

Item No.01

**BEFORE THE NATIONAL GREEN TRIBUNAL
CENTRAL ZONAL BENCH, BHOPAL**

(By Virtual Mode)

Original Application No.54/2023(CZ)

Ajay Singh Kachawah

Applicant(s)

Versus

State of Rajasthan & Others

Respondent(s)

Date of hearing: 21.07.2023

**CORAM: HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

For Applicant(s) : Mr. Rohit Kumar Tuteja, Advocate

ORDER

1. This Original Application, under Section 14,15 and 18 of National Green Tribunal Act, 2010 (hereinafter referred to as '**NGT Act, 2010**') has been preferred by Ajay Singh Kachawah alleging that Nagar Nigam Jodhpur has established a solid waste dumping yard in front of Pratap Nagar Royalty Naka on Sursagar Road causing huge pollution and foul smell in the locality creating health hazards to residents since the dumping yard is in a residential area and it is also not being managed and handled properly. Our attention is drawn to photographs showing that solid waste is scattered on road and huge quantity of solid waste outside the dumping yard has been collected. It is also said that Commissioner, Nagar Nigam, Jodhpur vide letter dated 12.12.2019 requested Jodhpur Development Authority to allow another site for waste dumping outside abadi area pursuant whereto Jodhpur Development Authority vide letter dated 30.12.2019 has allotted land at Khasra no. 680/1, 680/2 and 681/1 at village Geva at district Jodhpur but the said place is not being used as a dumping yard instead the dumping yard at Sursagar road in a most haphazard, illegal and irregular is being managed creating inconvenience

to residents in the locality due to foul smell and scattered solid waste on roads etc.

2. From record we find that dumping yard at the site is existing for last more than 10 years and in fact it is being used as a transfer station in as much as solid waste/ municipal waste collected from different localities temporarily dumped at the Sursagar road and there from it is transferred to another place for processing etc.

3. Learned counsel for applicant, though stated that dumping yard in question violates provisions of Solid Waste Management Rules, 2016, but despite repeated query could not show even a single provision of the aforesaid Rules which is being violated by the dumping yard in question.

4. Whenever a dumping yard is established at any place one or the person normally used to raise objections which we have seen in a large number of cases and it is a matter of experience of this Tribunal. However mere objection or protest will not justify a direction for its shifting unless it is shown that it is not being maintained in accordance with law.

5. In absence of any violation of any statutory rule in establishing dumping yard at the place in question, we do not find that any right is vested in the applicant to seek a direction for its shifting to another place. However, if what the applicant has stated is correct that some other land in village Geva has been allotted to Nagar Nigam Jodhpur as waste dumping yard, the matter may be examined by Commissioner Nagar Nigam, Jodhpur in consultation with Rajasthan State Pollution Control Board and representatives of local residents where dumping yard in question is situated and take appropriate action so that no inconvenience or minimum inconvenience is caused to local residents.

6. The matter may be examined/considered by Commissioner Nagar Nigam, Jodhpur, as directed above, within a period of 2 months and appropriate action in accordance with law be taken accordingly.

7. With above direction, the application is disposed of.

Sudhir Agarwal, JM

Dr. Afroz Ahmad, EM

July 21, 2023
Original Application No. 54/2023(CZ)
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