

**WP(PIL) NO: 205 of 2023 along with
WP.No.5954 of 2011****WP(IPIL).No.205 of 2023**

Epuri Rajasekhar

...Petitioner

Vs.

The State of Andhra Pradesh and others

...Respondents

Advocate for Petitioner : Mr Gadipudi Venkateswarlu for LEO
Law Associates LLP

Advocate(s) for Respondent(s): GP for General Administration,
Mr Bolla Venkata Rama Rao [SC For
APPCB]

**CORAM : THE CHIEF JUSTICE DHIRAJ SINGH THAKUR
SRI JUSTICE CHALLA GUNARANJAN****DATE : 10th December, 2025****P C :**

By virtue of the orders, dated 13.08.2025, passed in WP(PIL).No.205 of 2023, while taking cognizance of the argument advanced by learned counsel for the petitioner that the Pollution Control Board had shown total inaction in not stopping the unauthorized operation of certain lime kilns which had been established in the Piduguralla area, we had directed the Pollution Control Board to inspect all the units and submit a comprehensive report in regard to the air quality as also the steps taken by the said units to improve the pollution control mechanisms.

It was also noticed in the order, dated 13.08.2025, that there was no regular inspection conducted by the Pollution Control Board in checking the units that had been authorized to operate from the said area.

Pursuant to the afore-said directions, an inspection appears to have been conducted in the Piduguralla area and it is stated that there are as many as 114 lime kilns out of which 68 are idle and not in operation while 46 are in operation out of which 43 are unauthorized.

It is further stated that out of 75 pulverizing units, 71 are authorized and in regard to the other 4, the consent to operate has not been renewed.

It is thus evident that although 43 lime kilns and some of the pulverizing units are in operation unauthorisedly, yet, the Pollution Control Board is reported to have exercised power only under Section 31A of the Air (Prevention and Control of Pollution) Act, 1981 [for short, 'the Air Act'] and ordered the concerned units *vide* order, dated 08.11.2025 to *inter alia* install air pollution control equipments.

Apart from this, those lime kilns, who have no consent to operate, have been asked to apply for consent to operate immediately apart from ordering the said units to develop a green belt all along the periphery of each lime kiln.

While the directions issued by the Pollution Control Board may be relevant to those who had duly obtained consent to operate from the Board, however, we fail to understand as to how the Board has not ordered closure of those units who have not obtained any consent to operate at all.

Provision of Section 21 of the Air Act clearly envisages that no person shall without the previous consent of the State Board, establish or operate any industrial plant in an air pollution control area.

The only exception made is in terms of *proviso* to Section 21 which envisages that a person operating any industrial plant in any air pollution control area immediately before the commencement of Section 9 of the Air (Prevention and Control of Pollution) Amendment Act, 1987, for which no consent was necessary prior to such commencement, may continue to do so for a period of three months.

It is not the case of the respondents – Pollution Control Board that the unauthorized units fell within the ambit of the *proviso* to Section 21 of the Air Act.

We, therefore, direct the official respondents to take appropriate action by invoking the powers which are vested in them to stop the unauthorized operation of those units who had not at all obtained any consent to operate from the Pollution Control Board.

Status report be filed in this regard.

List on 04.02.2026.

DHIRAJ SINGH THAKUR, CJ

CHALLA GUNARANJAN, J

Vjl