



**Poonam Gehlot Vs. State of H.P. & Ors.**

**CWP No. 153/2018**

06.05.2024 Present: Petitioner in person.

Mr. I.N. Mehta, Senior Additional Advocate General with Mr. Ramakant Sharma, Mr. Navlesh Verma, Ms. Sharmila Patial, Additional Advocates General and Mr. Raj Negi, Deputy Advocate General, for the respondents-State.

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

Mr. Raman Jamalta, Advocate, vice Mr. Sunil Mohan Goel, Advocate, for respondent No. 6.

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

None for respondent No. 9.

Having perused the affidavits that have been filed by respondents No. 3 to 6 herein, we are of the considered view that majority of the Municipal Councils and the officers posted there appear to be mute spectators and do not choose to proceed till and so long. It was either Courts' intervention or there is a formal complaint filed before them that they take necessary action.

We really wonder why these authorities cannot act *suo motu* and initiate action wherever found necessary.



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Human health and hygiene has acquired a status of fundamental right as of today. Therefore, there is no excuse available with these authorities not to implement any issue, which arises and concerns human health. Every nuisance has to be nipped into a bud and the authorities are not expected to wait either the Court directions or a formal complaint and need to act themselves. This is the statutory duty imposed upon the authorities. It is high time that the State conducts a sensitizing course for all the persons who are holding responsible positions and entrusts them with the task of maintaining cleanliness and hygiene be it rural or urban areas.

Therefore, we impress upon the State to conduct sensitizing course for all those officials, preferably on online basis. We also impress upon the State that having invested and imparted training on the incumbents they should alone preferably be posted in the sensitive posts, henceforth.

As regards the instant case, we find that compliance affidavits were filed nearly six months back. Therefore, let fresh status report on behalf of



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respondents No. 3 to 8 be filed within a period of six weeks' from today.

List on **17.06.2024**.

( Tarlok Singh Chauhan )  
Judge

( Sushil Kukreja )  
Judge

**6<sup>th</sup> May, 2024**  
(raman)