

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 28TH DAY OF DECEMBER, 2012

PRESENT

THE HON'BLE MR.JUSTICE H. BILLAPPA

AND

THE HON'BLE MR.JUSTICE V.SURI APPA RAO

WRIT PETITIONS NOS. 52243-52272/2012 (GM-MM-S)

BETWEEN:

1. M/S. BRAMHALINGESHWARA
STONE CRUSHING INDUSTRIES,
SY.NO.18,
NEELANAKOPPAL VILLAGE,
SRIRANGAPATNA TALUK,
MANDYA DISTRICT,
BY ITS PARTNER,
SRI M.RAMAKRISHNA..
2. M/S. SRI CHELUVARAYASWAMY
STONE CRUSHER,
SY.NO.351,
MUNDAGADORE VILLAGE,
SRIRANGAPATNA TALUK,
MANDYA DISTRICT,
BY ITS PROPRIETOR,
SRI.M.C.MARIYAPPA.
3. M/S. RAMA STONE CRUSHERS,
SY.NO.105,
GANAGURE VILLAGE,

SRIRANGAPATNA TALUK,
MANDYA DISTRICT,
BY ITS PROPRIETOR,
SMT.B.M.SUDHA.

4. M/S. SHIVA PRIYA STONE CRUSHERS,
SY.NO.185,
HANGARAHALLI VILLAGE,
BANNUR ROAD,
SRIRANGAPATNA TALUK,
MANDYA DISTRICT.
BY ITS PROPRIETOR,
SRI.S.Y.AFSAR.
5. M/S. GOKUL STONE CRUSHER,
MUNDAGADORE VILLAGE,
SRIRANGAPATNA TALUK,
MANDYA DISTRICT.
BY ITS PROPRIETOR,
SRI.JAMEER AHAMED.
6. M/S. PRIME STONE CRUSHER,
SY.NO.351,
MUNDAGADORE VILLAGE,
SRIRANGAPATNA TALUK,
MANDYA DISTRICT,
BY ITS PARTNER,
SRI.FAROOQ AHMAD.
7. M/S. BOREDEVARU STONE CRUSHER,
SY.NO.74,
KALENAHALLI VILLAGE,
K.SHETTAHALLI HOBLI,
SRIRANGAPATNA TALUK,
MANDYA DISTRICT.
BY ITS PROPRIETOR
SRI.BORAPPA.

8. SAI SIDDESHWARA STONE CRUSHER,
SY.NO.351,
MUNGADORE VILLAGE,
SRIRANGAPATNA TALUK,
MANDYA DISTRICT,
BY ITS PROPRIETOR,
SRI.G.L.LAXMEGOWDA.
9. M/S. SUBRAMANYESHWARA
STONE CRUSHER,
SY.NO.351,
MUNDAGADORE VILLAGE,
SRIRANGAPATNA TALUK,
MANDYA DISTRICT,
BY ITS PROPRIETOR,
SRI.K.MANJUNATHA.
10. M/S. B.G.S.STONE CRUSHER,
SY.NO.383,
MUNDAGADORE VILLAGE,
SRIRANGAPATNA TALUK,
MANDYA DISTRICT,
BY ITS PROPRIETOR,
SRI.C.M.NAVEEN CHANDRA.
11. M/S. LAXMEVENKATESH
STONE CRUSHER,
GANAYURU VILLAGE,
SRIRANGAPATNA TALUK,
MANDYA DISTRICT,
BY ITS PROPRIETOR,
SRI.G.GOVINDEGOWDA.
12. M/S. SRI SIDDAPAJI STONE CRUSHER,
MUNDAGADORE VILLAGE,
SRIRANGAPATNA TALUK,
MANDYA DISTRICT,

BY ITS PROPRIETOR,
SRI.G.GOVINDEGOWDA.

13. M/S. HINDUSTAN STONE CRUSHER,
SY.NO.185,
HANAGARAHALLI VILLAGE,
SRIRANGAPATNA TALUK,
MANDYA DISTRICT,
BY ITS PROPRIETOR,
SRI.FAZIL HUSSAIN.
14. M/S. ARS STONE CRUSHERS,
SY.NO.351,
MUNDAGADORE VILLAGE,
SRIRANGAPATNA TALUK,
MANDYA DISTRICT,
BY ITS PROPRIETOR,
SRI.M.C.MARIYAPPA.
15. M/S. MARUTHI STONE CRUSHER,
SY.NO.115, KATHA NO.141,
CHANNANAKERE VILLGE,
ARAKERE HOBLI,
SRIRANGAPATNA TALUK,
MANDYA DISTRICT,
BY ITS PROPRIETOR,
SRI.GOPINATH Y.D.
16. M/S. R.P.N.STONE CRUSHER,
SY.NO.128,
GOWDAHALLI VILLAGE,
K.SHETTAHALLI HOBLI,
SRIRANGAPATNA TALUK,
MANDYA DISTRICT,
BY ITS PROPRIETOR,
SRI.RAMALINGIAH.

