

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

THURSDAY, THE FIRST DAY OF AUGUST  
TWO THOUSAND AND TWENTY FOUR

PRESENT

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

WRIT PETITION (PIL) NO: 71 OF 2017

**Between:**

1. Dasari Ramesh, S/o. Venkanna, Aged 35 years, Occ Social worker, R/o. 1-132/1, Pandurangapuram Village, Palvoncha Taluq, Bhadradi-Kothagudem District.
2. Margam Guravaiah S/o. Narsaiah, Aged 32 years, Occ Social Worker R/o. H.No. 1-336, Pandurangapuram Village, Palvoncha Taluq, Bhadradi-Kothagudem District.

...PETITIONERS

**AND**

1. The State of Telangana, Rep. by its Chief Secretary, Environment Secretariat, Hyderabad, State of Telangana.
2. The Telangana State Pollution Control Board, Rep. by its, Chief Secretary, Environment Secretariat, Hyderabad, State of Telangana.
3. The Joint Chief Environment Engineer. The Telangana State, Pollution Control Board, Board Office, Hyderabad,
4. The Regional Office, Rep, by its Environmental Engineer, Kothagudem-507101, Bhadradi-Kothagudem District.
5. The Chairman and Managing Director, Kothagudem Thermal Power, Station, (O &M) Palvoncha Town and Taluq, Bhadradi-Kothagudem. Distriet.
6. The Chief Engineer, V-Stage, Kothagudem Thermal Power, Station, (O&M) Palvoncha Town and Taluq, Bhadradi-Kothagudem District.
7. The Chief Engineer, VI-Stage, Kothagudem Thermal Power, Station, (O&M) Palvoncha Town and Taluq, Bhadradi-Kothagudem District.
8. The Chief Engineer, VII-Stage, Kothagudem Thermal Power, Station, (O&M) Palvoncha Town and Taluq, Bhadradi-Kothagudem District.
9. The District Collector, Kothagudem-507101, Bhadradi-Kothagudem District.
10. The Divisional Forest Officer, Wild Life and Conservation, Department, Palvoncha Town and Taluq, Bhadradi-Kothagudem District.

**...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 writ, order or direction more particularly one in the nature of writ of Mandamus to declare the action of the respondents in not complying with the provisions of section 21, 25 to 27 and 32 of the Water (Prevention control of Pollution) Act 1974 restraining the discharge of abnormal sewage and trade effluents i.e., Ash etc., by the respondents 5 to 8 into Karkavagu stream and Kinnerasani river causing loss of property and life of human and cattle guaranteed under the said Act 1974 and article 21 of the Constitution of India and consequently direct the respondents to comply with the provisions of section 21, 25 to 27 and 32 of the Water (Prevention control of Pollution) Act 1974 restraining the discharge of abnormal sewage and trade effluents i.e., Ash etc., by the respondents 5 to 8 into Karkavagu stream and Kinnerasani river causing loss of property and life of human and cattle guaranteed under the said Act 1974 and article 21 of the Constitution of India

**I.A. NO: 1 OF 2017(WP(PIL)MP. NO: 137 OF 2017)**

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 No. 5 to 8 restraining the discharge of abnormal sewage and trade effluents i.e., Ash etc., by the respondents 5 to 8 into Karkavagu Stream and Kinnerasani river causing loss of property and life of human and cattle guaranteed under the said Act 1974 and article 21 of the Constitution of India as provided section 32 of the Water (Prevention control of Pollution) Act 1974.

**Counsel for the Petitioners: SRI S. MADAN MOHAN RAO**

**Counsel for the Respondent No.1 & 10: GP FOR ENVIRONMENT**

**Counsel for the Respondent No.2,3 & 4: SRI A. VISHNU VARDHANA REDDY  
(SC FOR TSPCB)**

**Counsel for the Respondent No.5 to 8: M/s. A. DEEPTHI (SC FOR TSGENCO)**

**Counsel for the Respondent No.9: SRI MURALIDHAR REDDY KATRAM,  
GP FOR REVENUE**

**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 (PIL) No.71 of 2017**

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

Mr. S.Madan Mohan Rao, learned counsel for the petitioners.

Mr. A.Vishnu Vardhana Reddy, learned Standing Counsel for the Telangana State Pollution Control Board for the respondents No.2, 3 and 4.

Mr. Muralidhar Reddy Katram, learned Government Pleader for Revenue for the respondent No.9.

2. The petitioners are residents of Pandurangapuram Village, Palvancha Taluq, Bhadradi Kothagudem District. As per the averments made in the writ petition, respondents No.5 to 8 had constructed V and VI stages of thermal power plants and thermal power stations at Palvancha and the same are in operation. It has been averred that the respondents No.5 to 8 had constructed VII stage thermal power plant which is about to operate. It is

the case of the petitioners that the respondents No.5 to 8, without obtaining any permission from the Telangana State Pollution Control Board (hereinafter referred to as, "the Board") under Section 25 of the Water (Prevention and Control of Pollution) Act, 1974 (hereinafter referred to as, "the Act"), are releasing the trade effluents and sewage as well as ash into Karakavagu stream and in Kinnerasani River, which is situated at the banks of Pandurangapuram Village. The petitioners, therefore, have prayed for a writ of mandamus to declare the action of the respondents in not complying with the provisions of Sections 21, 25 to 27 and 32 of the Act and discharging sewage, trade effluents, ash etc., into Kinnerasani River which results in loss of life and property to the residents of the village as violative of Article 21 of the Constitution of India. The petitioners, therefore, seek a direction to the respondents to comply with the provisions of Sections 21, 25 to 27 and 32 of the Act.

