



Poonam Gehlot vs. State of H.P. & others

CWP No. 153 of 2018

07.10.2023 Present: Petitioner in person.

Mr. Baldev Negi, Additional Advocate General, for respondents No. 1 to 4, 7 and 10-State.

Mr. Adarsh K. Vashisht, Advocate, for respondent No.5.

None for respondent No.6.

Mr. Tara Singh Chauhan, Advocate, for respondent No.8.

None for respondent No.9, though represented by Ajay Chandel, Advocate.

From the material placed on record, it is apparent that no sufficient steps have been taken by the respondents to cope with the situation related to management of Solid Waste, Municipal Corporation, Palampur. Also, there is no information with respect to the arrangements to manage the Solid Waste in Nagar Parishad/Nagar Panchayat Baijnath-Paprola (respondent No.6). The said Parishad/ Panchayat is not represented. Therefore, Court notice, returnable on next date, be issued to respondent No.6.

It is apt to record that Magistrates, including the Sub-Divisional Magistrate, Baijnath and Sub-Divisional Magistrate, Palampur, are also having sufficient power under Cr.P.C. to take appropriate action against the alleged public nuisance caused on account of wrongful disposal of solid



waste in their respective jurisdiction, but there is nothing on record regarding any action taken or any proceedings initiated by the Sub-Divisional Magistrates in their respective jurisdiction, despite the fact that there is disposal of solid waste by the residents of the area in a wrongful manner causing public nuisance and polluting the water including in Kirpal Chand Kuhl system of irrigation as apparent from the material placed on record, including photographs.

Therefore, respondents No. 2 and 3, i.e. Sub-Divisional Magistrates, Baijnath and Palampur are also directed to file their personal affidavits giving details of the action taken by them for removing the public nuisance caused on account of wrongful disposal of solid waste management in their respective areas.

Respondent No.8 is directed to file affidavit with respect to the action taken by the Board against wrongdoers causing pollution in the area including water channel on account of various violations of Management of Solid Waste Rules and other applicable Laws/ Rules in the area concerned.

Respondents No. 5 and 6 are also directed to file affidavits through their respective Executive Officer with respect to the process initiated/ steps taken and the time likely to be taken for providing system for Solid Waste Management in their respective areas.



2022:HHC:16783-DB

Respondent No.7, Executive Engineer IPH Department is also directed to file separate affidavit giving details of the steps taken for restoration of the irrigation system in reference and latest status thereof.

Requisite affidavit be filed within four weeks positively.

List on **23rd November, 2023.**

(Vivek Singh Thakur)
Judge

(Bipin C. Negi)
Judge

October 07, 2023
(Nisha)