

BEFORE THE NATIONAL GREEN TRIBUNAL PRINCIPAL BENCH,  
NEW DELHI

(O.A. No.191/ 2020)

Gurinderpreet Singh Vs. State of Punjab and Ors.

Next date of hearing:- 26.02.2021

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Submitted by

*Gurinderpreet Singh*

Dated : 13/2/2021. (Gurinderpreet Singh, Advocate)

Place : Ludhiana (Applicant/ Complainant, in person)

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*WRITTEN ARGUMENTS ON BEHALF  
OF THE APPLICANT / COMPLAINANT.*

Sir,

It is respectfully submitted as under:

1. That the respondent No.2 (M.C.) formed a committee, which visited the site on 25.01.2021 where the applicant along with residents were present and a status report vide letter no.105-108/LF dated 22.01.2021 was prepared, which is mere eyewash, which is based on falsehood and does not have any concrete solutions to the problem at hand.
2. The true facts are that the respondent No.2 M.C, Ludhiana is dumping the garbage at the site under the Bus Stand flyover adjoining the Bhai Chatar Singh park, which is causing nuisance in the high density area, which comprises of residences, hospitals, shops in its immediate vicinity. The said site is **Point-C** in already submitted document, which is **Annexure P-1** and is next door to the scooter market and is about 20 feet from the park itself. The site was created illegally by respondent NO.2 i.e. M.C. Ludhiana by encroaching the shops meant for scooter market under the Railway over bridge in year 2018, which is totally false on the part of M.C. Ludhiana to say that the Municipal Solid waste collection centre has been operational for more than 30 years. The railway over bridge was built in the year 2000 and no where the

waste collection centre is being operated since 30 years as claimed by M.C. Ludhiana would have been middle of the road as until the Railway over bridge became operational. So, no waste collection centre cannot be operated in the middle of the main road, which totally falsifies the statement of the respondent No.2 as given in the report. Also, the railway over bridge is a property of railways and no permission has been obtained from the railway authorities to create a garbage collection centre under the railway over bridge because garbage collected there will cause damage to the pillars of the bridge, which will endanger the life of commuters, who are travelling on the flyover and under the railway over bridge. The garbage collection centre as mentioned above is unfit for garbage collection as it is hampering flow of traffic on the slip road and because of foul smell emanating from the garbage dump is a nuisance for residents going to park and the commuters, who travel on the slip road and on the flyover. All these type of shops residences, park itself are within 20-50 feet from the above mentioned garbage dump, which is causing health problems and destroying the already depleted ecological cover in the area.

3. That the definition of garbage dump or garbage collection centre covers in its definition storage, package, collection, destruction, conversion, processing of garbage. For this, one has to take authorization from the state pollution board. But in this case, no authorization have even been taken by the respondent no.2 M.C. Ludhiana from Punjab Pollution Board as per information obtained under RTI Act by the applicant vide letter No.438 dated 17.05.2019, which is **Annexure P-9** where it is clearly mentioned that *“No grant of authorization for garbage dump has ever been taken by M.C. Ludhiana under Rule 4(2) and 6(2) of Municipal Solid Waste Management (handling) Rules, 2000”* which makes it mandatory for grant of authorization for setting up waste processing and disposal facility”. Also, no change in master plan of the city has been

- done by M.C. No.2 as to change the green area or to encroach the road for creation of garbage dump or collection centre.
4. That it is a false statement of the respondent No.2 in the report dated 22.01.2021, in which it is mentioned that applicant has filed one PIL in P & H High Court at Chandigarh. Infact, no PIL has ever been filed by the applicant on this subject ever in the Hon'ble High Court.
  5. It is wrong notion put up by the M.C. in the report dated 22.01.2021 in which it is mentioned that slip road along the ROB and next to the park is unutilized, it is pertinent to mention here that this road as shown as **Point-A** in **Annexure P-1** is an important road around the park and commuters take this road, who do not want to go on the flyover and this road is for smooth movement of traffic from both sides. Even if we take this argument of the M.C. of the respondent No.2 on its face value, it is highly regrettable that a road, which is less-busy can be encroached by the Govt. for creating a garbage dump.
  6. That the proposal of M.C. Ludhiana as per report dated 22.01.2021 to create a transfer station for garbage dump by erecting green metallic sheets in the park itself, which is already shown as **Point-B** in **Annexure-1** and by illegally constructing a passage in the park by illegally changing the boundaries of the park is totally illegal and wrong and abuse of power by respondent No.2. The applicant has already moved one interlocutory application as regard **IA No.23 of 2021** in this case, which pending before the Hon'ble Tribunal. It is reiterated as mentioned in the application that the respondent No.2 wants to create a transfer station for garbage dump at a place, which is **Point -B** in **Annexure P-1** is a property of the park and a huge fully grown tree as per **Annexure P-6 to P-8** is located in the transfer station. All this will destroy the tree and the green cover, which takes decades to grow.
  7. That the respondent No.2 has mentioned in the report that the garbage collection centre or dump has been created in exercise of powers under section 278 of Punjab Municipal Act of 1976,

