

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

W.P.No.42774 OF 2015

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

Heard Mr.D.Vijay Kumar, learned counsel for petitioners, learned Government Pleader for Forests, Mr.G.Ramachandra Rao, learned counsel for respondents 2, 3 and 4 and learned Government Pleader for Industries for respondents 5 and 6.

The petitioners complain against inaction of the respondents in disposing of their representations dated 27.03.2012 and 03.07.2012 made against 7th respondent, as illegal, arbitrary and unconstitutional.

Through representation dated 27.03.2012, the petitioners have brought to the notice of 2nd respondent unauthorised and illegal activities of 7th respondent in running a stone crushing unit in Sy.No.330 of Madanapuram Village, Kothur Mandal, Sirkakulam District. According to the petitioner, the non-consideration of representations is resulting in unabated air pollution to the neighbourhood and the establishment of 7th respondent is contrary to law and guidelines stipulated by the board from time to time. Learned standing counsel appearing for respondents 2, 3 and 4 submits that representations were filed in the year 2012 and it is very unlikely that the representations remained unattended till date. Alternatively, he submits that if the representations are not already disposed of, respondents 2, 3 and 4 will take appropriate decision in accordance with law.

Having regard to the above submission, the writ petition is disposed of directing respondent No.4 to dispose of the representations in accordance with Section 31-A of Air (Prevention and Control of Pollution) Act, 1981 within a period of two months from the date of receipt of a copy of this order, if not already disposed of.

The petitioners are given liberty to enclose copy of the representations dated 27.03.2012 and 03.07.2012 and communicate afresh along with a copy of this order within two months from the date of receipt of a copy of this order.

It is needless to observe that we are not expressing any view on the merits of the matter and if respondents 2 to 4 decide to proceed against 7th respondent for alleged pollution, further action in this behalf shall be taken after affording reasonable opportunity to him.

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

DILIP B. BHOSALE, ACJ

S.V.BHATT, J

Date:20.01.2016
Lrkm