

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION Nos.18330 AND 28343 OF 2017

COMMON ORDER:

These two writ petitions are being disposed of by this common order as they relate to establishment of the dumping yard.

W.P.No.18330 of 2017 is filed challenging the action of the fifth respondent herein in issuing the notice dated 23.05.2017 threatening to demolish their cattle shed and dispossess them from the land in Survey Nos.28 and 35/4 of Atlapadu Village, Nidadavole Mandal, West Godavari District, for the purpose of establishment of dumping yard, whereas W.P.No.28343 of 2017 is filed challenging the proposal to establish dumping yard in R.S.No.28 of the said village.

A reading of the averments in W.P.No.18330 of 2017 shows that the petitioners are claiming title to the land of an extent of Acs.2.00 in Survey No.35/4 and the panchayat officials are proposing to establish the dumping yard in between the 'puntha' of their land, which is a vacant site. It is their further case that they are utilising the said vacant site by raising a cattle shed. Now the petitioners are asked to remove the shed by notice dated 23.05.2017 issued by the Panchayat Secretary. In the same writ petition, the petitioners made a contrary averment stating that they have been cultivating the entire land in Survey Nos.28 as well as 35/4.

W.P.No.28343 of 2017 is filed by fourteen petitioners challenging the establishment of dumping yard on the ground that they are residents of the village and establishment of dumping yard would create a lot of pollution. It is their case that the proposed site is not at all suitable or fit to establish the dumping yard. The dumping yard is being established without taking 'No Objection Certificate' from the residents of the vicinity.

This Court, by order dated 08.06.2017, directed the respondents not to establish any dumping yard and gave liberty to the respondents to take action for removal of any encroachments by following due process of law.

Now a counter affidavit is filed by the District Panchayat Officer stating that the Tahsildar, Nidadavole, handed over an extent of Acs.0.20 cents of land on 17.08.2016 to the Gram Panchayat and the said land was classified as 'Grama Kanthan Poramboke'. It is situated in Survey No.28, which is of the total extent of Acs.24.00. The land of the petitioners in W.P.No.18330 of 2017 is situated in R.S.No.35/4, which is adjacent to the land in R.S.No.28. The petitioners are having other ways to reach main road from their lands. The Gram Panchayat proposed to establish a Solid Waste Management Unit in the site handed over by the Tahsildar. There is R&B road in between the land of the petitioners and Christian Prayer House. It is also stated that in Solid Waste Management, the wet and dry garbage will be separated and the manure will be prepared in order to use the same for agricultural purpose and it will not emanate any smell. The said site was found suitable and feasible for establishment of a Solid Waste Management Unit. The notice was issued as the Panchayat Secretary has to preserve the property belonging to the Gram Panchayat by removing encroachments in accordance with G.O.Ms.No.188, P.R., dated 21.07.2011.

It is clear from the above facts that the Gram Panchayat wanted to establish a Solid Waste Management Unit in the site of an extent of Acs.0.20 cents in Survey No.28, which is already handed over to it by the Tahsildar, which is classified as 'Grama Kantham Poramboke' in revenue records. Admittedly, the petitioners have no title to the said land. It is also stated in the counter affidavit that the Solid Waste Management Unit does not create any pollution and it is useful for farmers for the purpose of developing organic manure. The petitioners in W.P.No.18330 of 2017 have not submitted any explanation showing their title to the land and straightaway approached this

Court. Since the establishment of a Solid Waste Management Unit is for the benefit of agriculturists and also the residents of the village, this Court is not inclined to entertain the writ petitions.

The writ petitions are accordingly dismissed. Consequently, miscellaneous petitions, pending if any, in these writ petitions shall stand closed. There shall be no order as to costs.

A.RAMALINGESWARA RAO, J

11.09.2017
pln

