

IN THE HON'BLE NATIONAL GREEN TRIBUNAL,  
PRINCIPAL BENCH AT NEW DELHI

O.A NO. 668 OF 2023

IN THE MATTER OF:

PRASHER DEV SHARMA

...APPLICANT

VERSUS

STATE OF PUNJAB AND ORS.

...RESPONDENTS

**INDEX**

<u>S.No</u>	<u>PARTICULARS</u>	<u>PAGE NO.</u>
1.	REPLY ON BEHALF OF THE PETITIONER TO THE REPORT DATED 06.06.2024 AND THE ADDITIONAL REPLY DATED 02.09.2024 SUBMITTED BY THE EXECUTIVE OFFICER, MUNICIPAL COUNCIL JAGRAON ALONG WITH AFFIDAVIT	1-6
2.	<b><u>ANNEXURE A-1</u></b> TRUE COPY OF THE LATEST PICTURES EVIDENCING THE ILLEGAL DISPOSAL OF WASTE	7-8
3.	<b><u>ANNEXURE A-2</u></b> TRUE COPY OF THE GOOGLE MAP IMAGES SHOWING THE PATH FROM THE CONCERNED SITE, FREE FROM OBSTRUCTION AS ALLEGED	9-10
4.	<b><u>ANNEXURE A-3</u></b> TRUE COPY OF THE SATELLITE IMAGE SHOWING THE LOCATIONS OF THE SITE IN CONCERN AND THE SITE IN WHICH REMEDIATION WORK IS BEING CARRIED OUT	11
5.	<b><u>ANNEXURE A-4</u></b> A TRUE COPY OF ORDER DATED 07.03.2019 IN HARYANA IN CWP (PIL) 26/2019 (O&M) PASSED BY THE HON'BLE HIGH COURT OF PUNJAB AND HARYANA	12-13
6.	<b><u>ANNEXURE A-5</u></b>	14-15

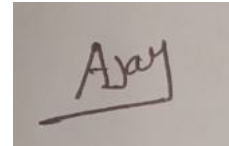
	A TRUE COPY OF THE IMAGE EVIDENCING THE PRESENCE OF GARBAGE NEAR THE TUBEWELL PRESENT AT THE CONCERNED SITE	
7.	<b><u>ANNEXURE A-6</u></b> A TRUE COPY OF THE PICTURES EVIDENCING CONSTRUCTION OF PITS AT A SITE DIFFERENT FROM THE ONE WHICH IS THE SUBJECT OF THE PRESENT PETITION	16-17

8. **Proof of Service**

18

APPLICANT

PLACE: NEW DELHI  
DATE: 10.09.2024



THROUGH  
AJAY MARWAH,  
COUNSEL FOR THE APPLICANT  
136, NEW CHAMBERS BLOCK,  
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SUPREME COURT OF INDIA,  
NEW DELHI-110001  
PHONE NO-9711193535

IN THE HON'BLE NATIONAL GREEN TRIBUNAL,  
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**REPLY ON BEHALF OF THE PETITIONER TO THE REPORT DATED 06.06.2024  
AND THE ADDITIONAL REPLY DATED 02.09.2024 SUBMITTED BY THE  
EXECUTIVE OFFICER, MUNICIPAL COUNCIL JAGRAON.**

1. The present Reply is being filed on behalf of the Applicant pursuant to the leave granted by this Hon'ble Tribunal vide its order dated 13.08.2024 to the report and the Additional Reply filed by the Executive Officer, Municipal Council, Jagraon (hereinafter "M.C Jagraon").
2. At the outset, the Applicant would like to submit that the Report dated 06.06.2024 and the additional reply submitted by the Executive Officer is factually incorrect and does not effectively deal with the remedies/steps being taken pursuant to the directions of this Hon'ble Tribunal to deal with the illegal dumping of hazardous waste, filling of garbage in pond surrounding Maa Bhadar Kali Mandir, Jagraon, District Ludhiana, Punjab (hereinafter "Temple") in violation of the environmental norms.
3. The Applicant would like to submit that hazardous waste continues to be dumped at the concerned site in large scale which is within the knowledge of the Municipal Council, Jagraon.

