

Item No.05

**BEFORE THE NATIONAL GREEN TRIBUNAL  
CENTRAL ZONE BENCH, BHOPAL**  
(Through Video Conferencing)

**Original Application No. 25/2021 (CZ)**

Krishna Ram

Applicant (s)

Versus

State of Rajasthan & Ors

Respondent(s)

Date of hearing: 14.12.2021

**CORAM: HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER  
HON'BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER**

For Applicant(s):

Mr. Prabhat Kumar Yadav, Adv.

For Respondent(s):

Mr. Shoeb Hasan Khan, Adv

Mr. Arvind Soni, Adv

**ORDER**

1. The issue involved in this original application is discharge of untreated chemical polluted water into the agriculture land of the Applicant causing damage to the agriculture crops and contaminating ground water by Respondent No. 5. On a complaint made by the Applicant the State Pollution Control Board sent the polluted water for analysis and in the analysis it was found that the quality of the water is not fit for agricultural work and also not fit for drinking purposes. The Pollution Control Board, Rajasthan sealed the illegal washing plant and cleaning factory of Respondent No.5 situated at village Tena, District Jodhpur (Rajasthan). That, however, after sealing the said illegal washing plant of the Respondent, Respondent no. 5 alongwith some family members of his

family burnt the two huts (one was bigger, and another was small in area) of the Applicant situated in the village in the mid night of 19<sup>th</sup> July, 2020.

2. The matter was taken up on 31<sup>st</sup> May, 2021 and the Joint Committee consisting (i) Collector, District Jodhpur, Rajasthan, and (ii) The Rajasthan State Pollution Control Board with the directions to submit the Factual and Action Taken Report.
3. The Joint Committee has submitted the report to the fact that with regard to the criminal case of burning a hut a Criminal case FIR No. 0169 of 2020 was registered under Section 269, 277 and 336 of Indian Penal Code and after investigation the report was submitted before the Criminal Court and that is pending. Under Section 15 of the Environmental Protection Act, 1986, a complaint case has been filed which is reported to be pending.
4. After investigation, charge sheet has been filed against the person against whom Criminal liability has been fastened for committing the offence of burning the hut.
5. This Tribunal vide order dated 01.09.2021 directed the State Pollution Control Board to submit a report on the point of violation of environmental laws and in compliance thereof, the State Pollution Control Board had submitted the report with the facts that establishment and operation of textile processing plant without previous consent under Section 25/26 of the Water (Prevention and Control of Pollution) Act, 1974 from the State Pollution Control Board is violation of provisions of the Water (Prevention and Control of Pollution) Act, 1974. Similarly, discharge of effluent, not confirming to the prescribed standards of Environmental Protection Act, 1986 is violation of Section 15 of the Act, therefore, the Special Task Force has closed down the plant and also registered the case against the operator under section 269, 277, 336 of IPC and Section 15 of the Environmental Protection Act, 1986. Further,

after investigation “Challan” has been produced before Hon’ble Judicial Magistrate, Balesar.

6. On the point of possibility of damage to environment and land of the applicant, the State Pollution Control Board submitted the report that it can be done by any Expert Authority. The perusal of the plea/application reveals that the applicant wants to seek compensation to the tune of 6.17 lakhs from the Respondent No.5 for burning of the hut or the damage to the crops.
7. This is purely personal civil dispute between the parties and for the redressal of the grievances, the Applicant and the parties concerned may approach to the competent court. Since the matter has been investigated by the Police authorities under the CRPC, the matter is pending before the competent Criminal Court. Thus for want of any damage to the environment, no interference is required by this Tribunal in this matter.
8. The Original Application No. 25 of 2021 is finally disposed of.

**Sheo Kumar Singh, JM**

**Arun Kumar Verma, EM**

14<sup>th</sup> December, 2021  
O.A. No. 25/2021 (CZ)  
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