage in

(GAURAV KHATANA)
Civil Judge (Jr. Divn.)
PALWAL

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8
5-3-18 (57)

the Khasra no. 17/1, 16 & 24/2 of rect no. 17 just adjoining the land of Pond bearing Khasra No. 27 wrongly and illegally and from filling up the Johar with Garbage in any manner illegally and forcibly, may kindly be passed in favour of the plaintiffs and against the defendant with costs of the suit.

Plaint presented on : 09.04.2017.

This suit is coming on this day for final disposal before me (Sanjay Kumar Sharma, Additional Civil Judge (Senior Division), Palwal in the presence of Sh. D.P. Arya, Advocate for plaintiffs, Sh. Mahesh Bhardwaj, Advocate for defendant.

It is ordered that the suit of the plaintiffs fails and the same is hereby dismissed with cost

Cost of the Suit

	Plaintiff(s)	Defendant(s)
Stamp of Plaintiff	25.00	
Stamp for power	02.00	02.00
Pleader's fee	Certificate not filed	Certificate not filed
Subsistence of witnesses	00.00	00.00
Misc./Process fee	80.00	10.00
	-----	-----
	- 107.00	12.00
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Given under my hand and seal of this court on this day 27th day of February; 2018.

Gaurav Khatana
(Gaurav Khatana)
Civil Judge (Junior Division)
Palwal 27.02.2018

307
 Register No.
 Date of Presentation of 5-3-18
 Period Received on 5-3-18
 Date of Pre 5-3-18
 No. of 2

 6
 Date of Delivery
 9-3-18

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(58)

copy of civil Appeal



Annexure R-12

A-R/12



Sh. Anubhau Sharma

In the court of Hon'ble District Judge, Palwal.

1. Girraj Singh, aged about 42 years son of Budh Ram, Caste Jatav, Occupation labour, 2. Lallu Ram, aged about 59 years son of Sumera Singh, caste Balmiki, Occupation labour, both residents of village Meghpur, Pin Code No.121102, Teshil Palwal, Distt. Palwal, Nationality Indian, Mob. No. nil.

Case No - 30

DoI - 15/3/18

DoD - 09/04/18

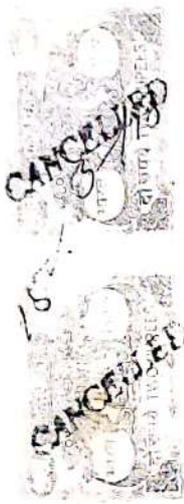
Applicants/Plaintiffs.

Versus

Municipal Council, Palwal, Distt. Palwal, through its Executive Officer, M.C. Palwal.

Respondent/Defendant.

Civil appeal u/s 96 of C.P.C. against the judgement and decree dated 27.02.2018 passed by the learned court of Sh. Gaurav Khatana, Civil Judge, (Jr. Div.), Palwal, in Civil Suit No. 60/2017, with the title Girraj Singh and another versus Municipal Council Palwal, vide which the suit of the plaintiffs/appellants was dismissed.



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No. of Suit and date of instt.	Date of decision	Date of filing appeal	Value for the purpose of jurisdiction	Value for the purpose of court fee	Court fee paid in lower court
60 of 2017 of 9.4.2017.	27.02.2018	14.3.2018	Lower Court 200/-	Lower Court 200/-	Rs.200/-
			Appeal 200/-	Appeal 25/-	Court fee paid in appeal. Rs.25/-

CLAIM IN APPEAL: -

For the acceptance of the appeal by setting aside the judgement and decree dated 27.02.2018 of the learned lower court and for decreeing suit of the plaintiffs/appellants in toto with costs throughout.

Madam,

The grounds of appeal are as under: -

1. That the judgement and decree dated 27.02.2018 passed by the learned court below is quite contrary to facts and law and the same is unsustainable and liable to be set aside.

