

High Court of Karnataka

Daily Orders of the Case Number: WP 24739/2012 for the date of order 26/04/2013

Honble Justice N.KUMAR AND

B.V.NAGARATHNA

26/04/2013

Order in WP 24739/2012

NKJ/BVNJ:

26.04.2013 WP No. 46601/2012,

24739-40/12,

46523/12, 30450/12

ORDER

The State Government, in pursuance of the directions issued on the earlier occasion, has submitted a memo furnishing the table of events reflecting the action taken by the Government from 25.8.2012 to 20.3.2013, which is taken on record.

On a perusal of the said action taken by the Government, we notice that on 14.9.2012 an Expert Committee has been constituted under the Chairmanship of the Commissioner, BBMP and other experts in SWM to find out a solution to the problem in this field. Though nearly more than six

months have lapsed, till today, the said Expert Committee has not submitted any report. Therefore, the Government should take appropriate steps and ensure that the Expert Committee submits its report by the next hearing date.

Similarly, on 7.12.2012, a Technical Committee has been constituted under the Chairmanship of the Chief Engineer, BBMP and other experts in SWM to find out a solution to the problems in this field. Here again, even though more than four months have lapsed, no report is submitted by the Committee. Therefore, the Government shall take appropriate steps and ensure that the Technical Committee submits its report on the next date of hearing.

The Karnataka Pollution Control Board has filed a status report. A perusal of the said report shows that they have set out in detail the steps they have taken. They have also pointed out that the Corporation has not taken effective steps in respect of several aspects. As the copy of the said report is not furnished to the Corporation, the said

report shall be considered after a copy is made available to the Corporation and the Corporation will have their say in the matter. The Pollution Control Board is directed to furnish a copy of the said report not only to the Corporation but also to the learned Advocates appearing for the petitioners, for their comments.

The Bangalore City Corporation has also filed an action taken report with particulars. The same is taken on record and that would be taken up for consideration after it files its reply to the report of the Pollution Control Board.

The petitioner produces a letter addressed to the Government along with photographs which show waste garbage and construction debris being dumped in Turahalli Forest. The garbage is dumped at the entrance of the Forest. The same is made available to the Corporation for their comments. The Corporation also places on record the efforts made by them to educate the people about the handling of waste as well as their responsibilities. It is also taken on record.

As this Court has been issuing directions from time to time, on the basis of the submissions made by the learned counsel for the parties, we have reached the stage wherein it would be necessary to have an expert opinion before we proceed in the matter. Now, already two Expert Committees are constituted. Their report would be of immense help for the future conduct of the case. But, unfortunately, though the Expert Committees are constituted in one case about six months back and in another case about four months back, no report is submitted and the very purpose of constitution of the Expert Committees is not served. Atleast now, the said Committees as well as the Government and the Corporation would be alive to the situation and make good the loss of time and submit the report by the next hearing date. Once we have the report of the experts in the light of what they have to say, then we can look into these complaints and the status reports filed so that the problem could be tackled in a meaningful manner. Again, the Court would like to emphasize the fact,

acquisition of land for the purpose of dumping garbage is not the solution. It is high time that steps are taken at the earliest to set up these waste processing units so that the garbage generated in the city is immediately processed and disposed of in a satisfactory manner. The Commissioner for the Corporation who is present before this Court submitted that these processing units have already taken steps to set up units and they also would ensure that they would become operational at the earliest so that this problem could be satisfactorily solved. As stated earlier, the Court would like to have the experts opinion before proceeding further in the matter. List on 27.5.2013 for further orders. Copy of this order be made available to the learned counsel appearing for the parties.

**(N.KUMAR)
JUDGE**

**(B.V.NAGARATHNA)
JUDGE**

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[Back](#)

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