

(2024) 02 UK CK 0002

In the Uttarakhand High Court

Case No : Writ Petition (PIL) No. 217 Of 2023

Rohan Chandrawati

APPELLANT

Vs

State Of Uttarakhand & Others

RESPONDENT

Date of Decision : 13-02-2024

Acts Referred:

Citation : (2024) 02 UK CK 0002

Hon'ble Judges : Ritu Bahri, CJ; Manoj Kumar Tiwari, J

Bench : Division Bench

Advocate : Dushyant Mainali, K.N. Joshi, Aditya Pratap Singh, Rajeev Bhatt

Final Decision : Disposed Of

Judgement

Ritu Bahri, CJ

Urgency Application (IA No. 03 of 2024)

1) Counsel for the respondent State Pollution Control Board had put in appearance. He states that he has already filed a detailed reply giving reference to the policy applicable as per today with respect to the distance of a screening plant from a school.

2) Keeping in view this fact, this urgency application is allowed. The main case is being taken up for final disposal, today itself.

3) The petitioner in the writ petition at page 39 of the paper book has referred to policy dated 19.11.2016 in respect of stone crusher and screening plant, and at page 39 of the paper book, as per the chart, the distance of a screening plant from a school, educational institution, hospital and nursing home has to be 100 meters, as per this policy. The petitioner has further states that the screening plant of respondent No. 5 was set up in 2018.

4) On notice on this petition, a reply dated 26.12.2023 has been filed by respondent No. 2, i.e., State Pollution Control Board, and they have placed on

record the latest policy dated 21.07.2020, issued by the State Government, and in this policy at page 31, the distance parameters have been revised. As per revised parameters the distance of a screening plant from school, hospital and nursing home should be 300 meters. However, in the policy at page 37, in Chapter III, Section 2, it is provided that the new parameters of distance will not be applicable to the pre-existing units, and rest of the conditions in the policy dated 21.07.2020 will be followed by all the units.

5) Since the policy has clarified that distance parameters have not to be changed, the initial distance as reflected at page 39 of the paper book are to be followed, which requires 100 meters distance from the school, hospital and nursing home.

6) In paragraph 5 of the reply filed by the respondent No. 2 it is mentioned that as per the inspection report one Hampton Public School is situated about 190 meters south and Kosi river is situated at a distance of 600 meters, and the distances fulfill the standards as prescribed in a stone crusher policy of 2016.

7) Since the policy of distance which is to be followed by the respondent No. 5 is 2016 policy, and this condition is duly fulfilled, no cause of action survives in this public interest litigation, it is being disposed of.

8) On a request made by learned counsel for the petitioner, liberty is granted to him that he can make a representation, if so advised, to the State Government, respondent No. 1 herein, if any cause of action still survives.