



CNR: KAHC010585422026

NC: 2026:KHC:50917-DB
WP No. 26257 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF SEPTEMBER, 2026

PRESENT

THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE

AND

THE HON'BLE MRS. JUSTICE K.S. HEMALEKHA

WRIT PETITION NO.26257 OF 2026 (GM-POL)

BETWEEN:

M/S. MUGRODY CONSTRUCTIONS,
A PARTNERSHIP FIRM,
HAVING OFFICE AT MUGRODY ENCLAVE,
KAVOOR, GANDHI NAGAR,
KAVOOR, MANGALURU,
KARNATAKA-575015
REPRESENTED BY ITS MANAGING PARTNER,
SRI. D. SUDHAKAR SHETTY
S/O DASU SHETTY,
AGED ABOUT 56 YEARS.

...PETITIONER

(BY SMT. NIRIKSHA Y.M., ADVOCATE)

AND:

1. KARNATAKA STATE POLLUTION CONTROL BOARD
REPRESENTED BY ITS CHAIRMAN,
PARISARA BHAVANA,
NO.49, CHURCH STREET,
BENGALURU - 560001.
2. THE MEMBER SECRETARY,
KARNATAKA STATE POLLUTION CONTROL BOARD,
PARISARA BHAVANA,
NO.49, CHURCH STREET,
BENGALURU - 560001.



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3. THE SENIOR ENVIRONMENTAL OFFICER /
COMPETENT AUTHORITY,
KARNATAKA STATE POLLUTION CONTROL BOARD,
REGIONAL OFFICE, MANGALURU,
PARISARA BHAVANA, 10B,
BAIKAMPADY INDUSTRIAL AREA,
MANGALURU - 575 011.
4. THE ENVIRONMENTAL OFFICER,
KARNATAKA STATE POLLUTION CONTROL BOARD,
REGIONAL OFFICE, MANGALURU,
PARISARA BHAVANA, 10B,
BAIKAMPADY INDUSTRIAL AREA,
MANGALURU - 575 011.

...RESPONDENTS

(BY SRI. A. MAHESH CHOWDHARY, ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT, ORDER OR DIRECTION QUASHING THE IMPUGNED WITHDRAWAL ORDER BEARING NO.PCB/RO/MNG/MUGRODY/2026-27/1376 DATED 04.08.2026, ISSUED BY THE REGIONAL OFFICE, KARNATAKA STATE POLLUTION CONTROL BOARD, MANGALURU, INSOFAR AS THE SAME RELATES TO THE RMC PLANT OF THE PETITIONER SITUATED AT SY.NO.98/19 & 105/3, NADA VILLAGE, BELTHANGADY TALUK, DAKSHINA KANNADA DISTRICT VIDE ANNEXURE-G AND ETC.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE
and
HON'BLE MRS. JUSTICE K.S. HEMALEKHA



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ORAL ORDER

(PER: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE)

1. The petitioner has filed the present petition impugning the order dated 04.08.2026, whereby the Karnataka State Pollution Control Board [**KSPCB**] withdrew the Combined Consent for Operation [**CFO**] granted to the petitioner's Ready-Mix Concrete [**RMC**] plant located at Sy. No.98/19 and 105/3 of Nada Village, Belthangady Taluk, Dakshina Kannada District.

2. The KSPCB had issued a combined consent to operate under the Water (Prevention and Control of Pollution) Act, 1974 [**Water Act**] and emission under Air (Prevention and Control of Pollution) Act, 1981 [**the Act**]. The said combined consent was valid upto 31.12.2027.

3. Complaints were received by the KSPCB from various sources, including public through the Office of the District Commissioner and the Nada Grama Panchayath, alleging that the petitioner's RMC unit was causing pollution. A newspaper report also referred to the pollution allegedly being caused by the said unit. Consequently, the officials of the KSPCB inspected the



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premises on 29.01.2026 and found that certain measures necessary for containing pollution had not been complied with. The following non-compliances were observed during the inspection:

- "1. The plant was in under operation at the time of inspection.
2. During inspection it was observed that the industry has installed additional plant & machinery that is three numbers of silo & one DG set without prior permission from the Board.
3. The Stone Dust is stored in an open area, which may lead to the fugitive dust pollution during windblow.
4. The height of windbreak walls provided around the ready-mix plant is not adequate and needs to be increased and above that a green mesh needs to be provided to prevent the fugitive dust escaping out of the premises.
5. The ready-mix loading area and process area are partially covered with green mesh, where in there is possibility of cement and dust particle penetrate across the green mesh, which may be carried out to outside the premises creating dust nuisance around.
6. The sprinkling arrangement provided is not adequate and hence you are directed to provide fog generating sprinkling system with proper nozzle to contain fugitive dust emission within the premises.
7. Industry authorities dumped RMC waste which may lead to choking of storm water drains.
8. There was no green belt observed around the premises and you need to provide thick vegetative cover all along the boundary of the premises and around the area to prevent the escape of the dust.
9. Regular water sprinkling arrangements shall be



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carried out on the aggregate heap stored within the premises to prevent airborne dust emission.

