

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P. (P.I.L) No. 2049 of 2023

Swapan Singh Deo	...	...	Petitioner
Versus			
The State of Jharkhand & Ors.	...	...	Respondents

**CORAM: HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE RAJESH SHANKAR**

For the Petitioner	: Mr. A.K. Das, Advocate
For the Respondent-State	: Mr. Piyush Chitresh, AC to AG
For the Private Respondent	: Mr. J.P. Jha, Sr. Advocate Mr. Sudhanshu Shekhar Choudhary, Adv. Mr. Aman Shekhar, Advocate

30/04.08.2025 On 01.05.2025, this Court passed the following order:

"The Secretary, D.L.S.A, East Singhbhum is directed to visit the site where the 7th Respondent is alleged to have established a Solid Waste Treatment Plant and submit a report to this Court as to whether the same is functional or not.

The Solid Waste Treatment Plant is said to have been established in Chakulia Nagar Panchayat in East Singhbhum District.

List on 07.05.2025.

Communicate this order to the Secretary, DLSA, East Singhbhum District along with a copy of the supplementary affidavit dt. 24th April 2025."

2. In compliance of the aforesaid order, the Secretary, D.L.S.A, East Singhbhum, Jamshedpur submitted his report, which reads as under:

“REPORT”

"In Compliance of the direction given by the Hon'ble High Court of Jharkhand, at Ranchi vide Order 26/dated 01.05.2025 Passed in W.P. (PIL) No. 2049 of 2023 send to me vide Latter No. 2133 dated 06.05.2025. I visited the Solid Waste Treatment Plant of Chakulia Nagar Panchayat, District East Singhbhum, today on 07.05.2025, at about 11am. At the time of my visit on the spot, petitioner Swapan Singh Deo and respondent No. 06, Chakulia Nagar Panchayat, represented before me by Sri Chandan Kumar, Administrator, were present. At the time of the visit all the machines of the said

Treatment Plant were switched off and not found in working condition. I requested respondent No. 06 to direct the operator to start the machine but the operator became failed to start the same. I also found that there was no electric connection in the plant to run the machine and when I asked as to how the machine is made functional without electricity, it was replied that it is being run by supplying electricity through generator. When I asked the operator to start the machine through generator, he could not start the same and stated that due to some wiring defect proper electricity is not being supplied. It has also been stated that some miscreants have poured kerosine oil or water on the generator yesterday night and due to which the same could not be started. I also found heap of garbage under the machine upon which green plants were growing. From all these facts, it prima-facie appears to me that the Solid Waste Treatment Plant is not functional. I am most humbly and respectfully submitting this report with a prayer to the Hon'ble Bench to accept the same."

3. Thereafter, the matter came up for consideration before this Court on 11.06.2025 and the Court passed the following order:

- 1. The report of Secretary, DLSA, Jamshedpur, East Singhbhum be supplied to the counsel for the petitioner and to the counsel for the respondent nos. 1 to 6 and respondent no. 7.**
- 2. The report prima facie shows that the solid waste treatment plant is not functional.**
- 3. For filing of responses from the respective parties, list on 07.07.2025.**

4. In compliance to the aforesaid direction, the Administrator, Chakulia Nagar Panchayat, has filed his personal affidavit wherein he has tried to explain the circumstances under which the plant of solid waste was found to be non-functional on the date of visit of the Secretary, D.L.S.A., East Singhbhum which has also been explained in paragraph-5 of the counter affidavit dated 04.08.2025 filed on behalf of the respondent no. 7, and reads as under:

"I. In the previous issue that is on 6 some miscreants at about 8 p.m. Mr. Dheeraj Singh with his associates had entered into the premises of the plant at Chakulya and had threatened the guard of the plant with dire consequences and thereafter try to damage the tool and machinery of the planta despite the protests made by the guard, buy they succeeded in their act of damaging the D.G. set which made the plant non-functional, but was repaired after two days.

II. After entering the plant they tampered with the D.G. set as mentioned above (The Only Power Supply of Plant) being well aware that the plant will not be able to function the next day which was the day DLSA team planned for site inspection.

III. On account of such tampering at the time of the DLSA site inspection at 11 A.M., the plant was unable to function, as there was no power supply. However, at 01:12 P.M. after the site inspection on same day the plant was running and functioning through a rented D.G. set as the D.G. set installed wan damaged so badly that it was not possible to repair it within a day.

IV. Only after two days of this incident the D.G. set installed was repaired and the plant was running on the D.G. set installed.

V. The information with respect to the illegality and criminal act committed by the said Dheeraj Singh and his associates was further communicated by Pioneer MSWM Chakulia Pvt. Ltd. to Nagar Panchayat as well as the Officer In-Charge Chakulia Police Station. Upon receiving the complaint, the Chakulia Nagar Panchayat acting swiftly logged a complaint in Police Station."

5. It has further been stated in paragraph-29 of the said counter affidavit that the plant is now fully operational and treatment of solid waste is being carried out by the plant on regular basis.

6. In order to ascertain the correctness and veracity of the averments made in the said counter affidavit, we once again appoint the Secretary, D.L.S.A., East Singhbhum, Jamshedpur to visit the site where the respondent no. 7 has established solid waste treatment plant and a report in this regard be submitted to

this Court stating as to whether the same is functional and if so, set out the details of its functions.

7. Let a copy of this order be sent to the Secretary, D.L.S.A., East Singhbhum, Jamshedpur along with the copy of the counter affidavit dated 04.08.2025 filed on behalf of the respondent no. 7 through e-mail.

8. The Secretary, D.L.S.A., East Singhbhum, Jamshedpur is directed to submit the said report within two weeks.

9. List this case on 18.08.2025.

(Tarlok Singh Chauhan, C.J.)

(Rajesh Shankar, J.)

Manish/Ritesh