

**HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
(Special Original Jurisdiction)**

TUESDAY, THE TENTH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

**THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE
AND
THE HON'BLE SRI JUSTICE J SREENIVAS RAO**

WRIT PETITION NO: 2951 OF 2005

Between:

1. T. Veerender Reddy, S/o. T. Venkat Reddy, aged about 59 years, Occ: Advocate, Agriculture, R/o. Pairedygyuda Village, Shadnagar Mandal, Mahabubnagar District.
2. P. Yella Reddy, S/o. Pulla Reddy, aged about 58 years, Occ: Agriculture, R/o. Ippalapally Village, Kesampet Mandal, Mahabubnagar District.
3. K. Laxamma, W/o. Ramulu, aged about 45 years, Occ: Agriculture, R/o. 13-365, Christian Colony, N.H.7, Shadnagar Mandal, Mahabubnagar District.
4. C. Giridhar Reddy, S/o. Sreedhar Reddy, aged about 54 years, Occ: Agriculture, R/o. Kethireddypally, Balanagar Mandal, Mahabubnagar District.
5. Dilip Reddy, S/o. Jagannath Reddy, aged about 55 years, Occ: Agriculture, R/o. Rangareddyguda, Balanagar Mandal, Mahabubnagar District.
6. M. Shankar Reddy, S/o. Ram Reddy, aged about 52 years, Occ: Agriculture, R/o. Kishan Nagar, Farooqnagar Mandal, Mahabubnagar District.
7. Narayan Reddy, S/o. Sai Reddy, aged about 62 years, Occ: Agriculture, R/o. Kishan Nagar, Farooqnagar Mandal, Mahabubnagar District.
8. K. Veeresham Gupta, S/o. Krishna Murthy, aged about 52 years, Occ: Business & Agriculture, R/o. Shadnagar, Farooqnagar Mandal, Mahabubnagar District.
9. T. Prakash Goud, S/o. T. Govindaiah, aged about 48 years, Occ: Agriculture, R/o. Rangareddyguda, Balanagar Mandal, Mahabubnagar District.

...PETITIONERS

AND

1. The Government of Andhra Pradesh, Rep. by its Secretary (Industries) Secretariat, Hyderabad.
Cause Title is amended as per Court Order dated 02.03.2005
2. The Principal Secretary, Environment, and Forests, Government of A.P., Hyderabad.
3. The Member Secretary, Andhra Pradesh Pollution Control Board, Pariyavaran Bhavan, A3.1E, Sanathnagar, Hyderabad.

4. The Commissioner of Industries, Chirag Ali Lane, Abids, Hyderabad.
5. Andhra Pradesh Industrial Infrastructure Corporation, Rep. by its Managing Director, Basheerbagh, Hyderabad.
6. The District Collector, Mahabubnagar, Mahabubnagar District.
7. M/s. Bilasraika Sponge Iron India Pvt. Ltd., Located at Gundla Pothapally (V), Balanagar Mandal, Mahabubnagar District, Rep. by its Director Sri Balram Agarwal, Having its registered Office at Pathergatti, Hyderabad.
8. M/s. Binjusaria Sponge and Power Private Limited, Located at Sy.No.308, Pargi Road, Farooqnagar, Mahabubnagar District, Rep. by its Director Sri Bharath Kumar, Having its Registered Office at C-1, Industrial Area, Chandulal Barradari, Hyderabad.
9. M/s. Anand Metalics and Power Pvt. Ltd., Located at Kodicherla Village, Kothur Mandal, Mahabubnagar, Rep. by its Director Sri Pramod Kumar Agarwal Having its registered office at 5-9-208, Chirag Ali Lane, Abids, Hyderabad.
10. M/s. Sunder Ispath Ltd., Located at Sy.No.268 A/276, Ippalapalli Village, Kesampet Mandal, Mahabubnagar District, Rep. by its Director Sri Mukundlal Agarwal, Having its registered office at 2-1-41, Tobacco Bazar, Secunderabad.
11. M/s. Jaycee Sponge Profiles Pvt. Ltd., Located at Anthireddyguda Village, Kothur Mandal, Mahabubnagar District, Rep. by its Director Sri Balbir Singh Saluja, Having its Registered Office at Anand Nagar, Hyderabad.
12. M/s. Vinayaka Steels Limited, Located at Kothur Village and Mandal, Dargah Road, Mahabubnagar District, Rep. by its Director Sri Vinod Kedia, Having its registered office at 5-4-83, T.S.K. Chambers M.G. Road, Secunderabad.
13. M/s. Reutire Metals of India Ltd., Located at Appajipally Village, Balanagar Mandal, Mahabubnagar District, rep. by its Director Sri Om Prakash Kedia, Having its Registered Office at Room No. 612, 6th Floor, Taramandal Complex, Khairthabad, Hyderabad.
14. M/s. Kedia Alloys Ltd., Located at Mogilligidda Village, Shadnagar Mandal, Mahabubnagar District, rep. by its Director Sri Jitender Kedia Having its Registered Office at 19-2-226, Miralam Tank, Bahadurpura, Hyderabad - 64.
15. M/s. Siri Shiv Shakti Steels & Alloys, Located at Veerlapally Village, Kothur Mandal, Mahabubnagar District, Rep. by its Director Sri Krishna Kumar, Having its registered Office at 22-6-206, Patthergatti, Hyderabad.
16. M/s. Tirupathi Udyog Ltd., Located at I.D.A. Kothur, Mahabubnagar, rep. by its Director Sri Pawam Gorg, Having its registered Office at 8-2-629/1/A/3, 2nd Floor, Vishal Bhavan, Road No.12, Banjara Hills, Hyderabad - 34.
17. M/s. G.K. Sponge Iron Pvt. Ltd., Located at Kethireddypally Village, Balanagar Mandal, Mahabubnagar District, rep. by its Director Sri Ram Prasad Agarwal, Having its registered Office at 21-2-631, Urdu Galli, Pathergatti, Hyderabad.
18. M/s. Sheetal Shipping and Metal Processors Ltd., Located at Sy.No.260, Pargi Road, Shadnagar, Mahabubnagar District, rep. by its Director Sri Radha Krishan Agarwal, Having its registered Office at 5-5-103/6, 1st Floor, Mehar Complex, Ranigunj, Secunderabad.

19. M/s. Binju Metals and Alloys Industries Pvt. Ltd., Located at Sy.No.114/A, 1E, Kothur Road, Kothur, Mahabubnagar District, rep. by its Director Sri Ravindra Kedia, Having its registered Office at 19-2-226, Bahadurpura, Hyderabad.
20. M/s. Harmony Sponge Iron Industry, Located at Sy.Nos.210, 211 & 212, Elkatta Village, Farooqnagar Mandal, Mahabubnagar Road, Rep. by Ashok Anil & Chandraprakash, Having its Office at Elkatta Village, Sy.No. 210, 211 & 212, Farooqnagar Mandal, Mahabubnagar District.
21. M/s. Shivadatrai Ferro Alloys Pvt. Ltd., Located at Sy.No.156, Papireddyguda, Keshampet Mandal, Mahabubnagar District, Having its registered Office at 21-2-10, Pathargatti, Hyderabad - 500 002.
22. M/s. A.P.S.M. Alloys Pvt. Ltd., Located at Sy.No.641, Mudhireddypalli Gram Panchayat, Rajapur Post, Balanagar Mandal, Mahabubnagar District, rep. by its Managing Director.
23. M/s. Devashree Ispat (P) Ltd., Regd. Office at 6-3-596/77/3/A-1, Naveen Nagar, Khairatabad, Hyderabad rep. by its Director Neeraj Kumar Goenka.
- Respondent No.23 is impleaded as per Court Order dated 06.04.2006
24. The Revenue Divisional Officer, Mahabubnagar, Mahabubnagar District.
- Respondent No.24 impleaded as per Court Order dated 24.05.2006 in W.P.M.P.No.12701 of 2006.
25. Y. Gnaneshwar, S/o. Ramulu, Aged about 28 years, Occ: Agriculture, H.No.13-365, Opp. MPDO Office, Christian Colony, NH Road - 7 Shadnagar, Mahabubnagar District.
26. K. Laxamma, W/o. Ramulu, Aged about 50 years, Occ: Agriculture, H.No.13-365, Opp. MPDO Office, Christian Colony, NH Road-7 Shadnagar, Mahabubnagar District.
27. K. Shankar Goud, Narayana, Aged about 45 years, R/o. Kandivanam, H.No.13-365, Opp. MPDO Office, Mogiliguda, Shadnagar, Mahabubnagar District.

