

Rajneesh Mishra Vs Union of India and Others

Court: Jharkhand High Court

Date of Decision: Jan. 6, 2014

Citation: (2014) 1 AJR 820 : (2014) 4 FLT 478

Hon'ble Judges: R. Banumathi, C.J; Aparesh Kumar Singh, J

Bench: Division Bench

Advocate: Delip Jerath, Sr. Adv, Advocate for the Appellant; Ajit Kumar, A.A.G., Sohail Anwar, Sr. Advocate and A.K. Pandey, Advocate for the Respondent

Judgement

@JUDGMENTTAG-ORDER

1. The instant interlocutory application has been filed by the petitioner for removing of seal which is said to have been made pursuant to the order

of this Court and also for recalling the order passed by this Court. Learned counsel appearing for the petitioner in I.A. No. 184 of 2013 submitted

that I.A. No. 184 of 2013 pertains to W.P. (PIL) No. 1872 of 2010 and therefore, prays that I.A. No. 184 of 2013 be delinked from this record

and be tagged with W.P. (PIL) No. 1872 of 2010.

2. Having considered the submission of learned counsel appearing for the petitioner of I.A. No. 184 of 2013, the instant interlocutory application is

delinked from this record and ordered to be tagged with W.P. (PIL) No. 1872 of 2010.

3. Learned counsel for the intervenor is permitted to make necessary correction in the public interest litigation of the instant interlocutory

application during course of the day in red ink.

4. The instant Public Interest Litigation being W.P. (PIL) No. 6141 of 2008 has been filed by a practicing advocate of the High Court, Ranchi to

issue directions upon the respondents to implement the directions of the Central Government under the Environment Protection Act, 1986, all its

rules, the Air (Prevention and Control of Pollution) Act, 1981 and Motor Vehicles Act, 1988 with regard to the environmental pollution in the

cities of Ranchi, Dhanbad, Jamshedpur, Bokaro, Hazaribag and Dumka.

5. The grievance of the petitioner is that the pollution caused by automobiles and other vehicles in the city has exceeded the permissible limit.

Therefore, the petitioner seeks for a direction to strictly enforce the pollution norms under Schedules 3 and 4 of the Environment Protection Rules,

1986.

6. In the public interest litigation, which is pending since 2008, number of orders have been passed by this Court. By order No. 47 dated

17.4.2012 the Court has constituted a committee headed by the Secretary, Department of Transport, Government of Jharkhand with members of

the Regional Transport Authority, South Chottanagpur, learned advocate, Mr. Delip Jerath, learned senior advocate, Mr. Sohail Anwar and

Additional Advocate General, Mr. Ajit Kumar. In the said order the Court has also observed that if the committee wants to take help of any

expert in the field of dealing with the issue of pollution control, they may be free to take help of that person or authority. The Member Secretary of

the State Pollution Board has also been made member of the said committee.

7. Learned counsel for the parties submitted that the committee held the meeting periodically and deliberated on various issues and considered

suggestions to be made to reduce the pollution and also to increase the public transport system in the city of Ranchi. The committee has filed its last

report on 17.10.2013.

8. The grievance of the petitioner is that in spite of various reports filed by the committee nothing substantial has been done to reduce the pollution

and also to improve the transport system in the Ranchi city. Learned counsel for the petitioner seeks further direction on the committee to

deliberate further and to make valuable suggestion to reduce the pollution and to increase the transport system in the Ranchi city. Learned counsel

also submitted that various oil companies have made proposals for supply of alternative clean fuel so as to reduce the emission caused by the

pollution. Learned counsel further submitted that in spite of applications made by various oil companies the same are pending consideration before

the Deputy Commissioner, Ranchi.

9. Having heard learned counsel for the parties, we direct the committee to hold meeting once in a month starting from the month of January, 2014

and file a consolidated report making (i) proposals/suggestions to reduce the pollution in the city of Ranchi; (ii) to increase the public transport

system in the city of Ranchi and (iii) the option to use alternative clean fuel and other relevant suggestions. Further, since the responsibility of

implementation of various suggestions to be made by the committee vest with the Urban Development Department, Government of Jharkhand,

therefore, the Principal Secretary, Urban Development Department shall also be a member of the Committee and shall participate in all the

deliberations. List both the cases in the 1st Week of May, 2014.