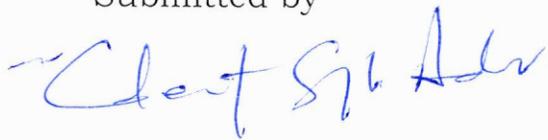
which authorized the Commissioner to appoint places for garbage dump and collection but nowhere in the act, it has been mentioned that Commissioner can appoint places for garbage dump for collection of garbage in public parks or by encroaching roads, which are close proximity to the residences/ shops/ hospital etc. or which fall in high density of populated area.

8. That the MC. Ludhiana have stated in the report dated 22.1.2021 that *“On the installation of portable compactors there will be no foul smell and the point will be no more be an eye sore”*. This statement of the respondent No.2 is totally false and highly misleading because a waste compacter is used for on site compression of waste material. So, how can this minimize garbage in and around the park. Once the waste compacter is installed more and more garbage will be dumped there. Even to this day garbage dumped is un-manageable as shown in **Annexure P-6 to P-8**. So, when the waste compacter will be operated it will create more unhygienic conditions and which will be a great blow to the green cover, which can never be compensated in terms of money.
9. That also **Point D** in **Annexure P-1**, in which they were planning to create a garbage dump and where a concrete layer of cement as illegally laid by respondent No.2 i.e. M.C Ludhiana is about 70 feet from the residence of the applicant and the other residences. The said point is about 5 feet from the park itself and is next to the over bridge, where heavy traffic passes by all this will cause havoc with the already depleted ecological cover and will be a black spot in the heart of city Ludhiana. That now also they throw garbage at this place which has now become a place for stray animals & a nuisance for all. Even carcasses of animals are thrown at and around the park, which is depicted in **Annexure P-8 (Point-D as per Annexure P-1)**, where a carcass of dog can be seen near the statue of Bhai Chatar Singh as installed in the park. The park and its surrounding area has now become natural habitat for stray animals and anti social elements.

In this times of COVID-19 pandemic, the Govt. should develop more and more green places rather than encroaching green spaces and its surroundings for creating garbage dump. Lots of open spaces are available in the city itself for creating garbage dump but creating such garbage collection points or dumps in the park and its surroundings is totally unacceptable and amounts to high handedness of the Govt. concerned and abuse of power by the Govt.

It is, therefore, prayed that the directions be issued by the Hon'ble Tribunal for shifting of garbage dumps or collection points in and around the park in view of above said facts as also elaborated in the original application itself.

Submitted by



Dated : 13/02/2021 Gurinderpreet Singh, Advocate

Place : Ludhiana (Applicant/ Complainant, in person)

Annexure P-9

JEE-III/Gen. Letter

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|--|
|  <b>Punjab Pollution Control Board</b><br>Regional Office-III<br>Savitri Complex-1 (Dada Motors), 3 <sup>rd</sup> Floor, Dholewal Chowk, G.T. Road, Ludhiana<br>Tel. 0161-2540450 |
|--|

No./ R.O/LDH-III/ 438 .....

Regd.

Date 17/5/19 .....

To

Sh. Gurinderpreet Singh,  
577-R, Model Town,  
Ludhiana.

**Sub:- Application under the Right to Information Act, 2005.**

This is with reference to your application dated 04.05.2019 seeking information under RTI Act, 2005, received in this office on 07.05.2019. The reply of the information desired by you through your RTI application, is as under:-

| Sr. No. | Information  |  |
|---------|--|--|
| 1.      | Certified copy of grant of authorization under Rule 4 (2) and 6 (2) of Municipal Solid Waste (Management & Handling) Rules, 2000 from Punjab Pollution Control Board for creation of waste disposal dump ADJ. to Chattar Singh Park, Model Town, Ludhiana. | No grant of authorization under Rule 4 (2) and 6 (2) of Municipal Solid Waste (Management & Handling) Rules, 2000 by Punjab Pollution Control Board. |

In case you are not satisfied with the information supplied, then the 1st appeal lies with the first Appellate Authority i.e. Senior Environmental Engineer, Zonal Office-II, E-648-B, Phase-5, Focal Point, Ludhiana.

This disposes off your application under RTI Act, 2005.

  
**Public Information Officer**  
*me*