

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (PIL) No. 120 of 2016**

1. Rakesh Nayak S/o Late Shri Ravishankar Nayak, Aged About 39 Years R/o Ward No.11, Bazaar Para, Baramkela, Tahsil Sarangarh, District Raigarh, (Chhattisgarh)
2. Bharat Lal Nayak, S/o Hridayananad Nayak , Aged About 48 Years R/o Ward No.3, Near Jagganath Temple, Baramkela, Tahsil Sarangarh, District Raigarh, (Chhattisgarh)

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Collector, Raigarh, District Raigarh, (Chhattisgarh)
2. Sub Divisional Officer, Public Works Department, Sarangarh, District Raigarh, (Chhattisgarh)
3. Nagar Panchayat, Baramkela, Through Its Chief Municipal Officer, Nagar Panchayat, Baramkela, District Raigarh, (Chhattisgarh)
4. Tahsildar, Baramkela, District Raigarh, (Chhattisgarh)
5. Chhattisgarh State Power Transmission Company Limited, Through Its Executive Engineer, Chhattisgarh State Power Transmission Company Limite, Sarangarh, District Raigarh (Chhattisgarh)
6. Rahul Rice Mill, Through Its Proprietor Babulal Agrawal, Aged About 52 Years, R/o Bilaigarh, Tahsil Baramkela, District Raigarh, (Chhattisgarh)

--- Respondents

For Petitioner	:	Mr. Awadh Tripathi, Advocate
For Respondent No.5	:	Mr. B.D. Guru, Advocate
For Respondent No.6	:	Ms. S. Singhai, Advocate

Hon'ble Shri Thottathil B. Radhakrishnan, Chief Justice**Hon'ble Shri Justice P. Sam Koshy****Order on Board****Per Thottathil B. Radhakrishnan, Chief Justice****07.04.2017**

1. We have heard the learned Counsel for the Petitioner, the learned

Counsel for the Electricity Board and the learned Counsel for the sixth Respondent.

2. In this Writ Petition the grievance of the Petitioner is about the proposal of the 6th Respondent to install a flour mill, will likely to create pollution. It is fundamental in terms of Indian Law that complaints of pollution have to be attended at the first instance by authorities regulating the filed of environmental management. The Pollution Control Board is a statutory body. It has adequate powers and jurisdiction to deal with the violation of laws regulating different types of pollution, that is to say, sound, air, water, etc. The limits and other regulatory measures prescribed under the environmental laws are to be strictly enforced by and under the control of, the Pollution Control Board. Unfortunately, the Petitioners have not made any complaint to the Pollution Control Board authorities. In this view of the matter, we are unable to entertain this Writ Petition merely because the Petitioner makes complaint and the Tehsildar has even drawn up Panchnama.
3. For the aforesaid reasons, this Writ Petition is ordered, without entertaining it on merits, however directing that in the event of the Petitioners making a complaint to the competent Authorities of the Pollution Control Board, the same shall be adverted to, considered and appropriate decision shall be taken in accordance with law, after hearing the necessary parties within an outer limit of 45 days from the date of receipt of such complaint. It is directed that the Petitioner shall be given opportunity of being heard in the event he makes complaint. And, if at all the complaint is entertained, the Respondents shall also be given opportunity of hearing. No action by the Sixth Respondent be interdicted by those authorities unless there are clear materials to hold that there is

violation of relevant laws.

4. The Writ Petition is ordered accordingly.

Sd/-
(Thottathil B. Radhakrishnan)
Chief Justice

Sd/-
(P. Sam Koshy)
Judge

Kishore