
(2000) 09 SC CK 0040

In the Supreme Court Of India

Case No : Criminal Appeals Nos. 151-58 of 1996

State of M.P.

APPELLANT

Vs

Kedia Leather and Liquor Ltd. and Others

RESPONDENT

Date of Decision : 11-09-2000

Acts Referred:

Citation : AIR 2000 SC 2642 : (2000) AIRSCW 2804 : (2000) 102 CompCas 1 : (2000) 8 JT 587 : (2001) 1 LW 772 : (2000) 5 SCALE 486 : (2000) 7 SCC 291 : (2000) 2 SCR 288 Supp : (2000) 5 Supreme 495 : (2000) 3 UPLBEC 2229

Hon'ble Judges : S. N. Variava, J;M. B. Shah, J

Bench : Division Bench

Advocate : Uma Nath Singh

Final Decision : Allowed

Judgement

M.B. Shah J.-Heard learned counsel for the appellant and counsel for Respondents 1 and 2. The Sub-Divisional Magistrate of the area served upon the respondent units preliminary orders under Section 133 of the Code of Criminal Procedure directing them to close their industries as it was alleged that they were creating public nuisance by water and air pollution. That order was challenged before the High Court. The High Court held that the provisions of the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 impliedly repeal the provisions of Section 133 of the Code of Criminal Procedure so far as allegations of public nuisance by air and water pollution by industries or persons covered by the two Acts are concerned. That order is challenged by filing these criminal appeals. This Court vide order dated 24-4-1995 issued notice to the respondents and subsequently, vide order dated 25-9-1995 stayed the operation of the impugned order passed by the High Court. Hearing of the matter is delayed on the ground of non-service of notice to one or the other respondents.

2. It appears that as the matter is pending before this Court, the Sub-Divisional Magistrate has not taken further steps despite the stay order granted by this

Court. Considering the serious consequences of the alleged air and water pollution because of the pollutants discharged by the respondent industries, for the time being we direct the M.P. State Pollution Control Board and the Central Pollution Control Board to jointly inspect the premises and site of the following units and submit their report to this Court on or before 16-10-2000:

1. M/s Kedia Leather & Liquor Pvt. Ltd., Ekalduna, District Dhar (M.P.)
 2. M/s Malwa Vanaspati & Chemical Co. Ltd. Factory, Village Sejwaya, District Dhar (M.P.)
 3. M/s Sanghi Organics & Phytochem Pvt. Ltd., Village Sejwaya, Chata Billod, District Dhar (M.P.)
 4. M/s Tirupati Starch & Chemicals Ltd., Village Sejwaya, Chata Billod, District Dhar (M.P.)
 5. Shaba Chemicals Pvt. Ltd., Ekalduna, District Dhar (M.P.)
3. It would be open to the Central Pollution Control Board as well as the State Pollution Control Board to take appropriate action under the Act.
4. List the matter after the report is filed.