

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No. 4542 of 2017

ORDER:

The relief sought in this Writ Petition is to declare the action of respondents 3 and 4, in not preventing the unconcerned persons/NGOs in the environmental public hearing scheduled on 16.02.2017 at 11.00 a.m. at the vacant land in Survey No.345 of Gundlamachnoor Village, Hatnoora Mandal, Sanga Reddy District for proposed expansion of the production capacity of existing Bulk Drug Unit from 133.37 Kg/day to 6297 Kg/day, as illegal and arbitrary.

Sri C.Damodar Reddy, learned counsel for the petitioner, would draw attention of this Court to the guidelines dated 14.09.2006, issued by the Government of India, in support of his submission that a public hearing is contemplated only to ascertain the concerns of the locally affected persons; and persons, other than those who fall under the category 'locally affected persons'; should not be permitted to be present at the public hearing as they, invariably, create a law and order situation and prevent the public hearing from taking place.

While the public hearing, contemplated at Stage (3) of the aforesaid guidelines, is to ascertain the concerns of locally affected persons, the notification does not prevent the locally affected persons, from taking assistance of others, in putting forth their concerns. I see no reason, therefore, to accede to the petitioner's request that unconcerned persons/NGOs should be prevented from

participating in the environmental public hearing scheduled to be held on 16.02.2017.

The submission of Sri C.Damodar Reddy, learned counsel for the petitioner, that the environmental public hearing may be disrupted by antisocial elements, is an issue relating to the maintenance of law and order-an obligation which the State is required to discharge. As the threat perception of breach of peace, or breakdown of law and order, are matters for the third respondent to decide, ends of justice would be met if the petitioner is permitted to submit a representation to the third respondent who shall, within three days of receipt of the representation, examine the petitioner's contention of the possibility of breach of peace and breakdown of law and order, and take an appropriate decision in accordance with law whether or not police bandobasth should be provided. It is made clear that, even if the third respondent is inclined to provide police bandobasth, it shall not result in individuals, other than locally affected persons, being prevented from being present during the course of environmental public hearing.

The Writ Petition stands disposed of accordingly.

Miscellaneous petitions, if any, pending in this Writ Petition shall stand closed. There shall be no order as to costs.

A.RAMALINGESWARA RAO,J

Dt:13.02.2017

Note: Issue cc in two days.

(B/o)

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