

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6<sup>TH</sup> DAY OF JANUARY 2017

PRESENT

THE HON'BLE MR.SUBHRO KAMAL MUKHERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE BUDIHAL R.B.

WRIT PETITION NO.39682 OF 2016 (GM-RES-PIL)

BETWEEN

T NARASIMHA MURTHY  
S/O.LATE THAYGARAJA,  
AGED ABOUT 54 YEARS,  
R/A. NO.18,"E" 4TH STREET,  
O.M.ROAD, ULSOOR,  
BANGALORE-560 008.

... PETITIONER

(BY SRI K G SADASHIVAIAH, ADVOCATE)

AND

1. THE STATE OF KARNATAKA  
REP BY ITS ADDITIONAL CHIEF SECRETARY,  
MINISTRY OF FOREST, ECOLOGY  
AND ENVIRONMENT, M.S.BUILDING,  
BANGALORE-560001.
2. MR. LAKSHMAN  
CHAIRPERSON, MAJOR,  
KARNATAKA STATE POLLUTION  
CONTROL BOARD,  
PARISARA BHAVANA, NO.49,  
5TH FLOOR, CHURCH STREET,  
BANGALORE-560001.

... RESPONDENTS

(BY SRI MADHUSUDAN R. NAIK, ADVOCATE GENERAL A/W  
SRI H VENKATESH DODDERI, AGA FOR R-1;  
SRI GURURAJ JOSHI, ADVOCATE FOR R-2)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF QUO WARRANTO AGAINST THE RESPONDENT NO.2 REQUIRING HIM TO SHOW HIS AUTHORITY TO HOLD THE OFFICE OF CHAIRPERSON OF KARNATAKA STATE POLLUTION CONTROL BOARD AND CONSEQUENTLY DECLARE GOVERNMENT NOTIFICATION DATED 21.12.2015 VIDE ANNEXURE-H ISSUED BY RESPONDENT NO.1 AS ILLEGAL AND UNCONSTITUTIONAL.

THIS WRIT PETITION COMING ON FOR PRELIMINARY HEARING THIS DAY, CHIEF JUSTICE MADE THE FOLLOWING:

ORDER

By filing this public interest litigation, the appointment of the Chairman of the Karnataka State Pollution Control Board is impugned on the ground that the person, who had been appointed, lacks the requisite qualification.

2. Our attention is drawn to Section 4 of the Water (Prevention and Control of Pollution) Act, 1974, which prescribes the qualification for the Chairman.

3. Mr.K.G.Sadashivaiah, learned advocate appearing in support of the writ petition, submits that a proposal was mooted for appointment of more suitable persons, but the government has ignored the proposal and appointed the present Chairman.

4. Certain proposals were mooted, but it was the responsibility of the government to appoint the Chairman.

5. We do not find any material on record to show that the person, who had been appointed, lacks the qualification. There is, therefore, no merit in the writ petition.

6. The writ petition stands rejected.

7. We make no order as to costs.

Sd/-  
CHIEF JUSTICE

Sd/-  
JUDGE

bkv