(Respondent No. 25 to 27 are impleaded as per Court Order dated: 07-07-2008, vide I.A. No. 1 of 2007 (WP.MP. No.3632 of 2007) in W.P. No. 2951 of 2005)

...RESPONDENTS

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 an appropriate Writ, order or direction, one in the nature of Writ of Mandamus

- a) declare the action of the respondents 1 to 4 herein in permitting establishment of industrial units manufacturing sponge iron amidst agricultural fields, orchards and human habitations, as arbitrary, illegal and

- violative of the Fundamental Rights guaranteed to the citizens under Articles 14 and 21 of the Constitution of India;
- b) declare the inaction of the respondents 1 to 4, more particularly respondent No.4 in not taking remedial measures for preventing and abatement of air and water pollution, as contrary to the provisions of the Environment (Protection) Act, 1986, the Air (Prevention and Control of Pollution) Act, 1981 the Water (Prevention and Control of Pollution) Act, 1974, as well as the A.P. Panchayat Raj Act, 1994 and application of their statutory duty and abdication of its statutory duties;
 - c) to further declare the action of respondents 1 to 4 in allowing the units to come up amidst agricultural fields and human habitations, without insisting while granting the required statutory permissions, to establish such units only in the industrial development areas of the 5th respondent, as arbitrary, illegal and abdication of their constitutional duties
 - d) to direct the respondents 1 to 4 not to permit any new industrial units to come up in agricultural fields and amidst human habitations and direct respondents 1 to 6 to shift the existing industrial units to other industrial development areas in the District
 - e) further direct respondents 1 to 4 to insist upon establishment of industrial units only in industrial development areas developed by the 5th respondent and;
 - f) declare that respondents 1 to 22 are liable to pay compensation to the agriculturists in Ippalapally, Papireddyguda, Seriguda, Madhirapur, Farooqnagar, Kodicharla, Teegapur, Gundlapatlapally, Rangareddyguda, Appajipally Thanda Villages, for loss caused to their agricultural lands and produce due to the pollution caused by them and direct them to pay compensation.

I.A. NO: 1 OF 2005(WPMP. NO: 3979 OF 2005)

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 direct the 1st, 2nd and 6th respondents to assess the damage caused to the lands and crops in Ippalapally, Papireddyguda, Seriguda, Madhirapur, Farooqnagar,

Kodicharla, Teegapur, Gundlapatlapally, Rangareddyguda, Appajipally Thanda Villages, pending disposal of the above Writ Petition.

I.A. NO: 2 OF 2005(WPMP. NO: 3980 OF 2005)

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 direct respondents 1 to 4, not to permit any new industrial units to come up amidst agricultural fields, pending disposal of the above Writ Petition.

I.A. NO: 3 OF 2005(WPMP. NO: 3981 OF 2005)

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 direct respondent No.3, not to give consent for establishment (C.F.E.) for any industrial units amidst agricultural fields, except in industrial development areas earmarked and developed for establishment of industries, pending disposal of the above Writ Petition.

I.A. NO: 4 OF 2005(WPMP. NO: 3982 OF 2005)

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 restrain respondents 17, 20, 21 and 22 from proceeding with the erection of the industries, pending disposal of the above Writ Petition.

I.A. NO: 10 OF 2005(WPMP. NO: 18650 OF 2005)

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 direct the Respondent No.6 to submit a detailed report with regard to the functioning of each of the factories and also with regard to the nature of land over which the factories are located.

I.A. NO: 11 OF 2005(WPMP. NO: 18651 OF 2005)

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

direct the 6th respondent to collect the soil and water samples from the vicinity of respondents 7 to 22 and send the same for testing and furnish the said reports before this Hon'ble Court for assisting this Hon'ble Court for completely and effectually adjudicating the Writ Petition in the interest of justice.

I.A. NO: 23 OF 2006(WPMP. NO: 34723 OF 2006)

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 direct the 6th respondent to assess the damages caused to the agricultural crops and fruits for Kharif season 2006 on account of illegal operation of the respondent industries in the Mahabubnagar District and also the damage caused to the horticultural gardens in Mahabubnagar District in Conformity with the earlier directions of this Hon'ble Court dt. 06-04-2006.

I.A. NO: 14 OF 2005(WPMP. NO: 28193 OF 2005)

Between:

1. M/s. Tirupathi Udyog Limited, Located at I.D.A. Kothur, Mahabubnagar, Represented by its Director Sri Pawan Garg, Having its registered Office at 8-2-629/1/A/3, 2nd Floor, Vishal Bhavan, Road No.12, Banjara Hills, Hyderabad - 34.
2. M/s. Anand Metallics and Power Private Limited, Located at Kodicherla, Mahabubnagar District, Represented by its Director Sri Bharath Kumar Having its registered Office at C-1, Industrial Area, Chandulal Barradari, Hyderabad.

....PETITIONERS/RESPONDENTS No.16 & 9

AND

1. T. Veerender Reddy, S/o. T. Venkat Reddy, aged about 59 years, Occ: Advocate, Agriculture, R/o. Papireddyguda Village, Shadnagar Mandal, Mahabubnagar District.
2. P. Yella Reddy, S/o. Pulla Reddy, aged about 58 years, Occ: Agriculture, R/o. Ippalapally Village, Kesampet Mandal, Mahabubnagar District.
3. K. Laxmamma, W/o. Ramulu, aged about 45 years, Occ: Agriculture, R/o. 13-365, Christian Colony, N.H.7, Shadnagar Mandal, Mahabubnagar District.
4. C. Giridhar Reddy, S/o. Sreedhar Reddy, aged about 54 years, Occ: Agriculture, R/o. Kethireddypally, Balanagar Mandal, Mahabubnagar District.
5. Dilip Reddy, S/o. Jagannath Reddy, aged about 55 years, Occ: Agriculture, R/o. Rangareddyguda, Balanagar Mandal, Ranga Reddy District.
6. M. Shankar Reddy, S/o. Ram Reddy, aged about 52 years, Occ: Agriculture, R/o. Kishan Nagar, Farooqnagar Mandal, Mahabubnagar District.

7. Narayan Reddy, S/o. Sai Reddy, aged about 62 years, Occ: Agriculture, R/o. Kishan Nagar, Farooqnagar Mandal, Mahabubnagar District.
8. K. Veeresham Gupta, S/o. Krishna Murthy, aged about 52 years, Occ: Business & Agriculture, R/o. Shadnagar, Farooqnagar Mandal, Mahabubnagar District.
9. T. Prakash Goud, S/o. T. Govindaiah, aged about 48 years, Occ: Agriculture, R/o. Rangareddyguda, Balanagar Mandal, Mahabubnagar District.

...RESPONDENTS/PETITIONERS

10. The Government of Andhra Pradesh, Rep. by its Secretary (Industries) Secretariat Buildings, Hyderabad.

Cause Title is amended as per Court Order dated 02.03.2005

11. The Principal Secretary, Environment and Forests, Government of Andhra Pradesh, Hyderabad.
12. The Member Secretary, Andhra Pradesh Pollution Control Board, Pariyavaran Bhavan, A3.1E, Sanathnagar, Hyderabad.
13. The Commissioner of Industries, Chirag Ali Lane, Abids, Hyderabad.
14. Andhra Pradesh Industrial Infrastructure Corporation, Rep. by its Managing Director, Basheerbagh, Hyderabad.
15. The District Collector, Mahabubnagar, Mahabubnagar District.
16. M/s. Bilasraika Sponge Iron India Private Limited, Located at Gundla Pothapally (V), Balanagar Mandal, Mahabubnagar District, Rep. by its Director Sri Balram Agarwal, Having its registered Office at Pathergatti, Hyderabad.
17. M/s. Binjusaria Sponge and Power Private Limited, Located at Sy.No.300, Pargi Road, Farooqnagar, Mahabubnagar District, Rep. by its Director Sri Bharath Kumar, Having its Registered Office at C-1, Industrial Area, Chandulal Barradari, Hyderabad.
18. M/s. Sunder Ispath Limited, Located at Sy.No.268A/276, Ippalapalli Village, Kesampet Mandal, Mahabubnagar, Rep. by its Director Sri Mukundlal Agarwal, Having its registered office at 2-1-41, Tobacco Bazar, Sec'bad.
19. M/s. Jaycee Sponge Profiles Private Limited, Located at Anthireddyguda Village, Kothur Mandal, Mahabubnagar District, Rep. by its Director Sri Balbir Singh Saluja, Having its Registered Office at Anand Nagar, Hyderabad.
20. M/s. Vinayaka Steels Limited, Located at Kothur Village and Mandal, Dargah Road, Mahabubnagar District, Rep. by its Director Sri Vinod Kedia, Having its registered office at 5-4-83, T.S.K. Chambers M.G. Road, Secunderabad.
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22. M/s. Kedia Alloys Limited, Located at Mogilligidda Village, Shadnagar Mandal, Mahabubnagar District, rep. by its Director Sri Jitender Kedia Having its Registered Office at 19-2-226, Miralam Tank, Bahadurpura, Hyderabad - 64.