4. It is pertinent to mention that the Executive Officer, MC, Jagraon has attempted to create confusion between the site which is the subject matter of the present petition filed by the Petitioner which is adjacent to the Temple and another site where the garbage from the town is being disposed. Most of the remedies and the steps taken by the M.C Jagraon pertain to the site which is away from the Temple and no concrete effective steps have been taken qua the site which is the subject of the present petition.
5. It is pertinent to mention that MC Jagraon has time and again failed to abide by its duty to maintain cleanliness in the site surrounding the temple, and the residents of Jagraon had also approached the Hon'ble High Court of Punjab and Haryana which had directed the MC Jagraon not to dump any further waste at the site which is in vicinity of the temple. However, it is clarified that the said site is not the subject of the present Petition.
6. Further, as already pointed out by this Hon'ble Tribunal in the last date of hearing, Municipal Council, Jagraon has in its report miserably failed to elucidate the cogent active steps being taken from its end to clean the pond and has only enlisted the precursory steps taken from its end such as issuing tenders and serving notices to violators. There is not a whisper of immediate action on behalf of the Municipal Council with respect to clearing the concerned pond.
7. It is pertinent to reiterate that the inaction of the authorities of Municipal Council, Jagraon is writ large from a perusal of the incomplete nature of the report submitted by the Municipal Council, Jagraon. The Municipal Council must detail the steps taken by them to mitigate and remedy the situation rather than just list the purported steps taken by it.
8. It is submitted that the authorities of Municipal Council, Jagraon have raised a frivolous objection with respect to the alleged encroachment at the concerned site being an impediment to the clearance of garbage. It is submitted that the Municipal Council, Jagraon is empowered to remove any alleged illegal encroachment in the concerned site and has failed to do so for several years which has led to the current state of the concerned site. Therefore, the same shows a clear lack of intent from the authorities of the Municipal Council, Jagraon to clean the concerned site.

9. It is also pertinent to mention that the hazardous waste lying at the site continues to hamper the life of the residents of Jagraon and the pilgrims visiting the temple. The hazardous waste has also caused significant harm to the life of the stray cattle and other innocent life forms.

### **PARAWISE REPLY**

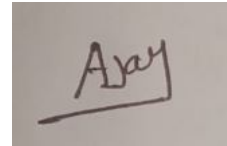
10. With respect to Paragraph 1 of the Additional Reply dated 02.09.2024 (“Additional Reply”) filed by MC Jagraon, it is submitted that the process of issuing tenders appears to be a smokescreen to hide the inaction of the authorities. It is submitted that no concrete steps to execute the plan of cleaning of the site have been taken by the Municipal Authorities. Further, the work being halted due to rains is a clear and apparent indication of the intent of the authorities to execute the work on the site as the concerned area is dry and the garbage can easily be lifted. The Applicant would place on record the true copy of the latest pictures evidencing the illegal disposal of waste, annexed hereto as **Annexure A-1 (Pages 7 to 8)**
11. With respect to Paragraph 2 of the Additional Reply, it is submitted that the Municipal Corporation has time and again cited the alleged encroachments at the site to be an impediment in cleaning the concerned site, however it is categorically submitted that despite the encroachment there is a clear path from the site to the road for the vehicles to carry garbage to and from the site. True copy of the google map images showing the path mentioned above from the concerned site, free from obstruction as alleged is annexed and marked hereto as **Annexure A-2.(Pages 9 to 10)**
12. With respect to the details put forth by the MC Jagraon in Paragraph 3, pertaining to the remediation work at the Garbage site the same pertain to the site which is not in the immediate vicinity of the Temple and not the subject matter of the present petition. It is reiterated that barely any work has been carried out at the site with respect to which the Petitioner has preferred the present petition. In fact, fresh garbage is being dumped everyday at the said site. Further, to the sheer shock of the Petitioner, MC Jagraon has also issued notices to the Temple for illegal encroachment which is nothing but an attempt to pressurize the Petitioner for highlighting the inaction and lackadaisical attitude of public authority. A True Copy of the satellite image showing

the locations of the site in concern and the site in which remediation work is being carried out is annexed and marked hereto as **Annexure A-3.(Pages 11)**

