

**THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER**

Writ Petition No.9347 of 2017

ORDER: (per Hon'ble the Acting Chief Justice Sri Ramesh Ranganathan)

The order passed by the Andhra Pradesh Pollution Control Board dated 10.11.2016 is subjected to challenge in this Writ Petition mainly on the ground of violation of principles of natural justice.

Smt.R.Annapurna, Learned Counsel for the petitioner, would draw our attention to the impugned order dated 10.11.2016 wherein the Joint Chief Environmental Engineer has recorded that the industry was reviewed before the external advisory committee of the Zonal Office, Visakhapatnam (Task Force Committee) on 04.11.2016; the complainant-Assistant Environmental Engineer had attended the hearing; and, for the industry, its representative had not attended the meeting. According to the Learned Counsel, inability of the petitioner to attend the meeting was his having to attend on his sick relative; and absence, only for that day, would not justify the respondents closing down the industry.

Sri G.Ramachandra Rao, Learned Standing Counsel for the A.P. Pollution Control Board, on instructions, would fairly state that, while the petitioner did not even intimate the authorities concerned of his inability to attend the hearing, the Board was willing to give him another opportunity of being heard and, if he were to submit his reply and all necessary documents within two weeks from today, the Board would reconsider the matter within two weeks thereafter.

While we see no reason to permit the petitioner to operate the industry in the light of the serious allegations levelled against him in the impugned order, it is only if the said order is set aside would the

respondents be entitled to pass an order afresh taking into consideration the submissions put forth by the petitioner.

We consider it appropriate, in such circumstances, to set aside the impugned order, permit the petitioner to submit his reply to the show-cause notice within two weeks from today, and direct the respondents to re-examine the matter and pass an order afresh in accordance with law within two weeks thereafter. Till final orders are passed, and are communicated to the petitioner herein, he shall not operate the subject unit.

The Writ Petition is, accordingly, disposed of. The miscellaneous petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.



RAMESH RANGANATHAN, ACJ

Dr.SHAMEEM AKTHER, J

Date:27.03.2017.

Note:

Issue C.C. within two days.

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