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

WEDNESDAY, THE TWELFTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE THE CHIEF JUSTICE APARESH KUMAR SINGH

THE HONOURABLE SRI JUSTICE G.M. MOHIUDDIN

WRIT PETITION (PUBLIC INTEREST LITIGATION) NO: 69 OF 2025

Between:

Aakula Sampath Kumar, S/o Shankaraiah, Aged 37 years, Occ- Law Student, H.No. 5-55, Dowdepally Village Luxettipet Mandal. Mancherial District, PIN 504215 Mobile-9959477044, PAN No. AMIPA1290N, AADHAR NO. 2925 1765 7537

...PETITIONER

AND

1. The State of Telangana, rep by its Chief Secretary, General and Administration Department, Dr BR Ambedkar Secretariat, Hyderabad
2. The State of Telangana, rep. by its Principal Secretary, Environment, Forests, Science and Technology Department, Dr BR Ambedkar Secretariat, Hyderabad.
3. The Telangana State Pollution Control Board, rep. by its Member Secretary, A-3, Paryavaran Bhavan, Sanath Nagar Rd, Sanath Nagar Industrial Estate, Sanath Nagar, Hyderabad, Telangana 500018.
4. The Principal Secretary, Municipal Administration and Urban Development Department, Dr BR Ambedkar Secretariat, Hyderabad
5. The Principal Secretary, Panchayat Raj and Rural Development Department, Dr BR Ambedkar Secretariat, Hyderabad
6. The Principal Secretary, Finance Department, Dr BR Ambedkar Secretariat, Hyderabad.
7. The Special Chief Secretary, The Industries and Commerce Department, 3rd Floor, Dr BR Ambedkar Secretariat, Hyderabad
8. Central Pollution Control Board, Rep its The Member Secretary, Parivesh Bhawan, East Arjun Nagar, Delhi-110032
9. Union of India, Rep its Secretary, Ministry of Finance. 3rd floor JeevanDeep Building, Sansad Marg, New Delhi, Delhi 110001

10. Union of India, Rep its Secretary, Ministry of Housing and urban affairs. Nirman bhawan, Maulana azad road, New Delhi-110011

...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 a Writ, Direction or an Order more particularly one in the nature of Writ of Mandamus pleased to issue an appropriate Writ, Order or Directing the Respondents to immediately prevent discharge of untreated sewage and industrial effluents into the River Godavari and its tributaries, Streams and canals. Direct the Respondents to ensure that all existing Sewage Treatment Plants (STPs) are made fully operational, and to expedite, in a time-bound manner, the establishment of sufficient capacity of new sewage and effluent treatment plants in all major towns, villages and industrial clusters along the Godavari basin expeditiously, and to allocate adequate funds and staff for the same. Direct the Respondents to make rules relating to sewage water management rules where it is discharging in to Godavari river, tributaries, streams and canals in accordance with laws and constitution of India. Direct the Respondent No.3 and Respondent No.8 to conduct regular monitoring and water quality testing of the Godavari River and its streams, tributaries, Canals and to make public disclosures of pollution levels. Further, direct the authorities to publish assessment and analysis reports periodically, at least twice a year, to ensure transparency and accountabilityDirect fixation of liability and recovery of costs from polluters under the Polluter Pays Principle.

SRI AAKULA SAMPATH KUMAR, (PARTY IN PERSON)

Counsel for the Respondent No.1 : Ms.K.SOWMYA,AGP FOR GENERAL ADMIN

Counsel for the Respondent No.2 : GP FOR FORESTS

Counsel for the Respondents No.3&8: SRI ZEESHAN ADNAN MAHMOOD, (SC for TS POLLUTION CONTROL BOARD)

Counsel for the Respondent No.4 : GP FOR MA & UD

Counsel for the Respondent No.5 : Ms.ROOHI NABEELA, AGP FOR PANCHAYATH RAJ & RURAL DEV

Counsel for the Respondent No.6 : SRI MOHAMMED HUSSAIN,
. GP FOR FINANCE & PLANNING

Counsel for the Respondent No.7 : SRI K.GAUTHAM REDDY,
. AGP FOR INDUSTRIES & COMMERCE

Counsel for the Respondent No.9&10: SRI N.BHUJANGA RAO,
. DY.SOLICITOR GENERAL OF INDIA

The Court made the following: ORDER

THE HON'BLE THE CHIEF JUSTICE SRI APARESH KUMAR SINGH

AND

THE HON'BLE SRI JUSTICE G.M.MOHIUDDIN

WRIT PETITION (PIL) No.69 of 2025

ORDER:

Mr. Aakula Sampath Kumar, party-in-person.

