

Item No. 2

(Court No. 2)

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.**

(Through Physical Hearing with Hybrid VC Option)

Original Application No. 161/2023

Rana Iqbal Singh Jolly & Ors.

...Applicants

Versus

State of Punjab & Ors.

...Respondents

Date of hearing: 14.03.2023

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER.
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER.**

Applicant: Mr. Sakal Bhushan, Mr. Vasu Bhushan and Mr. Nipun
Bhushan, Advocates.

**Original Application has been filed under the provisions of the National
Green Tribunal Act, 2010.**

ORDER

1. The present application has been filed under the provisions of the National Green Tribunal Act, 2010 on the averments that the Applicants are residents of Village Karoran, SAS Nagar, Mohali and have been residing in the said village for the past 3 decades. Their residences are located at the periphery of the prehistoric forest area. In the year 2018, Respondent no. 8 started its operations as an open air marriage palace/banquet in the village. It shares its boundary with the forest area as well as the walls of the residences of some of the Applicants. The Applicants and other residents of the area are aggrieved of the fact that Respondent no. 8 organizes large gatherings, plays loud music on loudspeakers, uses bright laser strobe lights and firecrackers all throughout the night till early morning hours (around 3:00-4:00 am)

thereby causing grave air/noise pollution in violation of the Noise Pollution (Regulation and Control) Rules, 2000 promulgated under the Environment Protection Act, 1986, various other rules/regulations and judgments/directions passed by the Hon'ble Supreme Court of India, this Tribunal and various High Courts. The Applicants approached the owners/management of Respondent No. 8 and requested them to discontinue their illegal activities and causing air/noise pollution. Further, the Applicants have also approached the concerned Authorities but no action has been taken. The forest area in question is of great significance not only to India, but the entire world in view of recent discovery of more than 2.6 million year old fossils in the area which are older than the previously known world's oldest fossils (2.58 million years old, Ethiopia) which suggest that hominin apes (including humans) might have their origin here and not in the great plains of Africa. While this prehistoric forest has stood the test of time and has a tale to tell, the Respondents in the present case are bent upon destroying its historic wealth and the present biodiversity.

2. *Prima facie*, the averments made in the application raise questions relating to environment arising out of the implementation of the enactments specified in Schedule I to the National Green Tribunal Act, 2010.

3. Let notices alongwith copies of the application and documents attached therewith be issued to the respondents requiring them to file their response/reply to the averments made in the application within two months by email at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.

4. In view of the averments made in the application, we also consider it appropriate that a Joint Committee be constituted to verify the factual position of the parks within municipal limits and activities going on their having concern to the environment and to submit its report with suggestions for taking of appropriate remedial action. Accordingly, we constitute a Joint Committee comprising of representatives of Central Pollution Control Board (CPCB), Punjab State Pollution Control Board (PPCB) and District Magistrate, Mohali. The Joint Committee shall meet within two weeks, undertake visits to the sites, verify the factual position and submit its report within two months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF. The State PCB will be the nodal agency for coordination and compliance.

5. List for further consideration on 30.05.2023.

6. A copy of this order, along with a copy of the application and documents attached with the same, be forwarded to Central Pollution Control Board (CPCB), Punjab State Pollution Control Board (PPCB) and District Magistrate, Mohali by e-mail for requisite compliance.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

March 14, 2023
AG