

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

WRIT PETITION No.40202 OF 2018

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

Heard Mr.K.Venkatesh for petitioners and Mr.G.Ramachandra Rao for 5th respondent.

The petitioners since are aggrieved by the inaction of respondents in considering and disposing of the representation dated 27.10.2018, have filed the present writ petition.

The petitioners complain breach of fundamental right to fresh air and water with the proposal to establish a facility called 'Chetta Nunchi Sampada'. The petitioners are residents of S.C. Colony of Kotha Thungapadu Village, Rajanagaram Mandal, East Godavari District. With the establishment and/or operation of facility, it is stated the petitioners are denied fresh air and pollution free environment.

The learned standing counsel submits that the issue is governed by the Environment (Protection) Act read with the Solid Waste Management Rules, 2016. The Operator or for that matter statutory authority is under obligation to establish and operate such facility in accordance with the prescription of law.

The petitioners since complain inaction, respondent No.5 can be called upon to look into the representation, conduct enquiry with all the other stakeholders i.e. local authority etc. at the first instance, take steps for abatement of pollution from the said facility and, if the pollution remains unabated, the 5th respondent

being the statutory authority is required to pass orders in accordance with law. We appreciate the stand taken by the learned standing counsel.

The writ petition is disposed of by this order:

The petitioners are given liberty to re-submit the representation dated 27.10.2018 along with a copy of this order to respondent Nos.2, 3 and 5 within four weeks from today. Respondents Nos.2, 3 and 5 either by themselves or officers authorised by them cause inspection of land in Survey Nos.565 and 567 of Kotha Thungapadu Village, take all steps as are required for prevention, abatement and control of pollution from the facility established in Survey Nos.565 and 567 within six weeks thereafter. The Operation of facility, if it is finally concluded that it is not conforming to the requirement of the Environment (Protection) Act read with the Solid Waste Management Rules, 2016, all directions including direction to close the facility may be examined and issued.

No order as to costs.

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

THOTTATHIL B. RADHAKRISHNAN, CJ

S.V.BHATT, J

Date:09.11.2018
Stp