

IN THE HIGH COURT OF ANDHRA PRADESH
(Special Original Jurisdiction)



FRIDAY, THE EIGHTH DAY OF FEBRUARY
TWO THOUSAND AND NINETEEN

PRESENT

THE HONOURABLE THE ACTING CHIEF JUSTICE C.PRAVEEN KUMAR
AND
THE HONOURABLE SRI JUSTICE M.SATYANARAYANA MURTHY

WRIT PETITION NO: 41517 OF 2018

Between:

Sri Veera Venkata Satyanarayana Straw Boards (Pvt.) Limited, rep. by its Director, Kurmala Purna Rao, S/o. K.N.V. Satyanarayana Murthy alias Naga Raju, aged 35 years, R/o. Srungavruksham Village - 534 243, Palakoderu Mandal, West Godavari District.

...PETITIONER

AND

1. The State of Andhra Pradesh, rep. by its Principal Secretary, Panchayat Raj and Rural Development, Secretariat Buildings, Velagapudi- 522 503, Guntur District.
2. A.P. Pollution Control Board, rep. by its Member Secretary, 33-26-14 D/2, Near Sunrise Hospital, Chalamalavari Street, Kastruibaipet, Vijayawada -520 010
3. The District Collector, West Godavari, Eluru - 534 006
4. The District Pollution Control Board, 13-02, K.S.R. Thota, Sanivarapu Peta, Eluru, West Godavari District -534003.
5. The Executive Officer., Srungavruksham Gram Panchayat, Srungavruksham Village - 534 243, Palakoderu Mandal, West Godavari District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate writ or order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the Respondents 1 to 4 in not initiating appropriate action and required preventive steps against the 5th Respondent from restraining its illegal dumping activity of solid and liquid waste in Peddarampilli Tank and on its tank bunds and its construction activity of a permanent dumping yard on the Tank Bunds for conducting open dumping of village waste and to burn the same there itself openly is illegal, arbitrary, high handed and violative of provisions of A.P. Panchayat Raj Act and also of Solid Waste Management Rules, 2016 and also violative of Articles 14 and 21 of Constitution of India and consequently direct the 5th Respondent not to make any open dumping and burning of village waste on the tank bund of Peddarampilli Tank of Srungavruksham Village and not to make construction of permanent dumping yard either on the tank bund or by reclaiming tank area and also direct the 5th Respondent to maintain the Peddarampilli Village Tank and its bunds as clean and hygienic for maintaining ecological balance.

IA NO: 1 OF 2018

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the 5th Respondent to stop dumping activity of village waste into Peddarampilli Tank of Srungavruksham Village and not to use the tank bunds as a dumping yard by unloading all the Village waste therein by preventing construction of any dumping yard on the tank bunds for open dumping and burning of Village waste, pending disposal of the Writ Petition.

Counsel for the Petitioner: SRI. Y. V. ANIL KUMAR

Counsel for the Respondent Nos. 1 & 3: GP FOR PANCHAYAT RAJ

Counsel for the Respondent Nos. 2 & 4: SRI. GURRAM RAMACHANDER RAO

Counsel for the Respondent No. 5: SRI. K.K.D. PRASAD

The Court made the following: ORDER

THE HON'BLE THE ACTING CHIEF JUSTICE C. PRAVEEN KUMAR
AND
THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

WRIT PETITION No.41517 of 2018

ORDER: [Per the Hon'ble the Acting Chief Justice C. Praveen Kumar]

1. The present writ petition came to be filed seeking the following relief:

"Writ of mandamus declaring the action of respondents Nos.1 to 4 in not initiating appropriate action and required preventive steps against the 5th respondent in restraining from illegal dumping activity of solid and liquid waste in Peddarampilli tank and on its tank bunds and the construction activity of a permanent dumping yard on the Tank Bunds for conducting open dumping of village waste and to burn the same there itself openly, as illegal, arbitrary, violative of provisions of A.P. Panchayat Raj Act and also Solid Waste Management Rules, 2016, and consequently, to direct the 5th respondent not to make any open dumping and burning of village waste on the tank bund of Peddarampilli Tank of Srungavruksham village and also not to make construction of permanent dumping yard either on the tank bund or by reclaiming tank area and also to direct the 5th respondent to maintain the Peddarampilli Village tank and its bunds as clean and hygienic for maintaining ecological balance."

