

CM-18286-CWP-2024 in/and CWP-25661-2023

PANKAJ YADAV

V/S

STATE OF HARYANA AND ANOTHER

Present :- Petitioner in person.

Mr. Suneel Ranga, DAG, Haryana.

Mr. Vivek Saini, Advocate
for respondent No.2/M.C. Gurugram.

The instant petition has been filed highlighting the non-removal of garbage scattered over the entire city of Gurugram thus exposing the residents to an aggravated danger of multiple diseases. Although the petition had been instituted at the time when the sanitation workers had gone on a strike, which such cause has already presently come to an end, however, this Court had sought response from the respondent-State about the status of garbage lifting and segregation in Gurugram-the millennium city of Haryana. The petitioner had also appended photographs of scattered dump of different places which was also being illegally burnt. The same was lying scattered at different places inviting stray cows and dogs enhancing the risks for commuters.

A short reply was filed by the Joint Commissioner of the Municipal Corporation, Gurugram appending certain photographs about clearing and removal of garbage from different parts of the city. The photographs appended by the officials were however countered by the petitioner by placing on record certain additional photographs and alleging

that only certain selective photographs have been appended by the respondent-State before this Court to mislead by false information.

In order to prime facie assess the status of cleanliness and lifting of garbage/dump, the respondents were called upon to file an affidavit on certain questions posed to them. In the affidavit so filed, it was apprised by the Municipal Corporation, Gurugram that work force of 3025 sanitation workers were assigned the task of cleaning the streets, roads and drains in Zone-1, 3 and 4 and apart therefrom two different agencies had been engaged in Zone-2 for carrying out the cleanliness and the garbage was being collected by these agencies as well as the sanitary workers of the Municipal Corporation, Gurugram and collected at 23 designated secondary collection points. There had been a jugglery of statistics given by the respondents only to pat their own back about the purported works undertaken by them towards timely removal of the garbage and solid waste generated in the city through different agencies. In the vehicle summary furnished by the respondent-MCG, they have laid stress on the available manpower as well as machinery for handling of the garbage/solid waste which includes nearly 470 vehicles alongwith the registration numbers thereof as well as the names of the employees who are working on the said vehicles. The information sought by this Court in its order dated 10.04.2024 is extracted as under:-

- (i) *the total quantity of monthly per capita trash including residential, business and institutional waste being generated along with monthly construction and demolition garbage; the biological waste and electronic waste? (data for one year);*

- (ii) the total workforce deployed by Municipal Corporation, Gurugram for collection and disposal of such waste along with vehicle engaged for carrying such waste to dumping sites? (Monthly data for one year).*
- (iii) the per vehicle carriage capacity of garbage along with total number of rounds taken by each vehicle. (Monthly data for one year); and*
- (iv) the monthly statement of total garbage received of each dumping site notified by the Municipal Corporation, Gurugram. (Duration one year).*

Notwithstanding that the specific information had been sought about total quantity of monthly per capita trash including residential, business and institutional waste being generated alongwith monthly construction and demolition garbage, biological waste etc., the respondents have chosen to furnish unnecessary data without addressing the issues posed to it, primarily with an intent of burdening the Court record with useless paper work rather than to discharge the responsibility required of them. Time was granted to the respondents to ensure expeditious actions required to be undertaken than to file unnecessary papers to burden the Court record, however, nothing seemed to have made any impact on the respondent-MCG.

This Court is also in receipt of certain photographs showing huge dump collected at different sites in Gurugram alongwith the purported Geo tagging of the areas by one Join Hands Foundation having its office at A-14, Golden Arcade, Sector 67, Gurugram. It has been alleged that the agencies and officials involved in ensuring cleanliness of Gurugram are indulging in misusing the money given by the Government for the cleanliness campaign and that the actual ground reality sees no change.

Learned Additional Advocate General, Haryana was called upon to explain the same and it was also inquired from him as to whether any official from the Municipal Corporation, Gurugram has come to assist the Officer of the Court in the proceedings or not. He has apprised that no person from the office of the Municipal Corporation, Gurugram has come to assist him for the proceeding or to give instructions. The complete lack of response shown by the respondents shows that they do not seem to care even for an appropriate briefing on the pending issues and more so when such issues pertain to an everyday life of a man on street. The Counsel however could not dispute that there was a huge gap between garbage generation and collection.

