

- (1) D.B. Civil Writ Petition (PIL) No.9497/2007
- (2) D.B. Civil Writ Petition No.809/2008
- (3) D.B. Civil Writ Petition No.15085/2011
- (4) D.B. Criminal Misc.Petition No.3737/2012
- (5) D.B. Civil Writ Petition No.15520/2012
- (6) D.B. Civil Writ Petition No.16228/2012
- (7) D.B. Civil Writ Petition No.16229/2012
- (8) D.B. Civil Writ Petition No.16230/2012
- (9) D.B. Civil Writ Petition No.20356/2012
- (10) D.B. Civil Writ Petition No.12202/2013
- (11) D.B. Civil Writ Petition No.2799/2014
- (12) D.B. Civil Writ Petition (PIL) No.4758/2014
- (13) D.B. Civil Writ Petition No.4936/2015

19.05.2015

HON'BLE THE CHIEF JUSTICE MR. SUNIL AMBWANI
HON'BLE MR. JUSTICE VEERENDR SINGH SIRADHANA

Mr.P.C.Bhandari, Mr.S.D.Khaspuria, Ms.Neerja Khanna, Mr.Rajendra Soni, Mr.Anil Mehta, Mr.Rakesh Chandel for the petitioners.

Mr.N.M.Lodha, Advocate General assisted by Mr.Sheetanshu Sharma, Mr.G.S.Gill, AAG with Mr.Harish C.Kandpal, Mr.R.K.Agarwal, Senior Advocate assisted by Mr.Prateek Kasliwal, Mr.Virendra Lodha, Senior Advocate assisted by Mr.Nitish Bagri Mr.Akhil Simlote, Dr.M.S.Kachchwa, Mr.Babu Lal Gupta, Mr.N.C.Sharma, Mr.Ravi Chirania, Mr.V.K.Mathur, Mr.Vinod Singhal on behalf of Ms.Naina Saraf, Mr.Sarthak Rastogi, for respondents.

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1. We have heard learned counsel appearing for the parties.
2. In compliance to the orders dated 26.03.2015 and 27.04.2015, affidavits have been filed by the State Government and the Rajasthan State Pollution Control Board.
3. The State Government has finally approached National Environmental Engineering Research Institute (NEERI) on 24.04.2015 requesting it to submit a study proposal for rejuvenation of Dravyawati River as per directions of the High Court. Dr.S.R.Wate in his letter dated 07.05.2015 addressed to the Joint Secretary UDH-III, Urban Development and Housing Department, Government of Rajasthan, Jaipur, has given a study

proposal, with the project cost of Rs.120 lacs plus service tax, to be completed within eight months. The NEERI has requested for release of half of the funds to start the works, on which an interim report shall be submitted every three months, highlighting the project status and the activities, which need to be undertaken and expedited. The Preamble of the Study Proposal is quoted as below:-

**“CSIR-National Environmental Engineering
Research Institute
(Council of Scientific & Industrial Research)
Nagpur – 440 020**

Study Proposal

1. Title : Study on Pollution Status of River Dravyawati and Development of Pollution Abatement Strategies for Rejuvenation of the River System

2. Preamble

Dravyawati river is of great importance to the City of Jaipur particularly which had great aesthetic and nutritional value for the development of flora and fauna. The river which flows for a distance of 47 km from the foothills of Nahargarh (new Jaisalia village) through the City of Jaipur to Goner Road Crossing was the only source of water for Jaipur city till 1920. This river is a tributary of the Dhund river, which in turn is a tributary of Morel river, and Morel is a tributary of Banas river, which ultimately meets Chambal in Sawai Madhopur district in Rajasthan.

Off late there has been serious concern in restoration of Dravyawati river for environmental protection of the Heritage City of Jaipur. Reportedly the 1981 floods washed away a number of barrages and embankments along the river, and thereafter massive encroachments have come up in the catchment areas and on the banks of the river. This has not only reduced the width of the river, but has also polluted it to the extent that the

stretch of the river flowing for 40 km from Nahargarh (new Jaisalia village) to Ambabari Pulia (Sikar Road); Ambabari pulia (Sikar Road) to Sushipura (Ajmer road); and from Sushilpura (Ajmer Road) to Goner Road Crossing has been in the last few decades reduced to nallah, and now the river is referred to as Amanishah nallah.

