

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

PRESENT

THE HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.23477 of 2015

DATED: 16.09.2015

Between:

Challapalli Venkateswara Rao

... Petitioner

and

The State of Andhra Pradesh and others

... Respondents

**THE HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY**

WRIT PETITION No.23477 of 2015

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

Heard learned counsel for the parties.

The petitioner, in the instant Writ Petition seeks the following relief.

“For the reasons stated in the accompanying Affidavit the Petitioners herein respectfully pray that this Hon'ble Court may be pleased to issue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the 6th respondent herein from making further construction for establishing a abattoir/slaughter house in Sy.No.162 of Paradesipalem, Visakhapatnam which is a tank bed and in the midst residential area which is a tank bed area as illegal, arbitrary, unreasonable, void and against the provisions of Environment (Protection Act) 1996 and contrary to the law laid down by the Hon'ble Apex Court and contrary to the order dated 24.02.2012 passed in W.P.No.6614 of 2005.”

The petitioner had filed Writ Petition No.6614 of 2005 for almost similar relief and it was disposed of by the following order.

“The GVMC and the District Collector, Visakhapatnam, shall reconsider the proposal to construct the modern abattoir keeping in view the subsequent developments. The fact that

residential/commercial complexes have come up all around the land in Survey No.162 and there is no other open space such as the remaining Acs.11.40 cents in Survey No.162 (tank Poramboke) and the revenue administration can always consider the better ways of protecting the water body than constructing such abattoir. Needless to mention, the petitioner and other people in the locality shall be given an opportunity of being heard whenever a local authority proposes to take up the activity in the land of the Government classified as tank Poramboke. Till such exercise is completed the slaughter house or modern abattoir shall not be constructed.

The Writ Petition shall stand disposed of accordingly. There shall be no order as to costs.”

This Court is informed that in pursuance of the order passed in Writ Petition No.6614 of 2005, public hearing was conducted and thereafter, the respondents decided to go ahead with the proposal to change user of the land from water body to semi public use for construction of Modern Abattoir in Survey No.162. Then the Collector granted such permission subject to ratification orders of de-notification (Tank Conversion) and acceptance of regular alienation proposals by the Government. In the meanwhile, the Corporation commenced the construction and we are informed that the construction of Modern Abattoir is at the verge of its completion.

Learned counsel appearing for the Corporation, in view thereof, submits that the letter of Collector, dated 30.07.2014 shall not come into operation unless the

Government ratify the order of
de-notification.

His statement is recorded and accepted and in view thereof, learned counsel for the petitioner does not press the Writ Petition and seeks liberty to the petitioner to take appropriate remedy, if the circumstances so demand.

Petition is disposed of as withdrawn with liberty as prayed.

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

DILIP B. BHOSALE, ACJ

16th SEPTEMBER, 2015.

A.RAJASHEKER REDDY, J

kvni