

High Court of Karnataka
Daily Orders of the Case Number : WP 24739/2012 for the date of order 27/05/2013

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Honble Justice N.KUMAR AND B.V.NAGARATHNA
27/05/2013

Order in WP 24739/2012

The BBMP has placed on record the action taken by them, along with a copy of the recommendations of the BBMP Expert Committee of Municipal Waste Management dated 24/04/2013 and Technical Committee recommendation of EOI application dated 03/01/2013.

2. After hearing of the concerned, it was felt before the court can act on these reports of the Expert Committees, objections have to be called for from any one who is interested in filing objections to the said report. Therefore, BBMP is directed to web-host these two reports in their website calling for objections and also give sufficient publicity of web-hosting of the report in the website for the purpose of objections. It is also open to objectors to file their objections before this Court on the next date of hearing and substantiate their objections. On consideration of the objections, the Court will decide accepting the report as it is or as modified and act on the same.

3. The State has also filed a report setting out the action taken in pursuance to the directions issued by this Court and the same is also taken on record.

4. A memo is filed on behalf of the second petitioner in W.P.No.46601/2012 along with photographs showing the dumping of garbage on railway tracks. A copy of the same is also furnished to the BBMP. The same memo would be considered after the BBMP files its reply.

5. A memo is filed by the petitioner in W.P.No.30450/2012

along with paper cuttings showing dumping of garbage opposite to Press Club near Bal Bhavan, near Queen's Statue, near U.B. Tower Junction, behind the High Court and a copy of the same is furnished to the BBMP. After the objections by the Corporation the said memo would be considered.

6. On the last occasion, a complaint was made that garbage and construction debris is dumped in Turanahalli, photographs have been produced. The Corporation admits the fact of dumping the garbage in Turanahalli forest. It is submitted that they have no jurisdiction over the land where the garbage is dumped as it belongs to the Forest Department. Therefore, the Government Advocate is directed to bring the said facts to the notice of the Forest Department and have their say in this matter on the next date of hearing.

7. The Commissioner for Corporation who is present before the Court submitted that there are no existing rules for disposal of debris and also preventing littering of filth. Therefore, it is necessary to frame rules providing for stringent penalties and enforce the same which alone would be a solution to this problem on a long term basis. In fact, the Corporation has framed rules and they have forwarded the same to the Government for approval, which is yet to be approved by the Government. Learned Government Advocate submits, as the new Government has taken charge, it will take sometime for them to look into the matter and acquaint themselves to take appropriate action.

8. It is in this context, it is necessary to point out that this court has been issuing direction from time to time to the Government for compliance. Though some of the directions have been complied with, all the directions are not complied with. In these circumstances, it is necessary for the new Government, which has taken charge to apply their mind to all the orders passed by this Court from time to time and then comply with the same. It is true that they need sometime. Therefore, the Government is directed to file a status report on the next date of hearing setting out in one

column the directions issued from the Court from time to time and in the opposite column to state what action they have taken so that on the basis of the said report to be filed, further directions could be issued.

9. The Commissioner of Corporation brought to the notice of the Court, the positive response from various institutions, from the Corporation of Bangalore, the association of hotels, restaurant association, builders association and also association of persons holding kalyana mantaps and associations who have come forward to take the responsibilities of collecting, transporting and disposing of the solid waste and that they have requested the Corporation to make available land for the said purpose.

10. Learned counsel appearing for the petitioners submits that they seek time to file an application to implead all those persons as a party to the proceedings and appropriate directions could be issued in their presence so that their difficulties also could be heard and a solution be found. Therefore, permission is granted to file impleading application to implead other associations. The petitioners may also include any other bulk generator which has been left out.

11. This Bench has been hearing this matter from 06/12/2012. We deem it appropriate to place on record the assistance given by Sri. Siddaiah the Commissioner of Corporation in solving the problem which is faced by the Bangalore City. He was forth-right in his submissions placing on record the difficulties faced by the Corporation and whatever directions were issued by this Court have been duly implemented without excuses and expeditiously. The petitioners who are appearing in this case who were his bitter and honest critics six months back submit that all that has been done in the last six months in the Corporation is because of the leadership given by Sri.Siddaiah and they really do not know how the momentum which has been gained could be maintained in his absence as he is retiring from office from 31st of this month. He has won the hearts of Bangaloreans, by his prompt, honest and quick action. In

fact, they want his continuation till this problem is solved in Bangalore. His continuation in the office does not fall within the jurisdiction of this court. All that we could do is to place on record our appreciation of his assistance given and the work done in these six months. The court also feels that without his assistance, it would not be easy for the court to find a solution to the problem faced by the people of Bangalore. It is for the Government to take a decision on his continuance. However, on a request made to him, he readily agreed to associate himself in any manner in this litigation and extend his co-operation in solving this problem in the interest of the citizens of Bangalore. We appreciate his stand in this regard.

12. In that context, we requested him to submit a report in respect of matters which are not covered under the two reports filed before this court which according to his opinion is necessarily to be done to find a lasting solution of garbage problem in Bangalore, for which he has readily agreed. Therefore, we requested Mr. Siddaiah to be a part of this proceedings and would appreciate his presence on all the hearing dates to assist the Court in solving the problem which is raised in these petitions.

13. He also assured us that in the Corporation he has formed a Committee of enthusiastic officers who are actively assisting him in this six months who are also present in the court and they also gave assurance to the court that they will continue to assist the court even in his absence.

14. An application is filed by the proposed respondent No.18 Ms.A.Manjula

15. Petitioner to file objections.

List this matter on 28/06/2013.

Copy of this order may be furnished to all the concerned forthwith.