
(2012) 12 RAJ CK 0015

In the Rajasthan High Court

Case No : Civil Writ Petition (PIL) No. 7994 of 2011

Hameera Ram Ji and Another

APPELLANT

Vs

State of Rajasthan and Others

RESPONDENT

Date of Decision : 17-12-2012

Acts Referred:

Citation : (2013) 2 CDR 1000

Hon'ble Judges : Narendra Kumar Jain, Acting C.J.; R.S. Chauhan, J

Bench : Division Bench

Advocate : Sumer Singh Jodha, for the Appellant; Sandeep Bhandawat, Government Counsel, Mr. Manish Shishodia for the Respondent No. 4 and Mr. Kailash Joshi for the Respondents Nos. 7 and 8, for the Respondent

Judgement

1. Heard finally. Petitioners have preferred this public interest litigation to issue an appropriate writ, order or direction directing the respondents to conduct a detail survey of the tanks situated in Pipar City known as "Raigro Ka Kund", over which, the skin of dead animals is being washed and finished by number of persons and to take appropriate steps for removal and shifting of such tanks from residential area.

2. Respondents Nos. 3, 5 & 6 have filed their reply to writ petition, wherein, it is stated that the present matter involves disputed questions of facts, which cannot be resolved in writ petition. It has further been stated that it is for the Municipal Board, Pipar City to provide appropriate land to people carrying work of washing and finishing the skin of dead animals.

3. Respondent No. 4 has also filed a separate reply to writ petition, wherein, it is stated that Pollution Control Board had conducted an inspection of the Tank in question and surrounding area on 23.03.2012 in the presence of members of Nagar Palika, Pipar City, Revenue Inspector and Sanitary Inspector and has prepared a report with respect to the pollution and the problems caused to the people residing in the surrounding area. It is also stated that it was found that tannery of dead animals found within the municipal limits of Pipar City are being

washed in salted water for around 48 hours for the removal of hairs etc. Thereafter, it is cleaned with the help of knife, but after removal of such waste as hair etc. the same is being disposed off in open and no proper disposal of the same is being made.

4. Respondents Nos. 7 & 8 in their reply have stated that area in question is now thickly populated, as such, the Municipality has ear-marked another place in Khasra No. 1631 for the said purpose. Municipal Board has also filed an additional affidavit along with documents, wherein it is stated that they have now decided to earmark Khasra No. 1631 for the said purpose and the said work can be shifted out of the city area. A map has also been placed on record.

5. We have considered the submissions of learned counsel for the parties.

6. So far as grievance raised in this public interest litigation is concerned, the same has been accepted by the answering respondents. The Municipal Board has already earmarked another land to shift the disputed place, for washing and finishing the skin of dead animals. The Municipal Board has specifically given the Khasra number of land i.e. 1631, where this work can be done by the persons involved in this trade/work.

7. Learned Government counsel stated that land bearing Khasra No. 1631 belongs to Municipal Board. Therefore, Municipal Board is fully competent to earmark the said land for the said purpose. So far as shifting of the work is concerned, in case, Municipal Board seeks any assistance of the state Government, then the State and District Administration authorities will extend full cooperation to Municipal Board in this regard.

8. Learned counsel for the petitioners, after considering the additional reply of Municipal Board to the effect that land bearing Khasra No. 1631 has been earmarked for this purpose, submitted that necessary direction to shift the tank may be passed.

9. It is relevant to mention that according to the petitioners, there is a tank on the disputed place, whereas, as per learned counsel for the Municipal Board, there is no such tank, but there is an open place which is being used by the concerned person for the said purpose.

10. Be that as it may, whatever, the present position is there of the place where washing and finishing the skin of dead animals is done, the same position will be provided in Khasra No. 1631 for aforesaid purpose.

11. In these circumstances, as agreed by parties, the writ petition stands disposed off with the directions to the respondents to shift the work of washing and finishing the skin of dead animals from the present place of Pipar City to the place falling in land bearing Khasra No. 1631. In case, there is any need of help of police force etc., the same will be provided by State and District Administration, as assured by learned Government Counsel. Application No. 14351/2012 also stands disposed off. Learned counsel for Municipal Board prays

for eight weeks time to comply with the direction. We grant him ten weeks" time to comply with the direction of this Court.