

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P. (PIL) No. 5221 of 2019

Sitaram, aged 69 years, S/o. Late Jivlal Ram, Resident of Village- Kud, P.-
Rewali & P.S- Katkamdag & Dist- Hazaribag

... .. Petitioner

Versus

1. The State of Jharkhand
2. The Chief Secretary, Jharkhand having its office at Project Building, P.O & P.- Dhurwa, Dist- Ranchi
3. The Secretary, Department of Forest, Environment and Climate Change, Government of Jharkhand, P.O & P.S & District - Ranchi
4. The Deputy Commissioner, P.O & P.S & Dist- Hazaribag
5. The Municipal Commissioner, Municipal Corporation, Hazaribag P.O & P.S & Dist- Hazaribag
6. The Member Secretary, Jharkhand State Pollution Control Board, T.A Division Building, H.E.C, P.O & P.S- Dhurwa, Dist- Ranchi

... .. Respondents

**CORAM: SRI SANJAYA KUMAR MISHRA, C.J.
SRI ANANDA SEN, J.**

For the Petitioner: Mr. Awnish Shankar, Advocate
For Resp. No.5: Mr. Ranjit Kumar, Advocate
For Resp. No.6: Mr. Radha Krishan Gupta, Advocate
Ms. Rishita Singh, Advocate

04/Dated: 18.07.2023

Upon hearing the learned counsel for the parties, this Court passed the following, (*Per*, Sanjaya Kumar Mishra, C.J.)

ORDER

- 1) By filing this Public Interest Litigation, the petitioner has prayed for issuance of writ in the nature of mandamus commanding upon the respondents to remove the huge garbage and solid waste products scattered and spread openly in a public place measuring an area of 11 acres of land for last seventy years in Ward No.24 situated in Kud, PO- Rewali, PS- Katkamdag, District – Hazaribag. He has also further prayed for a direction upon the respondents to take immediate action for stopping the dumping of garbage and waste products of the whole Hazaribag town in the ward as described above.
- 2) It is the case of the petitioner that when the dumping yard was started, it was scarcely populated area, but now a Mohalla is situated over there which is thickly populated. So, the dumping of garbage on that place is not only creating environmental pollution but also creating health hazardous for the residents residing there.

- 3) In the meantime, a counter affidavit has been filed by respondent No.5 i.e. Hazaribag Municipal Corporation. At paragraph 10 of the counter affidavit, the said Municipal Corporation has stated that the Hazaribagh Municipal Corporation has already issued e-procurement Re-Tender Notice on 02.01.2019 for door-to-door collection, transfer, transportation, developing and operating an integrated Municipal Solid Waste Processing Facility and Engineered Sanitary Landfill Facility in municipal area as SWM Rules 2016 for Hazaribag Township for a long term design, building, operate and transfer (DBOT) basis for municipal solid waste for 20 years O&M at the land in question. It also borne out from the annexed drawing that about 6-8 kms away from the Hazaribagh City a dumping yard has already been identified and earmarked for the purpose of carrying down the garbage.
- 4) However, even though the tender has been issued on 02.01.2019, as yet no final decision has been taken. In that view of the matter, we hereby dispose of this Public Interest Litigation directing the Municipal Corporation to conclude the tender process and finalize the tender in favour of an appropriate, qualified and competent bidder within a period of two months hence and make the new dumping yard operational within a period of four months hence. Any violation of this order will invite contempt.
- 5) With such observations and directions, this Public Interest Litigation is disposed of.
- 6) There shall be no orders as to costs.
- 7) Pending Interlocutory Applications, if any, stand disposed of.
- 8) Urgent certified copies as per rules.

(Sanjaya Kumar Mishra, C.J.)

(Ananda Sen, J.)

Manoj/MM