

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (PIL) No. 43 of 2017**

Ghasi Ram Kand Son of Sita Ram Kand, aged about 54 years, R/o Baitari, PS Chattigirola, PS Saraipali, District Mahasamund, (Chhattisgarh)

---- Petitioner**Versus**

1. State of Chhattisgarh Through: The Secretary, Pollution Control Board, Raipur, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur, Chhattisgarh.
2. Collector, Mahasamund, District Mahasamund, Chhattisgarh.
3. Dayanand Agrawal son of Kundan Lal Agrawal, aged about 35 years, Proprietor, Samleshwari Rice Mill, Bagar Road, N.H.No. 53, Navapali, Saraipali, District Mahasamund, Chhattisgarh.

---- Respondents

For Petitioner : Shri N.K.Chatterjee with Shri Naseemudin Ansari,
Advocates
For State/Respondents : Shri A.S.Kachhwaha, Additional Advocate General

Hon'ble Shri Thottathil B. Radhakrishnan, Chief Justice
Hon'ble Shri Pritinker Diwaker, J.

Judgment on Board**Per Thottathil B. Radhakrishnan, Chief Justice****22/03/2017**

1. We have heard the learned counsel appearing for the Petitioner.
2. The grievance of the Petitioner is that different complaints made by him before the Pollution Control Board authorities and the 2nd Respondent, the Collector of District Mahasamund in the State of Chhattisgarh have not been addressed, as regards the pollution allegedly caused by the activity of

the 3rd Respondent, who is stated to be running a rice mill.

3. Having regard to the nature of the directions we issue hereinunder, we have heard the learned Additional Advocate General appearing for 1st and 2nd Respondents. Notice to 3rd Respondent is dispensed with preserving his rights to move for re-hearing of the writ petition if he is aggrieved by the directions contained hereinunder.
4. The matter in issue is essentially within the domain of the District Administrative head who would also have to take into consideration the views of the statutory authorities or the public authorities and those functionaries who are duty bound to control and regulate the industrial or other mechanised activities. Those authorities are also duty bound to take care of public health and enforcement of environment protection laws. We are satisfied that in the fitness of things, the District Collector has to look into the complaints of the Petitioner and take a decision thereon without fail within an outer limit of three months from the date on which the Petitioner will place such a complaint before the 2nd Respondent. It is so directed. Needless to state that any such action will be taken only after providing opportunity of hearing to those who would be aggrieved by any decision of the District Collector on the issue.
5. Leaving open all the issues of questions and facts otherwise, we order this writ petition as above.

Sd/-

(Thottathil B. Radhakrishnan)
CHIEF JUSTICE

Sd/-

(Pritinker Diwaker)
JUDGE