2. Heard.

3. On 27.12.2018, Division Bench of the combined High Court for the State of Telangana and the State of A.P., while directing the Standing Counsel for A.P. Pollution Control Board to furnish report

with regard to implementation of the Municipal Solid Waste Management Rules, 2016, passed the following order:

"We are of the view that the implementation of the Rules now administered by the District Administration, West Godavari, is required to be maintained and implemented by all the Panchayats under the administrative control of the first respondent.

For the said purpose, the writ petition is directed to be listed on 29.1.2019. The first respondent files a status report on the present state of affairs, short term and long term measures the Panchayats would be taken up for implementation of the Rules to comply with the first function/duty of a local body."

Pursuant to the above orders of this Court, status report is filed today. It would be appropriate to extract the relevant portion of the said report:

"It is further submitted that in view of the orders of the Hon'ble High Court dated 27.12.2018 in W.P.No.41517/2018, the status report received from the District Collector, West Godavari, Eluru, on implementation of SWM Rules has also been sent to all the District Collectors in the State for taking immediate necessary action to implement the Solid Waste Management Programme as was done by the District Collector, West Godavari, in all the Gram Panchayats of their District and also as per the guidelines/orders issued by the Government from time to time without fail and also requested to take necessary care to avoid constructions of Solid Waste Processing Centre Sheds in tank bund areas as that may cause contamination of water observed in the case of Srungavruksham Grampanchayat in West Godavari District vide Govt.Memo.No.1141/Pts.III/A2/2019, P.R.& R.D., dated 6.2.2019.

It is further submitted that the State of Andhra Pradesh has adopted a comprehensive Solid Waste Management strategy in the past 3 years. Based on the experimentations in the pilot Gram panchayats, the State has adopted a unique model for collection, transportation, processing and disposal of garbage and other waste. All the districts in the State including West Godavari are adopting this model. The wastage collection from households and cattle dung collected from farmers is converted into good quality compost in Stage -I and later on into Vermin Compost in Stage -II.

It is further submitted that a Solid Wealth Processing Centre (SWPC) is established for this purpose in the Gram Panchayats. Out of 12,918 Gram Panchayats in the State in about 12,000 Gram panchayats construction of Solid Wealth Processing Centre (SWPC) Sheds have been started and completed construction in 9,300 Gram Panchayats. The rest will be completed in few weeks time. The Government have formulated guidelines for engaging about 35,617 Green Ambassadors @ 1 per 1,000 population and proposed to allot Tricycles @ 1 per Green Ambassador. The procurement of Tricycles, Dustbins is in the brisk progress and will be completed by March, 2019. The wages of Green Ambassadors are paid from the funds of Swachh Bharat Mission (SBM).

It is further submitted that with regard to the applicability of Municipal Solid Waste Management Rules, 2016, it is to submit that those rules are applicable to Municipalities and Census towns only but not to all Gram Panchayats. However, the Government has actively taken up implementation of Solid Waste Management programme in all Gram panchayats on priority basis. The items covered under the Scheme of Solid Waste Management Programme in Andhra Pradesh is well ahead of the Municipal Solid Waste Management rule and it also covers several new aspects such as collection of cattle dung from farmers, usage of Polythene Shredders for processing 4mm flakes which are used in laying of BT roads, Incinerators to burn the sanitary napkins etc. The Vermin Compost prepared in Gram Panchayats is the superior quality which is used for agriculture and horticulture land nearby."

4. Further a memo dated 6.2.2019 was issued by the Government of A.P., wherein all the District Collectors in the State were requested to take immediate necessary action for implementation of the Solid Waste Management Programme as was done by the District Collector, W.G. District in all the Gram Panchayats of their District and also as per the guidelines/instructions issued by the Government from time to time without fail and to take necessary care to avoid constructions of Solid Wealth Processing Center Sheds in tank bund areas, as that may cause contamination of water as observed in the case of Srungavruksham Gram Panchayat of West Godavari District

5. Recording the above status report and the memo dated 6.2.2019, the Writ Petition is closed, making it clear that the respondents shall take steps for implementation of the instructions issued vide Memo dated 6.2.2019 in all the Gram panchayats of the State in terms of Solid Waste Management Rules, 2016. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

