

HON'BLE THE CHIEF JUSTICE
SRI THOTTATHIL B. RADHAKRISHNAN
AND
HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.39162 OF 2018

ORDER: (Per Hon'ble Sri Justice S.V.Bhatt)

Heard Mr.V.Appa Rao for petitioner.

The petitioner complains against the inaction of respondents 3, 4 and 6 in preventing respondents 10 to 12 from establishing and operating a rice mill in RS No.43/1 of Bethamcharla Mandal and also proceedings No.1106/0007/B/BTM/BTM/2018 dated 04.10.2018, as illegal, arbitrary and unconstitutional.

Mr.G.Ramachander Rao appearing for 4th respondent, submits that respondents 10 to 12 are proposing to establish a rice mill in RS No.43/1. There is no prohibition by reference to citing Guidelines, for establishing a rice mill in RS No.43/1. According to him, rice mill comes under green category. The petitioner at best can insist upon adhering to standards stipulated by the Air Pollution Control Act or the Environmental Protection Act, during and in the course of operation by respondents 10 to 12.

The petitioner in this W.P. challenges building permission, consent-acknowledgement dated 17.08.2018 and conditional permit dated 20.08.2018. Prima facie, we are of the view that the petitioner, since is a neighbour, having land adjacent to RS No.43/1, cannot regulate or restrict the enjoyment of respondents 10 to 12 or insist upon respondents 10 to 12 to conform to the need of petitioner in enjoying their property in RS No.43/1. The petitioner

can insist on establishment of a facility or operating the facility in accordance with law. The broad ground by referring to which the cause is sought to be made out is wholly untenable. We are not persuaded to admit the writ petition. The petitioner since has a right to insist upon the operation of rice mill by respondents 10 to 12 in accordance with law, we consider it appropriate to give liberty to writ petitioner to represent all these grievances from probable pollution to 4th respondent and the 4th respondent in turn causes inspection, verifies the steps respondents 10 to 12 have taken to prevent dust pollution and passes orders after affording opportunity to respondents 10 to 12 as well, as expeditiously as possible, preferably within two months from the date of receipt of a copy of this order.

The writ petition is dismissed with the above observation. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending stand closed.

THOTTA THIL B. RADHAKRISHNAN, CJ

S.V.BHATT, J

Date:02.11.2018

Sp