

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLE SRI JUSTICE M.GANGA RAO

Writ Petition (PIL).Nos.71 of 2016

&

Writ Petition Nos.40538, 40581, 40595, 40644, 40645, 40648,

40890, 41047 and 41377 of 2016

COMMON ORDER: {Per the Hon'ble the Acting Chief Justice Ramesh Ranganathan}

Writ Petition (PIL).No.71 of 2016 is filed in public interest to declare failure of the respondents, to take action against the chemical industries/godowns causing water and air pollution and in causing accidents in Dhulapally area, as arbitrary and illegal.

We had, in our order in W.P(PIL).No.71 of 2016 dated 25.10.2016, noted the submission of Sri T.V.Ramana Rao, learned Standing Counsel for the Pollution Control Board, that, pursuant to the letter addressed by the Mandal Parishad Development Officer on 01.09.2015, the Environmental Engineer, Telangana State Pollution Control Board (TSPCB) had caused an inspection, and had submitted his report to the District Collector informing him that various chemicals like Nitric acid, Sulphuric acid, Caustic flakes etc, which were being supplied to bulk drug manufacturers and chemical units as raw material, were stored in godowns/sheds in the Dhulapally area for sale to local pharma-chemical units; the Engineer, after carrying out an analysis of the samples drawn from bore wells to ascertain ground water contamination, had submitted his report which disclosed that the parameters of these samples, with respect to the prescribed drinking water ISO standards, exceeded the prescribed limits.

We had, therefore, called for a report from the District Collector regarding the action which he intended to take in this

regard. The District Collector, Medchal issued a notice to all the godown owners (members of the impleaded 7th respondent in W.P(PIL).No.71 of 2016) on 31.10.2016 asking them to immediately remove the stock of chemicals, stored in their godowns, from the limits of Dhulapally Gram Panchayat of Quthbullapur Mandal within eight days. On the units, which were restrained from carrying on operations within Dhulapally gram panchayat limits, invoking the jurisdiction of this Court, all the writ petitions filed by them, i.e., Writ Petition Nos.40538, 40581, 40595, 40644, 40645, 40648, 40890, 41047 and 41377 of 2016, were tagged along with W.P(PIL).No.71 of 2016.

We had later, by our order dated 20.12.2016, permitted the respondents to cause service of notice on all the chemical units informing them that an inspection, to determine the ground water pollution in the area, would commence on 26.12.2016, and would be conducted on a day-to-day basis; and had directed that the report be submitted to this Court by 03.01.2017. In its report dated 02.01.2017, the TSPCB stated that analysis, of the samples collected on 27.12.2016 and 28.12.2016, showed that the samples drawn the borewells was hard water containing COD and Phosphate indicating contamination; and the samples also exceeded the standard limits for Fluoride.

As the godowns/units, where these chemicals were being stored, have already been closed down, aggrieved by which they have invoked the jurisdiction of this Court, it is but appropriate that the District Collector, Medchal should take a decision, after hearing all the petitioners-Units which have stored chemicals and other combustible material in the godowns established by them in

the Dhulapally area, whether or not they should be permitted to carry on their business in the said area; if permission were to be granted, the conditions which these Units should be directed to comply before commencing their operations; and, if permission were not to be granted in their favour, then the action to be taken regarding disposal of the stored chemicals which are still lying in the godowns in Dhulapally area as on date. Any action, which the District Collector shall take as directed hereinabove, shall be based on inputs which he shall obtain from the Environmental Engineer, TSPCB, and the Gram Panchayat concerned, as to whether continuing to store these chemicals, in godowns in the Dhulapally area, would have adverse consequences on the ground water table, whether it would result in ground water contamination, and the permissions which these Units should obtain from the prescribed authorities, before being permitted to carry on their business.

We consider it appropriate, therefore, to direct the District Collector to take a considered decision in this regard, in consultation with the concerned Environmental Engineer of the TSPCB, the District Panchayat Officer and officials dealing with explosives and Fire services. The petitioners-Units, and the impleaded 7th respondent-association in WP(PIL).No.71 of 2016, are permitted to submit their representations to the District Collector within two weeks from today. The District Collector shall, within two months from the date of receipt of these representations, take a considered decision after consulting the officials mentioned hereinabove. Till a decision is taken by the District Collector, and is communicated to all the Units which have submitted their representations, the order of closure shall continue

to remain in force. The order now passed by us shall not disable any of the units from requesting the District Collector, Medchal to grant them permission to shift the chemicals, stored in the godowns in Dhulapally area, to any other place and, in case any such request is made, the District Collector shall consider the same in accordance with law.

All the Writ Petitions are disposed of accordingly. Miscellaneous petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

(M.GANGA RAO, J)

10th October, 2017
JSU



**THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE SRI JUSTICE M.GANGA RAO**



**Writ Petition (PIL).Nos.71 of 2016
&
Writ Petition Nos.40538, 40581, 40595, 40644, 40645, 40648,
40890, 41047 and 41377 of 2016**

Date: 10.10.2017

JSU

