

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

WEDNESDAY, THE TENTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FIVE

:PRESENT:

HONOURABLE THE CHIEF JUSTICE DHIRAJ SINGH THAKUR

AND

THE HONOURABLE SRI JUSTICE CHALLA GUNARANJAN

WP(PIL) NO: 205 OF 2023 along with

WP.No.5954 of 2011

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 Kahakadurga 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.

Petition under Article 226 of the Constitution of India is filed praying that in the circumstances stated in the affidavit filed therewith, 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 Article 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 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 the order of the High Court order dated 13.12.2023 & 13.08.2025 made herein and upon hearing the arguments of Mr Gadipudi Venkateswarlu for M/s LEO LAW ASSOCIATES LLP for the Petitioner, GP FOR GENERAL ADMINISTRATION for the Respondent No.1 and of Sri BOLLA VENKATA RAMA RAO, Standing Counsel for Respondent Nos. 2 to 4 and the Court made the following

WP.No.5954 of 2011

Between:

1. S. Sambasiva Rao, S/o. Saidaiah R/o. Patha Ganesunipadu (V) Piduguralla Mandal, Guntur District.
2. Alaparthi Nageswara Rao, S/o. Satyanarayana (Late) D.No. 7-209, Backside Jayalakshmi Theator Piduguralla Mandal, Guntur District.

Petitioners

AND

1. The Govt. of A.P., rep. by its Principal Secretary, Department of Industries and Commerce, Secretariat Buildings, Hyderabad.
2. The Govt. of A.P., rep. by its Chief Secretary, Secretariat Buildings, Hyderabad.
3. The Commissioner of Industries, Chirag Ali Lane, Boggulakunta, Hyderabad.
4. The District Collector, Guntur, Guntur District.
5. The AP Pollution Control Board rep. by its Member Secretary, Paryavaran Bhavan A-3, Industrial Estate, Sanathnagar, Hyderabad - 500 018.
6. The AP Pollution Control Board rep. by Joint Chief, Env. Engineer (FAC), Zonal Office, Vijayawada, Plot No. 41, Sri Kanaka Durga Officers, Colony, Gurunanak Road, Vijayawada-008.

7. The AP Pollution Control Board rep. by its Environment Engineer,
Regional Office, Flat No. 102, Raghava Apartment, Brundavan
Gardens, Guntur - 522 006
8. The District Industrial Centre, rep. by its General Manager, Opp:
Collectorate, Guntur.

Respondents

Petition under Article 226 of the Constitution of India is filed praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ order or direction more particularly one in the nature of Writ of Mandamus declaring the inaction of the respondents in not taking any steps for preventing the pollution caused by the Lime Kilans situated in and around Piduguralla Town, Guntur District, as arbitrary, illegal, and violative of Arts. 14 and 21, 48A and 51A of the Constitution of India and provisions of Environmental protection Act and rules made there under, Air and Water Act and rules made there under and M.M.D.R. Act and rules made there under and consequently direct the respondents to take all necessary steps for prevention of the pollution caused an account of operations of lime kilans situated in and around Piduguralla Town, Guntur Dist., to the people residing there including the closure of the lime kilans and direct the respondents to pay damages to the people of Piduruguralla for the inaction of the respondents, grant costs of proceedings.

IA NO: 1 OF 2011 (WPMP No. 7379 of 2011)

Petition under Section 151 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 issue necessary directions to suspend the operations of the lime kilans, situated in and around Piduguralla Town, Guntur Dist., Pending disposal of WP 5954 of 2011, 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 M PITCHAIAH Advocate for the Petitioners, GP for Industries for Respondent

Nos.1 to 4 & 8 and of SRI BOLLA VENKATA RAMA RAO, Standing Counsel for the Respondent Nos.5 to 7 and the Court made the following

ORDER

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.

SD/- T. SRINIVASA RAO
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The Chief Secretary, State of Andhra Pradesh, General Administration Department 1st Block, 1st Floor, A.P Secretariat Velagapudi, Amaravati, Guntur District Andhra Pradesh - 522 238.
2. The Principal Secretary, Govt. of A.P., Department of Industries and Commerce, A.P Secretariat Velagapudi, Amaravati, Guntur District Andhra Pradesh - 522 238.
3. The Chief Secretary, Govt. of A.P., A.P Secretariat Velagapudi, Amaravati, Guntur District Andhra Pradesh - 522 238.(1 to 3 by Special Messenger)
4. 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,.
5. The Joint Chief Environmental Engineer, A.P. Pollution Control Board Zonal Office, Plot No. 41 Gurunanak Road, Opp. State Bank of Hyderabad, Sri Kahakadurga Officer's Colony Vijayawada, NTR District Andhra Pradesh - 520 008.
6. 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.
7. The Commissioner of Industries, First Floor Government Regional Printing Press Buildings, Mutyalampadu St, Vijayawada, 522503
8. The District Collector, Guntur, Guntur District.
9. The General Manager, District Industrial Centre, Opp: Collectorate, Guntur.(4 to 9 by RPAD)
10. One CC to M/s. LEO LAW ASSOCIATES LLP, Advocate [OPUC]
11. One CC to SRI. BOLLA VENKATA RAMA RAO, Standing Counsel [OPUC]
12. Two CCs to GP FOR GENERAL ADMINISTRATION ,High Court Of Andhra Pradesh. [OUT]
13. **Two spare copies.**

HIGH COURT

HC,J

&

CGR,J

DATED:10/12/2025

LIST ON 04.02.2026.

ORDER

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

DIRECTION