13. With respect to Paragraph 4 it is submitted that the steps taken by MC Jagraon for Garbage Collection are being taken qua the site which is not in the immediate vicinity of the Temple and not the subject matter of the present petition. It is pertinent to mention that the Hon'ble High Court of Punjab and Haryana in CWP (PIL) 26/2019 (O&M) vide order dated 07.03.2019 had directed the Respondent to not dump any garbage in the site referred to above. A True Copy of Order dated 07.03.2019 in Haryana in CWP (PIL) 26/2019 (O&M) passed by the Hon'ble High Court of Punjab and Haryana is annexed and marked hereto as **Annexure A-4.(Pages 12 to 13)**
  
14. With respect to Paragraph 5, it is submitted that the steps claimed to have been taken by MC Jagraon with respect to segregation and collection of solid waste are fictitious as the same pertain to a site which is not related to the subject matter of the present petition. It is pertinent to mention that MC Jagraon has failed to implement the technology in the form of static compactors that are readily available with the Municipal Council at the nearby city of Ludhiana. It is also pertinent to mention that fresh garbage is being dumped everyday in the pond area, i.e. the site with respect to which the present Petitioner pertains to, which continues to damage the environment and even the potable water available to the resident through the tubewell present at the site. A True Copy of the image evidencing the presence of garbage near the tubewell present at the concerned site is annexed and marked hereto as **Annexure A-5. (Pages 14 to 15)**
  
15. With respect to Paragraph 6 and 7, it is submitted that the contentions therein are false as the pits have been dug up at a site which is further away from the temple as mentioned hereinabove, also the said steps have not yielded any tangible results with respect to the cleaning of the ponds. The Report and the additional reply filed by MC Jagraon do not represent the correct picture before this Hon'ble Tribunal, as fresh garbage is still being dumped at the site everyday till date and none of the steps detailed in the said documents have actually been implemented on the site. A True

Copy of the Pictures evidencing construction of pits at a site different from the one which is the subject of the present petition is annexed and marked hereto as **Annexure A-6. (pages 16 to 17)**

APPLICANT

A rectangular box containing a handwritten signature in black ink that reads "Ajay".

PLACE: NEW DELHI  
Drafted 04-09-2024  
Filed on .10-09-2024

THROUGH  
AJAY MARWAH,  
COUNSEL FOR THE APPLICANT  
136, NEW CHAMBERS BLOCK,  
MC SETALVAD BLOCK,  
SUPREME COURT OF INDIA,  
NEW DELHI-110001  
PHONE NO-9711193535

IN THE HON'BLE NATIONAL GREEN TRIBUNAL,

PRINCIPAL BENCH AT NEW DELHI

O.A NO. 668 OF 2023

IN THE MATTER OF:

PRASHER DEV SHARMA

...APPLICANT

VERSUS

STATE OF PUNJAB AND ORS.

...RESPONDENTS

**AFFIDAVIT**

I, Prasher Dev Sharma, President Shri Pracheen Sidh Bhadarkali Mandir, Jagrao, District-Ludhiana, Punjab do hereby solemnly affirm and declare as under:

1. That I am the applicant in the above case and well conversant with the facts of the case, hence competent to swear this affidavit.
2. That the accompanying reply/objections has been drafted by my counsel under my instructions and contents of same are true and correct and same are not being repeated herein for the sake of brevity and same may please be read as part and parcel of this affidavit.

*Prasher Dev Sharma*

DEPONENT



**VERIFICATION:-**

Verified at Delhi on this 04 day of September, 2024 that the contents of this affidavit are true and correct to the best of my knowledge and belief.

THE statement was read over and explained to the executant who admitted the same to be correct and voluntarily.

