

Vijayanagar Educational Trust and ors Vs. the Karnataka State Pollution Control Board

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Court : Karnataka

Decided On : Oct-27-2010

Judge : Huluvadi G. Ramesh J.

Appeal No. : CRIMINAL PETITION NO. 2044/2002

Appellant : Vijayanagar Educational Trust and ors

Respondent : The Karnataka State Pollution Control Board

Advocate for Def. : SRI D NAGARAJ, ADV

Advocate for Pet/Ap. : SRI C V NAGESH. ADV.

Judgement :

ORDER

1. The petitioners - accused have prayed for setting aside the order dated 25.2002 passed by the JMFC, Nelamangala, directing -o register a case against the petitioners for the offence punishable under Section 44 of Water (Prevention and Control of Pollution) Act, 1974 and also prayed to quash the issuance of summons to the accused, pending before the JMFC in CC No. 165/2002.

2. According to the petitioners, they have undertaken the work of construction of the building for the purpose of setting up of a Medical College and a Hospital in a

land situated at Lingenhalli Village, Kunigal Road, Nelamangala Taluk, Bangalore Rural District. Without obtaining the requisite consent of the respondent Board contemplated under the provisions of the Water Act, construction work has been undertaken by the first petitioner. On its completion and the setting up of the proposed establishment ie. not only likely to diminish the flow of water into the Tippagondanahalli Reservoir but is likely to affect the purity of water since the or sewage icons ism of several virus, bacteria, bio-wastes, etc. A case is ordered, to be registered against the petitioners on the strength of the complaint filed by the respondent - Board. The learned Magistrate ordered to issue process by registering a case alleging the commission of offence punishable under Water Act, against petition, is filed by the petitioner.

3. The learned counsel appearing for the further submits that a writ petition was filed in this and also against which, there is a writ appeal pending I the Division Bench.

4. This is a criminal proceedings initiated by the me violation the Water Act, Cushioning the legality and correctness the initiation of the proceedings, writ petition said to be filed, against the order, writ appeal is pending, seeking remedy in respect of the said proceedings, However, if an order is passed, the very proceedings pending before the learned Magistrate may also be subject to the said order. For the present, it is submitted that the matter is pending before the Division Bench.

Accordingly; thus petition is disposed of with a direction to the petitioner to approach the Trial Court to seek the benefit of the order of the Division Bench,

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