The attempt by the official of the respondent-MCG to file unnecessary documents and statistics aimed at creating confusion than to address the issue espoused is deprecated. A cost of Rs. 50,000/- is accordingly imposed upon the respondent-Municipal Corporation, Gurugram to be deposited with the District Legal Services Authority, Gurugram within a period of 06 weeks of the receipt of certified copy of this order. In case the said amount is not deposited, the above said amount be deducted from the salary of the Additional Commissioner, Municipal Corporation, Gurugram and be made good. Compliance of the same be filed before this Court on the next date of hearing.

Even though the learned counsel appearing on behalf of Municipal Corporation, Gurugram has raised an emphatic argument that the Contractors empanelled by the Municipal Corporation are doing their work satisfactorily and that the garbage is being regularly collected, he also apprised this Court during his submissions that a penalty had been imposed

upon the erring Contractor for non-performance of his assigned work to the satisfaction and a Show Cause Notice has also been issued as to why the contract awarded to him be not cancelled. The said notice has been challenged by him before this Court. He also informs that there has been a manifold increase in the garbage generated as against the contract in capacity and that the problem of lifting has arisen on the said score.

I find that the arguments advanced on behalf of the respondent-Civic Body are inherently contradictory. While on the one hand it is being emphasized that the garbage is being lifted regularly and there is no delay, at the same time they themselves are admitting that the work of the Contractor is not satisfactory and they have initiated action against him. It thus becomes an attempt on the part of the Municipal Corporation, Gurugram to submit meaningless papers and data by concealing the actual reality at the ground. The same thus necessitates verification of the claim made on behalf of the respondent-Municipal Corporation as well as by the petitioner and the applicant.

Learned counsel appearing on behalf of the respective parties contend that the said aspect can be duly verified by appointment of Local Commissioner.

Adverting to the verification of the existing status of the garbage collection, this Court is of the view that the law enjoins upon the civil bodies to ensure that the garbage does not remain piled up on streets and that the sanitation and hygiene is duly maintained. It is a matter of routine that people have been hurt by the stray animals that gather around the unduly scattered garbage. The Hon'ble Supreme Court has already held in the matter of ***“Dr. B.L. Wadhera versus Union of India and others”*** reported as ***(1996) 2 SCC 594*** that the civic agencies are bound to maintain

cleanliness and expedite removal of garbage within the areas under their jurisdiction and that dereliction thereof amounts to violation of the right of a citizen to a clean environment and thus impinging upon rights guaranteed under Article 21 of the Constitution of India. This Court does not see this petition as an adversarial litigation and considers it as a human problem. While Gurugram is being marketed as a millennium city showcasing the stride in development and growth made by the State of Haryana, It is necessary that the State agencies and Civil agencies gear up for the challenges of urbanization and ensure that the city remains clean. The claims as raised thus need to be verified but before such verification, this Court deems it appropriate that an appropriate time be also granted to the respondents to take adequate and appropriate steps for removal of the garbage.

Learned State counsel has given the details of the areas that fall under the municipal limit for which Nodal Officers have already been appointed by them and that the responsibility of overseeing the work of the Contractor(s) be fall on such Nodal Officer nominated by the Municipal Corporation, Gurugram.

The following are accordingly appointed as the Local Commissioners to visit the area mentioned against their names and to submit a report about the garbage collection and dump in different localities of Municipal Corporation, Gurugram and whether such removal of garbage is being regularly, expeditiously and efficiently being done or not.