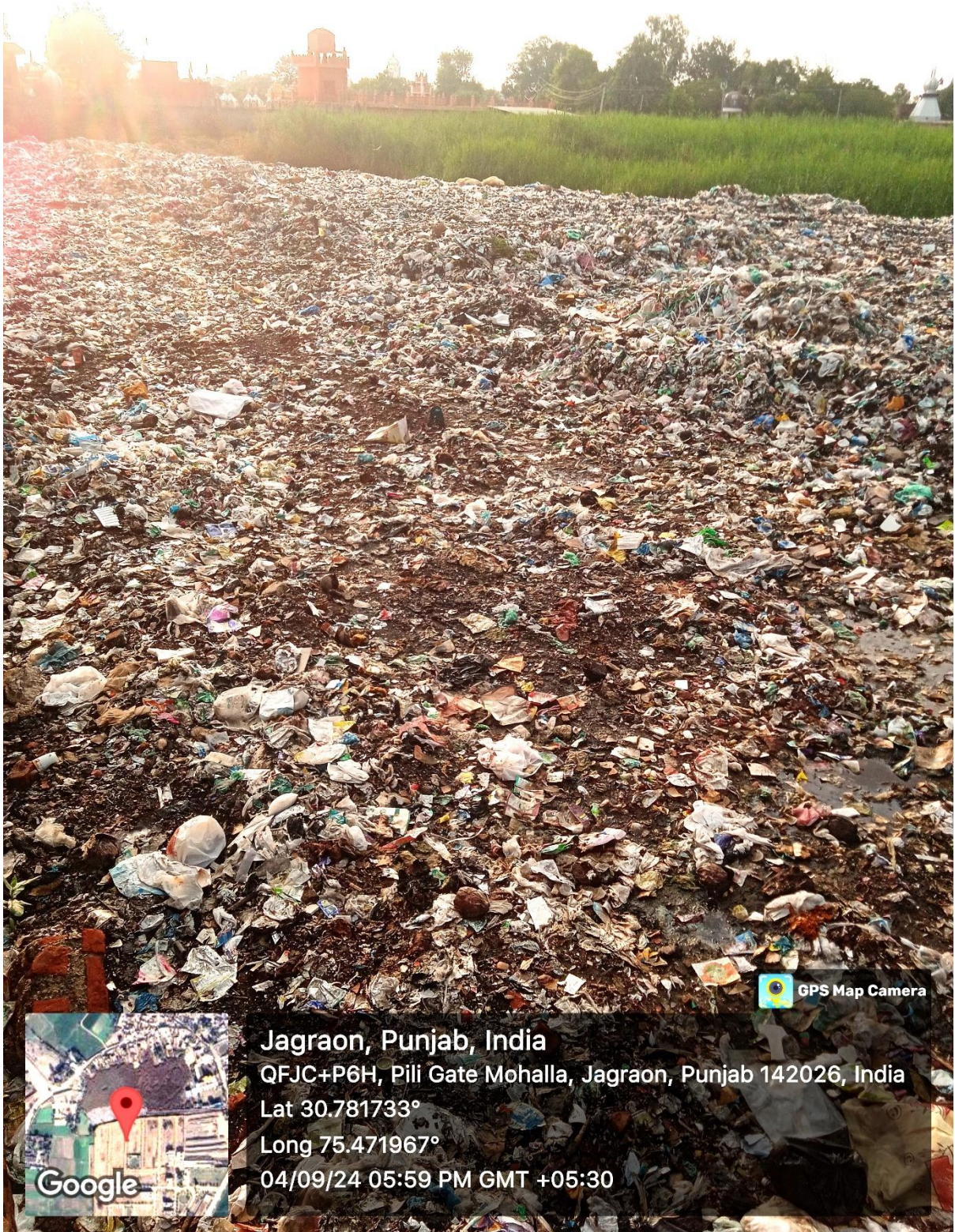
**ATTESTED**

(Yogesh K. Singh)  
NOTARY PUBLIC,  
JAGRAON (Punjab)

