

IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA

ON THE 19TH DAY OF OCTOBER, 2021

BEFORE

HON'BLE MR. JUSTICE TARLOK SINGH CHAUHAN

&

HON'BLE MR. JUSTICE SATYEN VAIDYA

CIVIL WRIT PETITION NO. 6416/2021

BETWEEN:

**M/S MANORMA WORKER WELFARE
ASSOCIATION STONE CRUSHER,
THROUGH ITS PROPRIETOR
OM PRAKASH SHARMA,
SON OF SHRI JOYATI PRAKASH,
AGE 62 YEARS, RESIDENT OF VILLAGE
AND P.O. HURLA (KHADISERI),
TEHSIL BHUNTER, DISTRICT KULLU, H.P.**

.... PETITIONER

(BY SH. VIJAY CHAUDHARY, ADVOCATE)

AND

- 1. STATE OF HIMACHAL PRADESH
THROUGH ITS SECRETARY
(INDUSTRIES) TO THE GOVERNMENT OF
HIMACHAL PRADESH, SHIMLA-2.**
- 2. PRINCIPAL SECRETARY,
ENVIRONMENT, SCIENCE AND
TECHNOLOGY, HIMACHAL PRADESH,
SHIMLA.**
- 3. HIMACHAL PRADESH STATE
POLLUTION CONTROL BOARD,
THROUGH ITS MEMBER SECRETARY,
PARYAVARAN BHAWAN,
PHASE-III, NEW SHIMLA,
HIMACHAL PRADESH.**

....RESPONDENTS

**(SH. ASHOK SHARMA, A.G. WITH SH. RAJINDER DOGRA, SR.
ADDL. A.G., SH. SHIV PAL MANHANS, SH. VINOD THAKUR,
ADDL. A.GS. AND SH. BHUPINDER THAKUR, DY.A.G. FOR R-1
& R-2)
(SH. MAAN SINGH, ADVOCATE, FOR R-3)**

CIVIL WRIT PETITION NO. 6417/2021**BETWEEN:**

**M/S CHATURBHUI SCREENING PLANT
(CHATURBHUI STONE CRUSHER)
THROUGH ITS PROPRIETOR
SHER SINGH,
SON OF SHRI NANDU RAM,
AGE 50 YEARS, VILLAGE
THARAS, P.O. HURLA,
TEHSIL BHUNTER, DISTRICT KULLU, H.P.**

.... PETITIONER**(BY SH. VIJAY CHAUDHARY, ADVOCATE)****AND**

- 1. STATE OF HIMACHAL PRADESH
THROUGH ITS SECRETARY
(INDUSTRIES) TO THE GOVERNMENT OF
HIMACHAL PRADESH, SHIMLA-2.**
- 2. PRINCIPAL SECRETARY,
ENVIRONMENT, SCIENCE AND
TECHNOLOGY, HIMACHAL PRADESH,
SHIMLA.**
- 3. HIMACHAL PRADESH STATE
POLLUTION CONTROL BOARD,
THROUGH ITS MEMBER SECRETARY,
PARYAVARAN BHAWAN,
PHASE-III, NEW SHIMLA,
HIMACHAL PRADESH.**

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ADDL. A.GS. AND SH. BHUPINDER THAKUR, DY.A.G. FOR R-1
& R-2)**

(SH. VIR BAHADUR VERMA, ADVOCATE, FOR R-3)**CIVIL WRIT PETITION NO. 6418/2021****BETWEEN:**

**M/S GARGACHARTA STONE CRUSHER,
THROUGH ITS PROPRIETOR
VIJAY KUMAR,
SON OF LATE SHRI KASTURI LAL,
AGE 58 YEARS, VILLAGE
AND P.O. LARJI, SUB-TEHSIL SAINJ,
DISTRICT KULLU, H.P.**

.... PETITIONER**(BY SH. VIJAY CHAUDHARY, ADVOCATE)**

AND

1. **STATE OF HIMACHAL PRADESH
THROUGH ITS SECRETARY
(INDUSTRIES) TO THE GOVERNMENT OF
HIMACHAL PRADESH, SHIMLA-2.**
2. **PRINCIPAL SECRETARY,
ENVIRONMENT, SCIENCE AND
TECHNOLOGY, HIMACHAL PRADESH,
SHIMLA.**
3. **HIMACHAL PRADESH STATE
POLLUTION CONTROL BOARD,
THROUGH ITS MEMBER SECRETARY,
PARYAVARAN BHAWAN,
PHASE-III, NEW SHIMLA,
HIMACHAL PRADESH.**

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ADDL. A.GS. AND SH. BHUPINDER THAKUR, DY.A.G. FOR R-1
& R-2)**

(SH. MAAN SINGH, ADVOCATE, FOR R-3)

CIVIL WRIT PETITION NO. 6424/2021

BETWEEN:

