

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

Writ Petition No.28380 of 2012

ORDER:

This writ petition is filed seeking the following relief/s:

'...to issue a Writ or order or orders more particularly in the nature of writ of Mandamus or any other appropriate writ declaring the action of the respondents 1 to 8 in not taking any action on the representation of the petitioner with regard to the diversion of chemicals by the 9th and 10th respondents into the agricultural canal and also establishing yarn dyeing unit in the residential area and to declare the same as illegal, arbitrary, unjustified and for a direction to the respondents 1 to 8 to act in accordance with law on the representations dated 31.07.2012 of the petitioner and legal notice, 07.08.2012, and pass such other orders....'

[Reproduced verbatim]

2. I have heard the submissions of the learned counsel for the writ petitioner, the learned Standing Counsel appearing for the 6th respondent and the learned counsel appearing for the respondents 9 and 10. I have perused the material record.
3. The grievance of the writ petitioner is that the respondents 9 and 10, who are running a yarn dyeing unit in a residential area, are releasing the effluents and untreated water polluted with chemicals into the agricultural canal and that inspite of the representations of the petitioner, the respondents 1 to 8 have not initiated any action in accordance with the procedure established by law against the said unit of the respondents 9 and 10 and that, therefore, the writ petitioner is constrained to file the writ petition to direct the respondents 1 to 8 to act in accordance with law on the representations of the petitioner.
4. The learned Standing Counsel for the 6th respondent would submit that the unit of the respondents 9 and 10 is not a mechanised unit and it is a hand dyeing unit and that the respondents 9 and 10 are undertaking dyeing of yarn and other material and that the complaint of the writ petitioner that they are releasing effluents and untreated polluted water into the agricultural canal is true, but, the allegation that the 6th respondent did not take any action is not correct and that the 6th respondent had already issued a notice as per the statutory provisions and that to that notice the respondents 9 and 10 had already submitted an explanation and that a further notice had already been issued.
5. The learned counsel for the respondents 9 and 10 would submit that the respondents 9 and 10 are taking steps to submit their explanation to the further notice issued by the 6th respondent and that they have no objection if the 6th respondent initiates steps against the yarn dyeing unit of the respondents 9 and 10 in accordance with the procedure established by law.
6. Having regard to the submissions, this Court is of the considered view that the writ petition may be disposed of with suitable directions.
7. Accordingly, the Writ Petition is disposed of directing the 6th respondent to proceed against the unit of the respondents 9 and 10 in accordance with the procedure established by law and to see that they either establish effluent treatment plant in their unit as contemplated under the provisions of law which govern their unit or stop discharging effluents and untreated polluted water into the agricultural canal. It is needless to mention that the respondents 9 and 10 are at liberty to answer the notices and meet the requirements of law as may be directed in accordance with law by the 6th respondent. However, the 6th respondent shall not take any coercive action except in strict accordance with procedure established by law. It is made clear that an opportunity of hearing may also be afforded to the respondents 9 and 10 in such an event. No costs.

Miscellaneous petitions, pending if any, in the writ petition shall stand closed.

M. SEETHARAMA MURTI, J

16.12.2015
Vjl