



2025:HHC:45666

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No. 13958 of 2024

Reserved on : 01.12.2025

Decided on: 29.12.2025

Chaman Lal ... Petitioner

Versus

State of H.P. through its Secretary (Panchayati Raj)
and others ... Respondents

Coram

Hon'ble Mr. Justice Ajay Mohan Goel, Judge.

Whether approved for reporting?¹ Yes

For the petitioner : Mr. Naresh K. Sharma, Advocate.

For the respondents : Mr. Rajpal Thakur, Additional
Advocate General for respondents-
State.

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

: Mr. Peeyush Verma, Senior Advocate
with Mr. Ajay Sharma, Advocate for
respondent No. 7.

Ajay Mohan Goel, Judge

By way of this writ petition, the petitioner has *inter alia*
prayed for the following reliefs:-

“(i). That writ of certiorari may kindly be issued. quashing and
setting aside the impugned Letter dated 15.07.2024 (Annexure
P-17) alongwith inspection note dated 25.04.2024, letter dated
22.07.2024 alongwith inspection report dated 13.07.2024

¹ Whether reporters of the local papers may be allowed to see the judgment?

(Annexure P-18) and letter dated 20.08.2024 alongwith inspection report dated 06.08.2024 (Annexure P-19) and order dated 29.08.2024 (Annexure P-20).

(ii) That writ of mandamus may kindly be issued, directing the respondent authorities to immediately close the poultry farm being run by Respondent No. 7 at the distance of about 10 meters from the Well, about 50 meters from the house of the petitioner in Village Pathiar (Chatth), Post Office Behi Pathiar, Tehsil Jawali, District Kangra, H.P. and less than 5 meter from the link road of the village, in a careless manner and without following the Environmental Guidelines for Poultry Farm.

(iii). That heavy penalty may kindly be imposed upon the Respondent No. 7, since the Respondent No. 7 is running the poultry farm in contravention to the Environmental Guidelines for Poultry Farm, due to which the petitioner and other residents of his village are compelled to live miserable life.

(iv). That strict action may kindly be taken against the Respondent No. 7 for running the Poultry Farm in gross violation of the law as well as against the conditions set by the Pollution Control Board.”

2. Brief facts necessary for the adjudication of this petition are that according to the petitioner, he is a resident of village Pathiar (Chatth), Post Office Behi Pathiar, Tehsil Jawali, District Kangra, H.P. He is an Ex-servicemen. Respondent No. 7, who is stated to be a man

with criminal history, obtained a no objection certificate dated 08.07.2018, from respondent No. 6 for opening a Poultry Farm in contravention to the guidelines, by appending fraud signatures of one Smt. Laja Devi and Surender in the General House meeting and he has opened a Poultry Farm contrary to the guidelines which were in vogue for opening such a Poultry Farm. According to the petitioner, respondent No. 7 has opened Poultry Farm, 50 metres away from his house, whereas the minimum distance of a Poultry Farm has to be 500 meters from a residential zone and 100 metres from any drinking water source. It is further the contention of the petitioner that despite objections having been raised in this regard, the authorities are not taking appropriate action against respondent No. 7 so as to close the Poultry Farm in issue. It is further the contention of the petitioner that respondent No. 7 and his family members have threatened the petitioner with dire consequences on his objecting to the running of the Poultry Farm, in violation of the guidelines.

3. Learned Counsel for the petitioner submitted that the Poultry Farm has been set up by the private respondent 50 metres away from the residential area, in violation of the guidelines which govern the opening of Poultry Farms. Learned Counsel further submitted that despite the fact that the petitioner and other persons have raised the issue with the concerned authorities, all are turning a

deaf ear because of the influence of the private respondent and as a result thereof, the petitioner and other residents are today not only living under fear but under circumstances which are completely unhealthy. Learned Counsel for the petitioner also submitted that this is not the position of the petitioner only but other residents of the area also. Learned Counsel further submitted that there was smell of birds and excreta all around the shed which was badly affecting the environment of the area with persistent foul smell. He also submitted that slaughtering activity was being carried out in the Poultry Farm and waste water was also being discharged in the nearby drains but inspection reports were being submitted to the contrary, which were completely contrary to the factual position, as was existing at the spot.