**M/S DRISHTI STONE CRUSHER,
THROUGH ITS PROPRIETOR
HITESHVAR SINGH,
SON OF MAHESHWAR SINGH,
AGE 47 YEARS, RESIDENT OF RUPI PALACE,
WARD NO.4, LOWER SULTANPUR, KULLU,
TEHSIL AND DISTRICT KULLU, H.P.**

.... PETITIONER

(BY SH. VIJAY CHAUDHARY, ADVOCATE)

AND

1. **STATE OF HIMACHAL PRADESH
THROUGH ITS SECRETARY
(INDUSTRIES) TO THE GOVERNMENT OF
HIMACHAL PRADESH, SHIMLA-2.**
2. **PRINCIPAL SECRETARY,
ENVIRONMENT, SCIENCE AND
TECHNOLOGY, HIMACHAL PRADESH,
SHIMLA.**
3. **HIMACHAL PRADESH STATE
POLLUTION CONTROL BOARD,**

**THROUGH ITS MEMBER SECRETARY,
PARYAVARAN BHAWAN,
PHASE-III, NEW SHIMLA,
HIMACHAL PRADESH.**

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ADDL. A.G., SH. SHIV PAL MANHANS, SH. VINOD THAKUR,
ADDL. A.GS. AND SH. BHUPINDER THAKUR, DY.A.G. FOR R-1
& R-2)**

(SH. MAAN SINGH, ADVOCATE, FOR R-3)

CIVIL WRIT PETITION NO. 6425/2021

BETWEEN:

**M/S. ASHAPURI STONE CRUSHER,
THROUGH ITS PROPRIETOR
RAJINDER SINGH,
SON OF LATE SHRI BAHADUR SINGH,
AGE 56 YEARS, RESIDENT OF VILLAGE
AND P.O. HURLA,
TEHSIL BHUNTER, DISTRICT KULLU, H.P.**

.... PETITIONER

(BY SH. VIJAY CHAUDHARY, ADVOCATE)

AND

- 1. STATE OF HIMACHAL PRADESH
THROUGH ITS SECRETARY
(INDUSTRIES) TO THE GOVERNMENT OF
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ADDL. A.GS. AND SH. BHUPINDER THAKUR, DY.A.G. FOR R-1
& R-2)**

(SH. MAAN SINGH, ADVOCATE, FOR R-3)

CIVIL WRIT PETITION NO. 6427/2021

BETWEEN:

**M/S NAINA STONE CRUSHER,
THROUGH ITS PROPRIETOR
NARINDER GULERIA,
SON OF LATE SHRI DHARAM CHAND,
AGE 52 YEARS, RESIDENT OF VILLAGE
LUNAPANI, P.O. BHANGROTU,
TEHSIL BALH, DISTRICT MANDI, H.P.**

.... PETITIONER

(BY SH. VIJAY CHAUDHARY, ADVOCATE)

AND

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THROUGH ITS SECRETARY
(INDUSTRIES) TO THE GOVERNMENT OF
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ADDL. A.GS. AND SH. BHUPINDER THAKUR, DY.A.G. FOR R-1
& R-2)
(SH. VIR BAHADUR VERMA, ADVOCATE, FOR R-3)**

*This petition coming on for admission before notice this
day, **Hon'ble Mr. Justice Tarlok Singh Chauhan**, passed the
following:*

ORDER

Since common questions of law and facts arise for consideration in these petitions, the same were taken up together for hearing and are being disposed of by a common judgment.

2. These petitions have been filed for grant of following substantive reliefs: -

i) That a writ in the nature of certiorari may kindly be issued and communication dated 3.7.2021(Annexure P-12) may kindly be quashed and set aside.

ii) That a writ in the nature of mandamus may kindly be issued thereby directing the respondents to permit the petitioner to operate their Stone Crushers, which are existing prior to Notifications dated 29.5.2014 by renewing consent to operate.

iii) That the order dated 29.10.2018 passed by the learned National Green Tribunal in OA No. 358 of 2016 titled as Bhag Singh versus Union of India and ors may kindly be quashed and set aside.

3. The respondent-Pollution Control Board has placed on record instructions which reveal that the case(s) of the petitioner(s) for renewal to the crusher unit(s) have been rejected primarily on account of the orders passed by the National Green Tribunal in OA No. 358 of 2016 titled as Bhag Singh versus Union of India and ors.

4. Now that the legal position regarding the orders passed in Bhag Singh's case stands clarified in the **order dated 16.8.2021** passed by this Bench in **CWP No. 3711 of 2021**

titled as M/s Ghangal Stone Crusher vs. State of Himachal Pradesh & Ors., therefore, these writ petitions are disposed of with a direction to the respondents to reconsider the application(s) submitted by the petitioner(s) for the renewal of stone crusher(s) strictly in accordance with the aforesaid order within a period of four weeks from today. Pending application(s), if any, also stands disposed of.

5. For compliance, to come up on 23.11.2021.

Copy dasti.

(Tarlok Singh Chauhan)
Judge

(Satyen Vaidya)
Judge

19.10.2021
(pankaj)