



**IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)**

**WEDNESDAY, THE THIRTEENTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY THREE**

:PRESENT:

THE HONOURABLE THE CHIEF JUSTICE DHIRAJ SINGH THAKUR

AND

THE HONOURABLE SRI JUSTICE R RAGHUNANDAN RAO

WP(PIL) NO: 205 OF 2023

Between:

Epuri Rajasekhar, S/o Epuri Kutumba Rao H.No.4-106, S.C Colony Mallavolu
Village, Machavaram Mandal, Palanadu District, Andhra Pradesh- 522 315

.....Petitioner

AND

1. The State of Andhra Pradesh, Rep.by its Chief Secretary, General Administration Department, 1st Block, 1st Floor, A.P Secretariat Velagapudi, Amaravati, Guntur District Andhra Pradesh - 522 238
2. The Andhra Pradesh Pollution Control Board, D.No. 33-26-14 D/2, Near Sunrise Hospital Pushpa Hotel Centre, Chalamalavari Street Kasturibaipet, Vijayawada, NTR District Andhra Pradesh - 520 010, Rep.by its Chairman
3. The Joint Chief Environmental Engineer, A.P. Pollution Control Board Zonal Office, Plot No. 41 Gurunanak Road, Opp. State Bank of Hyderabad, Sri Kanakadurga Officer's Colony Vijayawada, NTR District Andhra Pradesh - 520 008
4. The Environmental Engineer, A.P.Pollution Control Board, Regional Office - Guntur D.No 4-5-4 / 5C, 4/3, Nava Bharath Nagar Ring Road, Guntur, Guntur District Andhra Pradesh - 522006.

.....Respondents

Petition under Article 226 of the Constitution of India is filed, praying that the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus a) to declare the inaction of the respondents and their omissions and commissions and statutory violations and in not taking any actions to control, monitor and bring the pollution levels to permissible levels. in and around Piduguralla Town and peripheral villagers, as illegal, arbitrary and in dereliction of their statutory duties b) to further declare that the non-consideration of the representations of the villagers and local residents to control and bring the pollution levels to permissible levels as being dereliction of their statutory duties c) to further declare that the non-consideration of the request made by the villagers and other local persons to conduct periodical tests to ascertain the pollution levels in and around Piduguralla and surrounding villages, as being dereliction of their statutory duties d) to further declare that the actions complained of, as above-mentioned, are in violation of Articles 14, 21, 48A, 51A of the Constitution of India e) to further declare that the omissions and commissions on the part of the respondents herein, are in gross violation of the most salutary principles laid down by the Hon'ble Supreme Court, namely Principles of Inter-generational Equity, Public Trust Doctrine, Precautionary Principle and Sustainable Development.

IA NO: 1 OF 2023:

Petition under Section 151 of CPC is filed praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondent authorities to consider the representation of villagers, including the representation dated 01-10-2022, and pass appropriate orders as per law and after thorough enquiry and comprehensive pollution tests, after providing opportunity of hearing to the petitioner, Pending disposal of WP(PIL) 205 of 2023, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri.Venkateswarlu Goda, Advocate for the Petitioner and of GP for General Administration for the Respondent No.1 and of Sri V.Surendra Reddy, Standing Counsel for the Respondent Nos.2 to 4, the Court made the following;

ORDER:

“Heard Mr. Venkateswarlu Goda, learned counsel for the petitioner.

Notice service waived by learned Government Pleader for General Administration on behalf of the 1st respondent.

Mr. V. Surendra Reddy, learned Standing Counsel, waives notice on behalf of the respondents 2 to 4.

In the present writ petition filed in public interest, the petitioner seeks to highlight the inaction of the Pollution Control Department in checking the air pollution that is being caused on account of the limestone industries established in and around the Piduguralla town.

It is urged that the air pollution levels have reached to a state which is making it dangerous for humans to live in the vicinity. It was also urged that there was no air monitoring station set up by the Pollution Control Department to continuously monitor the pollution in the air in the said area.

Objections be filed in three weeks.

List on 10.01.2024.

In the meantime, a report be submitted by the Pollution Control Department with regard to the extent of air pollution in Piduguralla town. The Pollution Control Department shall also submit a report as to when were the limestone industries set up around the said town inspected last by the Department for purposes of checking the air pollution being caused by such industries."

//TRUE COPY//

SD/-K.RAJA BABU
ASSISTANT REGISTRAR
SECTION OFFICER

To,

1. The Chief Secretary, General Administration Department, State of Andhra Pradesh, 1st Block, 1st Floor, A.P Secretariat Velagapudi, Amaravati, Guntur District Andhra Pradesh - 522 238
2. The Chairman, Andhra Pradesh Pollution Control Board, D.No. 33-26-14 D/2, Near Sunrise Hospital Pushpa Hotel Centre, Chalamalavari Street Kasturibaipet, Vijayawada, NTR District Andhra Pradesh - 520 010.
3. The Joint Chief Environmental Engineer, A.P. Pollution Control Board Zonal Office, Plot No. 41 Gurunanak Road, Opp. State Bank of Hyderabad, Sri Kanakadurga Officer's Colony Vijayawada, NTR District Andhra Pradesh - 520 008
4. The Environmental Engineer, A.P.Pollution Control Board, Regional Office - Guntur D.No 4-5-4 / 5C, 4/3, Nava Bharath Nagar Ring Road, Guntur, Guntur District Andhra Pradesh - 522006 (**Addresses 1 to 4 by RPAD**)
5. One CC to Sri.Venkateswarlu Goda, Advocate [OPUC]
6. Two CCs to GP for General Administration, High Court Of Andhra Pradesh. [OUT]
7. One CC to Sri V.Surendra Reddy, Standing Counsel. [OPUC]
8. Two spare copies

SRL

HIGH COURT

HCJ
&
RRRJ

DATED: 13/12/2023

LIST ON 10.01.2024

ORDER

WP(PIL).No.205 of 2023

DIRECTION

