

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.13959 OF 2005

ORDER:

The present Writ Petition, under Article 226 of the Constitution of India, came to be filed with the following prayer:

“..to issue an appropriate Writ, order or direction, more particularly, one in the nature of Writ of Mandamus, declaring the action of the respondents in using portion of land as dumping yard and their purpose to construct a slaughter house over a portion of Government land covered by Sy.No.944, which is surrounded by the dwelling units, house sites, rice mill, etc., situated at Kamareddy Town, Nizamabad District, as bad and illegal.”

2. The averments made in the affidavit filed in support of the writ petition are as under:

The petitioner claims to be owner of the land admeasuring Ac.2.10 Gts., in Sy.No.171 situated at Rameshwarpally Village, Kareddy Mandal, Nizamabad District. Respondent No.2 is proposing to construct a slaughter house, in a portion of Government land admeasuring Ac.7.11 Gts., situated in Sy.No.944. Over the remaining open land, the Municipal Council, Kamareddy is dumping debris and waste material. In the said process, agricultural land of the petitioner, which is abutting the Government land, is getting affected. The vehicles dumping the waste material are entering into the Government land through their property, thereby causing enormous loss. On account of the debris being dumped, plastic material and the other unwanted articles are getting soaked or

spread over their lands. In spite of several representations made by the petitioner, there is no response from the respondents authorities. Hence the present writ petition.

3. No representation on behalf of the petitioner.

4. A counter came to be filed by the Commissioner (R.2) denying the averments made in the writ petition except admitting the proposal relating to construction of a slaughter house. In paragraph No.3, it is stated that due to bad environmental conditions in Town, the Municipal Council, Kamareddy, have proposed to construct a slaughter house in Kamareddy Town and accordingly the District Collector, Nizamabad, allotted Ac.1.00 Gts., of land. As per the Master Plan in Kamareddy Town, the land allotted for construction of the slaughter house is lying within municipal limits, whereas the lands of the petitioner covered in Sy.No.171 are not covered by Master Plan, which is out side Municipal Limits as per Master Plan.

5. As seen from the averments in the writ petition, it appears to be in the nature of public interest litigation. The averments do not anywhere indicate that the petitioner lives in the residential area, where the authorities have proposed to construct a slaughter house.

6. Having regard to the circumstances of the case, since the construction of the slaughter house is almost complete as on today and taking into consideration facts and circumstances of the case, more particularly with regard to place, where the slaughter house is

established and the purpose for which it has been located, the request of the petitioner cannot be considered.

7. Accordingly, the Writ Petition is dismissed.

Consequently, Miscellaneous Petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

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JUSTICE C. PRAVEEN KUMAR

Date:03.08.2017

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