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(Arubhew Sharma)
ASJ/MACT/ADJ Patwar
18.3.18

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2. That the plaintiffs filed the present suit seeking restraining order against the Municipal Council, Palwal in respect of a village Pond bearing khasra no.27 which the Municipal Council, Palwal intend to fill up with the garbej by converting Johar/Pond into a dumping ground. The plaintiffs also sought a prior leave to institute the present suit u/s 91 of C.P.C. The plaintiffs pleaded that the land bearing khasra no.27 of the revenue estate of village Meghpur was reserved for Pond during consolidation proceedings and, the said Pond/Johar was the only Pond in the village Meghpur which has been used by the inhabitants of the village for storing conservation and other purposes like cattle bath etc. It was also submitted that the Pond could not be converted into a dumping ground as the same will cause pollution and health hazards to the inhabitants of village Meghpur. The defendant appeared and filed a written statement and submitted that they have no other suitable land for dumping of waste and alleged that they have every right to convert the Pond into a dumping ground. After framing of issues, the plaintiffs led very strong evidence proving the fact that the land

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(Subscribed Signature)
A.S.J./M.A.C.T./A.D.J. Palwal
15.3.18

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11/4/2018

was a Johar and was so reserved during consolidation and it was only Johar/Pond for village inhabitants. It was even otherwise admitted and proved fact that the Pond in question was the only source for water conservation in the village and the same was being so enjoyed by the inhabitants of the village.

3. That the learned court below committed a gross error while deciding the matter in issue and acted in a most capricious manner while deciding the case. The plaintiffs have cited 3 judgements of Hon'ble Supreme Court in support of the case of the plaintiffs, however, the learned court below even failed to mention those citations in its order and did not apply its judicious mind in appreciating the fact and law relating to the issue in controversy.

4. That the judgement and decree dated 27.02.2018 is an outcome of misreading of facts and evidence.

5. That the judgement and decree dated 27.02.2018 suffers from illegalities, errors in appreciation of evidence and is cryptic and perverse in law.

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(Subscribed & Stamped)
A.S. JUDGE T/A.D.J. Mahwah
15/2/18

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6. That the observations of the learned court below are based on mere conjectures and surmises and as well as outcome of misapplication of law.

7. That the appeal is within time after deducting the period consumed in obtaining the certified copy of the judgement and decree of the learned court below now under appeal.

8. Therefore, it is most humbly prayed that the appeal of the appellants may kindly be accepted by setting aside the judgement and decree dated 27.02.2018 passed by the learned court below by way of decreeing the suit of the plaintiffs/appellants with costs throughout. And/or any other relief which this Hon'ble court deems just and appropriate may be awarded in the ends of justice. The appeal may be accepted with costs.

Palwal.
Dated 15/3/18

Appellants/Plaintiffs.
1. Girraj Singh s/o
Sh. Budh Ram,
2. Lallu Ram son of
Sh. Sumera Singh,
Rs/o vill : Meghpur,
Tehsil Palwal,
Distt. Palwal.

Through Counsel:
D.P. Arya, Adv.
Palwal.

FILE
- 84 -
Sh. Sumera Singh
AS, JMACT/ADJ Palwal
15/3/18

Register Entry No. 543
Date of Presentation of Appl. 10/14/2018
Period for which 11/14/2018
Date of Presentation 11/14/2018
No of 5
Urgent Fee 20
Copying Fee 5+15
Sign of Copyist

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15/11/2018

IN THE COURT OF SH. ANUBHAV SHARMA,
ADDITIONAL DISTRICT JUDGE, PALWAL.
UID NO.HR 0161

CNR No. HRPL-01-001182-2018
CIS No. : CA/112/2018
Case No. : 30
Date of Institution: 15.03.2018
Date of Decision : 09.04.2018

1. Girraj Singh, aged about 42 years son of Budh Ram, Caste Jatav, occupation labour.
2. Lallu Ram, aged about 59 years son of Sumera Singh, Caste Balmiki, Occupation labour

Both residents of village Meghpur, Tehsil Palwal, District Palwal-121102.

Appellants/plaintiffs.

Versus

Municipal Council, Palwal, District Palwal through its Executive Officer,
MC Palwal.

