

10874/09  
K.T. Nagmal

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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 12<sup>TH</sup> DAY OF MARCH, 2009

PRESENT

THE HON'BLE MR. P.D. DINAKARAN, CHIEF JUSTICE

AND

THE HON'BLE MR. JUSTICE K.L. MANJUNATH

WRIT PETITION No.10645/2008 (GM-POL)

BETWEEN:

Dr. Nidarsh D.Hegde s/o  
B.Diwakar Hegde, 43 years,  
Anugraha, Door No.25-1-51-3,  
Near Classique Nagar,  
Kankanady Bypass Road,  
Kankanady.  
Mangalore Dist.

.. PETITIONER

(By Advocate Sri.A.Nagarajappa & Assts.)

AND:

1. The Mangalore City Corporation,  
Lalbagh Mangalore.  
Dakshina Kannada.  
R/by its Commissioner.
2. The Karnataka Pollution  
Control Board, Regional  
Office, Plot No.10 B,  
Baikampady, Industrial Area,



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(Affixed) 2009 Cash

Mangalore-11.  
By Environmental Officer.

3. The Mangalore Urban Development  
Authority, Urwa Store,  
Mangalore. D.K. 575 006.  
R/by its Commissioner.

4. Joseph Sequiera s/o late  
H.D. Sequiera, 50 years,  
M/s Sequiera Engineering Works,  
No.25-1-52/53, 24 Bye Pass Road,  
Kankanady, Mangalore.  
D.K. . . . . .

RESPONDENTS

(Advocate Sri.S.Vishwajith Shetty for R-1)  
(Advocate Sri.Mahesh & K.T.Nagendra for R-2)  
(Advocate Sri.K.M.Nataraj for R-4)  
(R-3 .. served)

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This Writ Petition is filed under Arts.226  
& 227 of The Constitution of India to direct  
the respondents, more particularly to R-1 & 2  
to stop functioning or alternatively shift M/s  
Sequiera Engineering Works at Door No.25-1-  
52/53 and 24 Kankanady bye pass road,  
Kankanadi, Mangalore, within the jurisdiction  
of the Mangalore City Corporation to any other  
industrial zone.

This Petition is coming on for preliminary  
hearing this day, MANJUNATH J. made the  
following:



ORDER

This petition is filed by the petitioner to issue a writ of mandamus directing R-1 & 2 to issue directions to R-4 to shift his Engineering Works from Door No.25-1-52/53 and 24 situated at Kankanady By-pass road <sup>2</sup> Kankanady, Mangalore, to any other industrial zone. According to the petitioner, workshop of R-4 is situated in the middle of the residential area, <sup>and</sup> on account of the emission of smoke and discharge of waste water petitioner and other neighbours are suffering on account of the pollution and nuisance created by R-4. On the ground that request of the petitioner has not been considered by R-1 to 3, present petition is filed.

2. According to R-4 his industry is not situated in the residential zone. According to



him, same is established in an industrial area. During the course of the arguments, counsel for the petitioner does not dispute that the industry of R-4 is situated in industrial area. If an industry is established in industrial area, only because petitioner is a resident of industrial area, no court can direct R-4 to shift his industry to any other place. On the contrary, it is for the petitioner to make alternate arrangement to shift his residence from industrial area to any other place. Therefore, we do not see any merits in this petition.

Accordingly, this petition is dismissed.



The date on which the application was made 19/3/69

The date on which charges and additional charges if any are called for 16/4/69

The date on which charges and additional charges, if any are deposited 18/4/69

(d) The date on which the copy is ready 16/4/69

(e) The date of notifying that the copy is ready for delivery 16/4/69

(f) The date on which the applicant is required to appear on or before 18/4/69

The date on which copy is delivered to the applicant 26/5/69

Examined by [Signature]

Sd/-  
Chief Justice

Sd/-  
Judge

TRUE COPY  
Shaladevi  
16/4/69  
Lecturer Officer  
High Court of Karnataka  
Bangalore-560 001.