HIGH COURT OF ANDHRA PRADESH : AMARAVATI

CHIEF JUSTICE J.K. MAHESHWARI
&
JUSTICE NINALA JAYASURYA

WRIT PETITION (PIL) No.297 of 2020

(Taken up through video conferencing)

Kankanala Sri Hari Krishna S/o. Kankanala Ramesh,
Aged about 37 years, Occ: Managing Partner of
Kanakadurga Projects, Residing at Flat No.101,
Lords Residency, 7th Road, Bharathi Nagar,
Vijayawada- 520008, Krishna District, Andhra Pradesh.

.. Petitioner

Versus

State of Andhra Pradesh,
Rep. by its Principal Secretary,
Department of Panchayat Raj and Rural Development,
5th Block, Ground Floor, Room No.107,
A.P. Secretariat Office, Velagapudi,
and (6) others.

.. Respondents

Counsel for the petitioner : Sri Anil Kumar Devalaraju

Counsel for respondent No.1 : GP for Panchayat Raj & RD

Counsel for respondent Nos.2, 4 & 5 : GP for Revenue

ORAL ORDER

Dt: 27.11.2020

per J.K. Maheshwari, CJ

This writ petition, under Article 226 of the Constitution of India, has been filed by the petitioner in the nature of public interest litigation, aggrieved by the action of respondent No.7- Gram Panchayat in allowing dumping of garbage on both sides of Enikepadu Road (Donka Road) and using the same as dumping yard, which is not only causing obstruction to the road users but also resulting in environmental pollution, thereby affecting the public health. The petitioner contends that despite submitting

several representations to the authorities concerned, no action is being taken by them. He, therefore, filed the present writ petition seeking appropriate directions.

After hearing the learned counsel for the parties and looking to the fact that dumping of garbage on the sides of the road would affect the environment and public health, we are of the considered opinion that the District Collector concerned has to look into the issue and take necessary steps.

In view of the above, the writ petition is disposed of with the following directions:

The petitioner is directed to submit a fresh representation to respondent No.2 – District Collector, Krishna District, along with all relevant material, within a period of one week from the date of receipt of a copy of this order. On such representation being made, the same shall be considered and decided by respondent No.2, by taking appropriate steps. If any of the officers of the Gram Panchayat are found at fault for illegal dumping of garbage on both sides of the subject road, appropriate action may be taken against them in accordance with due procedure. It is made clear that this Court has not expressed any opinion on merits of the case and it is left open to the District Collector to deal with the issue and do the needful.

As a sequel, all the pending miscellaneous applications shall stand closed. No order as to costs.

J.K. MAHESHWARI, CJ **NINALA JAYASURYA, J**

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