Respondent/defendant

Civil Appeal under Section 96 CPC

Present: Sh. DP Arya, counsel for the appellants.
Sh. Mahesh Bhardwaj, counsel for respondent

JUDGMENT:

Anubhav Sharma
ADJ, PWL:09.04.2018
UID NO. HR0161

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① 11/4/2018

A judgment and decree dated 27.02.2018 was passed by the court of Sh. Gaurav Khatana, learned Civil Judge (Jr.Divn.), Palwal in Civil Suit no. 60 of 2017 date of institution 09.04.2017 titled as "Girraj Singh and others vs Municipal Council, Palwal" vide which the suit of the appellants/plaintiffs was dismissed with cost.

2. As for convenience, the parties in the judgment shall be referred by their contesting status as per title in the lower court record and judgment.

3. Aggrieved by the judgment and decree so passed by the learned lower court present appeal has been filed by appellant/defendant. Notice of appeal was served upon the respondent/plaintiff. Lower court record was also requisitioned.

4. The brief facts of suit are plaintiffs have filed the present suit for permanent injunction along with application under section 91 of CPC for grant of relief to file the present suit against the defendant Municipal Council, Palwal and said application was allowed by the

Anubhav, Sharma
ADJ, PWL: 09.04.2018
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learned lower court at the time of institution of the suit on 19.04.2017. Plaintiffs had claimed that recently the area of village Meghpur where disputed khasra No. 27 is situated having been transferred and included in the Municipal Area of Municipal Council, Palwal. Plaintiffs have claimed that this khasra no. 27 was reserved as a Pond (Johar) during the time of consolidation of land holding in the year 1954 and since then the inhabitants of the village have been holding said land as pond. It is pleaded that it is the only water body in the village using the water conservation and other purposes. It is further claimed that the defendant is creating nuisance and causing pollution by converting the land to dumping ground of waste and the same poses a serious health hazard for the inhabitants of the village. The defendant is continuously throwing garbage in khasra No.17/1, 16 & 24/2 of rect. No.17 just adjoining the land of johar (pond) illegally and in contravention of the guidelines of the Ministry of Environment.

5. After raising preliminary objection of non-maintainability

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of the suit, on merits, defendant in the written statement pleaded that the said dumping station is to be constructed under the Hon'ble Chief Minister announcement code No.11184/05.04.2016 and the said proposal with an estimated cost of Rs. 71 lacs has been sent to The Director Department of Urban Local Bodies, Haryana for technical and administrative approval vide letter dated 16.12.2016. It was further submitted that after the dumping of the waste, disinfectant is being sprinkled and the waste is being covered by the mud. The plaintiffs are trying to mislead the court and concealing the actual facts. It was further submitted that the ownership of the said land has been vested in the defendant and as per the revenue record ie the jamabandi for the year 2010-11 no pond/Johar has been shown in killa No.17 & 16.

6. As per the pleadings, following issues were framed by learned lower court vide order dated 23.05.2017:-

1. Whether the plaintiffs are entitled to relief of permanent injunction as prayed for?OPP
2. Whether the suit of the plaintiffs is not maintainable in the present form?OPD

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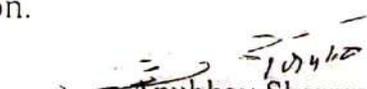
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been placed on record showing his date of birth as 14.11.1999.

Also record shows that when the petition was filed Sanno was said to be aged 14 years ^{and} ~~so~~ she was elder to co-petitioner Fahjan. Copy of ration card placed on record in the evidence of petitioner Ex.P4 also established this fact. Thus as a matter of fact, both the ^{of} ~~survived~~ petitioners Fahjan and Sanno were majors when this Tribunal has passed award on 22.03.2018. Thus, there is merit in the application moved today as they ~~effect~~ ^{effect} the award dated 22.03.2108 to the extent that compensation amount need not be deposited in the fixed deposit and can be released to the applicants in cash though through their bank accounts. Accordingly, to that extent the ward dated 22.03.2018 is reviewed.

A copy of this order be made part of the award dated 22.03.2018. Present application be tagged with the main file and then consigned with the record of the petition.

