

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLE Mr. JUSTICE M. GANGA RAO

Writ Petition No.33181 OF 2017

Order: (Per the Hon'ble The Acting Chief Justice Ramesh Ranganathan)

Heard Sri P. Govind Reddy, learned counsel for the petitioner, learned Government Pleader for Home and Sri G. Ramachandra Rao, learned Standing Counsel for the A.P. Pollution Control Board and, with their consent, the writ petition is disposed of at the stage of admission.

The complainant, in this writ petition, is a person running a small welding shop in a tin shed. It is his grievance that he is being prevented by the Inspector of Police, Chittoor from carrying on his business on the specious contention that noise pollution is caused thereby.

When the matter came up on 4.10.2017, Sri G. Ramachandra Rao, learned Standing Counsel for the A.P. Pollution Control Board, sought time to obtain instructions. Today, the learned Standing Counsel states that, as ordinarily closure of the polluting unit is a last resort, the Board would call upon the petitioner specifying the necessary measures to be taken by him to prevent noise pollution, and grant him reasonable time to comply with such directions; and it would suffice if this Court were to grant liberty to the respondents to take action against the petitioner in case he fails to comply with the conditions stipulated by the official of the SPCB to avoid noise pollution. Sri P. Govind Reddy, learned counsel for the petitioner, readily agrees for such an order to be passed. He would, however, seek four weeks time for the petitioner to comply with any directions which the Pollution Control Board may impose on him to prevent noise pollution.

As learned counsel are in agreement, we consider it appropriate to direct the 2nd respondent to intimate the petitioner, within two weeks from today, of the measures he is required to take to prevent noise pollution being caused to the neighbouring Church. The petitioner shall,

within four weeks from the date of receipt of intimation from the 2nd respondent, comply with the conditions stipulated by him to prevent noise pollution. Failure on the part of the petitioner to comply with such directions would enable the respondents, thereafter, to take action against him in accordance with law.

As the petitioner has been running the unit for the past more than two years, ever since September, 2015, we see no reason to prevent him from carrying on business thereat. Subject to fulfilment of the conditions stipulated hereinabove, the respondents shall not take any coercive steps, in the meanwhile, to prevent the petitioner from carrying on business in accordance with law. We make it clear that, as the order now passed by us is based on the consent of parties, we have not adjudicated the questions of law raised in the writ petition.

The Writ Petition stands 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)

6th October, 2017

Note:

Furnish c.c. by 9.10.2017

b/o

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