Item No.01 Court No. 1

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Original Application No. 602/2026

Raja Muzaffar Bhat & Ors. Applicant(s)

Versus

Union Territory of Jammu and Kashmir & Ors. Respondent(s)

Date of hearing: 17.11.2026

CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER

Applicant: Mr. Saurabh Sharma, Adv. for Applicant

ORDER

1. In this Original Application, the applicant has alleged that the Municipal Committee, Pampore is illegally dumping the municipal solid waste and plastic waste at Patalbagh (Samboora), Pampore, District Pulwama, Union Territory of Jammu & Kashmir.

2. The plea of the applicant is that solid waste illegally dumped in the area concerned generates leachate from the untreated waste and it percolates to aquifer and also runs through channels into the river Jhelum, which is less than 1 km away from the site.

3. Further plea of the applicant is that the site in question is a potential saffron growing area notified under Section 3(1) of the Saffron Act, 2007.

4. Learned Counsel for the applicant has pointed out that applicant no. 2 to 38 are the saffron cultivators in the surrounding area and their crop is damaged on account of unauthorized dumping of the municipal solid waste in the area, generation and flowing of the leachate and the rodents

and porcupines which are attracted on account of such illegal dumping of the solid waste which damages the crop of the applicant.

5. It is also the plea of the applicant that dumping had led to foul smell, increase in the rodents and stray dogs and contamination of the surface water.

6. Learned Counsel for the applicant has referred to the report of the J&KPCC filed as annexure A-7, which records the status of the site found during the site inspection on the basis of the complaint as under:-

"

- *Whereas, the Solid Waste Management Facility including the Material Recovery Facility (MRF) set up by the Municipal Committee, Pampore at Patlibagh-Galander, Pampore was recently inspected by the Divisional Officer, Pollution Control Committee, Pulwama and the observations made are reproduced as under:-*
    1. *Heaps of unsegregated and untreated legacy waste consists of both bio-degradable domestic waste and non-biodegradable materials like disposable plastic items (SUP) and packaging materials has been witnessed within the MRF premises;*
    2. *Peripherial areas around the MRF and nearby saffron fields shows presence of scattered plastic waste. Also, rodents and stray dogs has been found roaming inside and around the Material Recovery Facility and thus posing threat to the people and passer-by and affectuating the saffron cultivation and the horticultural activities in the surrounding areas as well;*
    3. *There is no management of leachate or contaminated liquid waste that perculated through accumulated legacy waste lying within the MRF, no treatment of waste, no processing of waste, no compaction and soil layering of solid waste and no proper disposable arrangements for legacy waste and leachate waste as per the provisions under the Solid Waste Management Rules, 2026 are out in place; and."*

7. Submission of Learned Counsel for the applicant is that this dump site is unauthorized for which no clearance from the competent authority has been taken, and in the aforesaid background, his further submission is that the applicants are entitled to environmental damage compensation on account of the loss of the crop due to the ill effects of the unauthorized site.

8. The O.A. raises substantial issue relating to compliance of the environmental norms.

9. Issue notice to the respondents.

10. Applicant is directed to serve the respondents and file affidavit of service at least one week before the next date of hearing.

11. To ascertain the status at the ground level, we deem it proper to form a joint committee comprising the representative of the Member Secretary, J&KPCC, RO, MoEF&CC, Chandigarh and an expert from the Sher-e-Kashmir University of Agricultural Sciences and Technology of Kashmir (SKUAST-K) to be nominated by the Vice-Chancellor of the university, as also the Deputy Commissioner, Pulwama. The Deputy Commissioner, Pulwama will act as the coordinating agency in the joint committee. The joint committee will visit the site, find out the extent of municipal and plastic waste which is dumped at the site in question, ascertain the status of necessary clearances from the competent authority for the dump site/material recovery facility. The committee will also ascertain the effect of dumping of the waste at the site in question upon the crop of the surrounding areas. The Committee will complete this exercise within a period of eight weeks and will submit the report immediately thereafter.

12. List on 03.02.2027.

Prakash Shrivastava, CP

Dr. Afroz Ahmad, EM

November 17, 2026
Original Application No. 602/2026
Jg.