



(SHOW CAUSE NOTICE BEFORE ADMISSION)
IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(Special Original Jurisdiction)

WEDNESDAY, THE NINTH DAY OF SEPTEMBER TWO THOUSAND AND TWENTY

:PRESENT:

THE HONOURABLE THE CHIEF JUSTICE SRI JITENDRA KUMAR MAHESHWARI
AND
THE HONOURABLE SRI JUSTICE K SURESH REDDY

WRIT PETITION NO: 16046 OF 2020

Between:

M/s.PVR Chalapathi Metal Industries Office, at Plot No.201, 2nd Lane, Rajendranagar, Guntur, Guntur District Andhra Pradesh, Rep.by its Proprietor Sri P.Venkateswara Rao S/o.Sri P.Chalapathi Rao, Hindu, aged 56 years

Petitioner

AND

1. The A.P.Pollution Control Board, Door No.33-26-14 D/2 Near Sunrise Hospital, Near Pushpa Hotel Chalamalavari Street, Kasturibaipeta, Vijayawada - 520 010 Krishna District, AP Rep.by its Member Secretary
2. The Environmental Engineer (, FAC) A.P.Pollution Control Board Regional Office, Navabharat Nagar, Ring Road, Guntur, Guntur District, Andhra Pradesh
3. The Joint Chief Environmental Engineer, Zonal Office, Gurunanak Nagar, Main Road, Vijayawada, Krishna District, Andhra Pradesh

Respondents

WHEREAS the Petitioner above named through its Advocate Ms.M.S.Tirumala Rani presented this Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of a writ of mandamus declaring the Notice No.G-2336/APPCB/RO-GNT/2020-390 Dt.14-08-2020 issued by the 2nd respondent by levying Environmental Compensation for the alleged non-compliance of environmental norms under the threat of issuing Closure Order for quarrying Road Metal in Sy.No.111(P), Chinapalakaluru Village, Guntur Rural Mandal, Guntur District, Andhra Pradesh and also to launch prosecution as highly illegal, arbitrary exercise of power, violative of principles of natural justice and without jurisdiction and consequently to set aside the same;

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein and upon hearing the arguments of Sri.K.Chidambaram, learned Counsel appears for Ms.M.S.Tirumala Rani Advocate for the Petitioner, directed issue of notice to the Respondents herein **returnable in four weeks** to show cause as to why this WRIT PETITION should not be admitted.

You viz:

1. The Member Secretary, A.P.Pollution Control Board, Door No.33-26-14 D/2 Near Sunrise Hospital, Near Pushpa Hotel Chalamalavari Street, Kasturibaipeta Vijayawada - 520 010 Krishna District, AP.
2. The Environmental Engineer (FAC) A.P.Pollution Control Board Regional Office, Navabharat Nagar Ring Road, Guntur, Guntur District Andhra Pradesh
3. The Joint Chief Environmental Engineer Zonal Office, Gurunanak Nagar, Main Road, Vijayawada, Krishna District Andhra Pradesh

are directed to show cause either appearing in person or through an Advocate, as to why in the circumstances set out in the petition and the affidavit filed therewith (copy enclosed) this WRIT PETITION should not be admitted, on which date the case stands posted for hearing.

IA NO: 1 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to grant stay of all further proceedings in pursuance of the Notice No.G-2336/APPCB/RO-GNT/2020-390 Dt.14-08-2020 issued by the 2nd respondent, pending disposal of Writ Petition No.16046 of 2020, on the file of the High Court.

THE COURT MADE THE FOLLOWING ORDER:

(Through Video Conferencing)

Sri K.Chidambaram, Advocate, appears on behalf of M.S.Tirumala Rani, counsel for the petitioner.

Heard on the question of admission.

Issue show-cause notice to the respondents, returnable in four weeks.

Also heard on the question of interim relief.

Considering the provision as contemplated under Section 5 of the Air (Prevention and Control of Pollution) Act, 1981, and the proceedings – annexure P.6, we are primarily inclined to grant interim relief.

Accordingly, we direct that the operation of the order dated 14.08.2020 – annexure P.1, shall remain stayed, until the next date.

List along with W.P.No.15774 of 2020 for analogous hearing.

**SD/- R.KARTHIKEYAN
ASSISTANT REGISTRAR**

//TRUE COPY//

For ASSISTANT REGISTRAR

To,

1. The Member Secretary, A.P.Pollution Control Board, Door No.33-26-14 D/2 Near Sunrise Hospital, Near Pushpa Hotel Chalamalavari Street, Kasturibaipeta Vijayawada - 520 010 Krishna District, AP.
2. The Environmental Engineer (FAC) A.P.Pollution Control Board, Regional Office, Navabharat Nagar, Ring Road, Guntur, Guntur District, Andhra Pradesh
3. The Joint Chief Environmental Engineer Zonal Office, Gurunanak Nagar, Main Road, Vijayawada, Krishna District, Andhra Pradesh (1 to 3 by RPAD along with a copy of petition and affidavit)
4. One CC to Ms.M.S.TIRUMALA RANI Advocate [OPUC]
5. Two spare copies

SRL

HIGH COURT

HCJ & KSRJ

DATED:09/09/2020

**NOTE: LIST ALONG WITH W.P.No.15774 OF 2020 FOR
ANALOGOUS HEARING**

ORDER

WP.No.16046 of 2020

STAY

