

HON'BLE SRI JUSTICE S.V.BHATT

W.P.No.22458 OF 2016

ORDER:

Heard Smt.K.V.Rajasree for petitioner, the learned Government Pleader for Mines and Geology, Mr.G.Rama Chandra Rao for respondent No.6 and Mr.N.Siva Reddy for respondent No.7.

The petitioner challenges proceedings No.737/A4/2016 dated 30.05.2016 of 2nd respondent according deemed approval for establishing and running a paper product industry in Sy.No.94/2, Godivaripeta Village, Pasuvula Lanka Gram Panchyat, I.Polavaram Mandal, East Godavari District, as illegal, arbitrary and violative of principles of natural justice.

The circumstances relevant for disposing of the writ petition are stated thus:

The petitioner is a resident of Godivaripeta Village, Pasulanka Gram Panchayat and was allotted a house site in Sy.No.94/2 by the Revenue Department. The petitioner claims to have constructed a house and for the present he is residing therein. An extent of Acs.0-06 Cts was allotted to one K.Chandrashankar, proprietor of 7th respondent and the said allottee is proposing to establish a paper plate and glass unit. According to petitioner, the industry causes pollution and to such an industry according deemed approval of permission by district administration, more particularly when the establishment of industry is opposed by Gram Panchayat, is illegal, arbitrary and unconstitutional.

On 04.08.2016, this Court granted interim direction stopping the construction of paper plate unit by 7th respondent. The 7th respondent filed a petition to vacate the interim order 04.08.2016.

Counsel for petitioner has substantially reiterated the limited grounds urged in the writ affidavit. This Court, having regard to the very general allegations made against pollution potential of the industry proposed to be established by 7th respondent and further having regard to the lack of evidence in support of such assertions, does not prefer to refer to these *ipse dixit* statements. Be that as it may, from the material on record viz., the acknowledgement dated 15.05.2015 issued by respondent which would act as consent for establishment and operation under Air and Water Act together with proceedings of the Revenue Divisional Officer, Amalapuram dated 14.09.2015 under the A.P. Agricultural Land (Conversion for Non-Agricultural Purpose) Act, 2006 and the deemed approval of the 2nd respondent dated 30.05.2016, the challenge to deemed approval alone cannot and could not be examined in isolation of other proceedings. Further, from the details furnished by 7th respondent, it is clear that the 7th respondent is proposing to start an industry to manufacture paper plates/glasses and stated to be a non-polluting industry. From the record, the said activity cannot be treated as causing pollution.

Having regard to the permissions obtained by 7th respondent, this Court is satisfied that the writ petition is liable to be dismissed and is, accordingly, dismissed. There shall be no order as to costs.

Consequently, miscellaneous petitions, if any pending, also stand closed.

07th August 2017

Lrkm

S.V.BHATT,J