



2026:HHC:15011

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.6759 of 2026

Decided on: 06.05.2026

Sahab Singh

.....Petitioner

Versus

State of H.P. and Anr.

.....Respondents

Coram

Ms. Justice Jyotsna Rewal Dua

Whether approved for reporting?¹

For the Petitioner: Mr. Karam Pal and Mr. Suraj Kumar,
Advocates.

For the Respondents: Mr. Anup Rattan, Advocate General
with Ms. Seema Sharma, Deputy
Advocate General, for respondent No.1.

Mr. Rahul Thakur, Advocate, for
respondent No.2.

Jyotsna Rewal Dua, Judge

Notice. Ms. Seema Sharma, learned Deputy
Advocate General and Mr. Rahul Thakur, learned counsel,
accept service of notice on behalf of respondents No. 1 and
2, respectively.

2. Petitioner feels aggrieved against the order dated
24.03.2026 (Annexure P-5) passed by respondent No.1,
dismissing the appeal preferred by the petitioner against
order dated 24.09.2025 (Annexure P-3), issued by the

¹Whether reporters of print and electronic media may be allowed to see the order? Yes.



respondent No.2-H.P. State Pollution Control Board, imposing environmental compensation of Rs.1,00,000/- upon the petitioner for unscientific and illegal disposal of muck along Sangti nullah.

2. Considering the grievances of the petitioner and the order being passed hereinafter, reply of this writ petition is not required to be called for. Matter has been heard at this stage with consent of learned counsel for the parties on both sides.

3. It appears that inspection of Sangti-Sanhog area was carried out on 30.06.2025 by a Committee. The Committee observed dumping of huge quantity of muck generated from the various construction activities towards the Sangti nullah without any protection measures. The land in question was owned by the petitioner. Respondent No.2 on 01.07.2025, issued a show-cause notice to the petitioner under Water (Prevention & control of Pollution) Act 1974, Air (Prevention & Control of Pollution) Act, 1981 and C&D Waste Management Rules, 2016, with direction to the petitioner to take immediate necessary steps for proper and scientific disposal of muck from the various activities at the designated dumping site and for providing proper



retaining structures of adequate height in form of wired crates etc.

Petitioner filed reply to the above show-cause notice on 09.70.2025, stating therein that because of natural calamities, his immovable property had come under imminent danger. To save his immovable property, he had to construct retaining walls and for which purpose, petitioner also bought some additional lands. It is in such process, some pile of wet soil got deposited in the nullah. Petitioner prayed for 2.5 months for completing the construction and to take other measures as according to him, taking required measures during monsoon season could disturb the strata, entailing further damage to his property.

Petitioner's reply was not found satisfactory by the State Pollution Control Board and vide order dated 24.09.2025, environmental compensation of Rs.1,00,000/- was imposed upon him. Petitioner's appeal against the aforesaid order was dismissed by respondent No.1 on 24.03.2026. While deciding the appeal, the Appellate Authority observed that petitioner had violated the provisions of Water and Air Acts and, therefore, environmental compensation was justly imposed upon him.



The Appellate Authority also observed that petitioner had requested for 2.5 months to properly dispose, manage and dump pile of soil/muck, but had not carried out the task till date.

4. Learned counsel for the petitioner submitted that petitioner had actually removed the muck from the nullah within the period undertaken by him, however, somehow, this could not be brought to the notice of the Appellate Authority.

Learned counsel for the petitioner also submitted that some muck got deposited in the nullah on account of urgent measures which had to be taken by the petitioner for protecting his property as no help was rendered to him by the respondents. This is also an aspect, which is required to be considered by the Appellate Authority.

Learned counsel for the petitioner submitted that petitioner is ready and willing to make further pleadings & submissions based upon such pleadings before the Appellate Authority and the Appellate Authority be directed to consider those pleadings and submissions afresh. Learned counsel on the respondents side are not



averse for considering the appeal of the petitioner afresh in the given facts and circumstances of the case.

5. Having regard to the above stand of the parties, the impugned order dated 24.03.2026 is set aside. The Appellate Authority i.e. respondent No.1 is directed to consider petitioner's appeal afresh. Parties through their leaned counsel are directed to appear before the Appellate Authority on **13.05.2026**. The matter be decided in accordance with law, within four weeks, thereafter. It shall be open to the petitioner to supplement the appeal filed by him within one week of appearing before respondent No.1.

The writ petition to stand disposed of in the above terms, so also pending application(s), if any.

May 6, 2026
R.Atal

Jyotsna Rewal Dua
Judge