Sr. No.	Name of the Advocate	Enrollment and Mobile numbers.	Sector/area allotted
1.	Mr. Lokendra Singh	UP/16291/2021 Mobile No.6387505404	Air force Station, Ashok Vihar Phase 1, Ashok Vihar Phase 2, Ashok Vihar Phase 3, Carterpur Village, Chander Market, Chippy Colony, Sector 21,

			Chooma Village, Dundahera Village Maruti Udyog, MDI, Moulahera Village, Palam Vihar Extn, Sarhaul, Sector 17, Sector 18
2.	Mr. Ishan Sharma	Mobile No.7747011501	Civil Line, Kothi, Patel Nagar, Officer Colony.
3.	Mr. Aditya Kumar	Mobile No.9310710844	Sector 37 B, Saraswati Enclave, Udyog Vihar Phase 6, Khandsa Village, Old Industrial Area Khandsa Road, Sector 36, Narsinghpur, Narsinghpur Village, Mohanmmadpur Jharsa Mohanmmadpur Jharsa Village Kherki Daula Village
4.	Ms. Shiwani Rawal	PH/9901/2022 9350600480	Anand Garden, Ashok Garden, Bhim Colony, Daultabad Industrial area, Dhanwapur, Dhanwapur village, Mahalaxmi Garden, New Palam vihar phase 1, New Palam vihar phase 3, Nihal Colony, Rajendra Park, Ram Vihar, Sarai Alawardi Village, Sector 100, Sector 101, Surat Nagar Phase 1 & 2, Tek Chand Nagar
5.	Ms. Bindu Bala	PH/281/2024 8725823453	Babupur, Daulatabad, Bajghera, Dhankot, Dharampur, Harsaru, Harsaru Village Kherki Majra Mohammad Heri Village, New Palam Vihar Phase 2, Pawala Khusrupur Village Sector 102 A, Sector 103, Sector 106, Sector 109
6.	Mr. Chaman Deep	PH/926/2022 9017176842	Basai Enclave 1, Basai Enclave 2, Basai, Basai Village, Sector 37 D, Sector 37 C, Gharoli Kalan, Gharo i Kalan Village, Gharoli Khurd Village, Gharoli Khurd, Kadipur Industrial Area, Kadipur Enclave, Laxman Vihar Phase 1,2, Canon Enclave/Sector 4, Sector 9 A, Surya Vihar
7.	Mr. Archit Rana	PH/4676/2023	Gandhi Nagar, Devi lal Colony, Rajiv Chowk to Hero Honda Chowk, Pace City Sector 37 part

		8054318884	1, Harinagar, Jyoti park, Sector 9, Shivaji nagar, 7 (Housing Board and Extn.) Basai Chowk, Sector - 10, New Colony, Near NK Factory, Kadipur, Old Complex, 4/8 Marla, Jail Road, Amar Colony, Shiv nagar, New Colony Part 2, Raj nagar, Khandsa Road, Firoj Gandhi Colony - 2, Ambedkar Nagar, Vikash Nagar, Laxmi Nagar, OM Nagar, Shakti nagar, Bhuteshwar Mandir to NK Factory, Sector- 10A, Bhawani Enclave, Umang Bhardwaj Chowk to Hero Honda Chowk, Firoj Gandhi Colony -1, Dharmapura etc. (Panchayt Area)
8.	Ms. Parul Sharma	PH/3641/2023 9877799087 7986805022	Sector 1, 2 & 3 Palam Vihar, Sector 21, Sector 21 Surya Vihar, Sector 22, Sector 23, Sector 23 A, Sheetla Colony, Sukhrali, Udyog Vihar Phase 1, Udyog Vihar Phase 2, Udyog Vihar Phase 3, Udyog Vihar Phase 4, Udyog Vihar Phase 5, Chauma Khera
9.	Ms. Bhagya Shri	PH/1246/2015 9041180531	Acharya Puri, Adarsh Nagar, Amanpura, Baraf Khana Bhim Nagar, Bhimgarh Kheri Phase 1,2,3, Canal Colony, Civil Lines, Dayanand Colony, Friends Colony, Gopal Nagar, Gurugram Village, HVPNL Colory, IDC, Indra Puri, Jacampura, Kirti Nagar, Mahavir Pura, Old DLF, Patel Nagar
10.	Ms. Kompal	P/3276/2018 9877472235	Police Line, Rajiv Nagar, Rajiv Nagar West, Roshanpura, Sanjay Colony, Sanjay Gram, Sector 12 A, Sector 14, Sector 15-1, Sector 15-2, Sector 16, Sector 3, Sector 5, Sector 6, Huda Market 12 A, Lajpat Nagar
11.	Dr. Malvika Singh	P-915/2012	Ambience Island, Aravali Biodiversity Park, DLF City

