

## High Court of Karnataka

Daily Orders of the Case Number: WP 24739/2012 for the date of order 09/01/2015

**Honble Justice N.KUMAR AND**

**B.V.NAGARATHNA**

**09/01/2015**

**Order in WP 24739/2012**

**NKJ & BVNJ:**

**09-01-2015**

**W.P.Nos.24739-40/2012, 46601/2012,  
30450/2012, 46523/2012, CCC Nos.1641-  
50/2013, 36508-517/2013, 48595/2013, 18167-  
68/2014.**

**(1) B.B.M.P. has filed its Status Report. Annexure-A to the said Report shows that they were able to identify sites for setting up dry waste collection centres in the remaining five other wards. They only need some time to complete the construction work. Thus, because of the persisted efforts of this Court, as on today, in almost all the 198 wards BBMP is able to set up dry waste collection centres. In fact, in some of the wards where they were not able to identify sites, they have set up these centres in the adjoining**

**wards. In West Zone, one more additional dry waste collection centre is set up in a ward. In all the wards BBMP should ensure segregation of waste is done at source and the dry waste so segregated is directly transported to these dry waste collection centres. Therefore, now, they have to ensure that this is followed by the citizens of Bengaluru and if there is any breach, then action has to be taken by strictly enforcing the law by imposing penalty. It is also necessary to give wide publicity in newspapers and through electronic media, to the citizens of Bengaluru about the setting up of dry waste collection centres in all the 198 wards. In fact, dry waste is valuable and has a price. Citizens may deliver dry waste to the collection centres directly and seek monetary benefits which would be available to them. BBMP shall also give proper advertisement for purchasing of dry waste which is available in each ward.**

**(2) The Special Commissioner who is present before the Court submits that they have initially classified the bulk generators**

**as Kalyana Mantapas, Hotels, Restaurants and Malls, which generate about 3,300 metric tones of solid waste. Out of them, 1000 bulk generators are associated/linked to service providers. In fact, it is a matter of time that the remaining bulk generators would also be linked to the service providers. In fact, the plant set up by the BBMP at Kannalli would be ready by 15th of February 2015 and that would take care of the garbage generated by these bulk generators. In fact, they have also issued notices to all the bulk generators bringing to their notice the orders passed by this Court and calling upon them to make their own arrangements and intimating them that by the end of next month, BBMP would not remove the garbage generated by them. BBMP to submit a Report by next hearing date on the progress made in this direction.**

**(3) In so far as Mavallipura is concerned, it is submitted that, as per the directions of this Court, potable water is supplied. The villagers who are present in Court however submit that sufficient quantity of potable**

**water is not supplied. The supply is irregular. There is no fixed time when the Lorries carrying water reach the village and, therefore, they submit that potable water may be supplied at a prescribed time and regularly, so that it would be helpful for the villagers to collect the water on a regular basis. The Special Commissioner submits the grievance of the villagers would be attended to promptly.**

**The Special Commissioner submits that, after obtaining approval from the villagers, they have placed orders for mosquito nets and it is likely to reach them in a few days. Immediately thereafter they would distribute them to the needy villagers. He also submits that meetings have been conducted with the Agricultural Department, Animal Husbandry Department, Health Department, Zilla Panchayath, Mines and Geology Department, for taking necessary action pertaining to the health, animal and agricultural survey, at Mavallipura. They have also produced photographs to show steps which they have taken at the plant at**

**Mavallipura. The IAF personnel who are present have produced a number of photographs, to indicate heavy bird activity due to animal waste dumped on private land. They have also submitted photographs to show that solid waste transported to Mavallipura is dried in the open area which is also attracting birds. There is heavy bird activity on the private lands which are adjacent to the landfill, bird activity over leachate pond and over the earlier land fill which is uncovered. Bird activity is also shown over the processing plant. BBMP has also produced photographs to show the chicken and fish waste dumped outside Mavallipura processing plant and the birds flying over such waste. They have also produced photographs showing the birds flying beyond Mavallipura waste processing facility and also a photograph showing the fish pond where the chicken and fish wastes are used as fish feed. One photograph showing the fish pond filled with shredded animal waste and another photograph showing equipment used for shredding animal wastes prior to feeding fish.**

**These photographs are not disputed. Therefore, what is clear from these photographs is, the animal waste being dumped near the land fill, animal waste shredded and used for feeding the fish in the fish ponds. All these are attracting the birds. Thus, the bird menace which is complained of is mostly due to the dumping of the animal waste.**

**On the last hearing date, we had directed the Deputy Commissioner to take immediate steps to prevent dumping of animal waste. Today, he has filed a letter addressed to the Government Advocate with a report which shows that necessary instructions have been given to the Tahsildar, Revenue Inspector and Village Accountant to take action against the persons who are dumping animal waste in the area surrounding Mavallipura, to book criminal cases against them and also against the officials who are not preventing animal waste from being dumped in the area. That is the first step in the right direction. But, mere issuing of instructions would not solve the problem. These instructions have to be carried into**

