

(2001) 09 AP CK 0046

In the Andhra Pradesh High Court

Case No : Writ Petition No. 13497 of 1999

Potlutu Subrahmanyeswara Rao

APPELLANT

Vs

Dist. Panchayat Officer and Others

RESPONDENT

Date of Decision : 03-09-2001

Acts Referred:

Citation : (2001) 09 AP CK 0046

Hon'ble Judges : N.V. Ramana, J

Bench : Single Bench

Advocate : C. Jayashree Sarathy, for the Appellant; B. Adinarayana Rao, Ch. Dhanamjaya, E. Kalyana Ram, S.C. for APPCB, G.P. for Panchayat Raj and G.P. for Medical and Health, for the Respondent

Judgement

N.V. Ramana, J.—This writ petition is filed by the petitioner seeking a writ of mandamus declaring the action of the respondents 1 to 4 in not taking any action against the respondents 5 and 6 for running the poultry farms in the residential area of Garikaparru village, Totlavalluru Mandal, Krishna District as illegal and arbitrary and consequently to direct the respondents to remove the said poultry farms.

2. The 1st respondent - District Panchayat Officer, Krishna District filed a counter affidavit denying the allegations.

3. A counter affidavit was also filed on behalf of the 5th and 6th respondents stating that the 5th and 6th respondents have started the poultry in 1978 after obtaining loan from Andhra Bank, Vuyyuru Branch and at that time there were no residential houses around the poultry and subsequently the residential houses have come around the poultry and the allegation of the petitioner that the poultry surroundings became unfit for human living is false and the family members of the 5th and 6th respondents are staying in the same compound for the last 17 years and there are no health hazards for them and hence the writ petition is liable to be dismissed.

4. Heard the learned Counsel on both sides and perused the report filed by the 3rd respondent - District Pollution Control Board, Krishna at Vijayawada.

5. The issue involved in this writ petition is whether the poultry farms established by the 5th and 6th respondents are causing any pollution that requires closure of the said farms or not. A reading of the report filed by the 3rd respondent as well as the counter -affidavits filed on behalf of the 1st and 3rd respondents and the report of the Environmental Engineer reveal that there is some amount of pollution caused by the poultry farms belonging to the 5th and 6th respondents, which according to them does not require complete closure. The poultry farms of the 5th and 6th respondents are not causing that much pollution warranting complete closure. Apart from that, it is the contention of the respondents 5 and 6 that the petitioner constructed his house five to six years subsequent to the establishment of the poultry farms by the 5th and the 6th respondents. Normally, in villages establishment of poultry farms or dairy farms is a common phenomenon, which is the main source of the livelihood of the villagers. In the instant case, the report submitted by the Pollution Control Board as well as the averments mentioned in the counter affidavits do not disclose any disorders of harmful nature being caused to the villagers.

6. Having regard to the facts and circumstances of the case, the Executive Officer of the 4th respondents Gram Panchayat is directed to take necessary steps to control the limited pollution said to be emanating from the poultry farms belonging to the 5th and 6th respondents as pointed - out in the report of the Pollution Control Board. The 5th and 6th respondents are also directed to take necessary steps to control the pollution being caused by their industry and they are also directed to take necessary precautionary measures suggested by the Pollution Control Board to prevent the pollution.

With these observations, the writ petition is disposed of. No order as to costs.