		7087083150	Phase 2, Sector 25, Shahpur, DLF City Phase 3, DLF Corporate Park, Garden Estate, Mall Road, Nathupur, National Media Center
12.	Ms. Komal Sharma	D/2387-2008 8283831982	Aravali Hill Sikanderpur Ghosi, Chakkarpur, DLF City Phase 1, DLF Phase 4 Chakkarpur, Aravali Hill Chakkarpur, Global Business Park, Jalvayu Vihar, Maruti Vihar, Saraswati Vihar, Sector 27, Sector 28, Sector 42, Sector 43, Sector 55-56, Sikanderpur, Suncity /Sector 54, Sushant Lok Phase 1, Sushant Lok Phase 1 Block A&B
13.	Ms. Rakhi Sharma	P/1572/2004 9914800444	Sector- 41,40,31,32,324,52,44,45,43, 49,46,47,51&57, Sector- 31,31 & 40, South City Dividing road, Sector 30/39 & 31/40 road, Rajiv Chowk to Bakhtawar Chowk, Subhash Chowk to Cyber Park, Rajiv Chowk to Subhash chowk, Ansal Valley, SS Group Road, South City 1, Sector- 44 & 45 Dividing Road, Ramada Hotel Road, Cyber Park to Huda City Center
14.	Ms. Dheerja	PH-9425/2022 70094-65401	Huda City Centre to Signature Tower, Huda City Center to Iffco Chowk, Bakhtawar Chowk to Women Cell to Ambedkar chowk, Mayfield Gardan to University road, Wazirabad Mandi to Sector - 45 Red Light via artimis hospital, Old SPR to Sector - 57 Musjid, Old SPR to Wazirabad Red light left side road, Gujar Chowk to ST Zaiver School old SPR road, SS Group to Mayfield Gardan Redlight, Samshan Gath via lotas valley school to Nirwana Country Chowk.
15.	Ms. Roja Agnihotri	P-3244/2017 8557886157	Vatika Chowk to Sector 56 Chowk, Sector - 49 -50 Dividing road to ST Xavier School Old SPR road, Gashola Red light old SPR to Park hospital road, South

			City red light to Mayfield garden, Mayfield garden to nirwana country old SPR, Ardee City, South City - 2, Nirwana Country, Malibu Town, Rozwood City, Uppal Southend, May field Garden, Sushant Lok-2 & 3.
16.	Mr. Sanyam Garg	PH/2820/2024 84324-86962	Ansal Valley Road Rajesh Pilot Chowk To toll Tax, Vipul Trade Centre to vipul world Road, Hero Honda Chowk to Toll Tax, Subhash Chowk to Hero Honda Chowk, Sector-33,34,35,58,59,60,61,62,63,63A, 64,65,66,67,67A,
17.	Ms. Samridhi Sareen	P-3844/2017 7830851334	Sector 70,70A,75,75A, 76 Subhash Chowk to Vatika Chowk, Vatika Chowk to Bhondsi Toll Tax, Sohna Road to Sriram School, Tikri Village Behind to vipul World-Fazilpurpulua, Vatika Chowk to NH 8(New SPR), New SPR Road to Behrampur Fazilpur road Opp. (Suraj School), New SPR M2M to Lady Flowrance School Begumpur Khatola.
18.	Mr. Varun Aryan Sharma	PH/3475/2023 9130410001	New SPR Pahadi Mandir road to Hayat Residency NH8, Votka Chowk to Ullawas RED Light old SPR, Badshapur Sohna Road to vai tulip Chowk NH8 Haldiram, Rajiv Chowk to Hero Honda Chowk service road, Vipul World, Uppal Southend, Village Bhondsi (A), Sneh Vihar, Kesar Nagal, Dabki, GitanandAsharm, Bhondsi (B) Kaptan Jagmal Singh Colony.
19.	Mr. Bhuwan Vats	P/742-2013 9888838377	Harijan Colony, Sainik Colony, Prem Kun, Bhondsi (C) Om Kunj, Nur Nagar, KIIT College Colony, Shree Ram Encalve, Bhondsi (D) ABSM School Colony, Bhim Singh Encalve, Defiance Colony, Naya Gaon, Village- Kadarapur, Dhumaspur, Village- Ullawas, Umarpur Nagli, Village- Maidawas (Bhuapur), Village- Palra,