23. M/s. Siri Shiv Shakti Steels & Alloys, Located at Veerlapally Village, Kothur Mandal, Mahabubnagar District, Rep. by its Director Sri Krishna Kumar, Having its registered Office at 22-6-206, Patthargatti, Hyderabad.
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25. M/s. Sheetal Shipping and Metal Processors Limited, Located at Sy.No.260, Pargi Road, Shadnagar, Mahabubnagar District, Rep. by its Director Sri Radha Krishan Agarwal, Having its registered Office at 5-5-103/6, 1st Floor, Mehar Complex, Ranigunj, Secunderabad.
26. M/s. Binju Metals and Alloys Industries Private Limited, Located at Sy.No.114/A, 1E, Kothur Road, Kothur, Mahabubnagar District, Rep. by its Director Sri Ravindra Kedia, Having its registered Office at 19-2-226, Bahadurpura, Hyderabad.
27. M/s. Harmony Sponge Iron Industry, Located at Sy.Nos.210, 211 & 212, Elkatta Village, Farooqnagar Mandal, Mahabubnagar Road, Rep. by Ashok Anil & Chandraprakash, Having its Office at Elkatta Village, Sy.No. 210, 211 & 212, Farooqnagar Mandal, Mahabubnagar District.
28. M/s. Shivadatrai Ferro Alloys Private Limited, Located at Sy.No.156, Papireddyguda, Keshampet Mandal, Mahabubnagar District, Having its registered Office at 21-2-10, Pathargatti, Hyderabad - 500 002.
29. M/s. A.P.S.M. Alloys Private Limited, Located at Sy.No.641, Mudhireddypalli Grampanchayat, Rajapur Post, Balanagar Mandal, Mahabubnagar District, Rep. by its Managing Director.

(Respondents 10, 11 & 13 to 29 not necessary to this petition)

...RESPONDENTS

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 clarify the order dt: 15-09-2005 passed in W.P.M.P.No.3981/2005 in W.P.No. 2951/2005.

I.A. NO: 17 OF 2005(WPMP. NO: 30500 OF 2005)

Between:

1. P.Srinivasa Reddy, S/o P.Yella Reddy, Aged 30 years, Ippalapally Village, Keshampet Mandal, Mahabubnagar District.
2. P.Swarupa, W/o Balaraju, Aged 38 years, Ippalapally Village, Keshampet Mandal, Mahabubnagar District.
3. Abdul Samad, S/o Khader, aged 48 years, Ippalapally Village, Keshampet Mandal, Mahabubnagar District
4. Y.Gnaneshwar, S/o Ramulu, Farooqnagar Village & Division, Mahabubnagar District.

5. Shankariah, S/o Narayana Goud, Aged 45 years, Kandivanam, Farooqnagar Village & Mandal, Mahabubnagar District.
6. M. Pandu, S/o Narsimhulu, Aged 48 years, Farooqnagar Village & Mandal, Mahabubnagar District.
7. M.Muthyal Goud, S/o Kistaiah, Aged 40 years, Ippalapally Village, Keshampet Mandal, Mahabubnagar District.
8. K.Venkataiah, S/o Kallaiah, Aged 42 years, Ranga Reddyguda, Balanagar Mandal, Mahabubnagar Dist.
9. Kurva Sayamma, W/o. Pentaiah, Aged 30 years, Kandivanam Village Farooqnagar Village & Mandal, Mahabubnagar District
10. G.Yadagiri, S/o. Balaram, Aged 40 years, Gram Sarpanch, Ippalapalli, Kesampet Mandal, Mahabubnagar District.

...PETITIONERS/PROPOSED PETITIONERS

AND

1. T. Veerender Reddy, S/o. T. Venkat Reddy, aged about 59 years, Occ: Advocate, Agriculture, R/o. Papireddyguda Village, Shadnagar Mandal, Mahabubnagar District.
2. P. Yella Reddy, S/o. Pulla Reddy, aged about 58 years, Occ: Agriculture, R/o. Ippalapally Village, Kesampet Mandal, Mahabubnagar District.
3. K. Laxmamma, W/o. Ramulu, aged about 45 years, Occ: Agriculture, R/o. 13-365, Christian Colony, N.H.7, Shadnagar Mandal, Mahabubnagar District.
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5. Dilip Reddy, S/o. Jagannath Reddy, aged about 55 years, Occ: Agriculture, R/o. Rangareddyguda, Balanagar Mandal, Mahabubnagar District.
6. M. Shankar Reddy, S/o. Ram Reddy, aged about 52 years, Occ: Agriculture, R/o. Kishan Nagar, Farooqnagar Mandal, Mahabubnagar District.
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11. The Principal Secretary, Environment and Forests, Government of A.P., Hyderabad.
12. The Member Secretary, Andhra Pradesh Pollution Control Board, Pariyavaran Bhavan, A3.1E, Sanathnagar, Hyderabad.
13. The Commissioner of Industries, Chirag Ali Lane, Abids, Hyderabad.

14. Andhra Pradesh Industrial Infrastructure Corporation, Rep. by its Managing Director, Basheerbagh, Hyderabad.
15. The District Collector, Mahabubnagar, Mahabubnagar District.
16. M/s. Balasraaka Spong Iron India Pvt. Ltd., Located at Gundla Pothapally (V), Balanagar Mandal, Mahabubnagar District, Rep. by its Director Sri Balaram Agarwal, Having its registered Office at Pathergatti, Hyderabad.
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29. M/s. Harmony Sponge Iron Industry, Located at Sy.Nos.210, 211 & 212, Elkatta Village, Farooqnagar Mandal, Mahabubnagar Road, Rep. by Ashok Anil & Chandraprakash, Having its Office at Elkatta Village, Sy.No. 210, 211 & 212, Farooqnagar Mandal, Mahabubnagar District.
30. M/s. Shivadatrai Ferro Alloys Pvt. Ltd., Located at Sy.No.156, Papireddyguda, Keshampet Mandal, Mahabubnagar District, Having its registered Office at 21-2-10, Pathargatti, Hyderabad - 500 002.
31. M/s. A.P.S.M. Alloys Pvt. Ltd., Located at Sy.No.641, Madhureddypalli Gram Panchayat, Rajapur Post, Balanagar Mandal, Mahabubnagar District, rep. by its Managing Director.

...RESPONDENTS/RESPONDENTS

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 appoint a commissioner to submit a report on the prevailing situation.

I.A. NO: 18 OF 2006(WPMP. NO: 12665 OF 2006)

Between:

M/s. Sheetal Shipping and Metal Processors Limited, Located at Survey No.260, Pargi Road, Shadnagar, Mahabubnagar District, rep. by its Director Sri Radha Krishan Agarwal, Having its registered Office at 5-5-103/6, 1st Floor, Mehar Complex, Ranigunj, Secunderabad.

...PETITIONER/RESPONDENT No.18

AND

1. T. Veerender Reddy, S/o. T. Venkat Reddy, aged 59 years, Occ: Advocate, Agriculture, R/o. Pairedydyguda Village, Shadnagar Mandal, Mahabubnagar District.
2. P. Yella Reddy, S/o. Pulla Reddy, aged 58 years, Occ: Agriculture, R/o. Ippalapally Village, Kesampet Mandal, Mahabubnagar District.
3. K. Laxamma, W/o. Ramulu, aged 45 years, Occ: Agriculture, R/o. 13-365, Christian Colony, N.H.7, Shadnagar Mandal, Mahabubnagar District.
4. C. Giridhar Reddy, S/o. Sreedhar Reddy, aged 54 years, Occ: Agriculture, R/o. Rangareddyguda, Balanagar Mandal, Mahabubnagar District.
5. Dilip Reddy, S/o. Jagannath Reddy, aged 55 years, Occ: Agriculture, R/o. Rangareddyguda, Balanagar Mandal, Mahabubnagar District.
6. M. Shankar Reddy, S/o. Ram Reddy, aged about 52 years, Occ: Agriculture, R/o. Kishan Nagar, Farooqnagar Mandal, Mahabubnagar District.
7. Narayan Reddy, S/o. Sai Reddy, aged 62 years, Occ: Agriculture, R/o. Kishan Nagar, Farooqnagar Mandal, Mahabubnagar District.
8. K. Veeresham Gupta, S/o. Krishna Murthy, aged 52 years, Occ: Business & Agriculture, R/o. Shadnagar, Farooqnagar Mandal, Mahabubnagar District.
9. T. Prakash Goud, S/o. T. Govindaiah, aged 48 years, Occ: Agriculture, R/o. Rangareddyguda, Balanagar Mandal, Mahabubnagar District.

