

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

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W.P.No.19422 OF 2015
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PC: *(Per the Hon'ble Sri Justice S.V.Bhatt)*

Heard Sri V.Venkataramana, learned Senior Counsel for the petitioner, Sri G.Ramachandra Rao, learned Standing Counsel for APPCB and the learned Government Pleader for Endowments and Forests.

The petitioner complains against the inaction of respondents in issuing Environmental Clearance to the petitioner for the proposed mining lease of lands in an extent of 5.00 hectares in Sy.Nos.217/2P and 226/1 of Chinthaluru Village, Madugula Mandal, Visakhapatnam District, as arbitrary, illegal and contrary to the Environment Impact Assessment Notification, 2006.

The learned Standing Counsel for APPCB/1st respondent, on written instructions, submits that the 1st respondent having received the application of petitioner, for grant of Environmental Clearance under the Environment Impact Assessment Notification, 2006, carried out field inspection of Sy.Nos.217/2P and 226/1 of Chinthaluru Village, Madugula Mandal, Visakhapatnam District and it transpired during field inspection that the area proposed for mining lease was subjected to quarrying without permission from the competent authority. Having regard to such physical observation, the 1st respondent addressed letter dated 28.04.2015 to the Special Chief Secretary to Government, EFS & T Department, Government of Andhra Pradesh, Secretariat, Hyderabad for initiating action on the unauthorized quarrying, under Section 19 of the Environment (Protection) Act, 1986. According to the learned Standing Counsel, the application of petitioner for grant of Environmental Clearance can be considered and disposed of after the 1st respondent/State Level Environment Impact Assessment Authority receives Action Taken Report on the letter dated 28.04.2015.

Learned Senior Counsel, in view of the limited objection of 1st

respondent, requests the Court to stipulate reasonable time for the respondents to take appropriate action in accordance with law and pass final orders on the application of petitioner pending before the 1st respondent.

Having regard to the above submissions, we are satisfied that the writ petition can be disposed of in the following terms:

- i) The 2nd and 3rd respondents are directed to examine and initiate appropriate action in terms of letter dated 28.04.2015 addressed by the 1st respondent within a period of 6 weeks from the date of receipt of a copy of this order and after initiating appropriate action, the Action Taken Report is directed to be forwarded to the 1st respondent within a further period of 4 weeks thereafter;
- ii) The 1st respondent on receipt of Action Taken Report is directed to consider and dispose of the application of petitioner for grant of EC under the Environment Impact Assessment Notification, 2006 within a further period of 8 weeks from the date of receipt of Action Taken Report; and
- iii) This Court has not examined the merits or otherwise of the matter and it is for the authorities to examine the issue in accordance with law.

Writ petition is disposed of in the above terms.

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

ACJ

DILIP B. BHOSALE,

S.V.BHATT,

J

Date: 18.08.2015
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