

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No. 23866 of 2017

ORDER:

This writ petition is filed seeking a direction to respondent No.2 not to make any construction on the 'cremation ground-cum-burial ground' in an extent of Ac.0.20 cents of land in R.S.No.377 of Teki Village, Kapileswarapuram Mandal, East Godavari District including a solid waste management shed.

Respondent No.2 filed a counter-affidavit stating as follows:

"This respondent submits that the subject burial ground is in an extent of Acs.3.94 cents. This burial ground is situated outskirts of the village. It is relevant and appropriate to state here that apart from the subject burial ground, there are three other burial grounds are in existence for other community people. It is further relevant to state here that though the subject burial ground is an extent of Ac.3.94 cents, but the entire land is not being used as burial ground. There is a huge pit on the outer margin in the said burial ground. The villagers used to dump all the waste in that pit and in the rainy season, the water use to store in the said pit and due to the same a pungent smell is emanating apart from breeding of mosquitoes. In fact it is causing lot of health hazardous to the villagers. It is submitted that there is no dumping yard in the village. As the villagers are accustomed in throwing the garbage in the said pit, the Gram Panchayat has resolved to level the pit and use the same as solid waste management unit by constructing a shed. If the same is established, it has two benefits, one the villagers cannot dump the garbage in the said pit and also the rain water will not be stagnated and it gives protection to the villagers from the health hazardous. The Gram Panchayat has passed a resolution *vide* Resolution No.11, dated 03.08.2016 to establish a solid waste management unit by utilising an extent of Ac.0.10 cents out of the above mentioned Acs.3.94 cents. Even the Grama Sabha also passed resolution *vide* resolution No.8, dated 02.10.2016, to the said effect. Except the petitioners herein no other

persons in village has any grievance in this regard, the petitioner has not raised any grievance in the village in the Grama Sabha. As stated above, the entire land is not being used as burial ground and if the said Ac.0.10 cents is converted into a Solid Waste Management Unit no prejudice will be caused to the villagers in the village including to the petitioners and at the same it would be helpful and benefit to the villagers. It is relevant to state here that apart from the above mentioned resolution of Grama Sabha, three more times the Grama Sabha was conducted and accordingly passed resolution *vide* Resolution No.5, dated 10.03.2017. Similarly, the Gram Panchayat also passed another resolution *vide* Resolutions No.52, dated 28.03.2017.”

In view of the above, there is no damage to the burial ground existing except utilising only Ac.0.10 cents of land which is already being used for dumping of garbage.

In the circumstances, this Court sees no ground to entertain the present writ petition.

The writ petition is accordingly dismissed. However, it is open to the petitioners to take appropriate proceedings in accordance with law challenging the resolutions, if they are aggrieved.

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

A.RAMALINGESWARA RAO,J

Dt:12.09.2017

kdl