...RESPONDENTS/PETITIONERS

10. The Government of Andhra Pradesh, Rep. by its Chief Secretary, Secretariat Buildings, Hyderabad.
11. The Principal Secretary, Environment and Forests, Government of A.P., Hyderabad.
12. The Member Secretary, Andhra Pradesh Pollution Control Board, Pariyavaran Bhavan, A3.1E, Sanathnagar, Hyderabad.
13. The Commissioner of Industries, Chirag Ali Lane, Abids, Hyderabad.
14. Andhra Pradesh Industrial Infrastructure Corporation, Rep. by its Managing Director, Basheerbagh, Hyderabad.
15. The District Collector, Mahabubnagar, Mahabubnagar District.
16. M/s. Bilasraika Sponge Iron India Pvt. Ltd., Located at Gundla Pothapally (V), Balanagar Mandal, Mahabubnagar District, Rep. by its Director Sri Balram Agarwal, Having its registered Office at Pathergatti, Hyderabad.
17. M/s. Binjusaria Sponge and Power Private Limited, Located at Sy.No.300, Pargi Road, Farooqnagar, Mahabubnagar District, Rep. by its Director Sri Bharath Kumar, Having its Registered Office at C-1, Industrial Area, Chandulal Barradari, Hyderabad.
18. M/s. Anand Metallics and Power Private Limited, Located at Kodicherla Village, Kothur Mandal, Mahabubnagar, Rep. by its Director Sri Pramod Kumar Agarwal Having its registered office at 5-9-208, Chirag Ali Lane, Abids, Hyderabad.
19. M/s. Sunder Ispath Ltd., Located at Sy.No.268 A/276, Ippalapalli Village, Kesampet Mandal, Mahabubnagar District, Rep. by its Director Sri Mukundlal Agarwal, Having its registered office at 2-1-41, Tobacco Bazar, Secunderabad.
20. M/s. Jaycee Sponge Profiles Private Limited, Located at Anthireddyguda Village, Kothur Mandal, Mahabubnagar District, Rep. by its Director Sri Balbir Singh Saluja, Having its Registered Office at Anand Nagar, Hyderabad.
21. M/s. Vinayaka Steels Limited, Located at Kothur Village and Mandal, Dargah Road, Mahabubnagar District, Rep. by its Director Sri Vinod Kedia, Having its registered office at 5-4-83, T.S.K. Chambers M.G. Road, Secunderabad.
22. M/s. Reutire Metals of India Ltd., Located at Appajipally Village, Balanagar Mandal, Mahabubnagar District, rep. by its Director Sri Om Prakash Kedia, Having its Regd. Office at Room No. 612, 6th Floor, Taramandal Complex, Khairthabad, Hyderabad.
23. M/s. Kedia Alloys Limited, Located at Mogilligidda Village, Shadnagar Mandal, Mahabubnagar District, rep. by its Director Sri Jitender Kedia Having its Registered Office at 19-2-226, Miralam Tank, Bahadurpura, Hyderabad.
24. M/s. Siri Shiv Shakti Steels & Alloys, Located at Veerlapally Village, Kothur Mandal, Mahabubnagar District, Rep. by its Director Sri Krishna Kumar, Having its registered Office at 22-6-206, Patthergatti, Hyderabad.
25. M/s. Tirupathi Udyog Limited, Located at I.D.A. Kothur, Mahabubnagar, Rep. by its Director Sri Pawan Gorg, Having its registered Office at 8-2-629/1/A/3, 2nd Floor, Vishal Bhavan, Road No.12, Banjara Hills, Hyderabad – 34.

26. M/s. G.K. Sponge Iron Pvt. Ltd., Located at Kethireddypally Village, Balanagar Mandal, Mahabubnagar District, rep. by its Director Sri Ram Prasad Agarwal, Having its registered Office at 21-2-631, Urdu Galli, Pathergatti, Hyderabad.
27. M/s. Binju Metals and Alloys Industries Pvt. Ltd., Located at Sy.No.114/A, 1E, Kothur Road, Kothur, Mahabubnagar District, rep. by its Director Sri Ravindra Kedia, Having its registered Office at 19-2-226, Bahadurpura, Hyderabad.
28. M/s. Harmony Sponge Iron Industry, Located at Sy.Nos.210, 211 & 212, Elkatta Village, Farooqnagar Mandal, Mahabubnagar Road, Rep. by Ashok Anil & Chandraprakash, Having its Office at Elkatta Village, Sy.No. 210, 211 & 212, Farooqnagar Mandal, Mahabubnagar District.
29. M/s. Shivadatrai Ferro Alloys Private Limited, Located at Sy.No.156, Papireddyguda, Keshampet Mandal, Mahabubnagar District, Having its registered Office at 21-2-10, Pathargatti, Hyderabad - 500 002.
30. M/s. A.P.S.M. Alloys Private Limited, Located at Sy.No.641, Mudhireddypalli Grampanchayat, Rajpur Post, Balanagar Mandal, Mahabubnagar District, rep. by its Managing Director.
31. M/s. Devashree Ispat Private Limited Located at 6-3-596/77/3/A-1, Naveen Nagar, Khairatabad, Hyderabad Represented by its Director Neeraj Kumar Goenka

(Respondents 16 to 31 not necessary parties to this miscellaneous petition)

....RESPONDENTS/RESPONDENTS

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 direct the collector not to insist upon the deposit of any amount towards the alleged crop loss in excess of five seasons.

I.A. NO: 22 OF 2006(WPMP. NO: 14299 OF 2006)

Between:

M/s. Binjusaria Sponge and Power Private Limited, Located at Sy.No.300, Pargi Road, Farooqnagar, Mahabubnagar District, Represented by its Director Sri Bharath Kumar, Having its Registered Office at C-1, Industrial Area, Chandulal Barradari, Hyderabad.

...PETITIONER/RESPONDENT No.8

AND

1. T. Veerender Reddy, S/o. T. Venkat Reddy, R/o. Papireddyguda Village, Shadnagar Mandal, Mahabubnagar District.
2. P. Yella Reddy, S/o. Pulla Reddy, R/o. Ippalapally Village, Kesampet Mandal, Mahabubnagar District.
3. K. Laxamma, W/o. Ramulu, R/o. 13-365, Christian Colony, N.H.7, Shadnagar Mandal, Mahabubnagar District.
4. C. Giridhar Reddy, S/o. Sreedhar Reddy, R/o. Kethireddypally, Balanagar Mandal, Mahabubnagar District.

5. Dilip Reddy, S/o. Jagannath Reddy, R/o. Rangareddyguda, Balanagar Mandal, Mahabubnagar District.
6. M. Shankar Reddy, S/o. Ram Reddy, R/o. Kishan Nagar, Farooqnagar Mandal, Mahabubnagar District.
7. Narayan Reddy, S/o. Sai Reddy, R/o. Kishan Nagar, Farooqnagar Mandal, Mahabubnagar District.
8. K. Veeresham Gupta, S/o. Krishna Murthy, R/o. Shadnagar, Farooqnagar Mandal, Mahabubnagar District.
9. T. Prakash Goud, S/o. T. Govindaiah, R/o. Rangareddyguda, Balanagar Mandal, Mahabubnagar District.

