

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

Dated this the 20th day of September, 2012

PRESENT

THE HON'BLE MR.VIKRAMAJIT SEN, CHIEF JUSTICE

AND

THE HON'BLE MRS.JUSTICE B.V.NAGARATHNA

WP No.33632/2012 (GM-POL-PIL)

BETWEEN:

SRI SRIRAMEGOWDA
AGED ABOUT 60 YEARS,
S/O LINGEGOWDA,
NO. 96, 5TH CROSS,
AZAD NAGAR,
BANGALORE.

... PETITIONER

(BY SRI JAYAKUMAR S.PATIL, SR. COUNSEL
FOR SRI.V V GUNJAL, ADV.)

AND:

1. THE STATE OF KARNATAKA
BY ITS CHIEF MINISTER,
VIDHAN SOUDHA,
ALSO HOLDING PORTFOLIO OF
ENVIRONMENT AND FOREST,
GOVERNMENT OF KARNATAKA,
BANGALORE - 560 001.
2. THE STATE OF KARNATAKA
BY ITS PRINCIPAL SECRETARY,
VIDHANA SOUDHA,
BANGALORE - 560 001
DEPARTMENT OF ECOLOGY AND ENVIRONMENT.
3. SECRETARY TO GOVERNMENT
DEPARTMENT OF ECOLOGY & ENVIRONMENT,
GOVERNMENT OF KARNATAKA,
7TH FLOOR, MULTISTORIED BUILDING,
BANGALORE - 560 001.
BY ITS MEMBER SECRETARY.

4. KARNATAKA STATE POLLUTION CONTROL BOARD
PARISARA BHAVANA,
CHURCH STREET,
BANGALORE - 560 001
BY ITS MEMBER SECRETARY.

... RESPONDENTS

(BY SRI S. VIJAY SHANKAR, AG A/W
SRI R. DEVDAS, AGA FOR R1-R3,
SRI D. NAGARAJ, ADV. FOR R4)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO COMMAND R1, R2 AND R3 TO CONSTITUTE THE BOARD STRICTLY IN ACCORDANCE WITH SECTION 4(2) OF WATER (POLLUTION AND CONTROL POLLUTION) ACT 1974 AND CENTRAL POLLUTION CONTROL BOARD (QUALIFICATIONS AND OTHER TERMS AND CONDITIONS OF SERVICE OF CHAIRMAN) RULES, 2011, AFTER GIVING WIDE PUBLICITY AND CALLING INTERESTED APPLICANTS & ETC.

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

ORDER

VIKRAMAJIT SEN, C.J. (Oral) :

The Government has by Notification dated 18.09.2012 appointed Dr. Ayi Vaman N. Acharya, as Chairman, Karnataka State Pollution Control Board, for a period of three years from the date of his taking over charge. This is stated to be in accordance with Section 4(2)(a) of the Water (Prevention and Control of Pollution) Act, 1974.

2. During the hearing of this petition, interim order came to be passed on 04.09.2012, principally because of the fact that *ad hoc* appointment had been made vide Notification dated 01.09.2012, whereby Sri.R.Sridharan, Principal Secretary, Forest, Environment and Ecology Department had been given additional charge of the Chairman, Karnataka State Pollution Control Board, with effect from 04.09.2012 until further orders. Although several grounds had been raised, interim order was passed principally on *ad hoc* appointment. With the Notification dated 18.09.2012, the nomination is to be for a period of three years from the date of taking over charge. It is in these circumstances that we are persuaded to recall the interim order dated 04.09.2012.

3. In these circumstances, the Writ Petition is disposed of reserving liberty to the petitioner to assail the said nomination on any ground that they may find relevant.

Ordered accordingly.

Sd/-
CHIEF JUSTICE

Sd/-
JUDGE