

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI

Writ Petition No.3186 of 2018

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

Heard Sri Rama Krishna, learned counsel for the petitioner, learned Government Pleader for Environment, and Sri G.Rama Chandra 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 relief sought for in this writ petition is for a mandamus to declare the proceedings dated 25.01.2018, issued by the A.P. Pollution Control Board, as illegal, contrary to the provisions of the Water (Prevention & Control of Pollution) Act, 1974 and the Air (Prevention & Control of Pollution) Act, 1974, and in violation of principles of natural justice.

By the order, impugned in the writ petition, dated 25.01.2018 the petitioner was directed to close their unit for the reasons stated therein. They were also informed that if they continued to operate the industry after receipt of the order of closure, they would be liable for prosecution under Section 37(1) of the Air (Prevention & Control of Pollution) Amendment Act, 1987.

We had, by our order dated 26.02.2018, directed the Joint Chief Environmental Engineer to have an inspection caused of the subject premises, and to submit his report to this Court as to whether the petitioner had rectified the deficiencies which had resulted in closure of their unit.

A report is filed today which discloses that, while the petitioner has complied with some of the deficiencies pointed out earlier, certain other deficiencies had not been rectified till date. While contending that the

deficiencies pointed by the A.P. Pollution Control Board are not such as would necessitate closure of the unit itself, Sri Rama Krishna, learned counsel for the petitioner, would fairly state that, instead of examining these issues, it would suffice if the petitioner is granted two weeks time to rectify the remaining deficiencies, and the A.P. Pollution Control Board is directed to revoke the order of closure on intimation by the petitioner of their having rectified the deficiencies.

We consider it appropriate, in such circumstances, to direct that, after rectification of all the deficiencies, the petitioner shall intimate the same to the A.P. Pollution Control Board which, in turn, shall cause an inspection afresh, satisfy itself that all the deficiencies have been rectified; and, thereafter, pass necessary orders in accordance with law. The entire exercise, culminating in an order being passed afresh, shall be completed within 15 days from the date of receipt of intimation by the petitioner of their having rectified the deficiencies.

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)

(KONGARA VIJAYA LAKSHMI, J)

07th March, 2018
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Date: 07.03.2018

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