

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

AND

THE HON'BLE SRI JUSTICE S.V. BHATT

Writ Petition No.16711 of 2015

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DATED:12.06.2015

Between:

K.V.Gopala Krishna,

East Godavari District.

... Petitioner

And

The State of Andhra Pradesh,

Represented by its Principal Secretary

(Revenue),

Hyderabad and others.

....Respondents

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

AND

THE HON'BLE SRI JUSTICE S.V. BHATT

Writ Petition No.16711 of 2015

PC: (Per the Hon'ble the Acting Chief Justice Dilip B. Bhosale)

By this writ petition, the petitioner seeks the following prayer:

“For the reasons stated in the accompanying affidavit, the petitioner herein prays that this Hon'ble Court may be pleased to issue a Writ, order or direction, especially one in the nature of Writ of Mandamus declaring the action of the respondents in not taking any action against the 4th respondent for violating the norms prescribed by the 3rd respondent in releasing the fuming dust beyond the limits stipulated for ambient air quality and thereby causing loss to the petitioner and his family members as illegal, arbitrary and violation of Article 21 of Constitution of India and consequently direct the respondents to initiate action against the 4th respondent for violating the prescribed limits stipulated for ambient air quality and failing to control the fuming dust and pass such other order or orders as are deemed fit and proper.”

Learned counsel for the petitioner submits that the petitioner has independently approached respondent No.3 for the action, as prayed for in the writ petition, and in response thereto, they have issued notice dated 11.3.2014 bearing No.Comp/PCB/RO-KKD/2014-332, and after issuance of the notice, he submits, that no further steps are taken by respondent No.3-Pollution Control Board. He further submits that the petitioner would be satisfied if directions are given to respondent No.3 to take further steps and decide the petitioner's complaint.

Learned counsel appearing for respondent No.3 submits that respondent No.3 shall take all the steps within a period of three months from today.

In view of the submissions made by learned counsel for the parties, we are satisfied that this writ petition can be conveniently disposed of by the following order:

“Respondent No.3-Pollution Control Board shall take all further steps in pursuance of the notice dated 11.3.2014 and shall take the complaint of the petitioner to its logical conclusion as expeditiously as possible and preferably within a period of three months from the date of communication of this order. Petitioner is directed to produce copy of this order along with a copy of the writ petition and annexures thereto before respondent No.3 within a period of two weeks from today. It is made clear that respondent No.3 shall take all further steps strictly in

accordance with law. It is needless to mention that respondent No.3 would grant an opportunity of being heard to respondent No.4 at every stage of the proceedings.”

With these observations, the writ petition is disposed of.

While passing this order, it is made clear that we have not examined merits of the case.

Consequently, pending miscellaneous petitions also stand closed.

DILIP B. BHOSALE, ACJ

S.V. BHATT, J

12th June, 2015

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