

(2001) 06 AP CK 0102
In the Andhra Pradesh High Court
Case No : Writ Petition 25500 of 2001

Syed Shan Asghar Hussaini	Vs	APPELLANT
Pollution Control Board and Others		RESPONDENT

Date of Decision : 21-06-2001

Acts Referred:

Air (Prevention and Control of Pollution) Act, 1981 — Section 31A
Environment (Protection) Act, 1986 — Section 5
Water (Prevention and Control of Pollution) Act, 1974 — Section 33

Citation : (2001) 06 AP CK 0102

Hon'ble Judges : Satyabrata Sinha, C.J.;V.V.S. Rao, J

Bench : Division Bench

Advocate : Md. Zia-ul-Haque, for the Appellant; E. Kalyan Ram and Muralinarayan Bung, for the Respondent

Judgement

Satyabrata Sinha, C.J.—The writ petitioner herein prays for a Writ in the nature of mandamus directing the first respondent herein, the State Pollution Control Board, to pass orders closing down the mills arrayed as respondents 2 to 7 herein.

2. The grievance of the petitioner appears to be that the respondents are using hazardous substances in the industries including storing of Hydrogen in plants and that in the event of any fire accident taking place, there would be a serious danger to the life and property of the people residing in the surrounding areas.

3. A counter-affidavit has been filed on behalf of the first respondent wherein inter alia it is stated that in only one industry, a minor fire accident took place, which was not even a reportable one. However, it is stated that the Board had also collected ground water samples in and around the place in question and a report thereof in that regard has also been filed. The Board has since constituted a task force and is closely monitoring the internal activities of the concerned respondents. Having regard to the fact that stringent steps are required to be taken so that any accident may not occur owing to any negligence on the part of

the unofficial respondents herein, we direct the first respondent herein to keep a close watch on the internal activities of the respondents by deploying the task force set up for that purpose. We further direct that in the event of any violation of the terms and conditions of the licence and/or provisions of any Act, Rule or any directions issued by the Board is found, the Board shall immediately issue a closure notice to the erring industry and for the said purpose the first respondent is also entitled to initiate steps against the respondents in terms of the provisions of Sections 31-A of the Air (Prevention and Control of Pollution) Act, 1981 and 33 of the Water (Prevention and Control of Pollution) Act, 1974. It will also be open to the State Government to proceed against the respondents u/s 5 of the Environment Protection Act, 1986. However, any party, shall be at liberty to file any other or further application in the matter if any cause of action therefore arises. The writ petition is disposed of with the aforementioned observations. There shall be no order as to costs.