



Sanjeevan Singh vs. State of HP and others

CWPIL No.81 of 2022

04.07.2023 Present: Mr. Abhishek Dulta and Mr. Vishal Verma, Advocates, for the petitioner.

Mr. Anup Rattan, Advocate General with Mr. Rakesh Dhaulta, Mr. Navlesh Verma & Mr. P.P. Singh, Additional Advocates General, Mr. Arsh Rattan and Mr. Sidharth Jalta, Deputy Advocates General, for respondents no.1 to 4/State.

Mr. Mukul Sharma, Advocate, vice Mr. V.B. Verma, Advocate, for respondent no.5.

Mr. Sumit Raj Sharma and Ms. Ritu Raj Sharma, Advocates, for respondent no.6 and 7.

Mr. Ajay Gupta, Engineer-in-Chief, HPPWD, is present in person.

Heard.

Having perused the affidavit(s)/status report filed by the Forest Department, Pollution Control Board, the Engineer-in-Chief, HPPWD and the Secretary, DLSA, we are of the opinion that the Contractors engaged by the HPPWD have contributed in no small measure to the dumping of the muck in non designated sites and in the catchment areas of the Nullah located in the area in question resulting in untold misery to the residents of village, Motla. The reports indicate that there has been damage to the residential houses of the residents, Government buildings and

damage to the agricultural fields, and illegal dumping in forest land. ◊

The learned Advocate General assures that within two weeks, concrete steps would be taken to clear the area of the muck and appropriate action would be initiated against the Contractor(s) found liable for such illegal dumping in the area in question and also in the nearby forest land.

We direct the Engineer-in-Chief, HPPWD to identify the official(s) who are overseeing this work which was being executed by the Contractors and initiate appropriate disciplinary action against such official(s) for not ensuring that the Contractor/Sub Contractor, who are engaged to do this road work, utilize the designated sites for dumping instead of dumping the muck all over the valley/roadside/in the forest areas/catchment areas.

We are also shocked to note from the affidavit of Engineer-in-Chief, HPPWD that five of the designated dumping sites are located in the catchment areas of the Nullah.

Prima facie, such locations could be disastrous because admittedly the dumping sites are located above the water tank and if there is heavy rain, the muck from the designated sites would flow into the catchment areas and block it, as the reports filed seem to indicate.

List the matter on **31.7.2023**.

Fresh status report be filed by the Advocate General on
the action taken pursuant to this order.

(M.S. Ramachandra Rao)
Chief Justice

July 04, 2023 (KS)

(Ajay Mohan Goel)
Judge

High Court of H.P.