

WRIT PETITION No.26360 OF 2012

ORDER:

This writ petition is filed seeking to issue a writ of mandamus, declaring the inaction on the part of the respondents 1 and 3 in not stopping the activities of the 4th respondent in manufacturing fly ash bricks in the unit, which is situated within 100 metres radius of residential area, in spite of the proceedings of the 2nd respondent to stop the manufacturing activity causing dust pollution for the residents of the area, as being illegal, arbitrary and to consequently direct the 1st respondent to take necessary action against the 4th respondent, in the interest of justice.

2. Facts stated are:- 4th respondent established M/s.Sri Sai Raja Fly Ash Bricks in Sy. No.655 near old Court, for manufacturing fly ash bricks at Lakkireddipalle town, which according to the petitioner is situated in a residential area and causing dust pollution. It is stated that the 3rd respondent-Tahsildar, Lakkireddipalle Mandal, YSR District, submitted detailed reports to the 1st respondent-District Collector and the 2nd respondent-General Manager, District Industries Centre, for stopping of fly ash brick unit as it is situated within the residential area. That based on the report of the 3rd respondent, the 2nd respondent-General Manager, District Industries Centre, cancelled the enterprises memorandum part-I pertaining to the 4th respondent unit. But, it is stated that again the 3rd respondent-Tahsildar has given letter of restoration to the 4th respondent, the same thereof was complained to the 1st respondent-Collector in Prajavani by the petitioner, and thereafter, once again the 3rd respondent-Tahsildar by notice dated 30-6-2012 instructed the 4th respondent to shift the fly ash brick unit to a non-residential area. Another notice was issued on 30-07-2012 to shift the unit outside the residential area within 10 days.

3. The grievance of the petitioner is that the 4th respondent is still continuing the fly ash brick unit in the same residential area and causing dust pollution to the general public. That the respondents 1 to 3 are not taking any action to shift the unit of the 4th respondent and allowing him to continue in the present location.

4. In the counter affidavit filed by the 2nd respondent-General Manager, District Industries Centre, it is stated that since the 4th respondent-unit has not honoured the conditions stipulated for running the unit, closure orders were passed. But learned counsel for the petitioner stated that in spite of the orders passed to close down the unit by the 2nd respondent, the 4th respondent was running the unit. On the last date of hearing, learned Asst. Government Pleader was directed to obtain instructions in the matter whether the unit is still functioning or not.

5. Learned Assistant Government for Industries and Commerce has now produced copy of the letter dated 26-09-2015 addressed by the 2nd respondent to the Government Pleader to the effect that the 4th respondent-unit is not working at present and even the power connection is not existing to the unit. A perusal of the letter, it is further disclosed that the unit was also not running due to scarcity of water and the promoter of the unit has already approached the 3rd respondent-Tahsildar for allotment of government land for establishing the fly ash unit. The proceedings of the 2nd respondent goes to show that the 4th respondent unit is not working and no raw material is also found in the unit.

6. As per the averments made in the letter dated 26-09-2015 of the 2nd respondent the unit is not functioning. That being the present situation, the writ petition is disposed of directing the 2nd respondent to take steps as are necessary, if any manufacturing activity is still carried on by the 4th respondent-unit and prevent causing dust pollution in residential area of Lakkireddipalle town and mandal, YSR District. Miscellaneous petitions, if any, pending in this Writ Petition shall stand disposed of. No order as to

costs.

A.RAJASHEKER REDDY, J

Dated: 08.03.2016
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THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

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