

**IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.**

C.W.P. No.14933 of 2007 (O&M)  
DATE OF DECISION : 28.2.2012

1. C.W.P. No.14933 of 2007  
Gurdip Singh and another v. State of Punjab and others.
2. C.W.P. No.15853 of 2006  
Gurmukh Singh v. State of Punjab and others.
3. C.W.P. No.2450 of 2007  
Puran Singh v. State of Punjab and others.
4. C.W.P. No.18473 of 2010  
Pritam Singh and others v. State of Punjab and others.

CORAM : HON'BLE MR.JUSTICE RANJAN GOGOI CHIEF JUSTICE  
HON'BLE MR.JUSTICE MAHESH GROVER

Present:- Shri G.S.Gill, Advocate for the petitioners.  
Shri J.S.Sidhu, Additional A.G. Punjab.  
Shri D.S.Patwalia, Advocate for the P.P.C.B.  
Shri O.S.Batalvi, Standing Counsel for the U.O.I.  
Shri A.R.Takkar, Advocate for the P.S.C.S.T.  
Shri Rajiv Atma Ram, Senior Advocate with Shri Saurabh Arora,  
Advocate.  
Shri Kanwar Ashwani Kumar, Senior Panel Advocate for the  
Central Pollution Control Board.

**MAHESH GROVER, J.**

Four writ petitions i.e. C.W.P. Nos.14933 of 2007, 15853 of 2006, 2450 of 2007 and 18473 of 2010 raising similar concern about the pollution caused by and functioning of rice shellers in the State of Punjab are being disposed of by a common order.

All these writ petitions raise the issue of the violation of the provisions of the Environment Protection Act, 1986 (hereinafter referred to as the Act) by the rice shellers functioning in the State of Punjab, who due to their non-adherence to the prescribed parameters of the policy norms, have not only violated the provisions of the Act, but have also raised serious concerns for the residents of the locality in the vicinity of which such shellers are located.

During the course of proceedings in this petition and after intensive prodding by this Court, a comprehensive policy has been placed on record, substantially addressing the concerns raised by the petitioners and adequately addressing the issue of compliance of the provisions of the Act ; the location of the rice shellers ; and the manner in which husk is to be disposed of as also the manner in which its bye-product namely ash is to be handled. The said policy has been placed on record as Annexure R-3 with the affidavit of Shri Rajdeep Singh Brar, Deputy Secretary to Government of Punjab.

The petitioners express satisfaction in so far as the terms of the policy are concerned, but are apprehensive about its implementation to which the stand of the Pollution Control Board (respondent No.5) is by way of an assurance that the terms of the policy shall be strictly enforced by them and all the rice shellers in the State of Punjab have been given six months time to have in place, by acquisition of infrastructure or improvement thereof so as to make it compliant with the terms of the policy.

An assurance has further been offered by Shri A.R.Takkar, learned counsel for the Pollution Control Board that no rice sheller shall be permitted to commence its operations in the ensuing season unless the Board is satisfied that they are equipped to meet the standards set out in the policy.

This satisfies the learned counsel for the petitioners.

In view of the aforesaid, we deem it appropriate to close the writ petitions with a direction that in the ensuing paddy season which is likely to commence from the month of September, 2012 onwards, the Pollution Control Board shall ensure that no rice sheller in the State of Punjab functions without there being compliance of the requirements of the policy and any deviation therefrom shall be viewed with extreme seriousness by this Court in the event of any such breach being brought to the notice of this Court. We deem it appropriate to say that it shall be the sole responsibility of the Pollution Control Board to ensure complete adherence to the norms set out in the policy.

The writ petitions stand disposed of.

( RANJAN GOGOI )  
CHIEF JUSTICE

( MAHESH GROVER )  
JUDGE

February 28, 2012  
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