...RESPONDENTS/WRIT PETITIONERS

10. The Government of Andhra Pradesh, Rep. by its Secretary (Industries) Secretariat, Hyderabad.
11. The Principal Secretary, Environment and Forests, Government of Andhra Pradesh, Hyderabad.
12. The Member Secretary, Andhra Pradesh Pollution Control Board, Pariyavaran Bhavan, A3.1E, Sanathnagar, Hyderabad.
13. The Commissioner of Industries, Chirag Ali Lane, Abids, Hyderabad.
14. Andhra Pradesh Industrial Infrastructure Corporation, Rep. by its Managing Director, Basheerbagh, Hyderabad.
15. The District Collector, Mahabubnagar, Mahabubnagar District.
16. M/s. Bilasraika Sponge Iron India Private Limited, Located at Gundla Pothapally (V), Balanagar Mandal, Mahabubnagar District, Rep. by its Director Sri Balram Agarwal, Having its registered Office at Pathergatti, Hyderabad.
17. M/s. Anand Metallics and Power Private Limited, Located at Kodicherla Village, Kothur Mandal, Mahabubnagar, Rep. by its Director Sri Pramod Kumar Agarwal Having its registered office at 5-9-208, Chirag Ali Lane, Abids, Hyderabad.
18. M/s. Sunder Ispath Ltd., Located at Sy.No.268 A/276, Ippalapalli Village, Kesampet Mandal, Mahabubnagar District, Rep. by its Director Sri Mukundlal Agarwal, Having its registered office at 2-1-41, Tobacco Bazar, Secunderabad.
19. M/s. Jaycee Sponge Profiles Pvt. Ltd., Located at Anthireddyguda Village, Kothur Mandal, Mahabubnagar District, Rep. by its Director Sri Balbir Singh Saluja, Having its Registered Office at Anand Nagar, Hyderabad.
20. M/s. Vinayaka Steels Limited, Located at Kothur Village and Mandal, Dargah Road, Mahabubnagar District, Rep. by its Director Sri Vinod Kedia, Having its registered office at 5-4-83, T.S.K. Chambers M.G. Road, Secunderabad.
21. M/s. Reutire Metals of India Limited, Located at Appajipally Village, Balanagar Mandal, Mahabubnagar District, rep. by its Director Sri Om Prakash Kedia, Having its Registered Office at Room No. 612, 6th Floor, Taramandal Complex, Khairatabad, Hyderabad.

22. M/s. Kedia Alloys Limited, Located at Mogilligidda Village, Shadnagar Mandal, Mahabubnagar District, Rep. by its Director Sri Jitender Kedia Having its Registered Office at 19-2-226, Miralam Tank, Bahadurpura, Hyderabad - 64.
23. M/s. Siri Shiv Shakti Steels & Alloys, Located at Veerlapally Village, Kothur Mandal, Mahabubnagar District, Rep. by its Director Sri Krishna Kumar, Having its registered Office at 22-6-206, Patthergatti, Hyderabad.
24. M/s. Tirupathi Udyog Ltd., Located at I.D.A. Kothur, Mahabubnagar, rep. by its Director Sri Pawan Gorg, Having its registered Office at 8-2-629/1/A/3, 2nd Floor, Vishal Bhavan, Road No.12, Banjara Hills, Hyderabad - 34.
25. M/s. G.K. Sponge Iron Private Limited, Located at Kethireddypally Village, Balanagar Mandal, Mahabubnagar District, rep. by its Director Sri Ram Prasad Agarwal, Having its registered Office at 21-2-631, Urdu Galli, Pathergatti, Hyderabad.
26. M/s. Sheetal Shipping and Metal Processors Limited, Located at Sy.No.260, Pargi Road, Shadnagar, Mahabubnagar District, rep. by its Director Sri Radha Krishan Agarwal, Having its registered Office at 5-5-103/6, 1st Floor, Mehar Complex, Ranigunj, Secunderabad.
27. M/s. Binju Metals and Alloys Industries Private Limited, Located at Sy.No.114/A, 1E, Kothur Road, Mahabubnagar District, rep. by its Director Sri Ravindra Kedia, Having its registered Office at 19-2-226, Bahadurpura, Hyderabad.
28. M/s. Harmony Sponge Iron Industry, Located at Sy.Nos.210, 211 & 212, Elkatta Village, Farooqnagar Mandal, Mahabubnagar Road, Rep. by Ashok Anil & Chandraprakash, Having its Office at Elkatta Village, Sy.No. 210, 211 & 212, Farooqnagar Mandal, Mahabubnagar District.
29. M/s. Shivadatrai Ferro Alloys Private Limited, Located at Sy.No.156, Papireddyguda, Keshampet Mandal, Mahabubnagar District, Having its registered Office at 21-2-10, Pathargatti, Hyderabad.
30. M/s. A.P.S.M. Alloys Private Limited, Located at Sy.No.641, Mudhireddypalli Grampanchayat, Rajapur Post, Balanagar Mandal, Mahabubnagar District, rep. by its Managing Director.

(Respondents 14 and 16 to 30 herein are only proforma parties to this Petition, as no relief is claimed against them.)

...RESPONDENTS/RESPONDENTS No.1 to 7 & 8 to 22

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 direct the Revenue Divisional Officer and the District Collector, Mahabubnagar, to refund the amount of Rs.7,22,202/- deposited by the petitioner on 23-05-2006 vide DD No. 386870, dated 19-05-2006.

I.A. NO: 1 OF 2008(WPMP. NO: 20138 OF 2008)**Between:**

1. The Government of Andhra Pradesh, Rep. by its Secretary (Industries) Secretariat, Hyderabad.
2. The Principal Secretary, Environment and Forests, Government of Andhra Pradesh, Hyderabad.
3. The Commissioner of Industries, Chirag Ali Lane, Abids, Hyderabad.
4. The District Collector, Mahabubnagar, Mahabubnagar District.

...PETITIONERS/RESPONDENTS 1, 2, 4 & 6

AND

1. T. Veerender Reddy, S/o. T. Venkat Reddy, R/o. Pairedyguda Village, Keshampet Mandal, Mahabubnagar District.
2. P. Yella Reddy, S/o. Pulla Reddy, R/o. Ippalapally Village, Keshampet Mandal, Mahabubnagar District.
3. K. Laxmamma, W/o. Ramulu, R/o. 13-365, Christian Colony, N.H.7, Shadnagar, Farooqnagar Mandal, Mahabubnagar District.
4. C. Giridhar Reddy, S/o. Sreedhar Reddy, R/o. Kethireddypally Village, Balanagar Mandal, Mahabubnagar District.
5. Dilip Reddy, S/o. Jagannath Reddy, R/o. Rangareddiguda Village, Balanagar Mandal, Mahabubnagar District.
6. M. Shankar Reddy, S/o. Ram Reddy, R/o. Kishannagar Village, Farooqnagar Mandal, Mahabubnagar District.
7. Narayan Reddy, S/o. Sai Reddy, R/o. Kishannagar Village, Farooqnagar Mandal, Mahabubnagar District.
8. K. Veeresham Gupta, S/o. Krishna Murthy, R/o. Shadnagar, Farooqnagar Mandal, Mahabubnagar District.
9. T. Prakash Goud, S/o. T. Govindaiah, R/o. Rangareddiguda Village, Balanagar Mandal, Mahabubnagar District.

...RESPONDENTS/WRIT PETITIONERS

10. The Member Secretary, Andhra Pradesh Pollution Control Board, Pariyavaran Bhavan, A3.1E, Sanathnagar, Hyderabad.
11. The Andhra Pradesh Industrial Infrastructure Corporation, Rep. by its Managing Director, Basheerbagh, Hyderabad.
12. M/s. Bilasraika Sponge Iron India Private Limited, Located at Gundla Pothapally Village, Balanagar Mandal, Mahabubnagar District, Rep. by its Director Sri Balram Agarwal, Having its registered Office at Pathergatti, Hyderabad.
13. M/s. Binjusaria Sponge and Power Private Limited, Located at Sy.No.300, Pargi Road, Farooqnagar, Mahabubnagar District, Rep. by its Director Sri

