



Suleman and others vs. Union of India and
others a/w connected matters

CWP No. 2369 of 2018 a/w CWPIIL No. 269 of 2017, CWP Nos. 1074 of 2019, 3334 of 2021, CWPIIL Nos. 32, 42 & 56 of 2021, CWP No. 3511 of 2022 CWPIIL No. 4 of 2022 & CWP No. 819 of 2024

21.06.2025 Present: Mr. Deven Khanna, Advocate for the petitioners in CWP No. 2369 of 2018.

Ms. Vishali Lakhanpal, Advocate vice Mr.Parav Sharma, Advocate for the petitioner in CWP No. 1074 of 2019.

Mr. Suneet Goel, Senior Advocate with Mr.Vivek Negi, Advocate as Amicus Curiae for the petitioner in CWPIIL No.263 of 2017.

Mr. K.B. Khajuria, Advocate for the petitioner in CWP No.3511 of 2022 and for respondent No.6/Central Pollution Control Board in CWP No.2369 of 2018.

Mr. Saurav Rattan, Advocate for the petitioner in CWP No.3334 of 2021.

Mr. Anup Rattan, Advocate General with Ms.Sharmila Patial, Addl. A.G and Mr.J.S. Guleria, Dy. A.G for the respondents-State.

Mr. Balram Sharma, Dy.SGI with Mr. Rajeev Sharma Advocate for respondent-UOI and respondent No.4-Central Pollution Control Board in CWP No.3511 of 2022.

Mr. Neeraj Gupta, Senior Advocate with Mr. Pranjal Munjal, Advocate for respondent No.8 in CWP No. 2369 of 2018, CWP No.1074 of 2019 and for the applicant in CMP No.13869 of 2025.

Mr. Tara Singh Chauhan, Senior Advocate with Mr. Surya Chauhan, Advocate for the respondent/HP Pollution Control Board in CWP No.2369 of 2018 & CWP No.1074 of 2019.

Mr. Abhishek, Advocate vice Ms.Garima Kuthiala, Advocate for respondent No.10 in CWPIIL No.269 of 2017.

Mr. V.B.Vema, Advocate for respondent No.2 in CWPIIL No.32 of 2021 for respondent No.1 in CWPIIL No.42 of 2021 and for respondent No.3 in CWP No. 3511 of 2022.



Mr. Sunil Mohan Goel, Senior Advocate with Mr.Raman Jamalta, Advocate for respondent No.5 in CWPIl No.4 of 2022.

Mr. Naveen K. Bhardwaj, Advocate for MCs Kullu, Banjar and Nagar Panchayat, Bhuntar, District Kullu, H.P. in CWP No.2369/2018.

Mr. Tek Chand, Advocate for respondent-MC, Sarkaghat in CWP No.2369 of 2018.

Mr. Adarsh K. Vashisth, Advocate for M.Cs Chamba, Baddi, Nalagarh, Nagrota Bagwan, Jwalamukhi, Nurpur, Shahpur and Jawali.

Mr. Rajesh Kashyap, Advocate for MC-sundernagar.

Mr. Vivek Sharma, Advocate for MCs Shimla and Dharamshala.

Mr. Ajay Kumar Chauhan, Advocate for MC Palampur in CWP No.2369 of 2018.

Mr. Lalit K. Sharma, Advocate for respondent No.4 in CWPIl No.32 of 2021.

Mr. H.S. Rangra, Advocate for MC Mandi in CWP No.2369 of 2018.

Dr. Sujata Sirkeck, Law Officer, Department of Environment Science and Technology is present in person.

The Director Urban Development, Himachal Pradesh has placed on record instructions dated 20.06.2025. Along-with it, copy of letter dated 04.06.2025 has been annexed, which goes to indicate that the Government has granted approval for the exchange of Government land comprised in Khasra No.300/2, area measuring 1-00 bighas situated at mauja Maganpura, Tehsil Nalagarh, District Solan, H.P with the private land of petitioner Suleman and other joint holders village Sandoli, Tehsil Baddi, District Solan, H.P. comprised in



Khasra No.246/1, 247/1, 248/1, 250 Kitta-4 total area measuring 01-00 bigha situated at mauja Sandoli, Tehsil Baddi, District Solan, H.P., in relaxation of ban imposed on exchange of Government land at present by the Government as a special case in public interest.

2. We only need to remind the respondents that it is not only the land which has to be simply allotted to the petitioner, but such allotment had to be in tune with the orders passed by this Court on 21.11.2019 which reads as under:-

“Considering the seriousness of the issue involved in this writ petition, we request Mr. Rajnish Maniktala, learned Senior Advocate, to assist this Court as Amicus Curiae. Registry is directed to supply the paper book, complete in all respects, to learned Amicus Curiae within four days from today. 2. As per order dated 21st May, 2019, a request was made by the petitioner that he may be permitted to approach the Deputy Commissioner concerned with regard to relocation of his house at a distance from garbage dump and specific response was required to be given in the status report.

3. In the peculiar facts and circumstances of the case, we permit the petitioner to approach the Deputy Commissioner concerned by filing a separate application with a prayer for relocation of his house to the extent of land, which is in his occupation, to any other suitable area to the satisfaction of the petitioner. If such approach by way of application is made to the Deputy Commissioner concerned, the said Authority shall consider his request and pass an appropriate order



at the earliest. In case the suitable land is not within the knowledge of the petitioner, the Deputy Commissioner can also indicate the same to the petitioner's satisfaction.