Today the river is in very bad conditions with large parts of the river bed encroached, and the river has become a dumping ground for untreated pollution of the city emanating obnoxious smell throughout its length. Sewer water of urban areas of Jaipur, and the industrial effluents of the textile dyeing and printing industries from the Sanganer are discharged without any treatment into the river. The lower part of the river, on its both side, is being reportedly used for cultivation, and there have been deep public concern over the toxicity of the vegetables grown from the water pumped out for irrigation from the river containing both human and industrial waste.

The Hon'ble Rajasthan High Court, Jaipur, in its Order of 26th March, 2015 [Civil Writ Petition (PIL) No.9497/2007] directed the State Government of Rajasthan to approach CSIR-National Environmental Engineering Research Institute (NEERI), Nagpur to conduct a scientific study for restoration of the Dravyawati river for an overall improvement of the environment of the City of Jaipur.

Accordingly, the Urban Development and Housing Department, Govt. of Rajasthan has approached the CSIR-National Environment Engineering Research Institute (CSIR-NEERI), Nagpur to conduct a study on the pollution status of Dravyawati river for the river stretch of 47 km. [which flows from the foothills of Nahargarh (new Jaisalia village) through the City of Jaipur to Goner road crossing], including its tributaries; and prepare a feasibility report for abatement of pollution in the river for its rejuvenation.

3. Scope of Work:

CSIR-NEERI will conduct the study with the following

scope of work:

- *Delineation of catchment area of river Drayawati for its 47 km stretch flowing through the City of Jaipur.*
- *Remote sensing analysis of land use land cover and change detection in the study region.*
- *GIS based thematic maps for different components of the study area including industrial clusters, sampling locations, etc.*
- *Drainage flow analysis of the study area.*
- *Assessment of the minimum environmental flow requirement in the river based on available secondary data.*
- *Shortlisting of various activities that generate effluent/wastewater/sewage in the region.*
- *Identification of various industries/industrial sectors located along the river stretch and its tributaries.*
- *Inventorization of the industries based on secondary data with assistance of RSPCB, Jaipur.*
- *Identification of non-industrial pollution source in the river and its tributaries.*
- *Estimation of pollution load due to industrial/non-industrial discharges based on critical polluting industries and other discharges.*
- *Seasonal monitoring (pre-monsoon & post monsoon) of major pollutants (physio-chemical and bacteriological characteristics including heavy metals) based on various discharges in to the river and its tributaries.*
- *Fish bioassay test on critical polluting industrial effluents/wastewater discharged into river, and river water.*
- *Geospatial and temporal distribution of water quality/trophic state of the river.*
- *Assessment of impact of industrial/non-industrial discharges on river water quality.*
- *Assessment of water quality of the river based on pollution indicator parameters.*
- *Assessment of biodiversity (flora and fauna) of the aquatic water body and application of different indices*

to evaluate the health status of the river.

➤ *Action plan including recommendation of various measures for pollution abatement in river Dravyawati identifying priorities.*

➤ *Submission of the study report.*

3.1 Study Domain

The study shall consider all the major industries/ industrial clusters operating along the periphery of the Dravyawati river for the river stretch of 47 km [which flows from the foothills of Nahargarh (new Jaisalia village) through the city of Jaipur to Goner road crossing] including its tributaries. The study shall also focus on the major discharges, direct or indirect, into the river.”

4. The study proposal of NEERI, will take care of a scientific research and proposals for rejuvenation of Dravyawati River, which flows for a distance of 47 kms in the City of Jaipur, and has been reduced, in last few decades, to a dirty water drain.

5. We find the study proposal of NEERI, to be satisfactory, and thus, we give our approval to it, to begin with the study for rejuvenating the Dravyawati River, which will, in turn, improve the environment, ecology and groundwater quality of the City of Jaipur. The State Government will consider the report accordingly, to sanction the project cost, and to release half of it for deposit, as requested by NEERI, for initiating the work, taking care of the conditions of confidentiality, and the inputs required from the Urban Development & Housing Department, Government of Rajasthan.

