



**Court on its own motion Vs. Member Secretary HP
State Pollution Control Board & others**

CWPIL No. 59 of 2021

22.06.2023

Present: Mr. Abhishek Dulta, Advocate as Amicus Curiae.
Mr. Virbahadur Verma, Advocate, for respondent No. 1.
Ms. Shreya Chauhan, Advocate, for respondent No. 2.
Mr. Anup Rattan, Advocate General with Mr. Rakesh Dhaulta, Mr. Navlesh Verma, Mr. Pranay Pratap Singh, Additional Advocates General & Mr. Gautam Sood, Mr. Arsh Rattan, Deputy Advocates General, for respondents No. 3 & 4 and newly added respondent No. 5.

Having heard learned Counsel for the respective parties, at length, and having perused the material on record, two issues appear to be in the forefront; (1) is the damage to a rock above Village Narola, Panchyat Neerath, Tehsil Rampur Bushahr, District Shimla, Himachal Pradesh which has developed cracks; and which are alleged to have been caused by un-controlled and unscientific blasting being done by respondent No. 2 and the Contractor engaged by respondent No. 2, who are involved in the work of Luhri Hydroelectric Project, Phase-1, Rampur, District Shimla; and (2) the muck dumped by the Contractors at various places on the banks of river Satluj in the neighbouring area.

2. The Secretary, District Legal Services Authority Kinnaur at Rampur Bushahr, is directed to visit the spot after giving notice to the petitioner and the 2nd respondent or their respective Counsel and submit a report on the dumping of muck, as also the damage caused to the rock which is said to be above village Narola which might cause threat to the life and property of the people of the said village.

3. Assistance of the Geology Department of IIT Rurki may also be taken on the latter aspect and the Registrar of the IIT Rurki is

directed to spare teaching faculty of the subject Geology for inspecting the site in question.

4. The State of Himachal Pradesh through its Chief Secretary, *suo moto*, is impleaded as party respondent in the writ petition, which shall figure as respondent No. 5 in the petition and a sum of Rs. 1.00 lac towards tentative cost, is directed to be made available by it to the Registrar, IIT Rurki, for making the inspection, as aforesaid. The report shall be filed by 31.07.2023.

5. List on 03.08.2023.

(M.S. Ramachandra Rao)
Chief Justice.

June 22, 2023

(*hemlata*)

(Ajay Mohan Goel)
Judge.