4. On the other hand, learned Senior Counsel for respondent No. 7 argued that the Poultry Farm was set up and was being run strictly in consonance with the guidelines in force. There was no violation of any guideline. He urged that the private respondents had set up the Poultry Farm after obtaining due permission from the authorities concerned. The complaints filed against the Poultry Farm by the petitioner were false and frivolous which were rightly rejected by the authorities. Learned Senior Counsel also submitted that the Siting Criteria which was being

relied upon by the petitioner to submit that the Poultry Farm was established by violating the norms about the distance between the Poultry Farm and the residential area was not applicable in the facts of the case, as the number of poultry that were there in the farm was much less. He submitted that the Poultry Farm was established by the private respondent over his own land and the total number of birds never exceeded 5000 at any point of time. Learned Senior Counsel further submitted that when the Poultry Farm was set up in the year 2018, necessary no objection certificate was obtained from the Gram Panchayat concerned. He submitted that no slaughtering activity was being carried out in the area and in case of any death or disease, the bird is immediately taken out in a gunny bag and buried in isolated places. Learned Senior Counsel submitted that excreta of the birds is collected once in a cycle of 35-40 days in a covered tractor trolley and handed over to the mushroom plants/farms in the nearby area for manure purposes. He further submitted that all care is taken by the private respondent that the farm is run in a proper manner and it does not create any nuisance to anyone. As per him, replying respondent is earning his livelihood by engaging himself in the business of poultry and the petitioner, who happens to be a relative of the private respondent, was unnecessarily harassing him

by filing false complaints. Accordingly, he prayed that as there is no merit in the present petition, the same be dismissed.

5. The stand of the authorities before the Court is that the Farm was set up by the private respondent in accordance with law and is being run properly.

6. In rejoinder, the petitioner has rebutted the stand of the respondents.

7. I have heard learned Counsel for the parties and have also gone through the pleadings as well as guidelines which regulate the setting up of the Poultry Farm.

8. It is not in dispute that the Poultry Farm in issue is in close vicinity to the residential area as the factum of the Poultry Farm being about 50-60 meters away from the house of the petitioner and other residents is not much in dispute. Therefore, the moot issue which this Court has to decide is whether Siting Criteria which is provided in the guidelines applies to hatcheries over 5000 birds at a given time on any single location or the same is independent thereof.

9. The Poultry Farm in issue was set up in the year 2018. The petitioner has appended with his petition as Annexure P-3 the guidelines dated 25.10.2015 on the subject: "CPCB Guidelines on Poultry Farms". A perusal of these guidelines demonstrates that besides other guidelines, guideline No. 6 thereof, provided as under:-

"6. Administrative mechanism

In the absence of any specific registration procedure in the country to enumerate the poultry farms, their size and nature of operations, the following are recommended:

The hatcheries of any size which are performing this exclusive operation, feed mills of any capacity and the commercial poultry farms which are handling more than 5,000 birds at a given time on any single location need to be got registered with local bodies.

The poultry farms which are handling 1,00,000 or more birds at a given time in single location need to approach State Pollution Control Board to obtain necessary Consent for Operation under Water Act, 1976.

Siting Criteria (For New Poultry Farms)

1. The poultry farm should not be located within

- 500 m from residential zone*

200 m from major water course like River, Lake and Canals

500 m from any major drinking water reservoir on catchment side.

100 m from any drinking water source like wells, summer storage tanks, other tanks.

500 m from nearby poultry, dairy or another livestock enterprises or Industry.

150-200 m from National Highway (NH).

100 m from State Highway (SH).

