

**HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
HON'BLE SRI JUSTICE S.V. BHATT**

W.P.No.19064 OF 2015

PC: *(Per Hon'ble Sri Justice S.V.Bhatt)*

Heard Mr. R.Raghunandan Rao, learned senior counsel for petitioners and M/s.Y.S.Murthy, B.Narayna Reddy and T.V.Ramana Rao for respondents.

The petitioners pray for the following relief:

".....to grant an order, direction or a writ, more so in the nature of writ of WRIT OF MANDAMUS declaring the impugned directions issued by the 1st respondent in proceedings No.B-29016704/06/PCI- 1/5401, dated 05-02-2014 under Section 18(1) (b) of the Water (Prevention and Control of Pollution).Act, 1974 to all the State Pollution Boards, including the 3rd respondent herein, the subsequent directions dated 02-03-2015 bearing No. B-29016/04/06/PCI-i/7176 and 7216 and the further directions dated 29-5-2015 bearing No. B-29016/04/06/PCI-1/ and the consequential directions issued by the 3rd respondent under Lr.No. 3001/PCB/R0-I/SRD/MDK/2015-2112, dated 16.03.2015 issued to the petitioner No. 2, directions in Lr.No. 82/PCB/R0- II/RCP/MDK/2015-6446, dated 19.03.2015 issued to petitioner No. 3, notice in Lr.No. /CMPT/ROR-II / 2015-1416, dated 24.04.2015 issued to the petitioner No. 4, in Lr.No. /PCB/RO-II/RCP/MDK/2015-6101, dated 10.12.2014 issued to the petitioner No. 5, notice in Lr.No. /CMPT/ROR-II/ 2015-1416, dated 24.04.2015 issued to the petitioner No. 6, notice in Lr.No. /CMPT/ROR-II/ 2015-1416, dated 24.04.2015 issued to the petitioner No. 7, notice in Lr.No. /CMPT/ROR-II/ 2015-1416, dated 24.04.2015 issued to the petitioner No. 8, notice in Lr.No. /CMPT/ROR-II/ 2015-6670, dated 09.06.2015 issued to the petitioner No. 9, notice in Lr.No. /CMPT/ROR-II/ 2015-1416, dated 24.04.2015 issued to the petitioner No. 10, notice in Lr.No. /CMPT/ROR-II/ 2015-1416, dated 24.04.2015 issued to the petitioner No. 11, notice in Notice No. TSPCB/ROH/COMP/2014-368, dated 14.11.2014, issued to the petitioner No: 12, notice in Lr.No. /CMPT/ROR-II/ 2015-1416, dated 24.04.2015 issued to the petitioner No. 13, notice in Lr.No. /CMPT/ROR-II/ 2015-1416, dated 24.04.2015 issued to the petitioner No. 14, directions in Lr.No. /PCB/RO-II/RCP/MDK/2014-610 I dated 10.12.2014 issued to the petitioner No. 15; directions in Lr.No.105/PCB/RO-II/RCP/MDK/2014-6417, dated 16.03.2015 issued to the petitioner No. 15, directions in Lr.No.82/PCB/R0- II/RCP/MDK/2014-6446, dated 19.03.2015 issued to the petitioner No. 16, directions in Lr.No.105/PCB/RO-II/RCP/MDK/2014-6417, dated 16.03.2015 issued to the petitioner No.,16, directions in Lr.No. /SKP/PCB/RO.I-RRD/2015-5840 dated 13.05.2015 issued to the petitioner No. 17, directions in Lr.No.105/PCB/RO-II/RCP/MDK/2014-6417, dated 16.03.2015 issued to the petitioner No. 18, directions in Lr.No. /PCB/RO-II/RCP/MDK/2014-6101, dated 10.12.2014 issued to the petitioner No. 19, directions in Lr.No. SSB/PCB/RO.I- RRD/CFE/15-5840 dated 13.05.2015 issued to the petitioner No. 20, directions in Lr.No. /PCB/RO-II/RCP/MDK/2014-6101, dated 10.12.2014 issued to the petitioner No. 21, directions in

Lr.No.105/PCB/RO-II/RCP/MDK/2014-6417, dated 16.03.2015 issued to the petitioner No. 22, directions in Lr.No.3001/PCB/RO-I/RCP/MDK/2015-2112, dated 16.03.2015 issued to the petitioner No. 23, directions in Lr.No.105/PCB/RO-II/RCP/MDK12014-6417, dated 16.03.2015 issued to the petitioner No. 24, are illegal, arbitrary and violative of Article 14 and 19 1(b) of the Constitution of India and consequently set aside the same and further direct the respondent not to insist upon installation of online continuous stack emission monitoring systems or online effluent quality monitoring systems in the units of the petitioners.”

The issue arises under the Water (Prevention and Control of Pollution) Act, 1974 (for short ‘the Water Act’) read with the Environment (Protection) Act, 1986 (for short ‘the Environment Act’). The learned senior counsel appearing for the petitioners contends that the impugned proceedings *prima facie* are illegal and at any rate do not come within the scope of remedy of appeal provided under Section 28 of the Water Act.

On the other hand, the learned standing counsel for Telangana State Pollution Control Board/3rd respondent contends that on a holistic view of the statutory scheme of the relevant laws viz. the Water Act/ the Environment Act and National Green Tribunal Act, the petitioners have effective statutory remedy of appeal before the appellate authority under the Acts and the writ petition is not maintainable. He further states that the reference to Sections 25 and 26 of the Water Act cannot be given a narrow meaning in understanding the remedy of appeal under the Acts.

We are in agreement with the submission of leaned standing counsel appearing for 3rd respondent. The remedy of appeal under Section 28 of the Water Act refers to Sections 25 and 26 of the Water Act. As rightly pointed by the learned standing counsel, the impugned proceedings or directions are concerned with the monitoring steps on the preventive principle governed by these laws. The writ petition is dismissed and the petitioners, if so advised, are free to pursue the remedy of appeal under the Water Act against the impugned proceedings in the writ petition.

Consequently, miscellaneous petitions, if any pending, also stand disposed of.

ACJ

DILIP B. BHOSALE,

S.V.BHATT, J

Date:30.07.2015

Stp