

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

WRIT PETITION No.4278 of 2020

ORDER :

This Writ Petition is filed seeking *Mandamus* declaring the action of respondent Nos.2 to 4 in not removing the dump yard in front of the petitioner's premises in Sy.No.51 of Rukmapur Village, Nyalakal Mandal, Sangareddy District, in spite of the representation dt.03.02.2020 made by the petitioner, as arbitrary and illegal, and consequently sought a direction to the respondents to remove the said dump yard.

The petitioner has purchased agricultural dry lands to an extent of Acs.9-01 guntas in Sy.No.51/A of Rukmapur Village, Nyalakal Mandal, Sangareddy District, through a registered Sale Deed No.3001/2008, dt.30.05.2008, besides already having lands in Sy.No.51/E/1A, to an extent of Acs.4-22 guntas and Sy.No.52/A/1 to an extent of Ac.0-30 guntas in the very same village. After conducting due enquiry, his name was also entered in the Revenue records in respect of the said lands and Pattadar Pass Books were also given in his favour. The petitioner has constructed a compound wall around his land and he is cultivating the said land. While so, respondent No.4 has erected a Tin Shed in front of the main gate of the petitioner's premises and made it a waste material dumping yard without any intimation to the petitioner. In spite of making a representation dt.03.02.2020 by the

petitioner to respondent Nos.2 to 4 to remove the said dumping yard in front of his gate, no action has been taken to remove the same till date. Hence, the present writ petition.

Heard learned counsel for the petitioner and the learned Government Pleader for Revenue.

Learned counsel for the petitioner submits that due to erection of dumping yard near the petitioner's premises and dumping of waste material without taking any precautionary measures, unhygienic condition would arise in the said locality, due to which the inhabitants of the petitioner's house and other general public in the locality would suffer from health problems and hence sought to remove the said dumping yard near the petitioner's premises.

The learned Assistant Government Pleader for Revenue, on written instructions, would submit that Ac.0-10 guntas of land in Sy.No.54, which is abutting the petitioner's land, is a Government land and the same is proposed for construction of a dumping yard. It is also submitted that the alleged dumping yard is not constructed in front of the gate of the petitioner's premises and that the dumping yard is not even touching the compound wall of the petitioner's premises. It is also contended that no orders are required to notify the area for being used as a dumping yard for waste litter, as imputed by the petitioner.

In this case, it is to be seen that, even according to the affidavit filed by the petitioner, the alleged dumping yard is not erected in the petitioner's premises, but it is erected in front of the gate of the petitioner's premises. In the above written instructions, it is disputed that the dumping yard did not even touch the compound wall of the petitioner's premises. Therefore, the only grievance of the petitioner appears to be that the respondents are dumping the waste material without even taking any precautionary measures.

When the learned counsel for petitioner was questioned as to what is the grievance of the petitioner when the dumping yard was not erected in the petitioner's premises, learned counsel for the petitioner submits that the respondents have neither followed the procedure prescribed before erecting the dumping yard nor taken any precautionary measures while dumping the waste material in the subject premises, due to which the entire premises will become unhygienic and prone to diseases.

In view of the above facts and circumstances of the case, this writ petition is disposed of directing the competent authority to take necessary precautionary measures in accordance with law while dumping the waste material in the dumping yard and see that cleanliness and hygienic condition would prevail in and around the dumping yard. No order as to costs.

As a sequel, miscellaneous applications pending, if any,
shall stand closed.

A. RAJASHEKER REDDY, J

05.03.2020.
Msr



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(Msr)