

GAHC010305042019



THE GAUhati HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : PIL 74/2019

1:ON THE DEATH OF SANTI LAL ACHARJEE, HIS LEGAL HEIR SMTI.
SUMITA ACHARJEE
D/O LATE SANTI LAL ACHARJEE, R/O DARIKAPAR KHATAPATHAR,
MOUZA NAGARMAHAL, P.O.- NAMTIAL PATHAR, P.S. AND DIST-
SIVASAGAR, ASSAM, PIN-785697

VERSUS

1:THE STATE OF ASSAM AND ORS
THROUGH THE SECY, DEPTT. OF MUNICIPAL ADMINISTRATION GOVT. OF
ASSAM, ASOM SACHIVALAYA, DISPUR, GHY-6.

2:TO THE SECY.-IN-CHARGE
DEPT. OF URBAN DEVELOPMENT
GOVT. OF ASSAM
ASOM SACHIVALAYA
DISPUR
GHY-6.

3:DEPUTY COMMISSIONER
SIVASAGAR DISTRICT
P.O. AND DIST. SIVASAGAR
ASSAM

4:DISTRICT MEDICAL OFFICER
CIVIL HOSPITAL
SIVASAGAR
P.O. AND DIST. SIVASAGAR
ASSAM

5:DISTRICT-IN-CHARGE
POLLUTION CONTROL BOARD
MELACHAKAR
SIVASAGAR

P.O. AND DIST. SIVASAGAR
ASSAM

6:SIVASAGAR MUNICIPAL BOARD
REP. BY THE CHAIRMAN
P.O. AND DIST. SIVASAGAR
ASSAM

7:SIVASAGAR DEVELOPMENT AUTHORITY
REP. BY THE CHAIRMAN
CENTRAL MARKET
SIVASAGAR
P.O. AND DIST. SIVASAGAR
ASSA

Counsel for the petitioner : Mr. G.P. Bhowmik, Sr. Advocate
Ms. M. Hore, Advocate

Counsel for the respondents : Mr. T.C. Chutia,
Addl. Senior Government Advocate, Assam

Mr. A. Bhattacharyya,
for Respondent No.6

B E F O R E
HON'BLE THE CHIEF JUSTICE MR. AJAI LAMBA
HON'BLE MR. JUSTICE ACHINTYA MALLA BUJOR BARUA

16-12-2019

(Ajai Lamba, CJ)

1. This is a public interest litigation relating to disposal of municipal waste in the area of Sivasagar Town.
2. Learned counsel appearing for Sivasagar Municipal Board (Respondent No.6) states that the State of Assam is required to allot appropriate land with required area and at appropriate place whereon solid waste management project under Swatch Bharat Mission would be set up. It has been pleaded that a project report has already been made for disposal of solid waste which has already been approved. However, funds are to be received from the Central Government for setting up the project.

3. We find that the Central Government has not been impleaded as a party. The related Departments of the Union of India be impleaded by the petitioner.
4. Learned counsel for Respondent No.6 has further pointed out that although land was earmarked for disposal of the waste, however, on account of agitation, the same has to be changed and alternative site has to be provided.
5. We hereby direct the Respondents, State of Assam to apprise the Court on the issue of allotment of appropriate place for waste disposal.
6. List on **8th January, 2020**.
7. In the meantime, application for impleadment be filed.
8. Respondent No.6 is directed to file affidavit as regards the steps taken for managing the present garbage yard provided for municipal waste.

JUDGE

CHIEF JUSTICE

Comparing Assistant