17. M/S. J.J. INDUSTRIES,
SY.NO.78,
CHENNAHERE VILLAGE,
JAKKANAHALLI POST,
ARAKERE HOBLI,
SRIRANGAPATNA TALUK,
MANDYA DISTRICT,
BY ITS PROPRIETOR,
SRI.L.J.RAAMADEV.
18. M/S. SRI.MALLESHWARA STONE CRUSHER,
KODISHETTYPURA VILLAGE,
K.SHETTAHALLI HOBLI,
SRIRANGAPATNA TALUK,
MANDYA DISTRICT,
BY ITS PROPRIETOR,
SRI.MALLESH.
19. SRI RAMA INDUSTRIES,
SY.NO.84,
KODISHETTYPURA VILLAGE,
SRIRANGAPATNA TALUK,
MANDYA DISTRICT,
BY ITS PROPRIETRIX,
SMT.K.R.PRABHAVATHI JAYARAM.
20. M/S. SRI ARAKESHWARA STONE CURSHERS,
SITE NO.53,
KALENAHALLI VILLAGE,
K.SHETTAHALLI HOBLI.
SRIRANGAPATNA TALUK
MANDYA DISTRICT,
BY ITS PROPRIETOR,
SRI.H.A.CHANDRASHEKARA.
21. M/S. YARB STONE CURSHER,
KALENAHALLI VILLAGE,

K.SHETTAHALLI HOBLI,
SRIRANGAPATNA TALUK,
MANDYA DISTRICT.
BY ITS PROPRIETOR,
SRI.ABZAL.

22. M/S. BHARATH STONE CRUSHER,
SY.NO.351,
MUNDAGADORE VILLAGE,
SRIRANGAPATNA TALUK,
MANDYA DISTRICT,
BY ITS PROPRIETOR,
SRI.NASURL KHAN.
23. M/S. DIAMOND STONE CRUSHER,
SY.NO.351,
MUNDAGADORE VILLAGE,
SRIRANGAPATNA TALUK,
MANDYA DISTRICT,
BY ITS PROPRIETRIX
SMT.RESHMA NIKHAT,
W/O.LATE.SYED RAHAMATULLA.
24. M/S. KANKARD STONE CRUSHER,
SY.NO.185,
HANGARAHALLI VILLAGE,
SRIRANGAPATNA TALUK,
MANDYA DISTRICT,
BY ITS PROPRIETOR,
SRI.INDRAKUMAR.
25. M/S. HARSHI STONE CRUSHER,
SY.NO.185,
HANGARAHALLI VILLAGE,
SRIRANGAPATNA TALUK,
MANDYA DISTRICT,

BY ITS PROPRIETOR,
SRI.T.HARSHAVARDANA.

26. M/S. SRI CHAMUNDESHWARI
STONE CRUSHING INDUSTRIES,
HANGARAHALLI VILLAGE,
SRIRANGAPATNA TALUK,
MANDYA DISTRICT,
BY ITS PROPRIETOR,
SRI.N.PUTTASWAMY.
27. M/S. CHOWDESHWARI STONE CRUSHERS,
SY.NO.105,
GANANGUR VILLAGE,
SRIRANGAPATNA TALU,
MANDYA DISTRICT,
BY ITS PROPRIETRIX,
SMT.NAGARATHNA.
28. M/S.SRI LAKSHMI VENKATESHWARA
STONE CRUSHER,
SY.NO.105,
GANAGUR VILLAGE,
SRIRANGAPATNA TALUK,
MANDYA DISTRICT,
BY ITS PROPRIETOR,
T.SURESH.
29. M/S. KAVERI STONE CRUSHERS,
SY.NO.184,
GANANGUR VILLAGE,
SRIRANGAPATNA TALUK,
MANDYA DISTRICT.
BY ITS PROPRIETOR,
C.K.SHIVANNA.

30. M/S. SRI VENKATESHWARA
STONE CRUSHERS
K.L.888, GANANGUR VILLAGE,
SRIRANGAPATNA TALUK,
MANDYA DISTRICT,
BY TS PROPRIETOR,
P.B.KARIGOWDA. ... PETITIONERS

(BY SRI. P MAHESHA & SRI. KRISHNA B.J, ADVS.)

