

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

Writ Petition No.40980 of 2017

ORDER: {Per the Hon'ble the Acting Chief Justice Ramesh Ranganathan}

The relief sought for in this writ petition is to declare the action of the official respondents, in failing to consider the representation submitted by the petitioner regarding air pollution being caused by the 4th respondent-unit, as illegal and arbitrary.

Sri M.Karuna Sagar, learned counsel for the petitioner, would draw our attention to the show cause notice issued by the Joint Chief Environmental Engineer of the Andhra Pradesh Pollution Control Board (APPCB) on 03.03.2005 calling upon the 4th respondent to show cause why action should not be initiated against their industry under Section 31(A) of the Air (Prevention & Control of Pollution) Amendment Act, 1987 for non-compliance of the Ambient Air Quality standards, thereby causing air pollution in the area.

Sri M. Karuna Sagar, Learned counsel, would submit that, instead of keeping the writ petition pending on the file of this Court, it would suffice if the Telangana State Pollution Control Board is directed to consider the petitioner's representation and take action, in accordance with law, within a specified time frame. Sri P.Shiva Kumar, learned Standing Counsel for the Telangana State Pollution Control Board, readily agrees for such an order to be passed.

Since the 4th respondent-unit has neither been put on notice nor have they been given an opportunity of being heard, we consider it appropriate to direct respondents 2 and 3 to consider the petitioner's representation in accordance with law; if need be, cause an inspection of the 4th respondent-unit; and, thereafter, take action in accordance with law, in case the 4th respondent-unit is found to be causing pollution. Needless to state that before any order, adverse to the 4th

respondent-unit, is passed, they shall be given an opportunity of being heard. The entire exercise, culminating in an order being passed by respondents 2 and 3, shall be completed within a period of three months from the date of receipt of a copy of this order.

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

(RAMESH RANGANATHAN, ACJ)

05th December, 2017
JSU

(GUDISEVA SHYAM PRASAD, J)



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Date: 05.12.2017

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