

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 02nd DAY OF DECEMBER 2014

PRFESENT

THE HON'BLE MR.D.H. WAGHELA, CHIEF JUSTICE

AND

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

WRIT PETITION No.52675/2014 (GM-POL-PIL)

BETWEEN:

1.SMT.MALAMMA
W/O RAMU,
AGED ABOUT 50 YEARS,
R/O NO.39, 20TH CROSS,
6TH MAIN, K.P.AGRAHARA,
BHUVANESHWARINAGARA,
BANGALORE-23.

2.SMT GOWRAMMA
W/O HUCHAPPA,
AGED ABOUT 52 YEARS,
R/O NO.39, 20TH CROSS,
6TH MAIN, K.P.AGRAHARA,
BHUVANESHWARINAGARA,
MAGADI ROAD, BANGALORE-23.

3.SMT SHOBHA
W/O MARUTHI,
AGED ABOUT 45 YEARS,
R/O NO.40, 20TH CROSS,
6TH MAIN, K.P.AGRAHARA,
BHUVANESHWARINAGARA,
MAGADI MAIN ROAD,
BANGALORE-23.

4.KIRAN
S/O HUCCHAPPA,
AGED ABOUT 23 YEARS,
R/O NO.39/1, 20TH CROSS,
6TH MAIN, K.P.AGRAHARA,
BHUVANESHWARINAGARA,
MAGADI MAIN ROAD,
BANGALORE-23.

5.SMT SUJATHA
W/O MANJUNATHA,
AGED ABOUT 25 YEARS,
R/O NO.38,1ST FLOOR, 20TH CROSS,
6TH MAIN, K.P.AGRAHARA,
BHUVANESHWARINAGARA,
MAGADI MAIN ROAD,
BANGALORE-23.

... PETITIONERS

(By Sri. D.C. PARAMESHWARAI AH FOR Smt.RATNA N
SHIVAYOGIMATH, ADVOCATE)

AND:

1.THE STATE OF KARNATAKA
REPRESENTED BY ITS SECRETARY,
DEPT. OF HEALTH AND FAMILY WELFARE,
VIKASA SOUDHA, BENGALURU-1

2.THE DEPUTY COMMISSIONER
BENGALURU URBAN DISTRICT,
BENGALURU-09.

3.THE MANAGING DIRECTOR
BENGALURU ELECTRICITY SUPPLY COMPANY LTD.,
BANGALORE, NRUPATUNGA ROAD, OPP:RBI,
K.R.CIRCLE, BENGALURU-560078.

4.THE ENVIORNMENTAL OFFICER
REGIONAL OFFICE, BANGALORE, CITY REGION-II,
9TH FLOOR, PUBLIC UTILITY BOARD, BENGALURU-1.

5.THE COMMISSIONER
BRUHATH BENGALURU MAHANAGARA PALIKE,
N.R.SQUARE, BENGALURU-2.

6.THE SENIOR HEALTH OFFICER
BBMP, K.P.AGRAHARA,
BHUVANESHWARINAGARA, MAGADI ROAD,
BENGALURU-23.

7.SRI BHASKAR
FATHER'S NAME NOT KNOWN,
AGED ABOUT 46 YEARS,
R/O NO.27/7, 20TH CROSS, 6TH MAIN,
K.P.AGRAHARA, BHUVANESHWARINAGAR,
MAGADI MAIN ROAD,
BENGALURU-23. ... RESPONDENTS

(By Sri.R. DEVDAS, ADVOCATE FOR R1 & 2; SRI. V.Y.
KUMAR, ADVOCATE FOR R-3; SRI. GURURAJ JOSHI,
ADVOCATE FOR R-4; SRI.K.N. PUTTEGOWDA,
ADVOCATE FOR R-5 AND R-6 AND SRI.A.
CHANDRFACHUD, ADVOCATE FOR R-7)

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THIS WRIT PETITION IS FILED UNDER ARTICLES
226 AND 227 OF THE CONSTITUTION OF INDIA
PRAYING TO DIRECT THE R2 TO R6 TO TAKE ACTION
AGAINST THE R7 BY IMPLEMENTING THE ORDER
DT.2.8.14, PASSED BY THE SR.ENVIRONMENTAL
OFFICER, [COMPLAINT & ENFORCEMENT CELL]
KARNATAKA STATE POLLUTION CONTROL BOARD,
BENGALURU, VIDE ANN-A.

This writ petition coming on for preliminary
hearing this day, Chief Justice made the following:-

ORDER**D.H.WAGHELA, CJ(Oral)**

1. The petitioners have approached this Court by way of public interest litigation on account of alleged nuisance caused by respondent No.7 by installing and running heavy machinery for spinning silk thread even after issuance of order dated 02.08.2014 of the Karnataka State Pollution Control Board. It was submitted that respondent No.7 was under the direction, by virtue of the order dated 02.08.2014, to stop forthwith the operation of spinning and machines for making roll of silk thread and the Managing Director of BESCOM, Bangalore was simultaneously directed to stop power supply to the industry of respondent No.7. Similarly, Senior Health Officer of BBMP was directed to cancel the licence issued to respondent No.7 and Deputy Commissioner of Bangalore Urban was required to seize the machinery of the industry. None of the authorities took any of the necessary actions according to the petitioners and hence notices were issued to the respondents herein.

2. Now, learned counsel for respondent No.7 has stated on instructions that their industry and workshop have been temporarily closed. It is stated on behalf of the Managing Director of BESCO that power supply has at least now been stopped and learned counsel for BBMP submitted that the licence of respondent No.7 is now cancelled. In view of the provisions of Section 31-A, Section 37 and Section 40 of The Air(Prevention and Control of Pollution) Act, 1981 (for short, "the Act") *prima-facie* non-compliance of the order dated 02.08.2014 of the State Pollution Control Board amounted to violation of relevant provisions and amounted to serious offence punishable with imprisonment for a term which may not be less than one year and six months. The Pollution Control Board also appears to have failed in either enforcing its own order or filing criminal complaint. It is now stated by learned counsel Mr.Gururaj Joshi appearing for the State Pollution Control Board that appropriate complaint shall be filed in respect of violation of and/or non-compliance of the order dated 02.08.2014 in the

Court of competent jurisdiction within a period of one week and a copy of such complaint shall be filed in the Registry of this Court to be placed on record of the petition.

3. Upon the above submissions being made and recorded, the petition is not pressed for any further orders. Accordingly, it is disposed with no order as to cost.

**Sd/-
CHIEF JUSTICE**

**Sd/-
JUDGE.**

*alb/-.