

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI

WRIT PETITION NO.13230 OF 2018

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

This Writ Petition is filed challenging the inaction of respondents 2 to 6, in taking action against respondents 7 and 8 who are carrying on mining activities and stone crushing operations in the subject land without obtaining prior permission from the A.P. Pollution Control Board, and from the Gram Panchayat under the A.P. Panchayat Raj Act, 1994, as illegal and arbitrary.

A copy of the show cause notice issued to the respondents on 17.03.2018, directing them to show cause why action should not be taken against the crusher under Section 31(A) of the Air Prevention and Control of Pollution Act, 1981, and the subsequent amendments thereto, is placed before us for our perusal. By the said notice, respondent No.7 was informed that their reply, to the notice, should reach their office within 15 days from the date of receipt of the notice, failing which action would be initiated, for closure of the industry, in the interest of public health and environment.

Sri G.Rama Chandra Rao, learned Standing Counsel for the A.P. Pollution Control Board ("the Board" for short) would submit that notice of hearing would be given to respondents 7 and 8, and orders would be passed thereafter within four weeks. Sri Taddi Nageswara Rao, learned counsel for the petitioner, expresses apprehension that, since no reply has been submitted by respondents 7 and 8 to the notice till date, failure of respondents 7 and 8 to respond to the notice of oral hearing, may result in the Board's inability to pass final orders within the time they have

assured that a final order would be passed. Sri G.Ramachandra Rao, Learned Standing Counsel for the A.P. Pollution Control Board, would submit that any such apprehension is wholly unfounded, and, in such an eventuality, orders would be passed by the Board, based on the material on record, within a period of four weeks.

Sri Ravi Cheemalapati, learned Standing Counsel for Gram Panchayat, would submit that, in case respondents 7 and 8 have failed to obtain prior permission under Section 120 of the A.P. Panchayat Raj Act, the Gram Panchayat would examine the matter, and take action in accordance with law within two months, after putting respondents 7 and 8 on notice and after giving them a reasonable opportunity of being heard.

As it is now stated by the learned Standing Counsel for both the A.P. Pollution Control Board and the Gram Panchayat, that action would be taken by the concerned authorities in accordance with law within the time they have stated before this Court, it is wholly unnecessary for us to entertain this Writ Petition, more so as the respondents-officials have now stated that they would be taking action against respondent Nos.7 and 8 on their own accord. Recording their submission, the Writ Petition is closed. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

(RAMESH RANGANATHAN, ACJ)

(KONGARA VIJAYA LAKSHMI, J)

18th April 2018
RRB