

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE SRI JUSTICE A.SHANKAR NARAYANA

Writ Petition No.43062 of 2016

ORDER: (Per the Hon'ble The Acting Chief Justice Ramesh Ranganathan)

The action of the 3rd respondent in issuing a show cause notice dated 10.11.2016, based on the joint inspection conducted on 07.11.2016, is questioned in this writ petition as being illegal and arbitrary. It is the petitioner's case that the joint inspection conducted on 07.11.2016 was unilateral, and without prior notice to them.

Sri G.Ramachandra Rao, learned Standing Counsel for the Andhra Pradesh Pollution Control Board, would submit that, on receipt of the show cause notice dated 10.11.2016, the petitioner had submitted their reply vide letter dated 07.12.2016; and they invoked the jurisdiction of this Court on the very next day i.e 08.12.2016.

This Court, in proceedings under Article 226 of the Constitution of India, would interfere with a show cause notice only when it is wholly without jurisdiction, for all other contentions can as well be urged in reply to the show cause notice itself. The petitioner's case is that the joint inspection held on 07.11.2016, which formed the basis for the show cause notice dated 10.11.2016, was unilateral and without prior notice to them. This contention can also be urged by way of a reply to the show cause notice.

We see no reason, therefore, to entertain this writ petition under Article 226 of the Constitution of India. The respondents shall consider the petitioner's reply to the show cause notice on its merits, uninfluenced by the observations made in the order now passed by us in the present writ petition, and pass a reasoned order in accordance with law.

Subject to the above observations, the Writ Petition fails and is, accordingly, dismissed. Miscellaneous Petitions pending, if any, shall also stand dismissed. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

(A.SHANKAR NARAYANA, J)

26th December, 2016
JSU



THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE SRI JUSTICE A.SHANKAR NARAYANA



Writ Petition No.43062 of 2016

Date: 26.12.2016

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