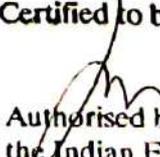

Anubhav Sharma
ADJ, Palwal
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Date of Order:- 10.04.2018

Swati Pahuja, stenographer

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3. Whether the plaintiffs are estopped from filing the present suit by their own acts and conduct?OPD
4. Whether the plaintiffs have no locus standi and cause of action to file the present suit?OPD
5. Whether the suit of the plaintiffs is false, frivolous and vexatious in future?OPD
6. Whether the plaintiffs have concealed true and material facts from the Hon'ble Court?OPD
7. Relief.

7. To substantiate their case, the plaintiffs have examined the following witnesses:-

PW1	Girraj (plaintiff)
PW2	Bhagwan Singh, Nambardar
PW3	Dharam Chand
PW4	LakhmiChand, Namberdar

Thereafter, learned counsel for the plaintiffs have closed the evidence on behalf of the plaintiffs after tendering the following documents:-

Ex.P1	Scheme Ishtemal (urdu)
Ex.P1/H	Hindi Translation of Scheme Ishtemal.
Ex.P2	Aks Shijra
Ex.P3	Copy of jamabandi for the year 2010-11
Ex.P4	Copy of notification issued by Ministry of Environment, Forest & Climate Change.
Ex.P5	Copy of Inquiry Report
Ex.P6&P7	Copy of applications
Ex.P8	Document in Urudu

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Ex.P9 Copy of Masawi.
Ex.P10 Copy of Field Book
Mark-A to F Photographs
Mark G Enquiry Report
Mark H Copy of letter dated 16.12.2016.

8. On the other hand, defendant has examined the following witnesses:-

DW1 Jagvinder, Halqa Patwari Gughera as DW1
DW2 Krishan Gopal, JE, MC Palwal.

and thereafter, learned counsel for defendant closed the evidence on behalf of defendant after tendering following documents:-

Ex.DW1/A Copy of jamabandi for the year 1965-66
Ex.DW1/B Copy of jamabandi for the year 1970-71
Ex.DW1/C Copy of jamabandi for the year 1975-76
Ex.DW1/D Copy of jamabandi for the year 1985-86
Ex.DW1/E Copy of jamabandi for the year 1990-91
Ex.DW1/F Copy of jamabandi for the year 1995-96
Ex.DW2/1 Enquiry Report dated 09.02.2017
Ex.DW2/2 Enquiry Report dated 07.11.2017
Ex.D1 Inspection Report
Mark A Copy of Enquiry Report
Mark B Copy of letter dated 25.07.2017

9. After having heard learned counsel, issues No.1,2 & 4 were decided against the plaintiffs and issues no. 3, 5 & 6 were decided being unpressed. Suit of the plaintiffs was dismissed with costs and the

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relief clause is as under :

"In view of the above discussion, the suit of the plaintiffs fails and the same is hereby dismissed with costs. Decree sheet be prepared accordingly. File after due compliance, be consigned to the record room."

10. Heard Sh. DP Arya, counsel for the appellants and Sh. Mahesh Bhardwaj, Advocate for respondent and perused the summoned record. Learned counsel for appellants has relied judgments of Hon'ble Supreme Court of India in Hinch Lal Tiwari vs Kamla Devi and others, 2001 (6) SCC 496, MK Balakrishnan and others vs Union of India and others, 2009 (5) SCC 507 and MK Balakrishnan (2) and others vs Union of India, 2009 (5) SCC 511 in support of his arguments.

11. Appreciating the matter on record, it can be observed that there is no dispute with regard to the fact that as per jamabandi Ex.DW1/A of 1965-66 onwards, the khasra no. 27 (4 K 0 M) has been shown as 'Gair Mumkin Samshan Bhumi'. Ex.P1/H is a scheme Ishtemal

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of the village Meghpur prepared at the time of consolidation and the same shows that Mustkil No. 27 measuring 4 kanal has been shown to be reserved for "johar". This document also mentions that there is no other johar land reserved at the time of consolidation. As a matter of record, Mark-A is a letter No. 1849 dated 13.02.2017 tendered in evidence of defendant as well as Ex.P5 in the evidence of plaintiffs and in this report of Sub Divisional Officer (Civil) Palwal addressed to Deputy Commissioner, Palwal it is mentioned that this khasra No. 27 as per jamabandi 1955-56 is shown as "Gair Mumkin Johar". Certain photographs on record being Mark PA to PF also show a piece of land surfaced with water. There is no dispute on the part of defendant that the identity of this land as shown in these photographs is the same as that of khasra No. 27. Then there is document on record which is relied by the defendant and this document Ex.D1 is a report prepared by one Raman Yadav, Advocate as a local commissioner appointed in a petition pending before Hon'ble National Green Tribunal, Principal

