

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

P.I.L.No.232 OF 2015

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

Heard Mr.Tene Panduranga Rao, learned counsel for the petitioner, learned Government Pleaders for Mines and Geology, Revenue, Forests, Home for respondent Nos.5 to 8, 9, 11 and 12 respectively, Mr.B.Narayana Reddy, learned counsel for respondent No.4, Mr.Shaik Jeelani Basha, learned Special Standing counsel for Commercial Taxes for respondent No.13, Mr.Chandrasen Reddy, learned counsel for respondents 14, 15 and 16 and Mr.Gurram Ramachandra Rao, learned Standing Counsel for APPCB for Respondent No.17.

In the instant Public Interest Litigation (PIL), the petitioner prays for the following relief:

“.....this Hon'ble Court may be pleased to issue an appropriate, writ or order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondents 1 to 12 in not taking action in stopping the illegal mining activities of M/s Transworld Garnet India Pvt., Ltd., India, the 16th respondent herein by cancelling the illegal lease agreement deed for leased period dated 24.06.2000 to 23.06.2032 executed by the respondent Nos.5, 7 and 8 as illegal, arbitrary, unconstitutional and violative of Art.14 and 21 of the Constitution of India and violation of provisions of Mines and Geology Act, the Factories Act, 1948, Industrial Disputes Act and Central Wild Life Act and consequently direct the respondents 1 to 12 to take appropriate action to stop and cancel the mining lease agreement executed in favour of the 16th respondent and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

On 10.09.2015, this Court ordered notice to respondents and the contesting respondents have filed their replies.

With the assistance of learned counsel appearing for the parties, we have perused the replies and having regard to the replies filed by respondent No.4 and the status reports dated 10.09.2015 and 10.12.2015 of APPCB/respondent No.17, we are satisfied that the instant PIL can be disposed of by issuing appropriate directions to respondent No.17 for compliance by respondent Nos.14 to 16.

We are making it clear that, having regard to the nature of mineral processed/generated at the subject industry, we hope and trust that the 4th respondent, which is the regulatory board of the mineral, conducts periodical inspections of the industry premises of respondent Nos. 14 to 16 and ensures strict adherence to security and safety norms by respondent Nos.14 to 16.

From the report filed by the Joint Chief Environmental Engineer dated 10.12.2015, it is evident that the activities of respondent Nos.14 to 16 are not compliant under the Water (Prevention and Control of Pollution) Act and the Air (Prevention and Control of Pollution) Act. From the very details furnished by the Joint Chief Environmental Engineer, in the instant reports, we are constrained to observe that much is desired from respondent Nos.14 to 16. This Court, by taking note of the lapses pointed by the report dated 10.12.2015, would have considered issuing appropriate directions for stoppage of activities deleterious to environment in the neighbourhood of respondent Nos.14 to 16, but this Court is refraining to issue directions forthwith on the assurance and undertaking of Sri B.Chandrasen Reddy, learned counsel appearing for respondent Nos.14 to 16, that his clients are prepared and are undertaking to this Court to comply with all the directions of respondent No.17 for protecting the environment from the activities of respondent Nos.14 to 16.

Learned Standing Counsel submits that the Pollution Control Board, by including the subject industry in watch list, is prepared to inspect the subject industry within four weeks from today, identify each one of the sources of air and water pollution from the activities of subject

industry, issue appropriate directions under Section 33-A of the Water (Prevention and Control of Pollution) Act and Section 31-A of the Air (Prevention and Control of Pollution) Act for due compliance by the industry. The statement of the counsel for 17th respondent is placed on record and accepted.

Having regard to the above submissions, the following directions are issued:

“Respondent No.17 is directed to depute Task Force of the Board to inspect the subject industry within four weeks from today, identify each one of the sources of pollution from effluent/emission and, basing upon the report, issue directions for compliance by the subject industry.

The industry, in terms of the undertaking placed in this writ petition, shall comply with the directives of the Board within the time stipulated and report compliance thereof to the Board. Thereafter, the Board carries out fresh inspection and if the deficiencies still persist, appropriate final orders, in accordance with law, are passed.

The entire exercise shall be completed within three months from today.

The petitioner is given liberty to seek appropriate further orders, if the pollution from respondent Nos.14 to 16 subsists”.

With the above directions, the PIL is disposed of.

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

DILIP B.BHOSALE, ACJ

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Date: 04.01.2016
Lrkm

S.V.BHATT,J