

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Civil Writ Petition No. 905 of 2009

DATE OF DECISION : APRIL 03, 2012

CITIZEN WELFARE COUNCIL, JAGRAON & ORS.

..... PETITIONER

VERSUS

THE STATE OF PUNJAB & ORS.

.... RESPONDENTS

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

PRESENT: Mr. NS Thind, Advocate, for the petitioners.
Mr. Amol Rattan Singh, Additional Advocate General,
Punjab.
Ms. Raminder Gadhoke, Advocate, for respondent
Nos.2 and 8.
Mr. DS Patwalia, Advocate, for respondent Nos. 4 & 5.
Mr. JS Toor, Advocate, for respondent No.10.

RANJAN GOGOI, C.J. (Oral)

This writ petition has been filed seeking a direction for taking appropriate steps to stop the discharge of sewerage, sullage and filthy water of the Municipal area of the Jagraon City into the Malak Drain and for discharge of such sewerage, sullage, etc. into the Jassowal Drain by directing the operation of the sewerage lines that have been laid from Malak Drain to Jassowal Drain.

By our previous order dated 6.3.2012, we had required the Drainage Department of the State of Punjab to consider the request of the Municipal Council, Jagraon for making

the aforesaid sewerage line functional. However, the Drainage Department has refused to grant the necessary No Objection as, according to it, any such grant would be in violation of the prevailing environmental laws.

Having considered the grounds on which the Drainage Department of the State has refused the No Objection to the Municipal Council, we are of the view that the said Department was well within its right and, in a way, justified to refuse to grant such No Objection inasmuch as any such grant would have been contrary to the provisions of law. In any event, discharge of sewerage/sullage into the Jassowal Drain instead of Malak Drain would only be a half measure.

In the aforesaid situation, we had asked the learned counsels for the parties as to what could be a viable option or way out by which the residents of the Jagraon town could be spared the ill effects of the sewerage/sullage flowing through the Malak Drain. The learned counsels for the State of Punjab as well as the Municipal Council have submitted that the ultimate solution to the problem lies in setting up the Sewerage Treatment Plant, the construction of which has already commenced. The learned counsel for the State of Punjab has told us that the completion of the project would take about a years time and, in the meantime, the Municipal Council could make available a compact area of about 100 acres of land where the sewerage/sullage could be diverted and treated by way of "Karnal Technology". The aforesaid course of action, according to the learned counsel for the Municipal Council, is not

a viable option inasmuch as the Municipal Council does not own any compact area of 100 acres of land and the possibility/prospect of leasing out such an area is also remote.

In the aforesaid circumstances, we are of the view that no directions can be issued to the Municipal Council to undertake the “Karnal Technology” for treatment of the sewerage/sullage of Malak Drain and the only remedy lies in setting up the Sewerage Treatment Plant on an immediate basis. We are, therefore, of the view that the State Government and the Greater Ludhiana Area Development Authority (GLADA) shall ensure the completion of the Sewerage Treatment Plant in question at the earliest, in any case, within one year from today, so that the problem highlighted in the writ petition can be brought to its logical conclusion in an effective manner without any delay. Beyond the above, we do not consider any order or direction to be justified in the facts and circumstances of the case.

The Public Interest Litigation stands disposed of in the above terms.

(RANJAN GOGOI)
CHIEF JUSTICE

April 03, 2012
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(MAHESH GROVER)
JUDGE