//TRUE COPY//


Sd/- CH. VENKATESWAR
ASSISTANT REGISTRAR

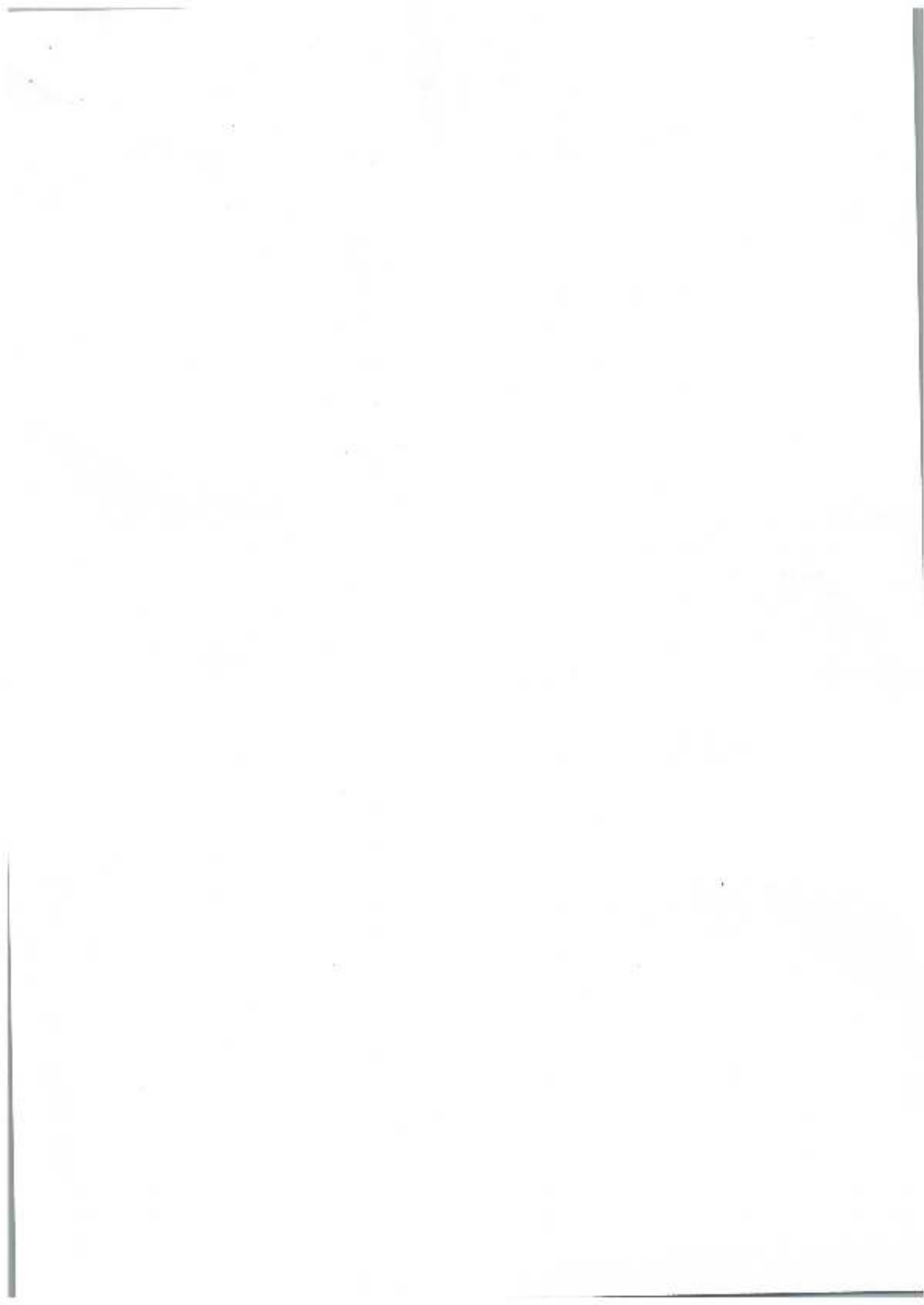
SECTION OFFICER

To,

1. One CC to Sri. Y.V. Anil Kumar, Advocate (OPUC)
2. One CC to Sri. Gurram Ramachander Rao, Advocate (OPUC)
3. One CC to Sri. K.K.D. Prasad, Advocate (OPUC)
4. Two CCs to the GP for Panchayat Raj, High Court of A.P. (OUT)
5. Two CD Copies.

PM SM


SECTION OFFICER
High Court of Andhra Pradesh



Chd
14/2
HIGH COURT

HAC,J
&
MSM,J

DATED:08/02/2019

ORDER

WP.No.41517 of 2018



Closing the WP

Without costs.