

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY SECOND DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and

THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 18083 of 2001

Between:

K.Chinni Krishnaiah @ Chinni S/o.Jaya Ramaiah
Runni Mini Floor Mill & Industry R/o.Tirupathi
Chittoor Dist.

..... PETITIONER

AND

- 1 The Environmental Engineer A.P.Pollution Control Board
Regional Office Hyderabad.
- 2 The Municipal Health Officer
Municipal Office Tirupathi
Chittoor dist.
- 3 The Muinicipal Councel Tirupathi
Rep.by its Commissioner Municipal Office
Tirupathi.
- 4 The Station House Officer Tirupathi
West Police Station Tirupathi.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue Writ, order or direction, particularly one in the nature of Writ of Mandamus, declaring the action of the respondent No.2 in closing forcibly petitioner's mill, Ganapathi Oil Industry and Mini Flour Mill and taking petitioner to the West Police Station, Tirupathi and the High-Handed action of the respondent herein threatening

the petitioner with dire consequences if the petitioner resume the running of petitioner mill is illegal and unauthorised and pass such other order or orders.

Counsel for the Petitioner:MR.K.V.SUBRAMANYA NARASU

Counsel for the Respondent No.1: MR.E.KALYAN RAM

Counsel for the Respondent Nos. 2 and 3:K. Bathireddy

Counsel for the Respondent No.4: G.P. for Home

The Court made the following Oral Order:

(per Sri Devinder Gupta, CJ)

Petitioner approached this Court when the 2nd respondent took action by closing the mill being run by the petitioner known as Ganapathi Oil Industry & Flour Mill. Thus, petitioner sought direction against the respondents not to interfere with the running of his mil.

Rule Nisi was issued in the petition and affidavit in reply was also filed by the Environmental Engineer on 13.9.2001. During the pendency of the writ petition, it appears that the petitioner was permitted to run the mill and as per the latest inspection carried out on 13.7.2004 by the Environmental Engineer it was observed that the unit holder is operating mini oil expeller with 5 HP motor and also operating the Shikakai powdering mill with 5 HP motor. It is stated that during the inspection, the representatives of the industry informed the officials that they are not operating chilly grinding mill which was earlier causing air pollution problems and are operating the unit only during day time, i.e. between 10 A.M. and 6 PM. Further when the officials contacted Smt. V. Lalithamma, wife of the complainant, late Sri V. Munaswamy Reddy and Sri P. Sathyanarayana, a resident of the adjacent house, they informed them that they are not facing much pollution due to the stoppage of the operation of chilly mill by the unit holder.

In view of the fact that the petitioner has stopped the operation of chilli mill and by

running of oil mill, as there is no air pollution, there is no restraint for the petitioner to carry out his business.

The writ petition has been rendered infructuous and is disposed of as such.

DEVINDER GUPTA,CJ

DATE: 22nd JULY, 2004

C.V. RAMULU,J

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To

- 1 The Environmental Engineer A.P.Pollution Control Board,
Regional Office, Hyderabad.
- 2 The Municipal Health Officer,
Municipal Office, Tirupathi
Chittoor dist.
- 3 The Commissioner, Tirupathi Municipality
Tirupathi.
- 4 The Station House Officer,
West Police Station, Tirupathi.