

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF APRIL, 2022

PRESENT

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

AND

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

WRIT PETITION NO.105033 OF 2021 (GM-RES)

BETWEEN:

1. NARAYANA S/O DYAVA NAIK,
AGED 75 YEARS, ADVOCATE AND
AGRICULTURIST,
R/O AISUR, TQ: SIDDAPUR,
UTTAR KANNADA DISTRICT-581 344.

2. HONNI W/O IRA NAIK,
AGED 65 YEARS, COOLIE,
R/O AISUR, TQ: SIDDAPUR,
UTTAR KANNADA DISTRICT-571 344.

... PETITIONERS

(BY SRI B.R. SRINIVASA GOWDA, ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY THE SECRETARY,
DEPARTMENT OF RURAL DEVELOPMENT
AND PANCHAYAT RAJ, VIDHAN SOUDHA,
BENGALURU-560 001.

2. DEPUTY COMMISSIONER,
UTTAR KANNADA DISTRICT, KARWAR,
KARWAR-581 344.

3. TAHSILDAR,
SIDDAPUR, TQ: SIDDAPUR,
UTTAR KANNADA DISTRICT-581 344.

4. PANCHAYAT DEVELOPMENT OFFICER,
VAJAGOD PANCHAYAT, VAJAGOD,
TQ: SIDDAPUR, UTTAR KANNADA DIST.-581 344.

... RESPONDENTS

(BY SRI VIJAYAKUMAR A. PATIL, AGA FOR R-1 TO 3;
V/O DTD. 21.04.2022 NOTICE TO R-4 DISPENSED WITH)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARI QUASHING THE ORDER NO.R B/L N D-1/CR-03/2021-22 E30100 DATED 10.05.2021 AT ANNEXURE-D PASSED BY THE 2ND RESPONDENT – DEPUTY COMMISSIONER, UTTAR KANNADA, KARWAR AND ISSUE A WRIT OF MANDAMUS DIRECTING THE RESPONDENTS TO ADHERE TO THE GUIDELINES UNDER THE ENVIRONMENT LAWS WHILE DISPOSE OF THE SOLID WASTES GENERATED BY THE HOSPITAL AND RESIDENTIAL AREAS AND ETC.

THIS PETITION COMING ON FOR PRELIMINARY HEARING, THIS DAY, **S.R. KRISHNA KUMAR, J.**, MADE THE FOLLOWING:

ORDER

For the order proposed, notice to respondent No.4 is dispensed with.

2. In this petition, the petitioners have sought for the following reliefs:

- I. Issue a writ of Certiorari quashing the order No.R B/L N D-1/CR-03/2021-22 E30100 dated 10.05.2021 at Annexure-D passed by the 2nd respondent – Deputy Commissioner, Uttar Kannada, Karwar,*
- II. Issue a writ of Mandamus directing the respondents to adhere to the guidelines under the environment laws while dispose of the solid wastes generated by the hospital and residential areas and,*
- III. Issue such other orders and directions as may be deemed fit in the circumstances of the case, in the interest of justice and equity.*

3. Heard learned counsel for the petitioners, learned counsel for respondent Nos.1 to 3 and perused the material on record.

4. It is the grievance of the petitioners that the impugned order at Annexure-D dated 10.05.2021 granting the subject land for the purpose of landfill site for disposal of residential and hospital wastes is done without following the guidelines under the Environmental Laws and despite the petitioners and other residents submitting a written representation dated 22.09.2021 and the President of the Vajagod Panchayat writing a letter dated 11.10.2021. Apart from the fact that the Deputy Tahsildar and the Revenue Officer visiting the spot drawing a panchanama stating that there is a street nearby, respondent No.4 is proceeding to construct landfill site.

5. In view of the aforesaid facts and circumstances, we deem it just and proper to dispose of this petition directing the concerned respondents to consider the aforesaid representation dated 22.09.2021 and the letter dated 11.10.2021 as well as the panchanama referred to *supra* and take appropriate decision in this regard with regard to usage of subject land for the purpose

of construct of landfill site, in accordance with law, within a period of three months from the date of receipt of a certified copy of this order.

Accordingly, with the aforesaid observations and directions, the petition stands disposed of.

Liberty is reserved in favour of the petitioners to submit additional representation to the concerned respondents, which shall also consider the same in accordance with law.

**SD/-
CHIEF JUSTICE**

**SD/-
JUDGE**

BMC