

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

WRIT PETITION No.43457 OF 2018

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

Heard Mr.K.Sai Rama Murthy for petitioner, the learned Government Pleader for Revenue and Mr.G.Ramachandra Rao, learned Standing Counsel for the A.P. Pollution Control Board.

The averments on inaction of respondents 1 to 6 refer to the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981. The ultimate complaint in this behalf is inaction of respondents 1 to 6 in proceeding against the 7th respondent. The 7th respondent is manufacturing cement at Yanakandla Village. Now, the complaint of petitioner is that the 6th respondent, in particular, is not moving in the matter and issuing directions as may be required, including directions to close down the industry because the 7th respondent did not comply with the directions issued by the 6th respondent on 09.10.2012 and 16.08.2013.

The standing counsel, on instructions, submits that the averments of inaction are unfounded. According to him, the Board is monitoring the manufacturing activity of the 7th respondent and issuing directions from time to time. In evidence of such activity being undertaken by 6th respondent Board, the 6th respondent placed on record the status report dated 13.12.2018. After perusing the said report, we are of the view that the prayer since is against

inaction, this Court ought not to expand the enquiry in finding out whether the 7th respondent is conforming to the standards or parameters stipulated under the Environment (Protection) Act, 1986, the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981. However, we are of the view that the 6th respondent is under obligation to ensure that the activity of the 7th respondent conforms to the standards of effluents/emissions of environmental laws.

While disposing of the writ petition, the following order is passed:

The report dated 13.12.2018 is placed on record. A copy of the report is handed over to Mr.K.Sai Rama Murthy.

The 6th respondent within two weeks from the date of receipt of a copy of this order communicates to petitioner the directions issued by the Board and also the compliance report received from time to time.

The petitioner is given liberty to look into the status compliance informed by the 6th respondent and the petitioner, if is aggrieved against the action of the 6th respondent or 7th respondent in controlling pollution emanating from the manufacturing activity of the 7th respondent, is given liberty to work out remedies in accordance with law, including by filing appeal either before the appellate authority under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 and/or the National Green Tribunal Act.

The writ appeal is, accordingly, disposed of. No order as to costs.

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

THOTTATHIL B. RADHAKRISHNAN, CJ

S.V.BHATT, J

14th December, 2018

Lrkm

