



Fourlane Visthapit and Prabhavit Samiti Versus State of H.P. & others

CWP No.5243 of 2022

26.06.2023 Present: Mr. Umesh Kanwar, Advocate, for the petitioner.

Mr. Anup Rattan, Advocate General, with M/s Rakesh Dhaulta, Navlesh Verma, Pranay Pratap Singh, Additional Advocate Generals and M/s Gautam Sood, Arsh Rattan, Sidharth Jalta, Deputy Advocate Generals, for respondents No.1 to 4.

Mr. K.D. Shreedhar, Senior Advocate, with Ms. Shreya Chauhan, Advocate, for respondent No.5-NHAI.

Heard learned counsel for the petitioner, learned Senior Counsel appearing for National Highways Authority of India (NHAI) and learned counsel for the State.

2. In this case, the petitioner had complained of illegal dumping of muck in the forest area by the contractors of NHAI, which is the 5th respondent herein, who had been entrusted the work of widening/construction of four-lane 'Kiratpur- Nerchowk National Highway'.

3. In the reply filed by respondent No.5-NHAI, it is admitted that on 12.06.2019, the DFO, Bilaspur Forest Division, H.P. (respondent No.4) had indeed made a complaint to them regarding illegal muck dumping in the forest land and also deviation to the proposal for widening of the said highway. No mention is made in the



reply filed by respondent no.5 as to what steps it had taken to remove the said muck. It is merely stated that Rs.8,45,700/- were paid by the concessioner to the State on account of the illegal muck dumping in the forest as if the payment of the said money will automatically dissolve the muck and make it disappear in thin air.

4. We are distressed at this irresponsible conduct on the part of the officials of respondent no.5 in not controlling their contractors and preventing them from dumping muck in forest areas. This is not the only case where such complaint has been received against the contractors of the NHAI.

5. Having regard to this disturbing conduct of NHAI, we deem it appropriate to *suo motu* implead the Union of India, through Secretary, Ministry of Environment & Forests, as a party respondent in the writ petition.

6. Mr. Balram Sharma, learned Deputy Solicitor General of India, accepts notice on behalf of said respondent.

7. Since, 5th respondent is working under the Union of India, through Secretary, Ministry of Transport, the said Ministry is also *suo motu* impleaded in the writ petition as a party respondent and Mr. Balram Sharma, learned Deputy Solicitor General of India shall file a response on behalf of said Ministry as to what it intends to do to ensure that the officials of NHAI do not permit muck dumping either in the forest areas of the State or



near water bodies and for removal of the muck dumped already by their contractors since some accountability is to be fixed on NHAI in this regard.

8. Let, response be filed by the newly impleaded respondents within a period of three weeks. List on **20.07.2023**.

(M.S. Ramachandra Rao)
Chief Justice

(Ajay Mohan Goel)
Judge

June 26, 2023
(Rishi)

Hidol