

**HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
HON'BLE SRI JUSTICE S.V. BHATT**

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W.P.No.11280 of 2015

PC: (Per the Hon'ble Sri Justice S.V.BHATT)

Heard Sri V.R.Avula, learned counsel for the petitioners, Sri B.Narayana Reddy, learned counsel for respondent No.1, learned Government Pleader for Mines and Geology for respondent No.2, Sri G Ramchandra Rao, standing counsel for respondents 3 and 4, learned Government Pleader for Revenue for respondent Nos. 5 and 6 and Sri Challa Gunaranjan, learned standing counsel for respondent No.7,

The writ petition is filed with following prayers:

A) to declare the environmental public hearing held on 30.1.2015 in connection with the proposal for renewal of mining lease to the 7th respondent for the mining area over area of 335.06 hectares of Nidizuvvi village, Yerraguntla Mandal, YSR Kadapa District, held by the environmental committee as illegal, void, arbitrary, violating the principles of natural justice and in gross violation of the provisions and guidelines framed under Environment' (Protection) Act, 1986 and Rules and Notification made and issued thereunder and consequently direct to re-hold the environmental. public hearing accordingly.

B). Consequently, to direct the 1st and 3rd respondents not to accord environmental and other clearances to the 7th respondent pursuant to the recommendations made by the committee constituted for holding public hearing and held on 30.1.2015 in connection with the proposal for renewal' of mining lease for 7th respondent over the mining area of 335.06 hectares of Nidizuvvi village, Yerraguntla Mandal, YSR Kadapa District.

C). Consequently, to direct the 2nd respondent not to renew the mining lease for mining the limestone over an extent of 335.06 hectares of Nidizuvvi village, Yerraguntla Mandal, YSR Kadapa District, in favour of the 7th respondent.

D). To direct the 7th respondent to pay damages to the residents of Nidizuvvi and Kaadivaripalle villages Of .Yerraguntla Mandal, YSR Kadapa District for the loss, suffering, agony and anguish caused due to the mining activity undertaken by the 7th respondent pursuant to the grant of mining lease by the 2nd respondent over the mining area of an extent of 335.06 hectares of Nidizuvvi village, Yerraguntla Mandal, YSR Kadapa District."

At the outset, it is placed on record the submission of learned counsel for the petitioners that as on date prayers B to D are premature and he confines his submission to the public hearing held on 30.01.2015 on the application of 7th respondent for grant of Environmental Clearance (for short 'E.C.').

The petitioners complain against the public hearing held on 30.01.2015 as illegal, unconstitutional and in violation of Environmental Impact Assessment Notification, 2006 and the guidelines issued under the Environment (Protection) Act, 1986 in the conduct of public hearing.

It is not in dispute that on the application of 7th respondent for grant of E.C. the public hearing was held on 30.01.2015. The 1st petitioner has participated in the public hearing and has placed the following points on record:

"Dr.M.Sudheer Reddy R/o. Niduzuvvi village, Yerraguntla while speaking on the occasion, expressed dissatisfaction on the following activities by M/s. The India Cements Ltd., Yerraguntla.

1. Industry has provided nominal employment to the local people/land losers and also not paying proper salaries to the employees.
2. No school facility is provided by M/s. The India Cements Ltd., Yerraguntla whereas surrounding Industries M/s.Zuari Cements and M/s. RTPP have provided school facility even to the contract employees as well as children of local people.
3. Industry is taking up blasting operations at the distance of 200 mts. from Kadirivaripalli thereby causing damages to the village and also not provided proper road facility/lighting to the road leading to Kadirivaripalli.
4. No proper health camps/health facilities are being provided by the industry to the surrounding villages.
5. Agricultural crops are being damaged due to the blasting operations on the surrounding villages and not giving good yield by the surrounding orchards.
6. No considerable facilities have been provided to the surrounding villages, especially to Yerraguntala, Niduzuvvi and Kadirivaripalli except waer plant at Kadirivandlapalli.
7. No proper planning/spending in connection with the Corporate Social Responsibility funds by the industry.

While concluding his speech on the occasion Dr.M.Sudheer Reddy said that, he is not against the operation of the cement plant and he requested not to renew the mining permissions at the existing mining area."

The petitioners pray for setting aside the public hearing dated 30.01.2015 on various grounds.

The 3rd and 4th respondents filed detailed counter affidavit and replied on the complaint of petitioners about the manner of conduct of public hearing. The learned counsel appearing for the petitioners and the learned

standing counsel for respondents 3 and 4 state that the application of 7th respondent for grant of environmental clearance is pending consideration before the 1st respondent. According to the Environmental Impact Assessment Notification 2006, the public hearing is an occasion or forum to speak for or against the proposed project. In the case on hand, the petitioners to that extent have been given opportunity and they have accordingly expressed their views. The summary of public hearing is forwarded to the Environmental Impact Assessment for in-depth analysis and examination of feasibility of the proposal from the perspective of environmental laws. Now, this Court in exercise of its jurisdiction under Article 226 of the Constitution of India ought not to express any view on the objections of petitioners or accept the explanation offered by 3rd and 4th respondents in the conduct of public hearing. It is for the competent authority under Environmental Impact Assessment Notification to examine the material and pass appropriate orders. On this short ground, the writ petition is dismissed. It is made clear that the objections against the conduct of public hearing are not considered by us on merits while dismissing the writ petition and are left open for decision to the authority. The parties are at liberty to pursue the remedies as and when cause of action arises.

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

DILIP B. BHOSALE, ACJ

S.V.BHATT, J

Date: 03.07.2015
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