

Chief Justice's Court

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 1018 of 2020

Petitioner :- Dhyanesh Bhattacharya And 4 Others

Respondent :- State Of U.P. And 7 Others

Counsel for Petitioner :- Ajay Kumar Singh, Ashish Kumar Singh

Counsel for Respondent :- C.S.C., Arti Raje, Vineet Sankalp

Hon'ble Govind Mathur, Chief Justice
Hon'ble Siddhartha Varma, J.

This public interest litigation is raising a serious issue with regard to discharging of public duties by the Urban Local Self Governments, prescribed under Twelfth Schedule appended with the Constitution of India.

As per Article 243W of the Constitution of India, municipalities are supposed to perform functions and are required to implement schemes as may be entrusted to them, including those in relation to the matters listed in the Twelfth Schedule. Twelfth Schedule prescribes as many as 18 items relating to which municipalities are required to perform and are also required to execute certain schemes.

Suffice to state that the 18 items referred to above are inclusive of such other matters as are permitted under Part- IXA of the Constitution of India. The Municipal Corporation Act, 1959 also incorporates matters referred under the Schedule Twelfth referred to above.

The grievance of the petitioners is that Nagar Nigam, Varanasi utterly failed in its duties at least vis-a-vis public health, sanitation conservancy and solid waste management. Urban forestry, protection of environment, promotion of ecological aspects, slum improvement and up-gradation, provision of urban amenities and facilities such as parks, gardens, playgrounds and cattle ponds are the other aspects which are being ignored by it. Certain details have also been given by the petitioners relating to dumping yard which is said to be established in a residential area within the campus of Varanasi Jal Sansthan. To substantiate the contention, photographs too are annexed with the petition.

Having considered the facts stated in the petition for writ and also stated during the course of arguments, we deem it appropriate to have a complete response from the Municipal Corporation, Varanasi relating to the schemes

available with the Municipal Corporation, Varanasi and their execution relating to entries referred to at serial nos. 6, 8, 10, 12 and 15 in Twelfth Schedule of the Constitution of India.

For the purpose aforesaid, learned counsel appearing on behalf of Municipal Corporation wants some time.

Time prayed for is allowed.

Let this writ petition be listed on 23rd November, 2020 in the additional cause list.

The Commissioner, Municipal Corporation, Varanasi shall also remain personally present before this Court on the next date of listing with all details relating to the issues referred to above.

Order Date :- 19.10.2020

Rameez

(Siddhartha Varma,J.) (Govind Mathur,C.J.)