6. For satellite imaging of the Dravyawati River and its banks from its origin to the end, proposals were considered by the National Remote Sensing Centre (NRSC), Hyderabad. We are informed that the proposals are at the advanced stage of consideration, and on which learned Additional Advocate General

has requested for a short time to complete the formalities of contract. The note-sheet prepared by the Additional Chief Secretary, Urban Development & Housing Department, Government of Rajasthan in this regard, is quoted as below:-

“ I have had a telephonic discussion with Shri Akhil Arora, Secretary, I.T. with regard to Satellite images/data from N.R.S.A. for Amanishah Nalla with regular frequency. From his conversation, it has been revealed that the State Government is purchasing one time data from N.R.S.A. The State Government is not likely to obtain Satellite data on a regular frequency. It was also clear from the talks held with him that the requirement of Amanishah Nalla is quite small and orders to procure the Satellite data for the same can be placed separately by JDA to N.R.S.A. This will expedite the whole process.

Hence, JDA is directed to approach N.R.S.A. at its own level and arrange to obtain Satellite image/data for the entire Amanishah Nalla on a regular frequency, which should be maximum possible. This exercise must be completed within 10 days and a compliance report should be sent to UDH department.

(Ashok Jain)
ACS, UDH”

7. We expect that the final proposals from the NRSC will be obtained, and that, the requested sanction will be given for satellite imaging and monitoring of the flow of the river, the encroachment, and the setting up of the industries in the area, as expeditiously as possible, and in any case, before 30.06.2015.

8. So far as the affidavits to be filed by various departments, regarding unauthorized structures and constructions in Amer Reserve Forest and Nahargarh Sanctuary, which are catchment areas of the river, we allow, on the request made by learned Additional Advocate General, four weeks' further time to carry

out field surveys, and submit an affidavit, affirmed by the Chief Conservator of Forests. The report will be submitted on or before 30.06.2015, with copies given to the counsel appearing for the petitioners, to be considered on the next hearing of the matter.

9. On the construction of Common Effluent Treatment Plant (CETP) by the polluting textile industries in and around Sanganer, discharging untreated chemicals and contaminated water, including toxic waste, into the river, a compliance affidavit has been filed by the Rajasthan State Pollution Control Board. In this affidavit, after quoting the directions given in paragraphs 15 to 17 of the order dated 27.04.2015, it is stated that the Pollution Control Board has intimated about the directions under Section 33A of the Water (Prevention and Control of Pollution) Act, 1974 to the Executive Engineer (CD-VI), JVVNL, Sanganer, Jaipur and the Executive Engineer, PHED, Sanganer, Jaipur, on 24.04.2015, to disconnect the electricity and waters connections respectively, of 680 textile units situated in and around Sanganer. The Pollution Control Board has also intimated about the directions under Section 33A of the Water (Prevention and Control of Pollution) Act, 1974 to the District Collector, Jaipur vide letter dated 24.04.2015, for securing compliance of closure of 680 textile units situated in and around Sanganer. All the facts have also been brought to the notice of the Advocate General, State of Rajasthan, to take appropriate steps. In paragraph 6, it is stated that the State Board has given final notice by publishing the same in the two newspapers i.e. Rajasthan Patrika and Dainik Bhaskar dated 10.05.2015, to all the industries, who are unregistered, to get registration within a period of one month, and for closure of 213 units, who have not obtained No Objection

Certificate by 31.05.2015 in the first phase, and 680 industries in the second phase by 30.06.2015. These units have also been informed about the orders of disconnection of electricity and water connections. In paragraphs 7 to 10 of the affidavit filed by the Rajasthan State Pollution Control Board, it is stated as follows:-

*"7. That State Board has again intimated the Executive Engineer (CD-VI), JVVNL, Sanganer, Jaipur & Executive Engineer, PHED, Sanganer, Jaipur vide letter dated 12.05.2015 with a copy to the District Collector, Jaipur regarding ensuring compliance of the closure directions of 893 textile processing units in accordance with the Hon'ble High Court's order dated 27.04.2015. Photocopy of the letter dated 12.05.2015 is submitted herewith and marked as **Annexure-A/6**.*

*8. The compliance of the directions of the Board with regard to disconnection of the water supply of the subject units still awaited from the PHED & District Collector, Jaipur. They have also been informed about the directions of the Hon'ble Court dated 27.04.2015 in which the Hon'ble Court has clearly observed that **"The electricity and water connections to the non-compliant units, will be cut down and for which, the directions have been issued by the Rajasthan State Pollution Control Board. These directions will be complied with by these departments, as directions of the court."***

