

**Subhash Vs. Delhi Pollution Control Committee and ors.**

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**SooperKanoon Citation :** [sooperkanoon.com/707433](http://sooperkanoon.com/707433)

**Court :** Delhi

**Decided On :** Dec-18-2001

**Reported in :** 95(2002)DLT650

**Judge :** Manmohan Sarin, J.

**Appeal No. :** CW No. 5204 and C.M. 8038/2000

**Appellant :** Subhash

**Respondent :** Delhi Pollution Control Committee and ors.

**Advocate for Def. :** Ravinder Chadha, Navin Chawla and ; Ajay Gupta, Advs.

**Advocate for Pet/Ap. :** Shahid Ali, Adv

**Disposition :** Petition dismissed

**Judgement :**

**Manmohan Sarin, J.**

1. The petitioner has filed this petition seeking a direction to respondent No. 4 to stop the spreading/emitting of pollution and also directing respondents 1 to 3, 5 & 6 to take appropriate and effective steps to curb/check the pollution and seal the polluting unit in accordance with law. It is further prayed that respondent No. 4's activity of repairing, manufacturing of generator/industrial activities in a residential

area be stopped.

2. Learned counsel for the petitioner makes a prayer for being permitted to file rejoinder. I have heard learned counsel for the parties and have taken the inspection report handed over by respondent No. 1 on record. I see no need for rejoinder.

3. Mr. Ravinder Chadha counsel for respondent No. 1 submits that an inspection has been carried out by the Delhi Pollution Control Committee and they have found that the shop in question is a very small shop having an area of 8 sq. yds. It is further stated that on inspection only a portable generator set of one KW was found. Further, there was no manufacturing activity going on and it was only a small repair shop. Learned counsel submits that there is no pollution being carried out or caused by respondent No. 4's activities. Learned counsel for respondent No. 4 Mr. Ajay Gupta has filed an affidavit where it is stated that the petitioner has been set up by the previous employer of respondent No. 4 out of vengeance and sheer professional jealousy. It is stated that respondent No. 1 was employed with one Mr. Tarun Sikri. He submits that this is a petition actuated by malafides and professional jealousy of his former employer and the petitioner has been used for the said purpose. From the facts it is revealed that the petitioner is a resident of Gandhi Nagar and the shop in question is situated at a distance of more 1 1/2 kms away. It is apparent that the petitioner himself cannot have any personal grievance in this regard. Learned counsel for the petitioner attempted to justify that the petitioner is a dealer in electric goods and, therefore, when he passes in front of the respondent No. 4's shop he would be affected by the pollution. Petitioner has no locus. This is not a public interest litigation.

4. Considering the inspection report, which is filed by respondent No. 1 it is apparent that this is not a bona fide litigation and is actuated by malafides. The writ jurisdiction is very often sought to be misused to settle private inter se disputes and acrimony. Such litigation has to be deprecated. Counsel for the petitioner makes a submission that there is also the aspect of running of a shop without a license. The said grievance will be looked into by the respondent-MCD and if true, action will be taken in accordance with law. The writ petition is

dismissed with costs of Rs. 10,000/- to be paid by the petitioner to the Prime Minister National Relief Fund within four weeks.

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