**action and immediate steps should be taken to prevent transportation and dumping of animal waste in the surrounding areas of Mavallipura and persons who are indulging in these activities should be proceeded with in accordance with law, so that the area becomes clean and bird menace which is affecting the interest of IAF is eradicated. If appropriate steps are taken it would become clear as to whether birds are attracted because of the garbage being processed in the plant or because of the garbage being dumped nearby and because of the animal waste.**

**Smt. Almitra Patel, a member of the expert committee, submits that, the leachate which is collected in the pond and going out of the yard could be usefully used by re-circulating/injecting it into the mass of garbage which is spread in that area which has not been done so far. The Special Commissioner submits that action would be taken to give effect to the said suggestion immediately.**

**(4) Learned Government Advocate has placed on record a letter written by the Principal Secretary to the Agricultural Department, addressed to her assuring that the Chairman and the Vice Chairman appointed to KCDC would in no way involve with the actions to be taken by the Commissioner of the BBMP as well as the Special Commissioner. In the event of the managing committee of KCDC is not willing to respond, then Government would take the responsibility of getting directions issued and work done. It is stated that the Honble Chief Minister has approved this arrangement.**

**The residents around KCDC have presented a submission to this Court. They submit that Special Commissioner sought one months period to put the odour in control in terms of the orders passed by this Court on 5.12.2014. But, the same is not done. These are the problems which we had anticipated when the Government appointed the Chairman and the Vice Chairman. A copy of the said submission is handed over to the learned Government Advocate to be handed**

**over to the newly appointed Chairman and Vice Chairman of the KCDC, to ensure that by the next hearing date odour is controlled and the people would be relieved of odour to some extent at least. This would be a test case where the Chairman and the Vice Chairman would have to perform and meet the expectations of the people who are residing in and around KCDC. A copy of the submission is also handed over to the Managing Director of KCDC, to take action in the matter by bringing it to the notice of the Chairman and Vice Chairman of KCDC. The Special Commissioner assures the Court that the construction work which they have undertaken in KCDC would be completed within two months from today. Submission is placed on record. A report in this regard shall be submitted by next hearing date.**

**(5) It is submitted by the learned counsel for the BBMP that several litigations have commenced both in the trial Courts and High Court and interim orders are passed which come in the way of giving effect to the**

**orders passed by this Court.**

**We have made it very clear in our earlier orders that, any person who is aggrieved by any of the orders passed by this Court, is at liberty to appear before this Court, put forth his case and seek appropriate remedy which he is entitled to in law. Instead people are approaching various Courts including this Court and in some of the cases, interim orders passed are coming in the way of BBMP officials giving effect to the orders passed by this Bench. In those circumstances, both BBMP as well as Government shall engage a counsel exclusively to attend to those matters and if necessary to file caveats in all Courts. Also if interim orders are passed, to take appropriate steps to bring it to the notice of the concerned Court the orders passed in this public interest litigation and seek appropriate orders.**

**(6) The Special Commissioner submits that he had interaction with the Government bulk generators who are convinced about**

**the processing of waste generated within their premises. He submitted they have sought for some time to implement the suggestions regarding segregation and disposal of solid waste. To give the action taken report, he seeks time in this regard.**

**(7) Bangalore Development Authority, gave a list of 31 sites which are vacant, which could be utilized by the BBMP for setting up of waste processing centres. BBMP officials have visited all the 31 sites and according to them 21 sites are suitable for SWM works. They have given the particulars of the sites which are suitable. The BDA in terms of their undertaking shall hand over possession of all the 21 sites to the BBMP forthwith to enable the Corporation to set up SWM plant at the earliest. A report in this regard shall be submitted by the next date of hearing.**

**(8) The Commissioner of BBMP submits that, to set up a modern abattoir, the project is approved and land is granted by KIADB, but possession is not yet delivered. In order to issue any directions to the KIADB in this regard, it is necessary to implead the**

**KIADB as a party. Petitioner to implead  
KIADB. On the application to be filed by  
12th January 2015, office shall issue notice  
to the KIADB on the same.**

**Call on 13.02.2015.**

**(N. KUMAR)**

**JUDGE**

**(B. V. NAGARATHNA)**

**JUDGE**

**ckl**

[Back](#)

---

**DISCLAIMER:** The contents of this site are only for information purpose. Users are advised not to rely only on such information for any purpose. Neither the High Court of Karnataka nor the National Informatics Centre , Ministry of Information Technology, Government of India is responsible for any consequences by use of such information.