

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

AND

HON'BLE SRI JUSTICE S.V. BHATT

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WRIT PETITION No. 18775 OF 2007

Date: 18.11.2015

Between:

Mikkilinani Venkata Rama Rao & others.

... Petitioners

And

The Govt., of A.P., rep., by its District Medical &
Health Officer, Machilipatnam, Krishna District,
& another.

... Respondents

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

AND

HON'BLE SRI JUSTICE S.V. BHATT

WRIT PETITION No. 18775 OF 2007

ORDER: (per the Hon'ble the Acting Chief Justice Dilip B. Bhosale)

Heard learned counsel for the parties.

The petitioners, in the instant writ petition, make the following prayer:

“For the reasons stated in the accompanying affidavit, it is prayed that this Hon'ble Court be pleased to issue an appropriate writ, order or direction more particularly one in the nature of Mandamus declaring inaction of respondents 1 to 6 on the activity of the 7th respondent causing pollution by establishing poultry sheds near human habitations at Daliparru Village, Ghantasala Mandal, Krishna District as illegal, arbitrary and violative of Article 21 of the Constitution of India and consequently seeking the direction to the respondents 1 to 6 to take necessary steps to prevent the 7th respondent from establishing poultry sheds near human habitations and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

Learned counsel for the petitioners submits that respondent No.1 has filed counter affidavit and stated that they have initiated action against the poultry sheds belonging to respondent No.7. However, he is not in a position to state as to what happened thereafter. He is also not in a position to state whether poultry sheds still exist.

Learned Government Pleader is also not in a position to state as to what action has been taken.

Keeping that in view and considering the averments made in paragraph Nos.3 and 4 of the counter affidavit, we are satisfied that this writ petition can be conveniently disposed of by the following order:

“Respondent No.1 through their authorized representative are at liberty to prosecute the action initiated by them against the poultry sheds of respondent No.7. It is needless to mention, before taking any action as such, they shall grant an opportunity of being heard to the 7th respondent. This observation will operate if the action is so far not taken.”

With these observations, writ petition is disposed of.

Miscellaneous petitions, if any, shall also stand disposed of. There shall be no order as to costs.

DILIP B. BHOSALE, ACJ

S.V. BHATT, J

Date: 18.11.2015

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