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Bench, New Delhi. This petition before Hon'ble National Green Tribunal has been filed by one SND Public School, Palwal in regard to disputed khasra No. 27 and on the similar though not same basis on which present suit has been filed. The local commission report mentions very specifically that adjacent to the landfill site, there was a water body though it was not clear from where water was coming in the said body. In this report, it is claimed that due to leakage from the pipes water has accumulated and this fact has been informed by Executive Engineer, Public Health Department.

12. On behalf of the defendant, DWI Krishan Gopal, JE, Municipal Council, Palwal has appeared who after deposing in favour of defendant in terms of written statement has in cross-examination admitted that in the jamabandi 1956-57 khasra No. 27 was shown as "Gair Mumkin Johar" and that they have no revenue record showing the basis of conversion of "Gair Mumkin Johar" to a graveyard. As he was cross-examined with regard to requirement of a "johar" in the

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village for religious purpose and for the use by the animals he claims that he cannot depose about the same.

13. Thus, this set of evidence as discussed establishes that the disputed land is part of khasra No. 27 and the same at present has water stored in it. The source of water may be natural or the one said to be by way of leakage of pipe line of Public Health Department. It is also a matter of common knowledge that a water body in the form of Pond (Johar) in village have various usages and if the case of defendant is considered that khasra No. 27 was a graveyard then certain last rites of Hindus are certainly performed near the water body.

14. Plaintiffs in the present suit have not sought any declaration about correction of the revenue entries. Thus, relevance of revenue entries is only for the purpose of showing that the land does not vest in defendant in absolute terms and it was left in consolidation for specific user by the village community. The conversion of the land

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reserved for the purpose to another has to be in accordance with law. There is nothing on record to show that there was any conversation of land by the local body, be it Gram Panchayat or the present defendant ie Municipal Council, Palwal. The enquiry report Ex.P5 submitted by Sub Divisional Officer (Civil) Palwal specifically mentions that apart from disputed kahasra No. 27, it is khasra No. 17/1 and 24/2 which were being used by the Municipal Council as dumping ground as same was mentioned as Gair Mumkin Iddan/gait.

15. There is no dispute with regard to the fact that if used as dumping ground/land fill site certainly it will create an obnoxious environment. Ex.P4 notification dated 18.04.2016 of the Ministry of Environment, Forest & Climate Change provides by virtue of clause (vii) in the Schedule 1 attached to Solid Waste Rules 2015 that the landfill site shall be 100 meters away from river, 200 meters from pond and 200 meters from water supply wells. It comes up very specifically in the cross-examination of statement of DW1 that surrounding this suit

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land there are tubwells for irrigation. Even the report of the local commission who had visited the site in pursuance of Hon'ble National Green Tribunal order has claimed that Public Health Department water line runs somewhere near the disputed land. Mark P5 resolution the inhabitants of the village addressed the Commissioner also shows that local inhabitants body opposed use of disputed land for dumping the dirt of the whole town.

16. It is established sufficiently for the purpose of present suit that at one hand, the disputed land is shown to be used for particular purpose johar/graveyard and the local inhabitants cannot be deprived of this facility, be it as a johar or as a graveyard. Then it is established that in some part of the khasra no. 27 there is a small water body with water source, be it natural from the catchment area or from artificial means like water pipe line. It is also established that there is absence of any evidence on the part of defendant on record that what is the exact mechanism being used by them for ensuring that the dirt dumped in

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the land is either processed before being dumped or after being dumped so that it does not create a health hazard.