- Bharath Kumar, Having its Registered Office at C-1, Industrial Area, Chandulal Barradari, Hyderabad.
14. M/s. Anand Metallics and Power Private Limited, Located at Kodicherla Village, Kothur Mandal, Mahabubnagar District, Rep. by its Director Sri Pramod Kumar Agarwal Having its registered office at 5-9-208, Chirag Ali Lane, Abids, Hyderabad.
 15. M/s. Sunder Ispath Limited, Located at Sy.No.268 A/276, Ippalapally Village, Keshampet Mandal, Mahabubnagar District, Rep. by its Director Sri Mukundlal Agarwal, Having its registered office at 2-1-41, Tobacco Bazar, Secunderabad.
 16. M/s. Jaycee Sponge Profiles Private Limited, Located at Anthireddiguda Village, Kothur Mandal, Mahabubnagar District, Rep. by its Director Sri Balbir Singh Saluja, Having its Registered Office at Anand Nagar, Hyderabad.
 17. M/s. Vinayaka Steels Limited, Located at Kothur Village and Mandal, Dargah Road, Mahabubnagar District, Rep. by its Director Sri Vinod Kedia, Having its registered office at 5-4-83, T.S.K. Chambers M.G. Road, Secunderabad.
 18. M/s. Reutire Metals of India Limited, Located at Appajipally Village, Balanagar Mandal, Mahabubnagar District, rep. by its Director Sri Om Prakash Kedia, Having its Registered Office at Room No. 612, 6th Floor, Taramandal Complex, Khairthabad, Hyderabad.
 19. M/s. Kedia Alloys Limited, Located at Mogilgidda Village, Shadnagar Mandal, Mahabubnagar District, rep. by its Director Sri Jitender Kedia Having its Registered Office at 19-2-226, Miralam Tank, Bahadurpura, Hyderabad - 64.
 20. M/s. Siri Shiv Shakti Steels & Alloys, Located at Veerlapally Village, Kothur Mandal, Mahabubnagar District, Rep. by its Director Sri Krishna Kumar, Having its registered Office at 22-6-206, Patthergatti, Hyderabad.
 21. M/s. Tirupathi Udyog Limited, Located at I.D.A. Kothur, Mahabubnagar District, rep. by its Director Sri Pawam Gorg, Having its Registered Office at 8-2-629/1/A/3, 2nd Floor, Vishal Bhavan, Road No.12, Banjara Hills, Hyderabad - 34.
 22. M/s. G.K. Sponge Iron Private Limited, Located at Kethireddypally Village, Balanagar Mandal, Mahabubnagar District, rep. by its Director Sri Ram Prasad Agarwal, Having its registered Office at 21-2-631, Urdu Galli, Pathergatti, Hyderabad.
 23. M/s. Sheetal Shipping and Metal Processors Limited, Located at Sy.No.260, Pargi Road, Shadnagar, Mahabubnagar District, rep. by its Director Sri Radha Krishna Agarwal, Having its registered Office at 5-5-103/6, 1st Floor, Mehar Complex, Ranigunj, Secunderabad.
 24. M/s. Binju Metals and Alloys Industries Private Limited, Located at Sy.No.114/A, 1E, Kothur Road, Kothur, Mahabubnagar District, rep. by its Director Sri Ravindra Kedia, Having its registered Office at 19-2-226, Bahadurpura, Hyderabad.
 25. M/s. Harmony Sponge Iron Industry, Located at Sy.Nos.210, 211 & 212, Elikatta Village, Farooqnagar Mandal, Mahabubnagar Road, Rep. by its Ashok Anil & Chandraprakash, Having its Office at Elkatta Village, Sy.Nos. 210, 211 & 212, Farooqnagar Mandal, Mahabubnagar District.

26. M/s. Shivadatrai Ferro Alloys Private Limited, Located at Sy.No.156, Papireddyguda, Keshampet Mandal, Mahabubnagar District, Having its Registered Office at 21-2-10, Pathargatti, Hyderabad - 500 002.
27. M/s. A.P.S.M. Alloys Private Limited, Located at Sy.No.641, Mudhiredipally Grampanchayat, Rajapur Post, Balanagar Mandal, Mahabubnagar District, rep. by its Managing Director.
28. M/s. Devashree Ispat (P) Ltd., Regd. Office at 6-3-596/77/3/A-1, Naveen Nagar, Khairatabad, Hyderabad rep. by its Director Neeraj Kumar Goenka.

...RESPONDENTS 3, 5, 7 to 23/RESPONDENTS

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 pass appropriate orders, modifying the earlier orders passed by this Hon'ble Court dated 6.4.2006 in W.P.No.2951/2005 to enable the Collector, Mahaboobnagar district to disburse the amounts collected for the Khariff-2005 from the respondents 7 to 23 herein as per the statement enclosed herewith to the farmers, pending disposal of the Writ Petition.

I.A. NO: 2 OF 2008(WPMP. NO: 23762 OF 2008)

Between:

M/s. Siri Shiv Shakti Steels & Alloys, Located at Veerlapally Village, Kothur Mandal, Mahabubnagar District, Rep. by its Director Sri Krishna Kumar, Having its registered Office at 22-6-206, Patthergatti, Hyderabad.

...PETITIONER/RESPONDENT No.15

AND

1. T. Veerender Reddy, S/o. T. Venkat Reddy, R/o. Paireddyguda Village, Shadnagar Mandal, Mahabubnagar District.
2. P. Yella Reddy, S/o. Pulla Reddy, R/o. Ippalapally Village, Kesampet Mandal, Mahabubnagar District.
3. K. Laxmamma, W/o. Ramulu, R/o. 13-365, Christian Colony, N.H.7, Shadnagar Mandal, Mahabubnagar District.
4. C. Giridhar Reddy, S/o. Sreedhar Reddy, R/o. Rangareddyguda, Balanagar Mandal, Mahabubnagar District.
5. Dilip Reddy, S/o. Jagannath Reddy, R/o. Rangareddyguda, Balanagar Mandal, Mahabubnagar District.
6. M. Shankar Reddy, S/o. Ram Reddy, R/o. Kishan Nagar, Farooqnagar Mandal, Mahabubnagar District.
7. Narayana Reddy, S/o. Sai Reddy, R/o. Kishan Nagar, Farooqnagar Mandal, Mahabubnagar District.
8. K. Veeresham Gupta, S/o. Krishna Murthy, R/o. Shad Nagar, Farooqnagar Mandal, Mahabubnagar District.

9. T. Prakash Goud, S/o. T. Govindaiah, R/o. Rangareddyguda, Balanagar Mandal, Mahabubnagar District.

...RESPONDENTS/WRIT PETITIONERS

10. The Government of Andhra Pradesh, Rep. by its Secretary (Industries) Secretariat, Hyderabad.
11. The Principal Secretary, Environment and Forests, Government of A.P., Hyderabad.
12. The Member Secretary, Andhra Pradesh Pollution Control Board, Pariyavaran Bhavan, A3.1E, Sanathnagar, Hyderabad.
13. The Commissioner of Industries, Chirag Ali Lane, Abids, Hyderabad.
14. Andhra Pradesh Industrial Infrastructure Corporation, Rep. by its Managing Director, Basheerbagh, Hyderabad.
15. The District Collector, Mahabubnagar, Mahabubnagar District.
16. M/s. Bilasraika Sponge Iron India Pvt. Ltd.,
17. M/s. Binjusaria Sponge and Power Private Limited,
18. M/s. Anand Metallics and Power Private Limited,
19. M/s. Sunder Ispath Limited,
20. M/s. Jaycee Sponge Profiles Private Limited,
21. M/s. Vinayaka Steels Limited,
22. M/s. Reutire Metals of India Limited,
23. M/s. Kedia Alloys Limited,
24. M/s. Tirupathi Udyog Limited,
25. M/s. G.K. Sponge Iron Private Limited,
26. M/s. Sheetal Shipping and Metal Processors Limited,
27. M/s. Binju Metal and Alloys Industries Private Limited,
28. M/s. Harmony Sponge Iron Industry,
29. M/s. Shivadatrai Ferro Alloys Private Limited,
30. M/s. A.P.S.M. Alloys Private Limited,
31. M/s. Devashree Ispat (P) Limited,

(Respondents No.17 to 31 are not necessary in this petition)

...RESPONDENTS/RESPONDENTS

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 direct the respondents not to disburse the amount of Rs.6,72,000/- deposited by

the petitioner and return the said amount to the petitioner as otherwise the petitioner will be put to serious and irreparable loss and hardship.

I.A. NO: 1 OF 2009(WPMP. NO: 2778 OF 2009)

Between:

M/s. Tirupathi Udyog Ltd., Located at I.D.A. Kothur, Mahabubnagar, rep. by its Vice President Mr. Susheel Sharma

...PETITIONER/RESPONDENT No.16

AND

1. T. Veerender Reddy, S/o. T. Venkat Reddy, aged about 63 years, Occ: Advocate, Agriculture, R/o. Papireddyguda Village, Shadnagar Mandal, Mahabubnagar District.
2. P. Yella Reddy, S/o. Pulla Reddy, aged about 62 years, Occ: Agriculture, R/o. Ippalapally Village, Kesampet Mandal, Mahabubnagar District.
3. K. Laxmamma, W/o. Ramulu, aged about 49 years, Occ: Agriculture, R/o. 13-365, Christian Colony, N.H.7, Shadnagar Mandal, Mahabubnagar District.
4. C. Giridhar Reddy, S/o. Sreedhar Reddy, aged about 59 years, Occ: Agriculture, R/o. Kethireddypally, Balanagar Mandal, Mahabubnagar District.
5. Dilip Reddy, S/o. Jagannath Reddy, aged about 59 years, Occ: Agriculture, R/o. Rangareddyguda, Balanagar Mandal, Mahabubnagar District.
6. M. Shankar Reddy, S/o. Ram Reddy, aged about 57 years, Occ: Agriculture, R/o. Kishan Nagar, Farooqnagar Mandal, Mahabubnagar District.
7. Narayan Reddy, S/o. Sai Reddy, aged about 67 years, Occ: Agriculture, R/o. Kishan Nagar, Farooqnagar Mandal, Mahabubnagar District.
8. K. Veeresham Gupta, S/o. Krishna Murthy, aged about 52 years, Occ: Business & Agriculture, R/o. Shadnagar, Farooqnagar Mandal, Mahabubnagar District.
9. T. Prakash Goud, S/o. T. Govindaiah, aged about 52 years, Occ: Agriculture, R/o. Rangareddyguda, Balanagar Mandal, Mahabubnagar District.

