

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

FRIDAY, THE TWENTIETH DAY OF FEBRUARY,
TWO THOUSAND AND FIFTEEN

:PRESENT:

**THE HON'BLE SRI KALYAN JYOTI SENGUPTA, THE CHIEF JUSTICE
AND
THE HON'BLE SRI JUSTICE SANJAY KUMAR**

WP .NO: 816 of 2015

Between:

M/s Lohiya Edible Oils (P) Ltd.,
(A Company incorporated under the Companies Act, 1956)
Phase II, Plot No.4, IDA Mankal, Maheshwaram Mandal,
R.R. District- 509 328. Represented by its Director, Mr. Mahaveer Lohiya.

..... Petitioner

AND

- 1 The State of Telangana, Represented by its Principal Secretary,
Department of Environment, Forests, Science and Technology (ENV),
Telangana State Secretariat, Hyderabad- 500 022.
- 2 The State of Telangana, Represented by its Principal Secretary,
Department of industries and Commerce, Telangana State Secretariat,
Hyderabad - 500 022.
- 3 The Member Secretary, Telangana State Pollution Control Board,
Paryavarana Bhavan, Sanathnagar, Hyderabad- 500 001.
- 4 Joint Chief Environmental Engineer, Telangana State Pollution Control
Board, Zonal Office, 4th Floor, Podupu Bhavan, Collectorate Office,
Nampally Stn. Road, Hyderabad- 500 001.
- 5 Environmental Engineer, A.P. Pollution Control Board, Regional office- I
Rangareddy District, D.No. 2-14-154/101, Flat no.101, My Residency,
Beerappagadda, Uppal, Hyderabad- 500039.

.....Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein, the High Court may be pleased to issue a Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus to declare Letter No. 3585/ENV/2014, dt. 2.06.2014, issued by the then 1st respondent resulting in the lack of an Appellate Authority coterminus with the Telangana State Pollution Control Board ("TSPCB"), due to the bifurcation of the erstwhile state of Andhra Pradesh into Telangana and Andhra Pradesh on 2.06.2014, so that matters such as the present Closure-Orders issued by the 3rd respondent vide Order No.RR-I-100/PCB/TF-HYD/2014-56 dt.9.05.2014, without considering the detailed objections and elaborate submissions that were already subjudice before the erstwhile Andhra Pradesh Pollution Control Appellate Authority were adjourned *sine die* by the erstwhile Andhra Pradesh Pollution Control Appellate Authority due to the bifurcation without an alternative forum of remedy in place, as illegal, arbitrary, in violation of Article 19(1)(g) of the Constitution of India, violative of the Water (Prevention and Control of Pollution) Amendment Act, 1988 and Air (Prevention and Control of Pollution Amendment Act) 1987 and principles of natural justice and to direct the respondent authorities to immediately take measures to

constitute the conterminous Telangana State Pollution Control Appellate Authority.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed herein and upon hearing the arguments of Smt. B. Rachna, Advocate for the Petitioner and the learned Addl. Advocate General (TG) for the Respondents, the Court made the following

ORDER:

The matter is adjourned for a fortnight from date as we notice that the State of Telangana has taken a positive action for appointment of the Appellate Authority.

Contd...2/P

In the meantime, it would be open for the petitioner to approach the Pollution Control Board with suitable representation for reviewing the situation and the Pollution Control Board on receipt of the said representation, shall consider the same objectively.

ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To

- 1 The Principal Secretary, Department of Environment, Forests, Science and Technology (ENV), State of Telangana, Telangana State Secretariat, Hyderabad- 500 022.
- 2 The Principal Secretary, Department of industries and Commerce, State of Telangana, Telangana State Secretariat, Hyderabad - 500 022.
- 3 The Member Secretary, Telangana State Pollution Control Board, Paryavaran Bhavan, Sanathnagar, Hyderabad- 500 001.
- 4 The Joint Chief Environmental Engineer, Telangana State Pollution Control Board, Zonal Office, 4th Floor, Podupu Bhavan, Collectorate Office, Nampally Stn. Road, Hyderabad- 500 001.
- 5 The Environmental Engineer, A.P. Pollution Control Board, Regional office- I Rangareddy District, D.No. 2-14-154/101, Flat no.101, My Residency, Beerappagadda, Uppal, Hyderabad- 500039.
(Addressees 1 to 5 BY RPAD)
- 6 One CC to Smt. B. Rachna, Advocate (OPUC)
- 7 Two CCs to the Addl. Advocate General (Telangana), High Court, Hyderabad. (OUT)
- 8 Two spare copies.

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HIGH COURT

**HCJ
&
SK,J**

DATED: 20-2-2015

NOTE: Matter is adjourned for a fortnight

ORDER

W.P.NO. 816 OF 2015

DIRECTION

HIGH COURT

Nnr

Date of Drafting : 21-02-2015

**HCJ
&
SK,J**

DATED: 20-2-2015

**NOTE: Matter is adjourned
for a fortnight**

ORDER

W.P.NO. 816 OF 2015

DIRECTION