

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

Contempt Case No.1095 of 2015

ORDER:

The order of this Court, in WPMP No.2597 of 2014 in W.P.No.2136 of 2014 dated 17.02.2014 required the respondent herein not to dump further garbage in the subject land till permission is obtained from the State Pollution Control Board in accordance with the provisions of the Municipal Solid Waste Rules.

Alleging violation of the said order, the present Contempt Case is filed on 30.04.2015. Even prior thereto, the Andhra Pradesh Pollution Control Board had, by its proceedings dated 18.02.2015, granted provisional authorization to the respondent herein to temporarily operate the waste disposal facility after taking measures to improve the facility as per the provisions of the Rules, and on certain terms and conditions.

As permission was obtained by the respondent from the A.P. Pollution Control Board even before the Contempt Case was filed, I see no reason to proceed against them under the Contempt of Courts Act. Smt. Vanga Anitha, Learned Counsel for the petitioner, would submit that the provisional authorization itself is illegal. The legality or otherwise of the provisional authorization cannot be examined in contempt proceedings and the remedy, if any, for the petitioner is to question the same in independent legal proceedings.

The Contempt Case fails and is, accordingly, dismissed. The miscellaneous petitions, if any pending, shall also stand dismissed. There shall be no order as to costs.

RAMESH RANGANATHAN, J

Date:10.08.2018.
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