4. It is stated by the learned counsel for the petitioner that the cow-shed, having cattle, was demolished. For this purpose, Deputy Commissioner concerned to also look into the matter while considering the application of the petitioner for relocation/construction of house/cow-shed as well as providing the electricity and water connection for the decent living of the petitioner."

3. Therefore, the respondents are directed to ensure that not only the suitable land is allotted to the petitioner, but also ensure that adequate funds are provided to him for raising cow-shed and house and also ensure that such house/cow shed is provided electricity and water connection for the decent living of the petitioner.

4. As observed above, the Director Urban Development, H.P. has placed on record the relevant instructions, which read as under:-

"In this regard it is submitted that in compliance to above order, it is apprised by Rural Development Department that Model Bye-Laws for SWM and Sanitation have been framed and have been circulated to the Stakeholders.

Directions has been issued that ULBs to ensure land transfer cases for setting up of MRF/SWM are processed on the lines done in GP Tandi- Jagmurti Keylong and forward land transfer cases for forest clearance as per section 3(2)(k) i.e. Vocational Training Center cum Dry Waste Collection Center and section 3(2)(m) i.e. Development of Community centers under Forest Right Act 2006 instead of Forest Conservation Act - 1980.



It is further submitted that challan books are already available with all the ULBs and training has been imparted to all the concerned officers/ Officials by HPSPCB on dated 18.6.2025.

Directions have been issued to HPSPCB to circulate directions to tourism department regarding installation of banners at Hotel and Buses w.r.t. penalties on open littering in the State. However, directions have been issued to ULBs.

Approval has been conveyed by Govt. to exchange the land of Mr. Suleman (Letter Annexed as Annexure "A"). Action taken report to the order dated 13.05.2025 is also annexed as Annexure "B".

It is further submitted that in compliance to the directions issued by Hon'ble high Court a meeting under the chairmanship of Director (Urban Development) was held on 30.05.2025. Minutes of the Meeting are Annexed as Annexure "C".

5. We appreciate the pro-active role and steps that have been initiated by the Director, Urban Development, H.P. and hope and trust that the directions that have been passed from time to time are taken to its logical end, more particularly, the decision that had been arrived at in the meeting held on 30.05.2025.

6. In addition to the above, the Department of Environment, Science Technology and Climate Change has also placed on record instructions dated 27.05.2025, the relevant portion whereof reads as under:-

"Kindly refer to the subject cited above. It is with this background that the compounding of offences under H.P. Non-Biodegradable Garbage (Control) Act, 1995 is already in place in Himachal Pradesh and the monthly reports of entry, inspection and challans of plastic waste is sent to this department. The list of authorised officers officials of Govt. of H.P. has been notified vide notification dated: 21.01 2025 of Govt. of Himachal Pradesh. Notification is enclosed herewith for kind information please.



It is also to inform that as per the Hon'ble High Court of H.P. directions "all Panchayats, Nagar Panchayats and ULBs" are to be provided with Challan Books so as to enable them to issue challans under HP Non-Bio-degradable Garbage (Control) Act, 1995. This department has already issued challan books to Rural Development Department for further distributing to the Panchayats.

Further, it is to inform that this departments has now developed the mobile app. and web application for Single Use Plastic Challans under the H.P. Non-Biodegradable Garbage (Control) Act, 1995 for making the process of challans easy and paper free. The mobile app. is available on the Android, iOS, and Windows platform and the website can be accessed through <http://bannedsup.hp.nic.in>. Now, the concerned authorised officers/officials will be able to challan and compound the offence under H.P. Non-Biodegradable Garbage (Control) Act 1995 through this mobile app. For the authorised person to compounding of offence, they are required to assign role of Plastic Waste Challan in the Manav Sampada software of Government of Himachal Pradesh.

The departments are requested to authorise the officer/ official for challan of SUP on Manav Sampada software of Government of Himachal Pradesh. After the role assignment on Manav Sampada the concerned person can log in the mobile app. and website through their Manav Sampada Employee Code & Password and can challan and compound the offence through this app. The manual for using the mobile app. and website is also enclosed with this letter for kind information please."

7. It is heartening to note that the aforesaid Department has now developed mobile app for single use plastic challans under the H.P. Non-Biodegradable Garbage (Control) Act, 1995 for making the process of challans easy and paper free.

8. We expect the Department to be now pro-active in ensuring that the provisions of the H.P. Non-Biodegradable Garbage (Control) Act are given effect by



issuing challans wherever and whenever necessary. Let details of such challans be placed before this Court on the next date of hearing.

9. The compliance reports submitted by the Chief Secretary and the Director Rural Development shall be considered on the next date of hearing.

10. The training, as mentioned in the order dated 08.08.2024 that was conducted for the local authorities, in HIPA and the Panchayats, on similar lines, be also conducted in October, 2025.

CMP No.13869 of 2025

Issue notice. Learned counsel for the respective parties appear and waive service of notice on behalf of the petitioners/respondents/non-applicants. Reply be filed within a period of three weeks.

List on 17th July, 2025.

In the meanwhile, the respondents after allotting the alternative land as proposed in favour of the petitioner and other joint holders shall hand over this land to the applicant so as to enable it to process the balance legacy waste lying at Kenduwal dump site, given the fact that the additional waste is now coming on the site.

(Tarlok Singh Chauhan)
Judge

June 21, 2025
(naveen)

(Sushil Kukreja)
Judge