

GAHC010305042019



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

Case No. : PIL/74/2019

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

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
ASSAM

8:THE UNION OF INDIA
REPRESENTED BY THE SECRETARY
MINISTRY OF HOUSING AND URBAN AFFAIRS
GOVERNMENT OF INDIA
NEW DELHI-110001

Advocate for the Petitioner : MR G P BHOWMIK

Advocate for the Respondent : MR.T J MAHANTA

BEFORE
HON'BLE THE CHIEF JUSTICE (ACTING) MR. N. KOTISWAR SINGH
HON'BLE MR. JUSTICE SOUMITRA SAIKIA

:: ORDER ::

31.05.2022

[N. Kotiswar Singh, CJ(Acting)]

Heard Ms. J. Purkayastha, learned counsel for the petitioner. Also heard Ms. A. Gayan, learned Central Government Counsel; Mr. T.J. Mahanta, learned Senior Counsel assisted by Mr. A. Barua, learned counsel appearing for the Sivasagar Municipal Board (respondent No.6) and Ms. R.B. Bora, learned Govt. Advocate, Assam.

In this PIL, the matter essentially pertains to shifting of existing 'Municipal Garbage Yard' of Sivasagar Municipal Board presently located on the river bank of 'Darika' to a suitable site.

The matter is pending since 2011.

It is the plea of the Sivasagar Municipal Board that unless a suitable land is allotted by the District Administration, they cannot arrange setting up of such Garbage Waste disposal.

Though there appears to be certain attempts made in the past for identifying certain land by the District authorities, yet the same has not fructified for various reasons including that the land is not suitable and as such the matter is pending unresolved till date.

We are of the view that identification of suitable land is a matter to be decided by the authorities concerned and in this case, the District Administration in consultation with the Sivasagar Municipal Board.

We do not find any reason why the matter should be dragged for such a long period and the matter is pending before this Court for more than a decade.

Accordingly, we direct the respondents, more particularly, respondent Nos.1, 2, 3, 5, 6 and 7 to discuss the matter amongst themselves and come up with a concrete proposal which may be placed before this Court by the next date so that appropriate order can be passed.

Let the aforesaid exercise be undertaken by the respondents without fail within a period of 1(one) month from today.

List the matter again on 19.07.2022.

JUDGE

CHIEF JUSTICE (ACTING)

Comparing Assistant