10. Industry authorities not provided separate designated shed/ area to store sand/M-Sand, jelly and cement.

11. Industry authorities not provided series of dust settling slurry tanks for recycling.

12. Industry authorities not provided water wash bay for the vehicle for which come in and go out from the premises.

13. Industry authorities have not covered hopper and the raw material loading point with the sheet.

14. Industry authorities have not covered the top of the silos to avoid fugitive emissions."

4. Thereafter, the KSPCB issued a show-cause notice dated 03.02.2026. Further inspections were conducted on 03.02.2006 and 04.02.2006, during which ambient air samples were collected for analysis. The analysis report dated 17.02.2026 revealed deterioration in the ambient air quality. It specifically reported that the tests for ambient quality conducted near the houses of the complainants revealed that the concentration of parameter, PM 10 exceeded the National Ambient Air Quality Standards prescribed by the Central Pollution Control Board. Therefore, a show-cause notice was issued to the petitioner. After hearing the petitioner, the KSPCB passed the impugned order.



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5. The learned counsel appearing for the petitioner referred to the petitioner's representation dated 10.02.2026, wherein the petitioner had denied that it caused any environmental pollution or public nuisance. However, the representation indicates that the petitioner also acknowledged that some of the observations / deficiencies noticed during the inspection were existing. The petitioner admitted that it had installed additional Silos and Diesel Generator sets for improving the operational efficiency. However, it denied that the installations had enhanced the production capacity or altered the product profile. The petitioner also acknowledged that an application had been submitted to the KSPCB seeking regularization and approval of the additional installations.

6. The representation also indicates that stone dust was stored in the open. According to the petitioner, such storage was only temporary in nature and adequate measures were being implemented to cover the material properly and prevent possible fugitive dust emissions. However, the photographs annexed by the petitioner clearly indicate huge dumps of sand lying on the open ground without any cover or any other protective measures. The petitioner also acknowledged that the windbreak walls and green



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mesh of the requisite height had not been installed. However, it claimed that it was in the process of increasing the height of the windbreak walls and additional green mesh was being installed to strengthen the dust control measures. It also claimed that sprinkling arrangement was already in place.

7. The petitioner also acknowledged that RMC waste was found on the premises at the time of inspection. However, claimed that the same had been subsequently cleared.

8. Concededly, the petitioner had not provided adequate green belt as required. However, in its representation, it was stated that preliminary steps had been initiated to develop green belt and that it was in the process of developing a thicker vegetative cover along the boundary of the premises. It also stated that arrangements were being made to provide designated coverage areas for storage of sand/M-sand, jelly and cement in line with the standard environmental practices. It is thus clear that, at the time of the inspection and submission of the said representation, the said steps had not been taken.



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9. Similarly, the petitioner had also stated that it was in the process of providing dust-settling slurry tanks for recycling purposes; making arrangements to provide wash bay facilities to ensure that vehicles do not carry dust or mud outside the premises; and the suitable measures were being taken to prevent possible fugitive dust emissions.

10. The learned counsel for the petitioner submitted that the petitioner was not responsible for the poor ambient air quality. She contended that the ambient air quality had been checked near the houses in the village and the observed levels could be from external sources. However, we find that there is no material on record to support the said contention. There is no averment in the petition regarding existence of any other polluting source in the immediate vicinity. There is also no material to show that the ambient air quality is uniformly below the prescribed standards in other areas situated farther away from the petitioner's unit.

11. The petitioner has also averred that it has commercial arrangements with its sister concern for the supply of RMC for construction projects. However, the said commercial arrangements



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are of little relevance to the issues flagged by the KSPCB. Clearly the petitioner's unit is generating pollution beyond its permissible standards and therefore, it cannot be permitted to be operated.

12. Having stated above, we also consider it apposite to direct that, if the petitioner submits a comprehensive report clearly stating that it has put in place all measures to address KSPCB's observations, KSPCB shall consider the same and undertake a fresh inspection. Needless to state that, if, upon such inspection, if it is found that all measures as required have been taken, KSPCB shall consider revoking the impugned order or issuing a fresh order of CFO.

13. The petition is dismissed, albeit with the said observations.

**Sd/-
(VIBHU BAKHRU)
CHIEF JUSTICE**

**Sd/-
(K.S. HEMALEKHA)
JUDGE**