*9. The JVVN Ltd. has intimated to the State Board vide letter dated 06.05.2015 that they have issued notices of 7 days to the units against which directions have been issued by the Board for disconnection of supply. Photocopy of the letter dated 06.05.2015 along with one notice issued by the JVVN Ltd. is submitted herewith and marked as **Annexure-A/7**, collectively. It will not be out of place to mention here that instead of immediate disconnection of the supply of the units in compliance of the Hon'ble Court Order. The JVVN Ltd. has issued notice which is not at all*

*required. This issued stood concluded vide office order vide letter dated 21.07.2014 in which it has been resolved that in compliance to the closure directions issued by the State Board, no prior notice is required for disconnection of electricity to such units. Photocopy of the letter/order dated 21.07.2014 is submitted herewith and marked as **Annexure-A/8**. Consequently, compliance with respect to disconnection of electricity supply of the 893 textile units situated at Sanganer is still awaited.*

10. That this matter was taken up in a meeting of the officers of the State, RIICO and the Board held on 05.05.2015. The CMD, RIICO was of the view that there are certain textile units in Sanganer which cannot be connected with the CETP for certain reason as such those units may be shifted to Chitrola which is near Bagru in Jaipur."

10. An application has been filed by Sanganer Kapra Rangai and Chappai Association, Jaipur, through its President Shri Devi Shankar, stating that the industry in Sanganer is 500 years old. The Sanganeri hand block printing art on textile products had bagged the Geographical Indication (GI) Certificate, protecting its uniqueness and distinct identity. Sanganer area houses around 900 small to medium scale textile dyeing and printing units. The applicant-Association has been fighting a long standing legal battle to safeguard the interest of the textile industry at Sanganer, which employs about 2.5 lakh people.

11. It is stated that on 07.03.2003, an order was passed in **D.B.Civil Writ Petition No.2075/1997 (Vijay Singh Punia Vs. Raj. State Board for the Prevention and Control of Water Pollution & Ors.)**, by the Division Bench presided by the then Hon'ble the Chief Justice, in which directions were issued to relocate the industry in the industrial area developed by RIICO, to impose fine on polluting units, and to close down all the

polluting industries, at the present location, by 31.03.2004. The order passed by the Division Bench of this Court is quoted below:-

“ By this writ petition, which has been filed by way of a Public Interest Litigation, the following reliefs have been claimed:

“(i) that by a suitable writ, order or direction, the non-petitioner No.3 be directed to take immediate steps against these unauthorized factories and restrain them from discharging toxic wastes and effluents into the canal and land;

(ii) that non-petitioner No.5 further be directed to check the raising of unauthorized construction of factories without compliance of the statutory provisions of Section 25 of the Act of 1975 and impose penalties on the factories found violating the statutory provision.

(5) The polluter must meet the cost of repairing environment and ecology and pay reparation to those, who have suffered because of the pollution, caused by him.

(6) Consideration of economy cannot prevail over concerns for environment and ecology.

47. In view of the aforesaid legal position, we can straightway, direct closure of the industry, but, we would like to give a chance to the industry, the State and its concerned instrumentalities, to prevent the degradation of environment and ecology. The industry, the State and its agencies, including RIICO, must set up CETPs, so that effluents are not discharged into the canals, streams and on the ground. Since the printing and dyeing industry is scattered, it may not be feasible for one CETP, to cater to the requirement, therefore, it may be necessary to set up two or three, or more CETPs, at various places, depending upon the location of the industry. As the industry has been polluting the water-channels, by discharging the effluents, they must pay pollution-fine, so that the money, collected thus, is pooled for the purposes of setting up of the CETPs.

48. Keeping in view, the aforesaid considerations, we

direct as follows:-

(1) RIICO shall develop an industrial area for dyeing and printing industry, within a period of eight months. Location of the area shall be identified and plans finalized within two months.

(2) The owners and proprietors of the present industrial outfits shall be given plots in the industrial area, for which, they shall pay the price, as determined by RIICO, at no-profit no-loss basis.