3. A Bench of this Court had directed the Board to submit a report. In pursuance thereof, the Board had submitted a report on 12.07.2022 wherein it was stated

that at the time of inspection, sedimentation tank of the Kothagudem Thermal Power Station (KTPS) was not in operation and the industry was discharging the ash mixed water directly into Karakavagu through a temporary gate without sending the same to the sedimentation tank. The team of the officials of the Board was informed that it was an emergency opening to discharge the waste water in rainy season. However, it was noticed by the Bench of this Court that the said report was not supported by an affidavit. Therefore, the Bench of this Court, by an order dated 06.06.2024, had directed the officers of the Board to visit the industry once again and to submit a fresh report duly supported by an affidavit.

4. In compliance of the aforesaid order, the officers of the Board have visited the premises of KTPS on 19.06.2024 and have filed a report which has been duly supported by an affidavit.

5. Learned counsel for the petitioners submits that the respondents No.5 to 8 are still discharging the effluents

and ash into the water body and are violating the provisions of the Act.

6. On the other hand, learned Standing Counsel for the Board, while referring to the report dated 27.06.2024 submitted on behalf of the Board, contended that the treated effluents are being recycled and excess treated water alone is being discharged into Karakavagu, which finally joins the Kinnerasani River.

7. We have considered the submissions made on both sides and have perused the record.

8. The relevant extract of the report which has been prepared by the team of the officers of the Board who had visited the site reads as under:

"8. Three units (i.e., KTPS V stage, VI stage & VII stage) are having Effluent Treatment Systems. The industry is sending all effluents including ash washings to the Effluent Treatment Plants and treated effluent is being recycled, excess treated water is discharging into Karakavagu finally joins Kinnerasani.

9. Ash pond water from V & VI stage units is partly sending to farmers through aqueduct for irrigation purpose as per the request of the farmers and remaining

is discharging into Karakavagu connected to Kinnerasani River.

10. Decanted ash pond water of the VII Stage unit is discharging into Kodipunjulavagu finally joins River Kinnerasani.

11. The farmers along the Karakavagu before connected to Kinnerasani are using water from this Karakavagu for irrigation purpose even in non rainy season.

12. The Board is monitoring the industry and collecting treated effluent samples from industry premises, ash pond outlets as well as collecting water samples from nearby streams & rivers i.e., Karakavagu and Kinnerasani.

13. As per the latest analysis reports, the values are within the prescribed standards of the Board, as per the Environment (Protection) Rules, 1986. Copies of the analysis reports are enclosed as **Annexure-II**.

The Respondent Board will monitor the industry regularly to ensure compliance of Board's consent conditions and directions."

9. In view of the undertaking furnished by the Board that they shall monitor the industry regularly to ensure compliance of the Board's consent and directions, no further orders need to be passed for the present. However, it is directed that the authorities of the Board shall ensure that no water pollution is caused by the industry. In

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addition, the officers of the Board shall ensure that the industry complies with the provisions of Sections 21, 25 to 27 and 32 of the Act and shall also monitor the activities of the industry regularly.

10. With the aforesaid directions, the writ petition is disposed of.

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

Sd/-N.SRIHARI  
ASSISTANT REGISTRAR

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SECTION OFFICER

- To,
1. The Chief Secretary, Environment, The State of Telangana, Secretariat, Hyderabad, State of Telangana.
  2. The Chief Secretary, Environment, The Telangana State Pollution Control Board, Secretariat, Hyderabad, State of Telangana.
  3. The Joint Chief Environment Engineer, The Telangana State Pollution Control Board, Board Office, Hyderabad,
  4. The Environmental Engineer, The Regional Office, Kothagudem-507101, Bhadradi-Kothagudem District.
  5. The Chairman and Managing Director, Kothagudem Thermal Power Station, (O &M) Palvoncha Town and Taluq, Bhadradi-Kothagudem District.
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  10. The Divisional Forest Officer, Wild Life and Conservation, Department, Palvoncha Town and Taluq, Bhadradi-Kothagudem District.
  11. One CC to SRI S. MADAN MOHAN RAO, Advocate [OPUC]
  12. Two CCs to GP FOR ENVIRONMENT, High Court for the State of Telangana. [OUT]
  13. Two CCs to GP FOR REVENUE, High Court for the State of Telangana. [OUT]
  14. One CC to SRI A. VISHNU VARDHANA REDDY (SC FOR TSPCB) [OPUC]
  15. One CC to SRI A. DEEPTHI (SC FOR TSGENCO) [OPUC]
  16. Two CD Copies

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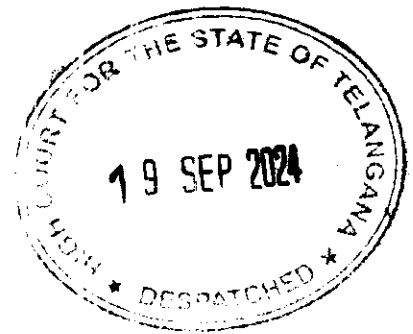


**HIGH COURT**

**DATED:01/03/2024**

**ORDER**

**WP(PIL).No.71 of 2017**



**DISPOSING OF THE WRIT PETITION (PIL)  
WITHOUT COSTS**

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27/8/24