			Village- Behrampur, Maruti Kunj Area
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With a view to obtain a comprehensive report after associating the local stake-holders, the following directions are also issued:-

- (i) That the Municipal Corporation shall share the details of its Nodal Officers alongwith their mobile numbers with the respective Local Commissioner appointed for the area under their control;
- (ii) That the Local Commissioner shall visit the assigned area as above on 02.01.2025 and may continue with the inspection on 03.01.2025 as well if it remains unfinished;
- (iii) That the Municipal Corporation, Gurugram shall intimate the respective Residents Welfare Associations (RWA) about the date of the visit of the Local Commissioner(s) and their mobile numbers so that the RWA may nominate its representatives. The Municipal Corporation should also send such information to the concerned area Councilor for their information.
- (iv) The Municipal Corporation, Gurugram shall publish the dates of visit of the Local Commissioner(s) in newspapers having circulation in the area atleast 03 weeks before the date fixed for the visit of the Local Commissioner(s) so that the members of general public are also informed about such visit and can show the spots where such garbage has been dumped/stacked in the residential vicinity.

- (v) The Local Commissioner(s) shall submit their reports to a Committee under Chairmanship of Mr. Inderjit Singh, District & Sessions Judge (Retired), Mobile No. 94165-77277 and Ms. Jigyasa Tanwar, Advocate, P/160/1997 as member who shall compile the report furnished by the different Local Commissioner(s) and submit a concise report about the sanitation conditions in different areas;
- (vi) That in the event of the report reflecting poor lifting of garbage in a respective area assigned to the Local Commissioner(s), the Contractor as well as the Nodal Officer shall be liable to a cost of Rs.1 lakh and Rs.10,000/- respectively for each default in any respective area of the Local Commissioner to be deposited with the General Hospital, Gurugram for purchase of medical equipments. The Local Commissioner shall also furnish in the report his/her opinion as to whether the garbage piled up is more than 02 days old as on the date of his/her visit or not and that the penalty would be applicable only under the circumstances where the garbage has not been removed for a period of more than 02 days;
- (vii) The above said penalty imposed upon the Contractor shall be without prejudice to the liability, if any, against the Contractor under the work awarded to him as per the tender. The penalty against the Nodal Officers shall also be recoverable from their own pocket and without imposing any financial burden on the public exchequer;

- (viii) The fee(s) of each Local Commissioner for the assigned respective area is quantified as Rs.33,000/- and an additional amount of Rs.10,000/- shall also be payable to the Local Commissioner(s) towards travelling, boarding & lodging and ministerial expenses. The said fee(s) shall be paid by the Municipal Corporation at the first instance.
- (ix) The fee(s) of the Committee to reconcile the report submitted by the Local Commissioner(s) is fixed @ Rs.1.25 lakhs and an additional amount of Rs.15,000/- shall also be paid to the Chairperson while a sum of Rs. 1.10 lakhs shall be payable to the member.
- (x) The Local Commissioner(s) shall submit their report alongwith the photographs, if any, to the aforesaid Committee on or before 24.01.2025. The concise report may thereafter be filed before this Court by the aforesaid Committee by 17.02.2025.
- (xi) The fee(s) of the Committee shall also be paid by the Municipal Corporation at the first instance and subject to further orders that may be passed by this Court.

To come up for further consideration on **17.02.2025.**

NOVEMBER 07, 2024
Vishal sharma

(VINOD S. BHARDWAJ)
JUDGE