17. The aforesaid circumstances are good enough to show that even though there is no specific damages proved to the plaintiffs. The act and conduct of defendant in converting the disputed land part of kahasra No. 27 into dumping ground is an act of public nuisance which is required to be restrained. This court also get support from the judgment of Hon'ble Supreme Court of India in Hinch Lal Tiwari and vs Kamala Devi and others (supra) relied by counsel for plaintiffs wherein Hon'ble Supreme Court has held that government including the revenue authorities are duty bound to clean and develop the ponds which are drying up or falling it disuse. Certainly the land must be having a cavity which has now stored water of some measure. In these circumstances, using this khasra No. 27 is not only an act of public nuisance as discussed above but also detrimental to conversation of water body of howsoever small magnitude.

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18. Learned lower court while dealing with issue No.1 has non-suited the plaintiffs primarily on the basis that there is no habitation in the immediate vicinity of khasra No. 27. What it failed to appreciate was a fact that it was not merely a case of construction of dumping ground but the conversion of land fixed for specific purpose to dumping ground thus creating public nuisance against the purpose for which the land was spared during the time of consolidation.

19. Consequently, this court is inclined to reverse the findings of learned lower court on issue no.1 and decide the same against the defendant. Learned lower has also erred in deciding issues no.2 and 4 against the plaintiffs. The question of maintainability of the present suit in the present form was already allowed by the learned lower court when it allowed the application under section 91 CPC which was filed along with the suit.

20. No other arguments were raised on any of the other issues or findings.

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JAGDISH MANCHANDA
 Advocate
 Room No.2, Chamber No.54,
 Punjab & Haryana High
 Court, Chandigarh
 High Court : 0172-2743347
 2740429, 2740593

Residence:
 Kothi No.1217, Sector
 19-B, Chandigarh-160019
 Ph./Fax:0172-2771217,
 Mobile:98140-07968

 Dated: 14.1.2019

To
 The Executive Officer,
 Municipal Council, Palwal,
 Distt. Palwal.

Sub. : RSA No.2587 of 2018
 MC PalwalVs. Giriraj Singh and another

Sir,

The above said case came up for hearing before Hon'ble Mrs. Rekha Mittal at Serial No.115. The earlier letter which was written to your goodself to appraise the Hon'ble High Court with regard to the area away from the main road. The letter dated 26.4.2017 addressed to your goodself is reproduced as under:-

Dated: 26.4.2017

"To
 The Executive Officer,
 Municipal Council, Palwal,
 Distt. Palwal.

Sub. : RSA No.2587 of 2018
 MC PalwalVs. Giriraj Singh and another

Sir,

The above said case came up for hearing before Hon'ble Mr. Justice Raminder Jain at Serial No.115. The Hon'ble Judge sought information whether the dumping ground can be shifted in the interior area away from the main road. The order passed by this Hon'ble High Court is reproduced as under:-

"115

MUNICIPAL COUNCIL PALWAL

Present: Mr. Jagdish Manchanda, Advocate for the appellant.

Learned counsel for the appellant prays for adjournment to seek instructions as to whether the garbage dumping ground can be shifted to some interior area quite far away from the main road.

RSA-2587-2018(O&M) 

Your are requested to appraised the suggestion as well as prepared a site plan to show that the present dumping ground is away from the inhabitant area of the term and there is no hurdle to the inhabitant. Please do the needful as the earliest. Treat it urgent. The case has been adjourned for 4.10.2018.

It is for your information and further follow up.

(Jagdish Manchanda)
Advocate"

No compliance has been made till today. The Hon'ble Judge was annoyed due to inaction on your behalf to comply with the order dated 9.5.2018. Please do the needful and treat it urgent by sending the site plan otherwise you will be responsible for the same. The Hon'ble Court can call you personally in the Hon'ble High Court. **Treat it urgent.**

It is for your information and further follow up.

(Jagdish Manchanda)
Advocate"



प्रेषक:-

कार्यकारी अधिकारी,
नगर परिषद पलवल।

सेवा में,

श्री जगदीश मनचन्दा अधिवक्ता,
पंजाब एवं हरियाणा उच्च न्यायालय,
चण्डीगढ़।

क्रमांक:- 351

दिनांक:- 25/1/19

विषय:-

RSA No.2587 of 2018 MC Palwal Vs. Girraj Singh another.

