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IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR

D.B. CIVIL MISC. APPLICATION NO.17/2013
IN
D.B. CIVIL WRIT (PIL) PETITION NO.7994/2011

Shankar Lal & Ors.
Vs.
The State of Raj. & Ors.

Date of Order : 11.08.2016

HON'BLE MR. JUSTICE GOVIND MATHUR
HON'BLE MR. JUSTICE KAILASH CHANDRA SHARMA



Dr. Shailendra Kala]
Mr. Anuj Kala] for the applicants.

Mr. Harshit Bhurani for Mr. Rajesh Joshi, Sr. Advocate
for the respondents.

ORDER

A petition for writ [D.B. Civil Writ Petition (PIL) No.7994/2011] was preferred before this court to have a direction for Municipal Board, Pipar City to shift the washing tank known as "Raigaro Ka Kund" from highly populated area of the Pipar town.

The case of the petitioners was that the work of washing dead animals' skin at "Raigaro Ka Kund" created huge public nuisance and damage to the environment, as such, the same would have not been permitted in the area highly populated. The writ

(2)

petition came to be accepted under the order dated 17.12.2012 as the Municipal Board, Pipar shown it desirability to shift the process of tanning leather to the land bearing Khasra No.1631. A direction, thus, was given to the Municipal Board to shift the work of washing and finishing the skin of the dead animals in the land situated at Khasra No.1631.



After disposal of the writ petition, the present applicants, 54 in number, preferred this application with assertion that they are involved in the profession of tanning leather from several generations and were working at "Raigaro Ka Kund". According to them, the writ petition in the name of public interest was filed by the certain persons having interest to have open land in populated area. In addition to whatever stated above, as per the applicants, the order passed in PIL, adversely effecting their civil rights, was passed by the Division Bench in their absence.

Learned counsel appearing on behalf of the petitioners in the PIL and for the Municipal Board, Pipar accepts that the present applicants, who are in profession of tanning leather at "Raigaro Ka Kund" were not party to the writ petition, but, as a

(3)

consequence to the order passed by this court, they have to be shifted to the land bearing Khasra No.1631.

Having considered this statement and also looking to the fact that result of the directions given

shall adversely effect civil rights of the applicants, we are inclined to recall the order dated 17.12.2012.

Accordingly, the same is recalled. D.B. Civil Writ (PIL)

Petition No.7994/2011 is restored at its original number. The application of the applicants to join the

writ proceedings as respondents is also disposed of by

permitting them to participate in the proceedings as

intervener.

An application is also preferred by four persons namely Amra Ram, Karna Ram, Jagdish and Banshi Lal

with assertion that land bearing No.1631 where the

Municipal Board, Pipar desires to shift the leather

tanning work is close to their agriculture land and,

therefore, they should also be heard before giving

effect to the decision of the Board. Having considered

this aspect of the matter, we deem it appropriate to

permit these four persons also to participate in the writ

proceedings as intervener. Applications stand disposed

of accordingly.



(4)

The writ petition be listed for final disposal in second week of September, 2016.

(KAILASH CHANDRA SHARMA),J. (GOVIND MATHUR),J.

Ramesh/-
I.No. 13

