

**THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE SMT. JUSTICE T.RAJANI**

Writ Petition No.17473 of 2017

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

Heard Sri M.Sudheer Kumar, Learned Counsel for the petitioner, Learned Government Pleader for Revenue appearing on behalf of respondents 1 to 3 and Sri G.Ramachandra Rao, Learned Standing Counsel appearing on behalf of respondents 4 and 5 and, with their consent, the Writ Petition is disposed of at the stage of admission.

The order, impugned in the Writ Petition, was passed by the Tahsildar, Karamchedu Mandal on 04.05.2017 directing seizure of the rice mill with immediate effect, and handing over the keys of the rice mill to the Mandal Revenue Inspector, Karamchedu for safe custody.

Facts, to the limited extent necessary, are that the 6th respondent herein filed W.P.No.10728 of 2017 to declare the action of respondents 2 to 7, in not preventing the 8th respondent therein from operating the rice mill in the residential locality inspite of objections submitted by the petitioner therein before the respondents, as illegal and arbitrary. He sought a consequential direction to the respondents to initiate action against the 8th respondent to stop and close the processing of rice milling activity in the midst of the residential locality.

By order in W.P.No.10728 of 2017 dated 19.04.2017, a Division Bench of this Court recorded the submission of the Learned Government Pleader for Revenue that a notice had already been issued to the defaulting units asking them to show cause why the units should not be closed; and final orders would be passed within

ten days. Recording the said submission, the Writ Petition was closed while making it clear that on an order being passed by the Tahsildar within 10 days, a copy thereof shall also be made available to the petitioner therein. Pursuant to the aforesaid order of this Court, the impugned order dated 04.05.2017 came to be passed.

Sri M.Sudheer Kumar, Learned Counsel for the petitioner, would submit that, even from a bare perusal of the order dated 04.05.2017, it is evident that the petitioner had carried out necessary changes in the rice mill to ensure that no pollution was caused; while the impugned order refers to an oral intimation by the Tahsildar, the fact remains that no such intimation was given; and as the Tahsildar has seized the unit, the petitioner is not in a position to make necessary alternations in the rice mill to ensure prevention of pollution to the surrounding area.

Learned Government Pleader for Revenue, on instructions, would submit that the impugned order was passed only after the Pollution Control Board had caused an inspection of the unit; it is based on their report, that pollution was being caused by the rice mill affecting people living in the surrounding areas, that the impugned order came to be passed; the Tahsildar would make available the premises to the petitioner to the limited extent of carrying out necessary alterations to the rice mill to ensure that no pollution is caused to the surrounding areas; and this Court should issue directions, for safeguarding the larger public interest, to the petitioner not to carry on operations in the rice mill till clearance of the Andhra Pradesh Pollution Control Board is obtained, after they carry out necessary alterations to the rice mill. Sri M.Sudheer Kumar, Learned Counsel for the petitioner, readily agrees for such an order being passed.

We consider it appropriate, in such circumstances, to direct the Tahsildar, Karamchedu to permit the petitioner to enter the premises for the limited purposes of carrying out necessary alterations to the structure in order to ensure that no pollution is caused by the rice mill to the people living in the surrounding areas. The petitioner shall, however, not operate the rice mill till the alterations as aforementioned are carried out, and permission is accorded to them by the Tahsildar, based on the report of the A.P. Pollution Control Board, to carry on operations. On completion of the necessary alterations, the petitioner shall intimate the Tahsildar who, in turn, shall request the A.P. Pollution Control Board to carry out necessary tests to ascertain whether the alterations made by the petitioner would prevent air pollution; and only after the Pollution Control Board gives clearance, shall the Tahsildar revoke the earlier order and permit the petitioner to carry on operations.

Sri M.Sudheer Kumar, Learned Counsel for the petitioner, undertakes that the petitioner shall effect the necessary alterations within one month from today. The Tahsildar shall, within one week of the petitioner intimating him that the necessary alterations have been carried out, request the A.P. Pollution Control Board to cause an inspection of the premises. The A.P. Pollution Control Board shall, within two weeks from the date of intimation by the Tahsildar, carry out necessary inspection, and submit a report to the Tahsildar. Basing on the report of the A.P. Pollution Control Board, the Tahsildar shall pass orders, in accordance with law, within two weeks thereafter. The entire exercise, culminating in an order being passed by the Tahsildar, shall be completed within three months from the date of receipt of a copy of this Order provided, of course, that the petitioner completes the alterations as aforementioned, and intimates

the Tahsidlar, of his having effected the required alterations, within one month from today.

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

T.RAJANI, J

Date:05.06.2017.

Note:

Issue C.C. within three days.

B/O

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