यादी,

उपरोक्त विषय के सन्दर्भ में अनुरोध सहित लिखा जाता है कि नगर परिषद पलवल द्वारा मेघपुर स्थित डम्पींग स्टेशन/Transportation बनाया गया है। जो कि बस्ती एवं मुख्य सड़क मार्ग से काफी दूर है। उक्त से सम्बन्धित माननीय NGT Court, New Delhi में केस चल रहा था। जो दिनांक 29.08.2018 को Dispose off हो चुका है। माननीय जिला सत्र न्यायालय, पलवल में दायर किये गये केस के फैसले के मुताबित खसरा न0 27 में नगर परिषद पलवल द्वारा कूड़ा नहीं डाला जा रहा है। नगर परिषद पलवल द्वारा उक्त खसरे की निशानदेही करवाने उपरान्त नियमानुसार टैण्डर प्रक्रिया करके चार दीवारी का कार्य करवाया जा चुका है। अब उक्त खसरे में कोई गतिविधि नहीं हो सकती है। यहां यह भी उल्लेखनीय है कि नगर परिषद पलवल को पुन्हा नए में बनने वाले Cluster Based integrated Solid waste management project में जोड़ा गया है। जिसके उपरान्त नगर परिषद पलवल द्वारा मेघपुर स्थित उक्त स्थान को Transportation के रूप में लाया जायेगा। उक्त डम्पींग स्टेशन की चार दीवारी करवाई जा चुकी है। साईट पर कचरा डालने के पश्चात उसे फैलाकर उसपर मिट्टी की परत डाली जाती है एवं दवाईयो का छिडकाव भी किया जाता है। उक्त स्थल के आस-पास के पर्यावरण को स्वच्छ रखने हेतु लगभग 250 पौधे लगाये जा चुके हैं। उक्त डम्पींग स्टेशन/Transportation को बनाने में लगभग मु0 70.00 लाख रू0 खर्च किये जा चुके हैं।

इसके अतिरिक्त आपके संज्ञान में लाया जाता है कि उक्त स्थान के अलावा नगर परिषद पलवल के पास बस्ती/रिहायशी इलाके से दूर इस प्रयोग हेतु कोई उचित भूमि/स्थान उपलब्ध नहीं है। जिस कारण नगर परिषद पलवल द्वारा इस डम्पींग स्टेशन को किसी अन्य स्थान पर स्थानान्तरण किया जाना सम्भव नहीं है।

यह आपको सूचनार्थ प्रेषित है।

Ysheld
कार्यकारी अधिकारी,
नगर परिषद पलवल।

पृ0 क्रमांक:- 352-53

दिनांक:- 25/1/19

उक्त की एक-एक प्रति निम्नलिखित अधिकारीगण की सेवा में सूचनार्थ प्रेषित है।

- 1 निदेशक महोदय, शहरी स्थानीय निकाय, हरियाणा पंचकूला।
- 2 उपायुक्त महोदय, पलवल।

Ysheld
कार्यकारी अधिकारी,
नगर परिषद पलवल।

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MUNICIPAL COUNCIL PALWAL VS GIRRAJ SINGH & ANR

Present: Mr. Jagdish Manchanda, Advocate
for the appellant

CM No. 6885-C of 2019

Heard.

Allowed as prayed for. Annexures A-3 and A-4 are taken on record, subject to just exceptions but it would not amount to allowing application for additional evidence.

Disposed of accordingly.

Main case

Counsel for the appellant inter alia contends that suit filed by respondents-plaintiffs was dismissed by the trial court but the Appellate Court allowed the appeal in view of its findings recorded in paras 17 and 18 of the judgment. It is argued that it is never the case of the respondents-plaintiffs that the appellant is using part of khasra No. 27 for the purpose of dumping ground. On the contrary, plea of the respondents is that the appellant is throwing garbage in khasra No. 17/1, 16 and 24/2 adjoining to land of johar stated to be in khasra No. 27.

Notice of motion for 25.9.2019.

In the meantime, operation of the judgment passed by the Court in Appeal shall be kept in abeyance.

(Rekha Mittal)
Judge20.5.2019
PARAMJIT

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