

**THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND**

THE HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI

Writ Petition Nos.6401, 6402 and 6403 of 2018

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

Heard Sri K.V.L.Narasimha Rao, learned counsel for the petitioners, and Sri G.Ramachandra Rao, learned Standing Counsel for the A.P. Pollution Control Board and, with their consent, all these three Writ Petitions are disposed of at the stage of admission.

These three writ petitions are filed by different rice mills located adjacent to each other in the very same colony. They are aggrieved by the proceedings issued by the A.P. Pollution Control Board on 12.02.2018 directing them to construct closed sheds for storage of husk, to construct wind breaking walls to arrest air pollution towards the complainant's house; and to cover the elevators properly. The petitioners were informed that, if they fail to comply with the directions within 15 days, further action would be initiated against them under Sections 31(A) of the Air (Prevention & Control of Pollution) Amendment Act, 1987, without any further notice, in the interest of public health and environment.

The said proceedings also record that, vide P.L.C.No.2 of 2018 dated 20.01.2018, the Board had received a notice from the Mandal Legal Services Authority, Bhimavaram, on a petition filed by Sri Gadi Raju Suryanarayana Rau, S/o. Appalaraju, regarding air pollution caused by the petitioner-industries; the Board officials had inspected the petitioner-units on 25.01.2018 and had made certain observations viz, (i) unit was in operation; (ii) large quantities of husk were stored openly; (iii) wind breaking walls were not provided; and (iv) the elevator was not covered properly; the Board had issued notices on 25.01.2018, to the respective petitioner-industries, to submit their explanation on the complaint within 7 days; and the petitioners had filed their reply dated 02.02.2018

requesting six months' time to take all necessary air pollution control measures.

Along with the writ petitions, the petitioners have also filed copies of the letters addressed by them, to the Environmental Engineer, Pollution Control Board, Eluru, on 02.02.2018. The said letters dated 02.02.2018 record that the officials of the Pollution Control Board had visited their respective rice mills on 25.01.2018; they had issued notices to the petitioners; the petitioners had met the Environmental Engineer on 02.02.2018 at his office, and had sought six months time to implement the directions; the petitioner-rice mills were established in 1957, 1972 and 1960 respectively; at that time, no houses were situated there; the Pollution Department had issued notices to the petitioner-industries; and the petitioners were ready to implement the advises.

It is evident, from the letters dated 02.02.2018, that the petitioners were put on notice on 25.01.2018, and they had merely sought six months time to comply with the directions. The petitioners neither asserted that their rice mills were not causing any air pollution nor did they complain of samples not having been taken by the authorities concerned.

Sri G.Ramachandra Rao, learned Standing Counsel for the A.P. Pollution Control Board, has placed before us a copy of the analysis report, of the ambient air quality of the petitioners-industries, pursuant to the tests conducted on 15.02.2018 which shows the values to be higher than the prescribed standards. While Sri K.V.L.Narasimha Rao, learned counsel for the petitioners, would submit that the variations are minimal, and that the petitioners were not given an opportunity to put forth their objections to the ambient air quality report, the fact remains that the Rice Mills de-husk paddy which, if not stored in a closed cabin, would, undoubtedly, result in air pollution. The only directions which the A.P. Pollution control Board has issued are for the petitioners to construct a closed shed for the storage of husk, to construct wind breaking walls to

arrest air pollution towards the complainant's house, and to cover the elevators properly. In the letters dated 02.02.2018 the petitioners merely sought six months' time to comply with the directions. While the Pollution Control Board has granted them 15 days' time, to comply with the directions, any reasonable extension of time, to implement the directions of the Pollution Control Board, can always be sought by the petitioners by making a request, in this regard, to the Pollution Control Board.

Suffice it dispose of the Writ Petitions permitting the petitioners to submit their respective representations to the A.P. Pollution Control Board, within three days from today, seeking reasonable extension of time to comply with the directions of the Board. In case any such representations are made, the A.P. Pollution Control Board shall consider the same, in accordance with law, within one week from the date of receipt of the petitioners' representations, and communicate their decision to the petitioners. Till orders are passed on the petitioners' representations, no coercive steps shall be taken by the respondent officials to close down the subject units. It is made clear that, in case the petitioners do not submit their representations, seeking reasonable extension of time to comply with the earlier directions issued by the Board, within the aforementioned period of three days, it is open to the respondents to proceed and pass final orders, in accordance with law, without awaiting any such representations from the petitioners.

The Writ Petitions are 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)

14th March, 2018

Note: Issue C.C tomorrow.

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