(3) Each of the printing and/or dyeing units shall pay the pollution-fine, as per below:-

<i>Turn over of Unit For the Period</i>	<i>Amount of Fine</i>
<i>From 01.04.2001 to 31.03.2002</i>	
<i>Upto Rs.1,00,000</i>	<i>Rs.20,000</i>
<i>Between 1,00,000 and 3,00,000</i>	<i>Rs.40,000</i>
<i>Between 3,00,000 and 10,00,000</i>	<i>Rs.1,00,000</i>
<i>Between 10,00,000 and 50,00,000</i>	<i>Rs.5,00,000</i>
<i>Between 50,00,000 and Rs.1 crore</i>	
<i>and more</i>	<i>Rs.10,00,000</i>

(4) Each of the units, within one month, shall deposit minimum pollution-fine of Rs.20,000/- with RIICO. The balance amount, depending upon the turnover, shall be paid to RIICO within two months. In case, pollution-fine is not paid within time, the defaulting unit shall be sealed by the respondents.

49. Allotment of alternative sites shall be made only in case the pollution-fine is paid by the unit-holders. With the pollution-fine collected by RIICO and with its own resources and resources of the State, the CETPs shall be set up.

50. The industry, at the present location, shall stop functioning by 31.03.2004.

With the aforesaid observations and directions, the writ petition is disposed of."

12. The order of the Division Bench dated 31.03.2004, was challenged in the Civil Appeal No.207 of 2005, which remained pending upto the year 2009, and in which final orders were passed on 30.04.2009, as follows:-

“ An affidavit has been filed on behalf of the State of Rajasthan – respondent No.5 herein, referring to a report of the Rajasthan State Pollution Control Board (hereinafter referred to as 'the Board'). The said affidavit be taken on record.

The views of the Board, as per the said affidavit, are indicated in its letter dated 31.3.2009 addressed to Senior Additional Director (Officer-in-Charge), Office of the Commissioner of Industries, Udyog Bhawan, Tilak Marg, Jaipur.

Learned counsel appearing on behalf of the appellant Association stated that the members of the Association are agreeable to act in terms of the recommendations of the Board. It needs to be noted that the State had accepted the views and recommendations of the Board and follow up action has to be taken by the concerned industries.

We, therefore, dispose of the writ petition(s) with the direction that in case the requisite norms fixed by the Board are fulfilled by any industry, whose case is being espoused by the appellant Association, necessary permission to continue shall be granted to it, if otherwise there is no violation of any norms or any statutory prescription. The Board and the State shall make joint enquiries in future to see that the requisite norms are being followed and, in case, there is any deviation or infraction therefrom, it shall be open to the Board or the State, as the case may be, to take action as available in law.

The appeals are disposed of accordingly.

C.A. Nos.213/2005, 214-215/2005 and 216-217/2005 be delined and listed in August, 2009.

.....J

(Dr.ARIJIT PASAYAT)

.....J

(ASOK KUMAR GANGULY)

NEW DELHI

APRIL 30, 2009”

13. The applicant for impleadment has annexed the minutes of the meeting held under the Chairmanship of the Additional Chief

Secretary (Industries) on 05.06.2009, to discuss the Sanganer Kapra Rangai Chhapai Association's action for implementing the pollution norms. In this meeting, following decisions were taken:

"Minutes of the meeting held under the Chairmanship of ACS(industries) on 5.6.09 at 3.00 pm in Committee Room No.1 Secretariat with a view to discuss the Sanganer Kapra Rangai Chhapai Association's action for implementing the pollution norms.

A meeting under the Chairmanship of Additional Chief Secretary (Industries) was held on 5.6.09 to discuss the action to be taken by the Sanganer Kapra Rangai Chhapai Association with reference to its prefeasibility report for establishment of Common Effluent Treatment Plant (CETP) for textile industries in and around Sanganer as submitted before Hon'ble Supreme Court & as modified by the norms fixed by the State's Pollution Control Board. The meeting was attended by concerned officers whose names are annexed at "A".

The Industries Department vide its affidavit before the Apex Court submitted the report of the Pollution Control Board as an expert body in the matter in order to ensure continuation of industry and maintenance of eco-friendly regime of sustainable development.

The Supreme Court judgment dated 30.4.09 was placed before the committee. The Supreme Court had taken note of suggestions of the Board and observed that the members of the Association are agreeable to the terms of recommendations of the Board and follow up action had to be taken by concerned industries. The recommendation of the Board were as follows:-

- The State Board agrees with the proposed solution of setting up two CETPs for treatment of effluents discharged by the units in the clusters and relocating the scattered units to industrial area developed by RIICO with the modification that the cluster of units in congested localities from where effluent cannot be*

transported through closed RC pipes should also be relocated.

