

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF MARCH, 2022

PRESENT

THE HON'BLE MR. RITU RAJ AWASTHI, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE S.R.KRISHNA KUMAR

WRIT PETITION NO. 6386 OF 2022 (LE-RES-PIL)

BETWEEN:

1 . A B DEVARAJU

2 . A S PARAMESHA

3 . SAGAR A C

... PETITIONERS

(BY SRI SHARATH S. GOWDA, ADVOCATE)

AND:

- 1 . THE STATE OF KARNATAKA
DEPARTMENT OF RURAL DEVELOPMENT
AND PANCHAYATH RAJ
BY ITS PRINCIPAL SECRETARY
M.S. BUILDING
AMBEDKAR VEEDHI
BENGALURU – 560 001.
- 2 . THE STATE OF KARNATAKA
RURAL DRINKING WATER AND
SANITATION DEPARTMENT
BY ITS PRINCIPAL SECRETARY
2ND FLOOR, E BLOCK
K.H.B BUILDING
CAUVERY BHAVAN
BENGALURU – 560 009.
- 3 . THE EXECUTIVE ENGINEER
RURAL DRINKING WATER AND
SANITATION DEPARTMENT
MANDYA DIVISION
MANDYA DISTRICT
MANDYA – 571 401.
- 4 . THE DEPUTY COMMISSIONER
D C OFFICE
PARK ROAD 2, PES COLLEGE CAMPUS
NEAR DISTRICT COURT
MANDYA – 571 401.
- 5 . THE ASSISTANT COMMISSIONER
K R PETE TALUK
A C OFFICE, K R PETE
PIN CODE – 571 426.
- 6 . THE TAHASILDAR
K R PETE
TALUK OFFICE
MANDYA – 571 426.
- 7 . THE CHEF EXECUTIVE OFFICE
ZILLA PANCHAYAT, MANDYA
PES COLLEGE CAMPUS ROAD
NEAR DISTRICT COURT
MANDYA – 571 401.

- 8 . THE EXECUTIVE OFFICER
TALUK PANCHAYAT
K R PETE TALUK
MANDYA – 571 426.
- 9 . THE GRAMA PANCHAYATH
SOMANAHALLI
AKIKIHEBALU HOBLI
K R PETE TALUK
MANDYA DISTRICT
MANDYA – 571 605
REP. BY ITS SECRETARY.
- 10 . VINOD KUMAR S.P.
CLASS III CONTRACTOR
NO.166, 3RD CROSS
ANIKETHANA ROAD
JAYANAGAR EXTENSION
K R PETE TALUK
MANDYA – 571 426.

... RESPONDENTS

(BY SRI G.V. SHASHI KUMAR, AGA FOR
RESPONDENT NOS. 1, 2, 4, 5 & 6)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE WRIT IN THE NATURE OF MANDAMUS OR ANY OTHER APPROPRIATE WRIT DIRECTING THE RESPONDENT AUTHORITIES TO SHIFT THE LOCATION IDENTIFIED FOR SETTING UP SOLID WASTE MANAGEMENT UNIT OF SOMANAHALLI GRAMA PANCHAYATHI FROM SY.NO. 178 OF AMABIGARAHALLI VILLAGE, OF AMBIGARAHALLI VILLAGE, SOMANAHALLI POST, AKKIHEBBALU HOBLI, K.R. PETE TALUK, MANDYA DISTRICT AND ETC.

THIS PETITION COMING ON FOR PRELIMINARY HEARING THIS DAY, **CHIEF JUSTICE** MADE THE FOLLOWING:

ORDER

This Public Interest Litigation has been filed seeking the following reliefs:-

"a. Issue Writ in the nature of mandamus or any other appropriate writ directing the Respondent Authorities to shift the location identified for setting up Solid Waste Management Unit of Somanahalli Grama Panchayathi from Sy No 178 of Ambigarahalli Village, of Ambigarahalli Village, Somanahalli Post, Akkihebbalu Hobli, K R Pete Taluk, Mandya District.

b. Issue Writ in the nature of mandamus or any other appropriate writ directing the Respondent Authorities to consider the geographical location and its environmental impact, having regard to nearness to river bed, in identifying and marking areas for setting up Solid Waste Management Unit henceforth.

c. Issue any other Writ, Order or Directions, as this Hon'ble Court deems fit to grant in the circumstances of the case, including the costs of this Writ Petition, in the interest of justice and equity."

2. Learned counsel for the petitioners submits that the location of the site for solid waste management unit at Somanahalli Grama Panchayathi at Sy.No.178 of Ambigarahalli Village, Akkihebbalu Hobli, Krishnarajpet Taluk, Mandya District is not at all proper and correct. It is submitted that it is very much near to the river and as such, there is strong apprehension that the solid waste

dump at the proposed site may pollute the river. It is also submitted that nearby there are temples and as such, it may affect the religious sentiments of the people visiting the temples. It may also cause environmental pollution and health hazards for the people living nearby the area to the site. The petitioners who are said to be the residents of the area have raised the grievance but, it has not been considered by the Authorities concerned.

3. Be that as it may, we are of the considered view that the grievance of the petitioners, who are said to be the residents of the nearby areas where the proposed solid waste management unit is to be established shall be considered by the concerning Authorities and it is for the concerning Authorities to find out the most suitable place for the establishment of the solid waste management unit. The impact of dumping of solid waste is to be kept in mind while deciding the location of the site. It shall not affect the residents of the area and the environment at large.

4. We, therefore, dispose of this writ petition with the observations that the petitioners may raise their grievance by way of fresh representation within a period of ten days from today before respondent No.4-Deputy

Commissioner, DC Office, Mandya district, who may look into the matter and if need be, take an expert opinion, and pass appropriate orders in accordance with law expeditiously, say, within a period of six weeks from the date a certified copy of this order along with the representation is placed before him.

**Sd/-
CHIEF JUSTICE**

**Sd/-
JUDGE**

KPS