AND

1. THE STATE OF KARNATAKA,
DEPARTMENT OF MINES AND GEOLOGY,
KANIJA BHAVAN,
RACE COURSE ROAD,
BANGALORE-560001.
REPRESENTED BY
ITS DIRECTOR.
2. THE KARNATAKA STATE
POLLUTION CONTROL BOARD
PARISARA BHAVAN, 4TH AND 5TH FLOOR,
NO.49, CHURCH STREET,
BANGALORE-560001.
REPRESENTED BY ITS CHAIRMAN.
3. THE DEPUTY COMMISSIONER,
MANDYA DISTRICT,
MANDYA.
4. THE MANAGING DIRECTOR,
CHAMUNDESHWARI ELECTRICITY
SUPPLY COMPANY,
NO.927, NEW KANTHARAJAURS ROAD,
KUVEMPU NAGAR,
MYSORE-570001.

5. THE ASSISTANT EXECUTIVE ENGINEER,
CHAMUNDESHWARI ELECTRICITY
SUPPLY COMPANY,
(O & M) SUB DIVISION,
SRIRANGAPATNA TALUK,
MANDYA DISTRICT.
6. THE ASSISTANT EXECUTIVE ENGINEER,
CHAMUNDESHWARI ELECTRICITY
SUPPLY COMPANY,
(O & M) SUB DIVISION,
MANDYA TALUK &DISTRICT. ..RESPONDENTS

(BY SRI. R.G. KOLLE, GA FOR R1 & R3
SRI. GURURAJ JOSHI, ADV. FOR R2
SRI. N.K. GUPTA, ADV. FOR R4-R6)

THESE WRIT PETITIONS ARE FILED UNDER ARTICLES 226 AND 227 OF CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED CLOSER ORDER PASSED BY THE R2 THE CHAIRMAN KARNATAKA STATE POLLUTION CONTROL BOARD, BANGALORE PRODUCED AT ANN-B1 TO B30, ANN-B1 DT.29.8.12, ANN-B2, DT.29.8.12, ANN-B3, DT.29.8.12, ANN-B4 DT.29.8.12, ANN-B5 DT.11.1.12, ANN-B6, DT.29.8.12, ANN-B7 DT.29.8.12, ANN-B8 DT.29.8.12, ANN-B9 DT.21.4.12, ANN-B10 DT.29.8.12, ANN-B11 DT.8.2.12, ANN-B12 DT.8.2.12, ANN-B13 DT.29.8.12, ANN-B14 DT.29.8.12, ANN-B15 DT.29.8.12, ANN-B16 DT.29.8.12, ANN-B17 DT.29.8.12, ANN-B18 DT.21.4.12 ANN-B19 DT.29.8.12 ANN-B20 DT.29.8.12, ANN-B21 DT.21.4.12 ANN-B22 DT.29.8.12 ANN-B23 DT.29.8.12, ANN-B24 DT.29.8.12 ANN-B25 DT.29.8.12, ANN-B26 DT.29.8.12, ANN-B27 DT.29.8.12, ANN-B28 DT.29.8.12, ANN-B29 DT.29.8.12, ANN-B30 DT.29.8.12.

THESE WRIT PETITIONS COMING ON FOR PRELIMINARY HEARING THIS DAY, **H. BILLAPPA, J.**, PASSED THE FOLLOWING:

O R D E R

Sri. R.G. Kolle, learned Government Advocate is directed to take notice for the respondents 1 and 3.

Sri. Gururaj Joshi, advocate, is directed to take notice for the respondent No.2.

Sri. N.K. Gupta, advocate, is directed to take notice for the respondents 4 to 6.

2. The learned counsel for the parties submit that the matter has been covered by the decision of this Court in W.P. No.41069/2012.

3. The petitioners have filed applications for grant of license on 18.12.2012. The applications need to be considered within three months. The matter is covered by the decision of this Court in W.P. No. 41069/2012.

4. Therefore, the writ petitions are disposed of directing the 3rd respondent to consider the applications of the petitioners vide Annexures-C1 to C30 dated 18.12.2012 within the stipulated period of three months. Consequently, Annexures-B1 to B30 issued by the 2nd respondent are hereby quashed. The respondents are directed to permit the operation of the petitioners units till the disposal of the applications in accordance with law within the stipulated period of three months.

**Sd/-
JUDGE**

**Sd/-
JUDGE**

ST*