

HON'BLE THE ACTING CHIEF JUSTICE DILIP B.BHOSALE

AND

HON'BLE SRI JUSTICE S.V.BHATT

PIL No.198 OF 2015

PC: (Hon'ble Sri Justice S.V.Bhatt)

Heard Ms. M.Pavithra, learned counsel for the petitioner, learned Government Pleaders for Forests, Labour, Industries, Revenue, Mr. G.Ramachandra Rao, learned standing counsel for Andhra Pradesh State Pollution Control Board and Mr. Y. Srinivas Murthy, learned counsel for respondents 6 and 7.

Through the Instant Public Interest Litigation, the petitioner prays for Mandamus declaring the inaction of respondents 1 to 5 in initiating immediate steps to close down the industries run by respondent Nos.6 and 7 on the ground that the industries are causing pollution problems and health hazards to the neighbouring villages, in spite of fire accident, as illegal, unconstitutional and violative of Environmental Laws.

On 03.09.2015, having heard the learned counsel appearing for parties and with a view to have first hand information and assistance from the statutory authority/APPCB, we directed the Board as follows:

Heard learned counsel for the petitioner and learned standing counsel for Andhra Pradesh State Pollution Control Board. Mr.Y.Srinivasa Murthy offers to file Vakalat for respondents 6 and 7.

It has been brought to the notice of the Court that the 6th respondent on account of lack of orders is not undertaking any processing as on date. Before commencing the process, the 6th respondent will intimate respondent No.2. As regards, respondent No.7 is concerned, the 2nd respondent is directed to depute tomorrow the Members of Task Force to inspect the industry of 7th respondent/prepare the compliance status of the directions issued and the deficiencies which are required to be carried out by

the 6th respondent, and file a report before this Court by 08.09.2015. The learned standing counsel representing the 2nd respondent is directed to communicate in writing this order for due compliance by the 2nd respondent.

Stand over to 08.09.2015.”

Today during the course of hearing, the learned standing counsel places on record the report dated 04.09.2015 of the Task Force which visited the industry of 7th respondent. We have perused the report and taken note of the compliance or non-compliance of conditions by 7th respondent and the technical issue is being considered by the Pollution Control Board. Having regard to this circumstance, we are of the view that the 2nd respondent/Pollution Control Board, being the statutory authority is required to examine the totality of the circumstances of the case, verify compliance status or non-compliance of conditions by respondents 6 and 7, the causes or contributory causes leading to fire accident in the company of respondent No.7, what are the preventive and prohibitory measures required to be followed to avoid recurrence of such incidents etc. are thoroughly examined and appropriate decision is taken by respondent No.2.

Mr.Y.Srinivas Murthy learned counsel appearing for respondents 6 and 7 submits that the report substantially vindicates the stand of respondents 6 and 7 and if at all any omission is pointed out in the report, his clients are prepared to make good the deficiencies or place before the authorities the record of due compliance of conditions imposed by the Board. For doing so, the learned counsel requests two weeks from today.

We have perused the status report dated 04.09.2015 and the other material available on record. Admittedly, the issue is pending before the 2nd respondent for consideration and passing appropriate

orders under the Water (Prevention and Control of Pollution) Act, 1974 (for short 'the Water Act') and the Air (Prevention and Control of Pollution) Act,1981 (for short 'the Air Act'). It is for the 2nd respondent to objectively consider the totality of the circumstances of due compliance of all conditions by respondents 6 and 7 and if necessary keep the industries in watch list, periodically monitor and take short term and long term steps necessary for prevention and prohibition of pollution from these industries. The petitioner is given two weeks time from today to file representation against any of the inactions or non-compliance of conditions by respondents 6 and 7 before the 2nd respondent. The representation is directed to be considered while examining the case of respondents 6 and 7 under Section 33(A) of the Water Act and under Section 31(A) of the Air Act. The 2nd respondent is directed to undertake and complete the said exercise within a period of two months from the date of receipt of copy of this order. It is made clear that we are not expressing any view on the merits of the complaint made by the petitioner or the justification offered by respondents 6 and 7. It is strictly for 2nd respondent to examine and pass appropriate orders in accordance with law.

The public interest litigation is disposed of.

Consequently, miscellaneous petitions, if any pending, also stand disposed of.

DILIP B.BHOSALE, ACJ

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S.V.BHATT, J

Date:08.09.2015

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