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**IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR
WP No. 2802 of 2004**

(ALOK PRATAP SINGH Vs THE UNION OF INDIA & ORS.)

Dated : 13-09-2022

Shri Naman Nagrath, learned Senior counsel with Shri Jubin Prasad, learned counsel for the petitioner.

Shri Pushpendra Yadav, learned Assistant Solicitor General for the Union of India.

Shri Vivek Sharma, learned Deputy Advocate General for the State.

Shri Ravindra Shrivastava, learned Senior counsel and Shri Kishore Shrivastava, learned Senior counsel with Shri Shiraj Patodia, Shri Kunal Thakre, Ms. Divya Sharma, Shri Ashish Singh, Ms. Juhi Chawla, Shri Mayank Singhal and Ms. Ananya Shrivastava for respondent No.4.

Shri Siddharth Luthra, learned Senior counsel with Shri Pankaj Singhal and Ms. Shubhangi Jain, learned counsel for respondent No.5.

Shri Ajay V. Gupta, learned Senior counsel with Shri Rajeev Mishra also for respondent No.5.

Learned Senior counsel Shri Naman Nagrath, at the outset, informs that the petitioner-Alok Pratap Singh is no more. Since this is a PIL which has to be taken to its logical conclusion and cannot suffer abatement only due to death of the petitioner, this Court directs the Registry to mention the expression " (Deceased)" after the name of the petitioner in the cause-title followed by the expression "In rem", with a red pen.

After hearing learned counsel for the rival parties, this Court is of the considered view that an affidavit needs to be filed of the Secretary of Petroleum and Chemicals, Government of India revealing the present status of the process

of incineration of the remaining toxic waste weighing 340 metric tons (approx.). The affidavit should also disclose as to why further steps were not taken as regards incineration.

It is also informed that a transfer petition bearing No.170/2011 has been filed by the Union of India seeking transfer of this petition before the Apex Court.

The present status of the said transfer petition be also disclosed in the affidavit and also the intent of the Union of India to pursue the same.

Besides the aforesaid, affidavit is also directed to be filed of Secretary, M.P. Pollution Control Board, Bhopal as well as Principal Secretary, Gas Tragedy Relief and Rehabilitation, Bhopal in regard to other aspects which have been mentioned in phase-I, phase-II and phase-III of the order dated 13.05.2005 in this case.

Aforesaid affidavits be filed within a period of two weeks.

List on 29th September, 2022.

SHEEL NAGU)
JUDGE

(VIRENDER SINGH)
JUDGE

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