
(2016) 01 P&H CK 0230
In the Punjab And Haryana At Chandigarh
Case No : CWP No.15824 of 2015

Angrej Singh and others

APPELLANT

Vs

State of Punjab and others

RESPONDENT

Date of Decision : 19-01-2016

Acts Referred:

Constitution of India, 1950 — Article 21

Citation : (2016) 6 FLT 471 : (2016) 2 PLR 460

Hon'ble Judges : Surya Kant; P.B. Bajanthri, JJ.

Bench : Division Bench

Advocate : K.K. Gupta, Additional A.G. Punjab, Mukul Aggarwal, Advocate, Nitin Kaushal, Advocate. , Anurag Chopra, Advocate, for the Respondent

Final Decision : Disposed off

Judgement

Surya Kant, J. (Oral) - The petitioners are residents of Village Kadgill Khurd, District Tarn Taran. Their grievance is against the permission accorded by various State Government Authorities to respondent No.10 to install a rice sheller in the revenue estate of their village.

1. The core issue raised by the petitioners revolves around their apprehension of causing pollution by the rice mill which would be a constant source of health problems like Asthma and lung diseases as well as eye infection etc. particularly amongst the school going children. The petitioners have also questioned the Government Notification dated 7.7.2011 whereby Local Planning Area of Tarn Taran was notified and under that plan, the revenue estate of their village and of surrounding areas has been notified as "Proposed Industrial Zone."

2. The respondents have filed their reply/affidavits. Respondent Nos. 5 and 7 have placed on record the consent and "No Objection Certificate" issued by various Statutory Authorities permitting the private respondent to set up the rice sheller. The analysis report as well as data sheet has also been appended to contend that the rice sheller is not likely to cause any environmental hazard for

the residents of the area. It is also stated that the subject site falls in the Industrial Zone as per the Master Plan of Tarn Taran.

3. We have heard learned counsel for the parties and gone through the record.

4. There is no gain-saying that right to live in a pollution free environment emanates from Article 21 of the Constitution and it is a non-negotiable fundamental right. Mere declaration of a particular revenue estate as an Industrial Zone by the State Government cannot per se impinge upon such an absolute right of the petitioners.

5. Having said that, we are also of the considered view that as of now it is not necessary to direct the respondents to shift the rice sheller from the present site as, it is categorically stated by them on affidavits that the subject site fulfils the prescribed statutory sitting parameters. What has to be emphasised is that the Authorities should not put the today's promises under the carpet tomorrow, making the petitioners' life miserable. To say it differently, the respondent-authorities shall be hitherto as responsible as respondent No.10 to ensure regular monitoring of pollution, if any, caused by the rice mill and it shall be their duty and responsibility to enforce all statutory compliance to ensure that the stand taken before this Court is not proved to be a false promise. We put the Punjab State Pollution Control Board and respondent No.8 being its Local Officer under an obligation to monitor that Rice Mill periodically and make sure that it strictly follows the pollution norms. Similarly, respondent No.10 is directed to abide by the terms and conditions imposed by various Statutory Authorities and in the event of any violation, every affected person shall be entitled to seek suitable compensation from him besides other penal consequences. Any violation of breach of the terms and conditions shall be taken as a renewed cause of action for the petitioners and other residents of the village.

6. Disposed of.