

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
THE HON'BLE SRI JUSTICE P. NAVEEN RAO

-
Writ Petition No.14839 of 2009

Date:20.06.2016

-

Between:
Dondapati Joseph,
Guntur District.

.....Petitioner

And

Environmental Engineer,
A.P. Pollution Control Board,
Guntur and others.

... Respondents

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
THE HON'BLE SRI JUSTICE P. NAVEEN RAO

Writ Petition No.14839 of 2009

PC:(Per the Hon'ble the Acting Chief Justice Dilip B. Bhosale)

None appears for the petitioner. Heard Mr. Gurram Rama Chandra Rao, learned Standing Counsel for respondent Nos. 1 and 2. None appears for the other respondents.

The petitioner, in the instant writ petition, seeks the following relief:

“For the reasons stated in the accompanying affidavit, it is prayed that this Hon'ble Court may be pleased to issue an order, direction or writ, more particularly one in the nature of writ of mandamus, declaring that the inaction of Respondent Nos. 1 to 4 in not taking action against Respondent Nos. 5 to 8 for setting up lime kilns on unlawfully alienated assigned land and operating the same without permission of the second respondent amounts to arbitrary and unlawful dereliction of duty, and further direct the said respondents to forthwith take action in law, and pass such other order or orders as this Hon'ble Court deems fit and proper in the circumstances of the case.”

This Court, on 24.7.2009, passed the following order:

“Notice to the respondents returnable on 17.8.2009.

Learned Government Pleader for Assignment waives service of notice for respondent Nos. 3 and 4 and Sri Y. Srinivasa Murthy waives service of notice for respondent No.2.

Learned Advocate for the petitioner is permitted to take out personal notice to respondent Nos. 1 and 5 to 8 by Speed Post with Acknowledgment due and file proof of service.

The official respondents shall see whether the allegations in the petition are correct, and, if so, they shall take immediate

action for prevention of pollution, if any, caused by respondent Nos. 5 to 8.”

Learned counsel for respondent Nos. 1 and 2 is not sure whether any action, as observed in the order dated 24.7.2009, has been taken against respondent Nos. 5 to 8. As a matter of fact, the observations made in the order satisfy the prayer made in the writ petition.

We, therefore, dispose of this writ petition with further direction to respondent Nos. 1 and 2 to take immediate action for prevention of pollution, if any, caused by respondent Nos. 5 to 8. It is needless to mention that the concerned respondent shall follow the due procedure if they decide to initiate and take any action against these respondents. They shall also follow the principles of natural justice. Learned Standing Counsel for respondent Nos. 1 and 2 is directed to communicate this order to these respondents within a period of two weeks from today. We hope and trust that respondent Nos. 1 and 2 shall take action for prevention of pollution, if any, caused by respondent Nos. 5 to 8 within a period of twelve weeks from the date of service of this order.

Consequently, pending miscellaneous petitions shall also stand closed.

DILIP B. BHOSALE, ACJ

P. NAVEEN RAO, J

20th June, 2016

Pnb

