

(2021) 10 TEL CK 0021
In the Telangana High Court
Case No : Writ Petition (PIL) No. 170 Of 2020

Marri Gopal Reddy

APPELLANT

Vs

State Of Telangana And 3 Others

RESPONDENT

Date of Decision : 20-10-2021

Acts Referred:

Citation : (2021) 10 TEL CK 0021

Hon'ble Judges : Satish Chandra Sharma, CJ;A. Rajasheker Reddy, J

Bench : Division Bench

Final Decision : Disposed Of

Judgement

The petitioner before this Court has filed this petition stating that heavy crushers and cement ready mix concrete industries are functional in and around the village of Vatinagulapally, in violation of G.O.Ms.No.111, dated 08.03.1996 and it is creating pollution in the entire township.

This Court had issued notice in the matter and a detailed and extensive report has been filed by the Pollution Control Board. The Report submitted by the Pollution Control Board reads as under:

"It is to submit that a W.P.No.170 of 2020 is filed by Marri Gopal Reddy, Vattinagulapally, RR District, with a prayer that this Hon'ble High Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not taking any action on the representation of the petitioner dated 07-04-2018 in removing the pollution heavy crushers and Cement Ready mix concrete heavy industries in and around the village of Vattinagulapally, Gandipet Mandal, Ranga Reddy District, Telangana State as arbitrary, illegal and in violation of G.O.Ms.No.111 Municipal Administration and Urban Development (II) Department dt:08-03-1996 and consequently direct the respondents not to allow any sort of dumping of garbage in and around the village of Vattinagulapally, Gandipet Mandal, Rangareddy District, Telangana State and be pleased to pass

such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

In this regard, the following is submitting:

1. It is to submit that, the W.P.No.170 of 2020 was filed by Marri Gopal Reddy, Vattinagulapally, RR District Stone Crushers & Ready Mix plants in and around Vattinagulapally, Gandipet, Rangareddy District.

2. The Board has not permitted any quarry/crushers within the 10 km radius of Himayathsagar and Osmansagar Lakes. However, the Board has issued closure orders to all the units located within the 10 km radius of Himayathsagar and Osmansagar Lakes. The details are as follows:

Sl.No.

Name of the Stone Crusher

Action Taken by the

Board

1.

M/s. Teja Crusher, Sy.No.141, Vattinagulapally (V), Gandipet (M), Rangareddy District.

Closure order issued on 20.07.2019

2.

M/s. Aadishwar Aggrigates Pvt. Ltd., Sy.No.246/1 & 246/2, Vattinagulapally (V), Gandipet (M), Rangareddy District.

Closure order issued on 22.08.2019

3.

M/s. Kore Stone Minerals, Sy.No.281, Vattinagulapally (V), Gandipet (M), Rangareddy District.

Closure order issued on 28.09.2020

4.

M/s. Hyma Developers Stone crushers (Formerly SLN Crushers), Sy.No.239 Part & 240 Part, Vattinagulapally (V), Gandipet (M), Rangareddy District.

Closure order issued on 28.09.2020 and power disconnected order issued to

SEE, TSSPDCL

5.

M/s. Adeshwar Traders (Vensai Metal), Sy.No.115, Vattinagulapally (V), Gandipet (M), Rangareddy District.

Closure order issued on 22.08.2019

6.

Hyderabad Rock Sand, Vattinagulapally (V), Gandipet (M), Rangareddy District.

Closure order issued on 28.09.2020 and power disconnected order

issued to SEE, TSSPDCL

Ready Mix Concrete (RMC):

Sl.No.

Name of the RMC

Action Taken by the Board

7.

M/s. SVR Infra Reddy Mix Concrete (M/s. Sai Srinivasa RMC), Vattinagulapally (V), Gandipet (M),

Rangareddy District.

Closure order issued on 22.01.2019

8.

M/s. Krishnamani Enterprises (Formerly M/s.Best RMC), Sy.No.57, Nanakramguda, Vattinagulapally (V),

Gandipet (M), Rangareddy District.

Closure order issued on 22.01.2019

9.

M/s. Rank RMC, Vattinagulapally (V),

Gandipet (M), Rangareddy District.

Closure order issued

on 30.09.2020

10.

M/s. Natural Rock Sand, Vattinagulapally (V), Gandipet (M),

Rangareddy District.