- *The actual number of units should be taken for estimating the capacity of effluent discharge.*
- *It is not fool proof solution that effluent from units in congested localities is transported to CETP by tankers and it will lead to perpetual danger. The units from such localities should be relocated to industrial areas.*
- *The proposed solution of collection of effluent from different units to CETP through underground RC pipes should cover all units located in the clusters.*
- *A committee consisting of representative of district administration, association, local representative of urban local body and of farmers is constituted to meet periodically and review the outflow.*
- *There is no alternative of relocation of units which are to be relocated.*

The ratio descendi of Hon'ble Supreme Court reads thus "In case requisite norms fixed by the Board are fulfilled by any industry, whose case is being espoused by the appellate Association, necessary permission to continue shall be granted to it, if otherwise there is no violation of any norms or any statutory prescription. The Board and the State shall make joint enquiries in future to see that the requisite norms are being followed and, in case, there is any deviation or infraction therefrom, it shall be open to the Board or the State, as the case may be, to take action as available in law."

Having perused the decision of Hon'ble Supreme Court, following decisions were taken:-

1. *The CETP shall be set up only for 473 units which were surveyed and listed in the year 2003. No recognition shall be given to the units set up after the survey.*
2. *The Association shall form a trust within 10 days under the Chairmanship of Collector, Jaipur with a view to controlling and treating the trade effluents. The Association shall also submit a draft of memorandum therefor and also time frame for implementing the decision of the court.*

3. It was also decided that all units which are scattered and can not be connected with CETP shall be closed or shifted to other locations.

4. A monitoring committee to oversee the implementation of decision of Hon'ble Supreme Court shall be constituted. The Secretary, Rajasthan Pollution Control Board shall submit the draft of proposed monitoring committee.

5. The Association shall submit detailed project report of CETP within 30 days to Rajasthan Pollution Control Board.

6. RIICO shall return Rs.2.00 Crores to the Association which were collected as fine in furtherance of Hon'ble H.C. of Rajasthan.

7. The member units of the Association shall create primary treatment facilities within 30 days in their units.

Meeting ended with a vote of thanks to the chair."

14. After the meeting dated 05.06.2009, a Society in the Presidentship of the Collector, Jaipur was formed, with the name, "Sanganer Pradhushan Nivaran Samiti, Sanganer", vide registration certificate No.1201 Jaipur/2010-11. The Society formed a monitoring committee, which held its meeting on 12.06.2009 under the Chairmanship of Principal Secretary, Environment and Chairperson, RPCB, regarding funding for establishment of new CETPs under the Industrial Infrastructure Upgradation Scheme (IIUS), for which the Central Government provides 75% of the cost of infrastructure, including CETPs for a cluster of industries; 25% is to be paid by the State Government and 25% by the industrial units. It was decided in the meeting held on 16.07.2009, to request for allotment of land and for construction of CETP. The land was allotted by the Jaipur Development Authority on 23.07.2013 at Village Madrampura, Tehsil Sanganer in khasra No.37, area measuring 1.35 hectares, for constructions on 11310.70 sq.metres. A lease deed was

executed between the Jaipur Development Authority and the Society on 23.07.2013, after which a No Objection Certificate was issued by the Rajasthan State Pollution Control Board for construction of CETP, on 26.03.2013. Since thereafter, the Society is waiting for release of the funds from the Central Government as well as the State Government for construction of CETP.

15. We are informed that the cost of CETP for 473 units at Sanganer, has been estimated to Rs.42 crores, out of which 25% is to be deposited by the Association. Learned counsel appearing for the Association submits that the Association is ready to deposit its share i.e.Rs.10.50 Crores, with the Pollution Control Board, or even in the High Court, but that, unless and until, the amount of subsidy is not released, the constructions of CETP cannot proceed. He also states that the notice was given to the Association, on which the Association has brought all the facts before the Court, and that, it is seeking some more time for construction of CETP. A boundary wall has been raised, on the land leased out by the State Government, and the consent to establish CEPT was given by the Rajasthan State Pollution Control Board on 26.03.2013, valid upto 30.08.2016.