10-15 m from rural roads/internal roads/village pagdandis. ◇

2. The poultry sheds should not be located within 10 m from farm boundary.

3. The poultry sheds should be positioned.

on East to West direction

at least 2 m above the water table

at least 0.5 m above ground level.”

10. Thus in terms of these guidelines, in the absence of any specific registration procedure, a Hatchery of any size, performing exclusive operation, feed mills of any capacity and the commercial poultry farms, handling more than 5000/- birds at a given time on any single location, were required to be registered with local bodies. The Poultry Farms which are handling more than 1,00,000 birds at a given time in single location, were to approach the State Pollution Control Board to obtain necessary Consent for Operation under the Water Act, 1976. Now, Siting Criteria provided in these guidelines for new poultry farms was that the poultry farm should not be located within 500 metres from residential zone and 200 metres from major water course like river, lake, canals etc.

11. There are also on record environment guidelines for poultry farms which were issued in the month of January, 2022, in terms of the orders passed by learned National Green Tribunal in its order dated 16.09.2020. These guidelines are appended with the

reply filed by respondent No.2 as Annexure R2/1. In terms of these guidelines, the poultry farms are classified into three categories, i.e. small, medium and large. Small poultry farms are those which comprises of 5000 to 25,000 birds, medium size poultry farms are those which comprises of 25,000 to 1,00,000 birds and large poultry farms are those which comprises of more than 1,00,000 birds. The siting criterion which is mentioned in these guidelines for setting up of new poultry farms is also being quoted herein below:-

“New Poultry Farms (Set up after issuance of Guidelines) should preferably be established 500 m from residential zone in order to avoid nuisance caused due to odour & flies.

100 m from major water course like River, Lakes, canals and drinking water source like wells, summer storage tanks in order to avoid contamination due to leakages/spillages, if any.

100 m from national Highway (NH) and 50 m from State Highway (SH) in order to avoid nuisance caused due to odour & flies.

10-15 m from rural roads/internal roads/village pagdandis.

The Poultry sheds should not be located within 10 m from farm boundary for cross ventilation and odour dispersion.”

12. In terms of Siting Criteria, herein also, the poultry farm has to be 500 metres away from a residential zone in order to avoid nuisance caused due to odour and flies.

13. Before proceeding further, it is also relevant to refer to the document which is on record as Annexure R2/3, dated 20.08.2024, which is the communication addressed by Revisional Officer of the H.P. State Pollution Control Board to the Sub Divisional Magistrate, Jawali, which *inter alia* is to the effect that as on the date of inspection, there were 3808 birds being reared in the poultry farm in issue.

14. Besides this, there is another document on record as Annexure P-12, which is the report submitted by the Naib Tehsildar concerned to the Sub Divisional Magistrate concerned dated 16.01.2024, in terms whereof, the poultry farm was situated at a distance of about 50 metres from "abadi".

15. There is also on record appended with the petition as Annexure P-17, the report/inspection note submitted by Senior Veterinary Officer dated **15.07.2024** to the Sub Divisional Magistrate, Kangra, which inspection note has been prepared by three Veterinary Officers and the same reads as under:-

"In compliance to the letter from The Deputy Director, Animal Health and Breeding Kangra at Dharamshala, H.I.P vide letter no, AHY/KGR (F)-(5)-2-2/2019-Vol-1-5299,1 Dr Vikas Incharge VO, VCP Milwan along with Dr Vishal Sanyal, Incharge VO VII Baduhi and Dr Palak Incharge VO. VH Gangath inspected a poultry farm on dated 25.04.2024 of Sh Satpal

Singh S/O Sh Karan Singh resident of Village Pathiar (Chatth) V.P.O Behi Pathiar Teh Jawali Distt Kangra H.P and following observations were made:

1. Name of owner and address of poultry farm: Sh Satpal Singh S/O Sh Karan Singh resident of Village Pathiar (chatth) V.P.O Behi pathiar Teh Jawali Distt Kangra H.P

