

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.15273 of 2011

Between:

M/s. Sri Medicare Services,
Rep. by Managing Partner,
Sri Garlapati Srinivas Reddy

PETITIONER

AND

1. The Government of Andhra Pradesh, rep. by its District Collector,
Nizamabad, and others.

RESPONDENTS

ORDER:

This writ petition came to be filed challenging the action of the respondents, in seizing the petitioner's Common Biomedical Waste Treatment and Disposal Facility Unit at Padkal Village, Jakarnpally Mandal, Nizamabad District and putting seals and locks on the unit without passing any order or issuing any notice, as illegal and arbitrary.

The case of the writ petitioner is that the petitioner firm is a partnership firm and is doing business in establishment of Bio-Medical Waste Treatment units generated from hospitals, clinics and diagnosis centres. The petitioner applied for operation of Common Biomedical Waste Treatment and Disposal Facility in Sy.No.1480/13AD and 1480/AA, Padkal Village, Jakarnpally Mandal Nizamabad District to collect, transport, treat and dispose biomedical waste generated from HCEs/Hospitals located in Nirmal and Adilabad town. The A.P. Pollution Control Board gave consent on 26.07.2010 permitting the petitioner to operate the Common Biomedical Waste Treatment unit. It is stated that on 26.03.2011, the 2nd respondent seized the petitioner-unit without issuing any notice or conducting any panchanama and accordingly issued the closure order. According to the petitioner, the action the 2nd respondent in interfering with the petitioner-unit even without following due process of law is wholly arbitrary and illegal and hence the present writ petition is filed.

The learned Government Pleader on instructions submits that the allegations made in the writ petition are false and that the 2nd respondent has not initiated any action against the petitioner.

On 8.06.2011 this Court while ordering notice before admission passed the following orders.

“Notice Before admission returnable in eight weeks.

I consider it appropriate to implead Andhra Pradesh Pollution Control Board represented by its Secretary, situated at Sanathnagar, Hyderabad as 3rd respondent to this writ petition. Let notice go to the now impleaded 3rd respondent also.

Subject to the 3rd respondent ordering inspection of the writ petitioner’s unit once in every fort night, the respondents 1 and 2 shall not prevent the petitioner from carrying on its operations.”

A perusal of the above order shows that the writ petitioner-unit was functioning under the supervision of the 3rd respondent-Pollution Control Board and respondents 1 and 2 were directed not to prevent the petitioner from carrying on its operations. Sri P. Shiv Kumar appearing for the 3rd respondent-Pollution Control Board states that the Pollution Control Board has granted No Objection Certificate to run the unit.

Having regard to the same, the writ petition is disposed of making the interim order as final order. However, it is made clear that respondents 1 and 2 shall not interfere with the functioning of the petitioner-unit except following the due process of law. There shall be no order as to costs. Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE C. PRAVEEN KUMAR

8th July, 2015
Js.