

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

AND

HON'BLE SRI JUSTICE S.V. BHATT

WRIT PETITION No. 13308 OF 2015

02-06-2015

Between:

Neelakantam Ranga Nayakulu

... Petitioner

And

The State of Andhra Pradesh, rep., by its Principal Secretary (Revenue), Secretariat Buildings, Hyderabad and seven others

... Respondents

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WRIT PETITION No. 13308 OF 2015

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

Heard learned counsel for the petitioner and Mr. G. Ramachander Rao, learned Standing Counsel for respondent Nos.6 and 7. Having regard to the nature of prayer made in the writ petition, we are satisfied that this petition can be conveniently disposed of even without issuing notice to the remaining respondents.

In the writ petition, in effect, the petitioner is seeking action against respondent No.8 for running a factory at the premises bearing D.No.29-1-12/3 situated at Kondamma Sandhu, Kakinada, which, according to him, is causing severe air and sound pollution. Further, he seeks direction to the official respondents to consider his representation dated 27-03-2015 addressed to the District Collector, East Godavari.

We have perused the representation dated 27-03-2015 which is addressed to the District Collector, East Godavari. We find that no representation has been made to the Andhra Pradesh Pollution Control Board till this date, which is the concerned authority. Having regard to the nature of grievance in the representation, in our opinion, the petitioner ought to have addressed representation to the Andhra Pradesh Pollution Control Board and not to the District Collector. Having so observed, we are satisfied that this writ petition can be conveniently disposed of by the following order, for which learned counsel for the petitioner also agreed for:

“It is open to the petitioner to make a fresh representation to the Andhra Pollution Control Board, within a period of two weeks from today. If any such representation is made by the petitioner, we hope and trust that the Andhra Pradesh Pollution Control Board shall consider the same on merits in accordance with law, as expeditiously as possible and preferably within a period of two months from the date of receipt of the representation. It is needless to mention that the Andhra Pradesh Pollution Control Board shall grant an opportunity of being heard to respondent No.8 while considering and deciding the representation. While passing this order we shall not be understood to have expressed any opinion on merits of the case.”

With these observations, the writ petition is disposed of.

Miscellaneous petitions, if any, also stand disposed of.

DILIP B. BHOSALE, ACJ

S.V. BHATT, J

02-06-2015

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