2. Sh Satpal Singh has the NOC from the concerned Gram panchayat representative.

3. Poultry farm of Sh. Satpal Singh is near to village link road (approx 50 m).

4. During inspection it was found that there were two buildings (one storied and two storied) with each floor of two storied building measuring (90x30 feet) 2700 sq feet with total area of 5400 sq feet and another one storied building measuring (70x28feet) 1960 sq feet with total area of 1960 sq feet. Presently 6000 poultry birds are being reared by the owner. They are 35 days old birds as on 25.04.2024 and total capacity of farm @1.1 sq feet area per bird, is around 6690 birds.

5. Nearest domestic area is approximately 50 meters away from the front and 20-30 m from the back side of the poultry farm.

6. No burial pit was present for the collection and burial of the dead birds.

7. Poultry farm, was approximately 300-350 metres away from the water source.

8. *No machinery or instruments has been installed in poultry farm to prevent pollution from the farm.*

9. *Poultry farm is well ventilated allowing sufficient supply of fresh air to remove humidity and for heat deception."*

16. A perusal thereof *inter alia* demonstrates that the poultry farm was near to the village link road approximately 50 metres away therefrom; it was 300-350 metres away from the water source; nearest domestic area was approximately 50 metres away from the front and 20-30 metres away from the back side of the poultry farm; and most important "**presently 6000 birds are being reared by the owner.**"

17. Reference of Annexure P-17 is in para-13 and 14 of the writ petition and reply of respondent No. 7 to para 13 and 14 of the writ petition is to the effect that para 13 of the petition has been denied for want of knowledge and it has been denied that officers/officials of the department have acted in a causal manner.

18. In fact, interestingly, it is mentioned in the reply of the private respondent that respondent No. 5 rightly relied upon report Annexure P-17 to P-19 submitted by the officers. Meaning thereby that the owner of the poultry farm has admitted to the contents of Annexure P-17. This Court again reiterates that in terms of Annexure P-17 as on the date when the site was inspected, there were 6000 birds being reared and the date of inspection is 15.07.2024.

19. In light of the fact that in the month of July, 2024, 6000 birds were found being reared in the poultry farm of the private respondent which has not been denied by the private respondent and rather the said respondent has admitted the contents of Annexure P-17, obviously, the poultry farm near the residential area cannot be allowed to operate.

20. The right to livelihood of respondent No.7 cannot overweigh the right to life of the petitioner and other similarly situated persons who are residing in the near vicinity of this poultry farm.

21. The residents of nearby area have a right to live in a clean and hygienic environment and obviously, none can reside in an area, 50 metres away wherefrom, there is a poultry farm where thousands of birds are being reared.

22. Besides this, otherwise also, this Court is of the considered view that as far as Siting Criteria of the poultry farm is concerned, it has to be read independently as from the number of birds which may be reared in a poultry farm for the purpose of registration for the reason that logically it cannot be said that whereas a poultry farm with 5000 birds should be 500 metres away from a residential area but a poultry farm having 4998 or 4999 birds can be in the heart of a residential area. Therefore, a poultry farm of

whatever size obviously has to be 500 metres away from the residential area so that there is no danger whatsoever either of foul smell or of any kind on account of such like poultry farms. The Siting Criteria has to be read accordingly, independent from the number of birds to determine which Poultry Farm is small, medium or large.

23. Accordingly, in light of above discussion, this writ petition is allowed. The impugned communications as prayed for, are quashed and set aside. Respondents-Authorities are directed to ensure that the private respondent closes his Poultry Farm forthwith and if he intends to run a Poultry Farm, he may do so by setting up a Poultry Farm 500 metres away from a residential area, as per law. In order to shift the present birds to some other area, 30 days time is given to respondent No. 7. Pending miscellaneous applications, if any, also stand disposed of accordingly.

(Ajay Mohan Goel)
Judge

December 29, 2025
(narender)