

**HON'BLE SRI JUSTICE A.RAJASHEKER REDDY
AND
HON'BLE SRI JUSTICE P.NAVEEN RAO**

WRIT PETITION No.22852 of 2019

ORDER: (*per Hon'ble Sri Justice A.Rajasheker Reddy*)

This Writ Petition is filed challenging the proceedings Order No.15-RR-II/TSPCB/ZO-HYD/TF/2019-464, dated 10.10.2019 passed by the 2nd respondent ordering closure of the petitioner industrial unit on the ground that the same is operating in residential area without obtaining CFE & CFO from the Pollution Control Board, that it is engaged in fabrication and spray painting activities and that the same has not provided completely closed shed for spray painting activity.

Heard learned counsel for the petitioner and Sri P.Shiva Kumar, learned Standing Counsel for respondents 1 to 3.

Learned counsel for the petitioner submits that the petitioner was running the industry from the year 2011; that on 03.09.2019, a show-cause notice was issued on the ground that the same is running without any valid permission. Thereafter, petitioner applied for necessary permission by paying requisite fees. He further submits that meanwhile, the 2nd respondent issued impugned proceedings dated 10.10.2019 ordering closure of the unit.

On the other hand, Sri P.Shiva Kumar, learned Standing Counsel appearing for respondents 1 to 3 submits that the area in which the petitioner is carrying on its business is purely residential area, as such, the respondent Board cannot issue CFE & CFO. He

further submits that the petitioner is running the unit without obtaining CFE & CFO.

In this case, it is to be seen that learned counsel for the petitioner could not dispute the fact that as on the date of impugned proceedings, petitioner was not granted CFE & CFO by the Board. He also does not dispute that the petitioner is carrying on the business activity in the residential area. He could not bring any illegality or infirmity in the impugned Order dated 10.10.2019 passed by the 2nd respondent. Admittedly, the petitioner is running the unit in the residential area. Even if petitioner applied for CFE & CFO, the same could not be granted by the Pollution Control Board and that without obtaining the same, petitioner is running the unit.

In view of above facts and circumstances, we do not see any illegality or infirmity in the impugned order dated 10.10.2019 passed by the 2nd respondent, warranting interference by exercising the power of judicial review under Article 226 of the Constitution of India.

Accordingly, the Writ Petition is dismissed. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY, J

P.NAVEEN RAO, J

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Date 22.11.2019.

kvs

