

High Court of Karnataka

Daily Orders of the Case Number: WP 24739/2012 for the date of order 29/04/2015

Honble Justice N.KUMAR AND

B.V.NAGARATHNA

29/04/2015

Order in WP 24739/2012

By our order dated 10/04/2015, we brought to the notice of the Honble Chief Minister, letter written by the Chairman of KCDC and to take appropriate action in that regard.

On receipt of the said order, Honble Chief Minister has called for a meeting in presence of all concerned and has issued inter alia, a direction to hand over the KCDC Unit at Bengaluru to BBMP temporarily i.e., for a period of three months. The relevant portion of the proceedings reads as under:-

**ಇದರಲ್ಲಿ ಒಂದು ವಿಷಯವೆಂದರೆ, ಕರ್ನಾಟಕ ರಾಜ್ಯದ
ರಾಜಧಾನಿ ಬೆಂಗಳೂರಿನಲ್ಲಿರುವ ಕೆ.ಸಿ.ಜಿ.ಎಂ.ಯು.
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ಇದರಲ್ಲಿ P. Azhara ಅವರಿಗೆ,
 ಜಿ.ಪಿ. ಜಿ.ವಿ.ವಿ. ವಿ.ವಿ.ವಿ.ವಿ.
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**On the basis of the said note, Secretary to
 the Government, Agricultural Department
 has addressed a letter to the Govt. Advocate
 on 28/04/2015, which reads as under:-**

No:AGD 48 AGCV 2014 Date: 28-4-2015

To:

**The Government Advocate,
 O/o the Advocate General,
 High Court of Karnataka,
 Bangalore.**

Madam,

**Sub: Order of the Honble High Court of
 Karnataka, in W.P.No.24739/2012 for the
 date 10/03/2015 reg.**

**A meeting was convened under the
 chairmanship of the Honble Chief Minister
 on 22/04/2015 to discuss the issues related to
 the functioning of the Karnataka Compost**

Development Corporation (KCDC), with special reference to the observations made by the Honble High Court of Karnataka in its order dated 10/04/2015. After detailed discussion, it was decided that the Bangalore Unit of the KCDC will temporarily function under the BBMP in order to expedite upgradation of the facilities and for smoother management of operations. Additional funds for the upgradation of the equipment have been sought and will be processed for release by the Agriculture Department. Staffing issues pertaining to KCDC have also been discussed and will be resolved by posting a full time Joint Director of Agriculture Department as Managing Director of KCDC.

It is requested that the above action may kindly be brought to the notice of the Honble High Court of Karnataka.

Yours faithfully,

Sd/ (UMA MAHADEVAN)

A perusal of the said letter shows that what was agreed in the meeting and the direction issued by the Honble Chief Minister has not

been properly communicated. In the said letter, it was stated that the Bengaluru Unit of the KCDC would function temporarily under the BBMP, in order to expedite the upgradation facilities and for smoother management of the operations. The decision taken in the said meeting is to hand over the KCDC Unit at Bengaluru to BBMP temporarily, for a period of three months. Functioning under the control of BBMP is totally different from BBMP running the KCDC Unit exclusively and on its own. The order of the Chief Minister, prevails over the understanding of the Secretary of the Agricultural Department. In that view of the matter, KCDC shall hand over the unit at Bengaluru to BBMP, temporarily, for a period of three months, as directed by the Honble Chief Minister for the purpose of processing the garbage and for other operations. This arrangement shall continue until further orders from the Court.

The newly appointed Administrator of the BBMP is present before this Court. The new Commissioner of BBMP is also before the Court. They submit that they have taken

charge recently and they will go through all the orders passed by this Court from time-to-time. They also submit that they would interact with their advocate, Special Commissioner (SWM) and Expert Committee members and would make their submissions immediately after Summer Vacation 2015. In the meanwhile, they will also try to give effect to the direction issued by the Court to the extent possible.

The petitioner in W.P.No.46523/2012 has given the list of villages affected by the landfills at Mavallipura, Yelahanka Hobli and the places where Health Camps are to be conducted. They say the dates on which Health Camps have to be conducted are to be determined. Once they furnish suitable date, authority shall take steps to conduct the Health Camps at the places mentioned in Annexure-A, page-8, which is filed today. Call on 12/06/2015.

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