04 SEP 2024

*Prasher Dev Sharma*

DEPONENT



Jagraon, Punjab, India  
QFJC+P6H, Pili Gate Mohalla, Jagraon, Punjab 142026, India  
Lat 30.781733°  
Long 75.471967°  
04/09/24 05:59 PM GMT +05:30

GPS Map Camera



Asy





Asy

True Copy



*Ajay*

True Copy

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

CWP-(PIL)-26-2019 (O&M)  
Date of decision:- 07.03.2019

Jhanvi Behal

...Petitioner

Versus

State of Punjab and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE KRISHNA MURARI, CHIEF JUSTICE**  
**HON'BLE MR. JUSTICE ARUN PALLI**

Present:- Mr. Munish Kumar, Advocate,  
for the petitioner.

Ms. Monica Chhibbar Sharma, Sr. DAG, Punjab,  
for respondents No. 1 and 2.

Mr. P.S. Sidhu, Advocate,  
for respondents No. 3 and 4.

\* \* \* \*

**KRISHNA MURARI, C.J. (ORAL)**

The petitioner has approached this Court in public interest seeking mandamus to command respondents No. 2 to 4 - Deputy Commissioner, District Ludhiana, President and Executive Officer, Municipal Council, Jagraon, District Ludhiana to take suitable steps for removal and cleaning the garbage dump.

2. The Municipal Council, Jagraon came up with a pleading that all efforts are being made to remove the garbage, but an issue was raised with respect to garbage sifting machine. It was stated that despite repeated requests made to the State Government, the machine has not been made available, which is causing hindrance in the lifting and disposal of the garbage dump. Today, an affidavit of Joint Director, Department of Local Government, Punjab has been filed, which is taken on record. It is stated therein that a bio-remediation waste

***For Subsequent orders see CM-46-CWPIL-2020 Decided by HON'BLE THE CHIEF JUSTICE; HON'BLE MR. JUSTICE ARUN PALLI***

cleaning machine/waste separator machine has been provided to the officials of the Municipal Council, Jagraon on 05.03.2019.

3. That being the position, we see no reason that Municipal Council, Jagraon shall not proceed to discharge its legal obligations and with the aid of the machine which has been provided **not only the garbage dump would be removed, but the entire area would be cleaned up and the cleanliness shall be maintained in future.**

4. In the wake of the above, we find no good ground for this petition to continue on board any further as its purpose has been fulfilled. Accordingly, the same stands disposed of with liberty to the petitioner to make an application for revival of the proceedings in case the authorities still fail to discharge their legal obligations.

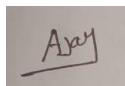
(KRISHNA MURARI)  
CHIEF JUSTICE

(ARUN PALLI)  
JUDGE

07.03.2019

Anodh

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



True Copy

**For Subsequent orders see CM-46-CWPIL-2020 Decided by HON'BLE THE CHIEF JUSTICE; HON'BLE MR. JUSTICE ARUN PALLI**

2 of 2

::: Downloaded on - 01-02-2023 15:53:47 :::





Ajay

True Copy





Ajay

True Copy



AJAY MARWAH &lt;officeofajaymarwah@gmail.com&gt;

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**Proof of Service O.A No. 668 of 2023 -REPLY ON BEHALF OF THE PETITIONER TO THE REPORT DATED 06.06.2024 AND THE ADDITIONAL REPLY SUBMITTED BY THE EXECUTIVE OFFICER, MUNICIPAL COUNCIL JAGRAON.**

1 message

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**AJAY MARWAH** <officeofajaymarwah@gmail.com>

Tue, Sep 10, 2024 at 5:31 PM

To: "ADCLDH@gmail.com" &lt;ADCLDH@gmail.com&gt;, eomc\_jgn@yahoo.com

Dear Sir/Madam

Please find attached Replay on behalf of the Petitioner to the Report dated. 06-06-2024

Thank you and regards,

**OFFICE OF AJAY MARWAH  
ADVOCATE-ON-RECORD  
SUPREME COURT OF INDIA  
NEW DELHI-110001**

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