...RESPONDENTS/WRIT PETITIONERS

10. The Government of Andhra Pradesh, Rep. by its Chief Secretary, Secretariat Buildings, Hyderabad.
11. The Principal Secretary, Environment and Forests, Government of A.P., Hyderabad.
12. The Member Secretary, Andhra Pradesh Pollution Control Board, Pariyavaran Bhavan, A3.1E, Sanathnagar, Hyderabad.
13. The Commissioner of Industries, Chirag Ali Lane, Abids, Hyderabad.
14. Andhra Pradesh Industrial Infrastructure Corporation, Rep. by its Managing Director, Basheerbagh, Hyderabad.
15. The District Collector, Mahabubnagar, Mahabubnagar District.

16. M/s. Bilasraika Sponge Iron India Pvt. Ltd., Located at Gundla Pothapally Village, Balanagar Mandal, Mahabubnagar District, Rep. by its Director Sri Balram Agarwal and Sri Indrakaran Agarwal, Having its registered Office at Pathergatti, Hyderabad.
17. M/s. Binjusaria Sponge and Power Private Limited, Located at Sy.No.308, Pargi Road, Farooqnagar, Mahabubnagar District, Rep. by its Director Sri Bharath Kumar, Having its Registered Office at C-1, Industrial Area, Chandulal Barradari, Hyderabad.
18. M/s. Anand Metallics and Power Pvt. Ltd., Located at Kodicherla Village, Kothur Mandal, Mahabubnagar District, Rep. by its Director Sri Pramod Kumar Agarwal and Sri Ashish Agarwal, Having its registered office at 5-9-208, Chirag Ali Lane, Abids, Hyderabad.
19. M/s. Sunder Ispath Ltd., Located at Sy.No.268 A/276, Ippalapalli Village, Kesampet Mandal, Mahabubnagar District, Rep. by its Director Sri Mukundlal Agarwal and Sri Vinay Kumar Agarwal, Having its registered office at 2-1-41, Tobacco Bazar, Secunderabad.
20. M/s. Jaycee Sponge Profiles Pvt. Ltd., Located at Anthireddyguda Village, Kothur Mandal, Mahabubnagar District, Rep. by its Director Sri Balbir Singh Saluja, Having its Registered Office at Anand Nagar, Hyderabad.
21. M/s. Vinayaka Steels Ltd., Located at Kothur Village and Mandal, Dargah Road, Mahabubnagar District, Rep. by its Director Sri Vinod Kedia, Having its registered office at 5-4-83, T.S.K. Chambers M.G. Road, Secunderabad.
22. M/s. Reutire Metals of India Ltd., Located at Appajipally Village, Balanagar Mandal, Mahabubnagar District, Rep. by its Director, Sri Om Prakash Kedia, Having its Registered Office at Room No. 612, 6th Floor, Taramandal Complex, Khairthabad, Hyderabad.
23. M/s. Kedia Alloys Ltd., Located at Mogilligidda Village, Shadnagar Mandal, Mahabubnagar District, Rep. by its Director Sri Jitender Kedia Having its Registered Office at 19-2-226, Miralam Tank, Bahadurpura, Hyderabad.
24. M/s. Siri Shiv Shakti Steels & Alloys, Located at Veerlapally Village, Kothur Mandal, Mahabubnagar District, Rep. by its Director Sri Krishna Kumar, Having its registered Office at 22-6-206, Patthargatti, Hyderabad.
25. M/s. G.K. Sponge Iron Pvt. Ltd., Located at Kethireddypally Village, Balanagar Mandal, Mahabubnagar District, rep. by its Director Sri Ram Prasad Agarwal, Having its registered Office at 21-2-631, Urdu Galli, Pathergatti, Hyderabad.
26. M/s. Sheetal Shipping and Metal Processors Ltd., Located at Sy.No.260, Pargi Road, Shadnagar, Mahabubnagar District, rep. by its Director Sri Radha Krishan Agarwal, Having its registered Office at 5-5-103/6, 1st Floor, Mehar Complex, Ranigunj, Secunderabad.
27. M/s. Binju Metals and Alloys Industries Pvt. Ltd., Located at Sy.No.114/A, 1E, Kothur Road, Kothur, Mahabubnagar District, Rep. by its Director Sri Ravindra Kedia, Having its registered Office at 19-2-226, Bahadurpura, Hyderabad.
28. M/s. Harmony Sponge Iron Industry, Located at Sy.Nos.210, 211 & 212, Elkatta Village, Farooqnagar Mandal, Mahabubnagar District, Rep. by Ashok Anil & Chandraprakash, Having its Office at Elkatta Village, Sy.No. 210, 211 & 212, Farooqnagar Mandal, Mahabubnagar District.

29. M/s. Shivadatrai Ferro Alloys Pvt. Ltd., Located at Sy.No.156, Papireddyguda, Keshampet Mandal, Mahabubnagar District, Having its registered Office at 21-2-10, Pathargatti, Hyderabad - 500 002.
30. M/s. A.P.S.M. Alloys Pvt. Ltd., Located at Sy.No.641, Mudhireddypalli Gram Panchayat, Rajapur Post, Balanagar Mandal, Mahabubnagar District, rep. by its Managing Director.
31. M/s. Deva Shree Ispat (P) Ltd., Regd. Office at 6-3-596/77/3/A-1, Naveen Nagar, Khairatabad, Hyderabad Rep. by its Director, Neeraj Kumar Goenka.

...RESPONDENTS/RESPONDENTS

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 clarify that the order passed by this Hon'ble Court passed in WPMP No. 3980/2005, WPMP No. 3981/2005 and WP.No. 2951/2005 dated 19.10.2005 is not applicable to the Industrial Units established in Industrial Development Areas.

**Counsel for the Petitioners: SRI V. RAMA KRISHNA REDDY,
REPRESENTING SRI S. NIRANJAN REDDY**

**Counsel for the Respondents No.1, 2, 4, 6 & 24:
SRI MOHAMMED IMRAN KHAN, ADDITIONAL ADVOCATE GENERAL**

**Counsel for the Respondent No.3: SRI A. VISHNU VARDHAN REDDY,
S.C. FOR TSPCB**

Counsel for the Respondent No.5: SRI L. PRABHAKAR REDDY, S.C. FOR TSIIC

Counsel for the Respondent No.7: SRI S. RAVI

Counsel for the Respondent No.8: SRI P. KAMALAKAR

**Counsel for the Respondents No.9, 12 & 16: SRI K.S. SUNEEL,
REPRESENTING SRI B. CHANDRASEN REDDY**

**Counsel for the Respondents No.10 & 14: SRI HARENDER PERSHAD,
SENIOR COUNSEL REPRESENTING SRI D. JAGAN MOHAN REDDY**

**Counsel for the Respondent No.11: SRI N. KRISHNA SUMANTH,
REPRESENTING SRI VIVEK JAIN**

Counsel for the Respondent No.13: SRI S. SRINIVAS REDDY

**Counsel for the Respondent No.15: SRI M.P. CHANDRAMOULI,
SENIOR COUNSEL REPRESENTING SRI CH. SATHYA SADAN**

Counsel for the Respondent No.17: Ms. A. ANASUYA

Counsel for the Respondent No.18: Ms. MADHURI PUJEKAR, REPRESENTING
SRI D. V. NAGARJUNA BABU

Counsel for the Respondent No.19: SRI M. BHEESHMA CHARY

Counsel for the Respondent No.20: SRI BETHI VENKATESWARLU

Counsel for the Respondent No.21: --

Counsel for the Respondent No.22: SMT. C. JAYASHREE SARATHY

Counsel for the Respondent No.23: SRI M. V. KRISHNA MOHAN

Counsel for the Respondents No.25 to 27: SRI T. SRIKANTH REDDY

Counsel for the Proposed Petitioners in W.P.M.P.No.30500 of 2005:
SRI K. S. MURTHY

The Court made the following: ORDER

THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE

AND

THE HON'BLE SRI JUSTICE J.SREENIVAS RAO

WRIT PETITION No.2951 of 2005

ORDER: *(Per the Hon'ble the Chief Justice Alok Aradhe)*

Mr. V.Rama Krishna Reddy, learned counsel representing Mr. S.Niranjan Reddy, learned counsel for the petitioners.