Closure order issued on 30.09.2020

11.

M/s. Sapthagiri RMC, Vattinagulapally (V), Gandipet (M), Rangareddy District.

Closure order issued on 30.09.2020

12.

M/s. Raja Pushpa Properties Pvt Ltd., Unit-I, Sy. No.88, Kokapet (V), Gandipet (M), Rangareddy District.

Closure order issued on 30.09.2020

13.

M/s. Raja Pushpa Properties Pvt Ltd., Unit-II, Sy. No.88, Kokapet (V), Gandipet (M), Rangareddy District.

Closure order issued on 30.09.2020

14.

M/s. Taktha Concrete, Sy.No.147, Kokapet (V), Gandipet (M), Rangareddy District.

Closure order issued on 30.09.2020

15.

RDC Concrete India Pvt Ltd, Sy.No.270, Plot No.15, Vattinagulapally (V), Gandipet (M), Rangareddy District.

Closure order issued on 22.01.2019

16.

M/s. Hyderabad Ready Mix and Applications Pvt Ltd, Sy.No.326/A, Vattinagulapally (V), Gandipet (M), Rangareddy District.

Closure order issued on 22.01.2019

17.

M/s. Best Concrete, Unit-II, Kokapet (V), Gandipet (M), Rangareddy District.

Closure order issued

on 01.04.2017

18.

M/s. BMR Concrete (Aulia RMC),
Vattinagulapally (V), Gandipet (M), Rangareddy District.

Closure order issued on 22.01.2019

19.

M/s. SSR Concrete, Sy.No.289, Vattinagulapally (V), Gandipet (M),
Rangareddy District.

Closure order issued on 22.01.2019

20.

M/s. Balaji RMC, Sy.No.4,
Vattinagulapally (V), Gandipet (M), Rangareddy District.

Closure order issued on 22.01.2019

21.

M/s. Arkid RMC, Vattinagulapally (V), Gandipet (M), Rangareddy District.

Closure order issued on 22.01.2019

22.

M/s. Elite RMC, Vattinagulapally (V),
Gandipet (M), Rangareddy District.

Closure order issued

on 22.01.2019

23.

M/s. Sree Concrete RMC,
Vattinagulapally (V), Gandipet (M), Rangareddy District.

Closure order issued on 22.01.2019

24.

M/s. Giridhari Homes RMC, Kismatpur
(V), Gandipet (M), Rangareddy District.

Closure order issued

on 26.10.2019

25.

M/s. SMR RMC, Bandlaguda Jagir (V), Gandipet (M), Rangareddy District.

Closure order issued on 30.09.2020

26.

M/s. Vara Prada Real Estates Pvt. Ltd., Narsingi (V), Gandipet (M), Rangareddy District.

Closed

27.

M/s. Vasavi Developers., Sy.No.258, Narsingi (V), Gandipet (M), Rangareddy District

Closure order issued on 30.09.2020

The undersigned also requested Tahsildhars, Gandipet Mandal on 02.12.2019 to seize the industries as the industries are operating in spite of issuing closure orders by the TSPCB.

It is further submit that, W.P.No.12022 of 2020 & W.P.No.268 of 2012 is also filed before the Hon'ble High Court, Telangana."

The Report makes it very clear that orders have been issued from time to time for closure of industries and the Tahsildars have also been directed to seize the material and to ensure closure of industries. The Report is dated 09.08.2021.

Learned counsel for the Pollution Control Board has also stated that large number of industries are already closed and now it is for the District Administration (Tahsildars) to ensure compliance with the order passed by the Pollution Control Board.

Learned Government Advocate for Revenue was fair enough in informing this Court that in case any industry, in spite of there being a closure order, is functioning, within ten (10) days the Tahsildar having jurisdiction in the matter shall take action and shall ensure the closure of such industry.

Resultantly, the Writ Petition stands disposed of with the direction to the Tahsildar, Gandipet Mandal, Ranga Reddy District to give effect to the closure orders passed by the Pollution Control Board and to report compliance within ten (10) days to the Registrar General of this Court. It is made clear that we have not commented upon the closure orders on merits.

The miscellaneous petitions, if any, pending in this Writ Petition shall also stand closed. There shall be no order as to costs.