

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

WEDNESDAY, THE TWENTY FIFTH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

**THE HONOURABLE THE CHIEF JUSTICE ALOK ARADHE
AND
THE HONOURABLE SRI JUSTICE J.SREENIVAS RAO**

WRIT PETITION NO: 5670 OF 2008

Between:

M. Gopal Reddy, S/o. Penta Reddy, aged about 55 years, Occ: Agriculture,
R/o. Ranga Reddy Guda Village, Balanagar Mandal, Mahabubnagar District.

...PETITIONER

AND

1. The Member Secretary, A.P. Pollution Control Board, Sanathnagar, Hyderabad.
2. The District Collector, Mahabubnagar District, Mahabubnagar.
3. The Mandal Revenue Officer, Balanagar Mandal, Mahabubnagar District.
4. M/s. Bilasraika Sponge Iron India (P) Limited, Gundlapotlapally Village, Balanagar (M), Mahabubnagar District, Rep. by its Managing Director, Sri Indirakaran Agarwal.
5. M/s. Suvarna Apparels & Fashion Exports Private Limited, Ranga Reddy Guda Village, Balanagar (M), Mahabubnagar District Rep. by its Managing Director.

...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 order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents 1 to 3 in not taking action either to control the pollution caused by the 4th and 5th respondents manufacturing units in the area covered by Balanagar Mandal, Mahabubnagar District or to close down the said manufacturing units to control the pollution in the area, as illegal, unlawful and contrary to law and against the constitution of

India and consequently direct the respondents 1 to 3 to close the down the 4th and 5th responders manufacturing units forthwith in the public interest.

I.A. NO: 1 OF 2008(WPMP. NO: 7361 OF 2008)

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 issue interim order directing the respondents 1 to 3 herein to take immediate steps to close down the 4th and 5th respondents manufacturing units forthwith pending disposal of the main Writ Petition.

I.A. NO: 1 OF 2011(WPMP. NO: 7894 OF 2011)

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 an interim order directing the 2nd Respondent to recover the compensation amount from the 4th and 5th Respondents and pay the same to the petitioner and other farmers of Rangareddy guda Village, Balanagar Mandal, Mahabubnagar District, in terms of the report submitted by the committee as constituted as per the interim orders of the Hon'ble High Court dated 12.08.2008 in WP No. 5670/2008 and batch.

I.A. NO: 2 OF 2013(WPMP. NO: 64664 OF 2013)

Between:

Syed Khader, S/o. Syed Jafer, aged about 35 years, Occ: Agriculture, R/o. Agraharam Potlapally Village, Balanagar Mandal, Mahaboob Nagar District.

...PETITIONER/PROPOSED RESPONDENT

AND

1. M. Gopal Reddy, S/o. Penta Reddy, aged about 55 years, Occ: Agriculture, R/o. Ranga Reddy Guda Village, Balanagar Mandal, Mahabubnagar District.
2. The Member Secretary, A.P. Pollution Control Board, Sanathnagar, Hyderabad.
3. The District Collector, Mahabubnagar District, Mahabubnagar.
4. The Mandal Revenue Officer, Balanagar Mandal, Mahabubnagar District.
5. M/s. Bilasraika Sponge Iron India (P) Limited, Gundlapotlapally Village, Balanagar (M), Mahabubnagar District, Rep. by its Managing Director, Sri Indirakaran Agarwal.

6. M/s. Suvarna Apparels & Fashion Exports Private Limited, Ranga Reddy Guda Village, Balanagar (M), Mahabubnagar District Rep. by its Managing Director.

...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 3rd respondent to pay the compensation amount recovered from the 5th respondent to the petitioner and other affected farmers of Agraharam Potlapally Village, Balanagar Mandal, Mahaboob Nagar District as per the interim order of this Honble Court dated 12.08.2008 in WP.No.5670/2008 and batch.

Counsel for the Petitioner: SRI M.DAMODAR REDDY

Counsel for the Respondent No.1: SRI T.V.RAMANA RAO, SC FOR TSPCB

**Counsel for the Respondent No.2 & 3: ADVOCATE GENERAL /
ADDL ADVOCATE GENERAL /
GP FOR REVENUE**

Counsel for the Respondent No.4: SRI CH.PUSHYAM KIRAN

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.5670 of 2008

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

Mr. Mohammed Imran Khan, learned Additional Advocate General appears for the State.

2. Learned Additional Advocate General submits that the issue involved in this writ petition is covered by order dated 10.09.2024 passed by this Court in W.P.No.2951 of 2005.

3. In view of the aforesaid submission and for the reasons assigned in the aforesaid order dated 10.09.2024 the writ petition is disposed of with the following directions:

(1) 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 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.4 and 5 industries.

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

**SD/-V.KAVITHA
ASSISTANT REGISTRAR**

//TRUE COPY//

SECTION OFFICER

To,

1. The Member Secretary, T.S. Pollution Control Board, Sanathnagar, Hyderabad.
2. The District Collector, Mahabubnagar District, Mahabubnagar.
3. The Mandal Revenue Officer, Balanagar Mandal, Mahabubnagar District.
4. One CC to SRI M.DAMODAR REDDY, Advocate [OPUC]
5. One CC to SRI CH.PUSHYAM KIRAN, Advocate [OPUC]
6. One CC to SRI T.V.RAMANA RAO, SC FOR TSPCB [OPUC]
7. Two CCs to GP FOR REVENUE, High Court for the State of Telangana at Hyderabad [OUT]

8. Two CCs to ADDL ADVOCATE GENERAL, High Court for the State of
Telangana at Hyderabad [OUT]

9. Two CCs to ADVOCATE GENERAL, High Court for the State of Telangana at
Hyderabad [OUT]

10. Two CD Copies

BSR
GJP

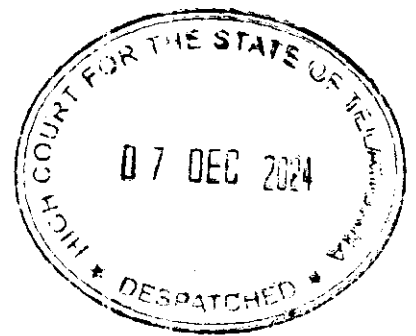
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HIGH COURT

DATED: 25/09/2024

ORDER

WP.No.5670 of 2008



DISPOSING OF THE WRIT PETITION,
WITHOUT COSTS

15 copies
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4/12/24.