

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

**AND**

**THE HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI**

**WRIT PETITION NO.13271 OF 2018**

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

Heard Ms. N.Malathi Naidu, learned counsel for the petitioner and Sri G.Rama Chandra Rao, learned Standing Counsel for the A.P. Pollution Control Board ("the Board" for short) and, with their consent, the Writ Petition is disposed of at the stage of admission.

The proceedings under challenge in this Writ Petition is the order of the Board dated 07.03.2018 rejecting the consent for operation application submitted by the petitioner on 15.02.2018 on the ground that the petitioner had dismantled the old stone crusher, and had erected a giant crusher of a capacity 800 tons per day, which is about 33 times the consented capacity in the existing premises, without obtaining consent for establishment from the Board; they had applied directly for consent for operation; the stone crusher site is located within 200 meters from 'Nagara-Vanam'; the petitioner has not complied with the existing guidelines of stone crushing units; and the Regional Officer, Guntur had recommended that the consent for operation applications be rejected. The petitioner was further informed that operating the industry, without the valid consent of the Board, amounts to violation of Sections 25 and 26 of the Water (Prevention

and Control of Pollution) Act, 1974 and Sections 21 and 22 of the Air (Prevention and Control of Pollution) Act, 1981, and their amendments; and is punishable under the penal provisions of the said Acts. Aggrieved thereby, the present Writ Petition is filed.

Sri G.Rama Chandra Rao, learned Standing Counsel for the A.P. Pollution Control Board, would submit that, in case the petitioner files an application seeking consent of the Board for establishing the industry with a higher capacity, the respondents would consider the same in accordance with the provisions of the Act, and the Rules made thereunder; and communicate their decision to the petitioner.

Ms. N.Malathi Naidu, learned counsel for the petitioner, would submit that, instead of keeping the Writ Petition pending on the file of this Court, it would suffice if the Writ Petition is disposed of permitting the petitioner to file an application seeking consent of the Board to establish the unit with an enhanced capacity, and the second respondent-Board is directed to consider such application within a specified time-frame. Sri G.Rama Chandra Rao, learned Standing Counsel, would readily agree for such an order to be passed.

We consider it appropriate, therefore, to dispose of the Writ Petition permitting the petitioner to file an application afresh, seeking consent of the A.P. Pollution Control Board, for establishment of their unit with an enhanced capacity. In case any such application is made, the A.P. Pollution Control

Board shall consider the same in accordance with law, and pass orders thereupon at the earliest, and, in any event, within six (6) weeks from the date of the receipt of petitioner's application. The Writ Petition is disposed of accordingly. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

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**(RAMESH RANGANATHAN, ACJ)**

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**(KONGARA VIJAYA LAKSHMI, J)**

18<sup>th</sup> April 2018  
RRB