Mr. Mohammed Imran Khan, learned Additional Advocate General for respondent Nos.1 and 2-State.

Mr. A.Vishnu Vardhan Reddy, learned Standing Counsel for Pollution Control Board for respondent No.3.

Mr. P.Kamalakar, learned counsel for respondent No.8.

Mr. K.S.Suneel, learned counsel representing Mr. B.Chandrasen Reddy, learned counsel for respondent Nos.9, 12 and 16.

Mr. Harender Pershad, learned Senior Counsel representing Mr. D.Jagan Mohan Reddy, learned counsel for the respondents No.10 and 14.

Mr. N.Krishna Sumanth, learned counsel representing
Mr. Vivek Jain, learned counsel for the respondent No.11.

Ms. A.Anasuya, learned counsel for respondent No.13.

Mr. M.P.Chandramouli, learned Senior Counsel
representing Mr. Ch.Sathya Sadan, learned counsel for
respondent No.15.

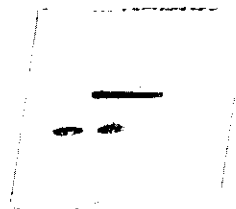
Ms. Madhuri Pujekar, learned counsel representing
Mr. D.V.Nagarjuna Babu, learned counsel for the respondent
No.18.

2. In this writ petition filed as public interest litigation, the grievance of the petitioners pertains to establishment of industrial units manufacturing sponge iron amidst agricultural fields and human habitations. It is the case of the petitioners that the industrial units have been set up without obtaining any permission from the competent authority under the Water (Prevention and Control of Pollution) Act, 1974 (hereinafter referred to as 'the Water Act') and the Air (Prevention and Control of Pollution) Act, 1981 (hereinafter referred to as 'the Air Act'). It has also been pleaded that the official respondents are not taking any

action to prevent the pollution caused by respondent Nos.7 to 23.

3. In compliance of the directions issued by this Court, the Telangana Pollution Control Board namely respondent No.3 has filed an additional affidavit. In the additional affidavit, it has been stated that M/s. Jaycee Sponge Profiles Pvt. Ltd. (respondent No.11), M/s. Tirupathi Udyog Ltd. (respondent No.16), M/s. G.K.Sopong Iron Pvt. Ltd. (respondent No.17) and M/s. Sheetal Shipping and Metal Processors Ltd. (respondent No.18), M/s. Binju Metals and Alloys Industries Pvt. Ltd. (respondent No.19), M/s. Harmony Sponge Iron Industry (respondent No.20), M/s. Shivadatrai Ferro Alloys Pvt. Ltd. (respondent No.21), M/s. A.P.S.M.Alloys Pvt. Ltd. (respondent No.22) and M/s. Devashree Ispat (Petitioner) Ltd. (respondent No.23) are non-operational.

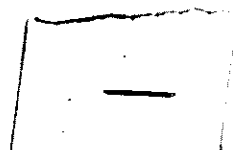
4. It is further submitted that the issue with regard to validity of permission granted to other industries namely M/s. Bilasraika Sponge Iron India Pvt. Ltd. (respondent No.7), M/s. Binjusaria Sponge and Power Pvt. Ltd. (respondent No.8), M/s. Anand Metallics and Power Pvt. Ltd.



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(respondent No.9), M/s. Sunder Ispath Ltd. (respondent No.10), M/s. Vinayaka Steels Ltd. (respondent No.12), M/s. Reutire Metals of India Ltd. (respondent No.13), M/s. Kedia Alloys Ltd. (respondent No.14) and M/s. Siri Shiv Shakti Steels & Alloys (respondent No.15) was subject matter of challenge before the National Green Tribunal, Chennai Bench. The National Tribunal, Chennai Bench by an order dated 28.09.2022 issued certain directions including submission of action plan for relocation of sponge iron plants. It has also been stated that Telangana State Industrial Infrastructure Corporation has submitted an action plan on 08.12.2020 about the relocation of the sponge iron plants which are situated within a radius of one kilometer from the human habitation namely M/s. Anand Metallics and Power Pvt. Ltd. (respondent No.9), M/s. Sunder Ispath Ltd. (respondent No.10), M/s. Vinayaka Steels Ltd. (respondent No.12), M/s. Kedia Alloys Ltd. (respondent No.14) and M/s. Siri Shiv Shakti Steels & Alloys (respondent No.15).

5. It is pointed out that the remaining industries namely M/s. Bilasraika Sponge Iron India Pvt. Ltd.



(respondent No.7), M/s. Binjusaria Sponge and Power Pvt. Ltd. (respondent No.8), M/s. Reutire Metals of India Ltd. (respondent No.13) are situated beyond a periphery of one kilometer from the human habitation. Learned Additional Advocate General submits that the permission to the industries has been granted under the Water Act and Air Act to run the units.

6. Having heard learned counsel for the parties, we deem it appropriate to issue the following directions:

- (i) The official respondents shall take an action to relocate the industries situated within the periphery of one kilometer from the human habitation within a period of one year from today. A report shall be filed in this regard before the Registrar (Judicial).
- (ii) The officers of Telangana State Pollution Control Board shall visit the industries and shall find out whether the industries which are in operation are being run in accordance with the provisions of the Environment (Protection) Act, 1986, the Water Act as well as the Air Act. A report in this regard to the

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Registrar (Judicial) shall be submitted within a period of two months from today.

(iii) It shall be open for the State Government to disburse the amount deposited during the pendency of the instant writ petition to such farmers who may have suffered the loss on account of damage to their crops. Needless to state that any such farmers in addition shall be at liberty to take recourse to such remedy as may be available to them in law with regard to damage of their crops which may have occasioned on account of operation of respondent Nos.7 to 23 industries.

7. With the aforesaid directions, the Writ Petition is disposed of.

Miscellaneous petitions, pending if any, shall stand closed. There shall be no order as to costs.

//TRUE COPY//

SD/-T. TIRUMALA/DEVI
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Secretary (Industries), State of Telangana, Secretariat, Hyderabad.
2. The Principal Secretary, Environment and Forests, State of Telangana, Hyderabad.
3. The Member Secretary, Andhra Pradesh Pollution Control Board, Pariyavaran Bhavan, A3.1E, Sanathnagar, Hyderabad.
4. The Commissioner of Industries, Chirag Ali Lane, Abids, Hyderabad.
5. The Managing Director, Telangana State Industrial Infrastructure Corporation, Basheerbagh, Hyderabad.
6. The District Collector, Mahabubnagar, Mahabubnagar District.

..Contd..

7. One CC to SRI S. NIRANJAN REDDY, Advocate [OPUC]
8. Two CCs to SRI MOHAMMED IMRAN KHAN, Additional Advocate General, High Court for the State of Telangana at Hyderabad. [OUT]
9. One CC to SRI A. VISHNU VARDHAN REDDY, S.C. for TSPCB [OPUC]
10. One CC to SRI L. PRABHAKAR REDDY, S.C. for TSIIC [OPUC]
11. One CC to SRI S. RAVI, Advocate [OPUC]
12. One CC to SRI P. KAMALAKAR, Advocate [OPUC]
13. One CC to SRI B. CHANDRASEN REDDY, Advocate [OPUC]
14. One CC to SRI D. JAGAN MOHAN REDDY, Advocate [OPUC]
15. One CC to SRI VIVEK JAIN, Advocate [OPUC]
16. One CC to SRI S. SRINIVAS REDDY, Advocate [OPUC]
17. One CC to SRI CH. SATHYA SADAN, Advocate [OPUC]
18. One CC to Ms. A. ANASUYA, Advocate [OPUC]
19. One CC to SRI D. V. NAGARJUNA BABU, Advocate [OPUC]
20. One CC to SRI M. BHEESHMA CHARY, Advocate [OPUC]
21. One CC to SRI BETHI VENKATESWARLU, Advocate [OPUC]
22. One CC to SMT. C. JAYASHREE SARATHY, Advocate [OPUC]
23. One CC to SRI M. V. KRISHNA MOHAN, Advocate [OPUC]
24. One CC to SRI T. SRIKANTH REDDY, Advocate [OPUC]
25. One CC to SRI K. S. MURTHY, Advocate [OPUC]
26. Two CD Copies

MP

BS

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HIGH COURT

DATED:10/09/2024



ORDER

WP.No.2951 of 2005

**DISPOSING OF THE WRIT PETITION
WITHOUT COSTS**

*(29) Copies
Bm
6/11/24*