

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

WRIT PETITION (PIL) NO. 116 of 2015

FOR APPROVAL AND SIGNATURE:

**HONOURABLE THE ACTING CHIEF JUSTICE MR. VIJAY MANOHAR
SAHAI**

and

HONOURABLE MR.JUSTICE R.P.DHOLARIA

1	Whether Reporters of Local Papers may be allowed to see the judgment ?	
2	To be referred to the Reporter or not ?	
3	Whether their Lordships wish to see the fair copy of the judgment ?	
4	Whether this case involves a substantial question of law as to the interpretation of the Constitution of India or any order made thereunder ?	

JAGTE RAHO PARTY (REGISTERED)....Applicant(s)

Versus

MUNICIPAL COMMISSIONER....Opponent(s)

Appearance:

PARTY-IN-PERSON, ADVOCATE for the Applicant(s) No. 1
MR MAULIK G NANAVATI, ADVOCATE for the respondent

**CORAM: HONOURABLE THE ACTING CHIEF JUSTICE MR.
VIJAY MANOHAR SAHAI
and
HONOURABLE MR.JUSTICE R.P.DHOLARIA**

Date : 30/06/2015

ORAL JUDGMENT
**(PER : HONOURABLE THE ACTING CHIEF JUSTICE MR. VIJAY
MANOHAR SAHAI)**

1. By way of this Writ Petition in the nature of Public Interest Litigation, the party-in-person, who is the President of Jagte Raho Party (Registered) has prayed for the following reliefs:

“i) The Hon’ble Court may be pleased to direct the Vododara Municipal Corporation-Respondent to reply immediately to the petitioner to his RTI application and submit the copy of the same to the Hon’ble Court.

ii) The Hon’ble Court may be pleased to direct the Vododara Municipal Corporation-Respondent to cancel the decision taken for the purchase of dustbins for distribution to residents of Vadodara under the project of segregation of organic waste.

iii) The Hon’ble Court may be pleased to direct the Vododara Municipal Corporation-Respondent to fully implement rules prescribed under Municipal Solid Waste (Management & Handling) Rules 2002.

(iv) The Hon’ble Court may be pleased to direct the Vadodara Municipal Corporation-Respondent to return to householders cost of dustbins if already collected.”

2. Heard Mr.Praful Khandubhai Desai, party-in-person and Mr.Maulik G.Nanavati, learned advocate for the respondent.

3. Rule 4 of the Municipal Solid Waste (Management & Handing) Rules, 2002 (for short ‘the Rules’) provides as under:

“4. Responsibility of municipal authority.-(1) Every municipal authority shall, within the territorial area of the municipality, be responsible for the implementation of the provisions of these rules, and for any infrastructure development for collection, storage, segregation, transportation, processing and disposal of municipal solid wastes.

(2) The municipal authority or an operator of a facility shall make an application in Form I, for grant of authorization for setting up waste processing and disposal facility including landfills from the State Board or the Committee in order to comply with the implementation programme laid down in Schedule I.

(3) The municipal authority shall comply with these rules as per the implementation schedule laid down in Schedule I.

(4) The municipal authority shall furnish its annual report in Form II,-

(a) to the Secretary-incharge of the Department of Urban Development of the concerned State or as the case may be of the Union Territory, in case of a metropolitan city; or

(b) to the District Magistrate or the Deputy Commissioner concerned in case of all other towns and cities,

with a copy to the State Board or the Committee on or before the 30th day of June every year."

4. From the perusal of sub-section (1) of Rule 4, it is apparent that it is the responsibility of the Municipal Authority to implement the provisions of this Rule and any infrastructure development for collection, storage, segregation, transportation, processing and disposal of municipal solid wastes has to be carried out by the Municipality.

5. Party-in-person is not disputing that the municipality is having a waste plant at Vadodara and the contractor appointed by the Municipal Corporation normally, at a fixed time, comes to the house of people, who are residing in Vadodara and collects the solid or liquid wastes and takes it away in the trucks to the plant. The main objection of the party-in-person is that the Municipal Corporation has asked the residents to purchase of two compulsory dustbins at the rate of Rs.85 each, one dustbin for liquid waste and one dustbin for solid waste so that it may be collected from the respective residents of the Vadodara Municipal Corporation. The reason for making it compulsorily to purchase of two dustbins for distribution to the residents of Vadodara at the rate of Rs.85 under the project of segregation of organic waste clearly demonstrates that Rs.85 is the price of dustbin and the dustbin is required to be kept by the residents so that the solid waste or the liquid waste may be kept in this dustbin and when the person of the contractor comes, he takes away the solid or liquid waste and in absence of a dustbin, there would be bad smell coming out from the solid and liquid waste.

6. In our opinion, the Corporation is working in a larger public interest and is not making any profit. Looking to the logical work carried out by the Municipal Corporation, we do not find any merit in this writ petition.

7. It is urged that earlier a tender was invited but subsequently cancelled it and contract has been given to some other person. We are concerned that the residents should have a happy and joyous life for which the Municipal Corporation is making effort to provide the same to the citizens and residents of Vadodara Municipal Corporation. For the aforesaid reasons, we do not find any substance in the argument made by the party-in-person.

8. So far as the prayer made by the party-in-person to reply immediately to his RTI Application is concerned, the party-in-person has an alternative remedy for filing appeal under the Right to Information Act, 2005. Therefore, this relief cannot be granted to the party-in-person in this Writ Petition (PIL).

9. For the aforesaid reasons, this writ petition in the nature of public interest litigation stands dismissed accordingly. There shall be no order as to costs.

(V.M.SAHAI, ACJ.)

(R.P.DHOLARIA,J.)

Ashish Tripathi