16. We are informed by Shri Anil Mehta, who has also filed a writ petition separately, for closure of all polluting textile industry, that apart from cluster of industry in Sanganer, a large number of industries scattered in the area and have been established on Diggi Road, Sanganer to Muhana Road, and Muhana Road to Nevta Road, and even in the areas, which are covered by forest and dams. He submits that the polluted water clearly flows upto Chandlai Dam and Shivdasapura, which are

birds sanctuaries, and in which the pollution has increased to the intolerable limits. He submits that the entire area is stench rising from the polluted water, making its impossible for the people to live. One cannot even cross the bridges across the river due to bad odour of the toxic water, which is being lifted by pumps by the farmers for growing vegetables. The vegetables grown from the toxic water are a serious health hazard and a cause for several diseases. The situation has become intolerable, and that, the Court may not wait any further to close down the industries in Sanganer, unless CETPs are successfully installed and start functioning, and that, the non-conforming industries are relocated in terms of the directions of the High Court in the year 2004, outside the City in any area, to be developed by RIICO.

17. We are informed by learned counsel appearing for the Rajasthan State Pollution Control Board that some of the units, which were scattered have shifted to a place near Bagru at a distance from Jaipur, where 25 units have been established with ETPs. He submits that industries, who do not form clusters for CETPs, should be relocated, either at their own initiative, or the initiative of the State Government, through its industrial development policy, implemented by RIICO.

18. Now more than 11 years have passed, since the directions were issued by the Division Bench of this Court, and about six years, after the directions were approved by Hon'ble Supreme Court for installation of CETP at Sanganer. In the meantime, the polluting industries are causing pollution unabated, discharging toxic water in the Dravyawati River, flowing through the heart of the heritage city of Jaipur.

19. A plea of sustainable development has been raised, to protect the investment in the industry and the workman. It is submitted that in case the electricity and water connections are shut down, about 500 industrial units will have to close down, leading to a chaos, and loss of employment to lakhs of workman. In our view, the plea of sustainable development cannot be raised by the polluters, who have been given time, since the year 2004 to install CETP and/or to relocate the site and to install ETPs. The affidavit filed by them, demonstrates that a Society was formed, which had set up a monitoring committee, chaired by the State officials, and on which land was allotted by the Jaipur Development Authority, and No Objection Certificate was issued by the Rajasthan State Pollution Control Board. Nothing further happened thereafter. A polluting industry cannot be allowed to demand subsidy to set up CETP, and pray for indefinite time to install it. In order to protect the City from the polluting units at Sanganer, we do not find any good ground to recall our directions, or even to extend the time, inasmuch as the industry has only paid the fine so far, in compliance of the orders passed by the Court on 07.03.2003. The industries should have been shut down in the year, in compliance of the orders dated 31.03.2004. They have survived for 11 years, in which large number of other industries have also come up, and are continuously polluting the City. The applicants, in our view, do not have any right to seek any further time.

20. In our considered view, the polluting units must be shut down, unless and until, the industry at Sanganer construct the CETPs, and that, the industries scattered all over the area in the lane and by-lane are shut down, to be relocated outside the City

of Jaipur, as it is not feasible for the industries to install a drainage system to be connected to CETP. This can only be done in cluster. Unless relocated, the scattered industries will continue to pollute and degrade the environment and ecology of the City. We therefore, confirm our order dated 27.04.2015. The directions given in paragraph 17 of our order dated 27.04.2015 will be complied with by the authorities concerned, including the State Government, district administration, the Rajasthan State Pollution Control Board, JVVNL and PHED.

21. Some application have been filed, alleging that the houses constructed on the land purchased by them from khatedars are sought to be demolished, on the ground that they fall within the prohibited area of constructions on the banks of Dravyawati River. It is stated that the persons living on other bank of the River have encroached upon the River, and thereby, bringing their houses much closer to the flow of the River. We do not propose to go into each and every objection, inasmuch as this writ petition is pending for demolition of encroachments on the banks of the river in its flow area, since the year 2007, and that, several directions have been given, not to encroach any further on the banks of the river. The objectors have not provided for the measurements, or the permissions/approvals, which they may have obtained from the Jaipur Development Authority, to raise constructions. The objections may be considered, if all the details are provided on the next date. In the meantime, we do not propose to pass any order to protect any unauthorized constructions, causing encroachments, identified by Jaipur Development Authority on the flow area of river Dravyawati.

22. The matter will be listed again on 13.07.2015.

(VEERENDR SINGH SIRADHANA),J. (SUNIL AMBWANI),CJ.

Skant/-, Proof Reader

All the corrections made in the judgment/order have been incorporated in the judgment/order being emailed.

Shashi Kant Gaur,
Proof Reader