Ms. K.Sowmya, learned Assistant Government Pleader for General Administration Department, appears for respondent No.1.

Ms. Roohi Nabeela, learned Assistant Government Pleader for Panchayat Raj and Rural Development, appears for respondent No.5.

Mr. Mohammed Hussain, learned Government Pleader for Finance and Planning Department, appears for respondent No.6.

Mr. K.Gautham Reddy, learned Assistant Government Pleader for Industries and Commerce Department, appears for respondent No.7.

Mr. Zeeshan Adnan Mahmood, learned Standing Counsel for Pollution Control Board, appears for respondent Nos.3 and 8 virtually.

Mr. N.Bhujanga Rao, learned Deputy Solicitor General appears for respondent Nos.9 and 10.

2. Heard learned counsel for the parties.

3. The instant public interest litigation has been preferred with the following prayer:

> "For the reasons stated in the accompanying affidavit, it is prayed that this Hon'ble Court may be pleased to issue an appropriate Writ, Order or Directing the Respondents to immediately prevent discharge of untreated sewage and industrial effluents into the River Godavari and its tributaries, Streams and canals. Direct the Respondents to ensure that all existing Sewage Treatment Plants (STPs) are made fully operational, and to expedite. in a time-bound manner, the establishment of sufficient capacity of new sewage and effluent treatment plants in all major towns, villages and industrial clusters along the Godavari basin expeditiously, and to allocate adequate funds and staff for the same. Direct the Respondents to make rules relating to sewage water management rules where it is discharging in to Godavari river, tributaries, streams and canals in accordance with laws and constitution of India.
>
> Direct the Respondent No.3 and Respondent No.8 to conduct regular monitoring and water quality testing of the Godavari River and its streams. tributaries, Canals and to make public disclosures of pollution levels. Further, direct the authorities to publish assessment and analysis reports periodically, at least twice a year, to ensure transparency and accountability.
>
> Direct fixation of liability and recovery of costs from polluters under the Polluter Pays Principle. Pass such other and further order(s) as this Hon'ble Court may deem fit and proper in the interest of justice, environmental protection and sustainable development."

4. Petitioner relies upon a report on the Godavari River prepared by the Ministry of Jal Shakti, National River

Conservation Directorate and submits that not only urban waste but industrial waste is being drained into the river causing severe pollution. As a result, the quality of the aquatic life has suffered. The waters are also used for drinking and other purposes in the downstream areas of the River where millions of people are getting affected. This poses a serious threat to public health and environmental safety.

5. We have heard party-in-person and pointed out to the jurisdiction of the National Green Tribunal constituted under the National Green Tribunal Act, 2010 to deal with such matters effecting substantial questions relating to environment including enforcement of any legal right relating to environment. The learned National Green Tribunal also has the power to grant relief, compensation and restitution. Its jurisdiction encompasses implementation of the enactment specified in Schedule-1 which includes Water (Prevention and Control of Pollution) Act, 1974 and also the Environment (Protection) Act, 1986 apart from other enactments. National Green Tribunal has been playing a seminal role in addressing the environmental issues across India over which it has jurisdiction. The report relied upon by the petitioner also refers to industrial waste being poured by major industries in the neighbouring States in the river stream. National Green

Tribunal having a pan nation jurisdiction would be able to address these issues covering several States through which the famous Godavari River flows.

6. Learned Standing Counsel for the Pollution Control Board has submitted that the National Green Tribunal is in seisin of the issue of pollution in the River Godavari as regards the industries at Patancheru. There are 14 such cases in which environmental compensation has also been awarded to restitute the damage caused.

7. The petitioner submits that this Court being a constitutional Court has wider powers to effectuate the right to life guaranteed under Article 21 of the Constitution of India which the National Green Tribunal does not possess.

8. However, we are of the view that the National Green Tribunal has wide powers to remedy such environmental issues. It has been conferred powers as are vested in a civil Court under the Code of Civil Procedure, 1908, for the purpose of discharging its functions under the Act as enumerated under Section 19 thereof. Therefore, we feel that petitioner has an effective efficacious remedy to address his concerns about pollution in Godavari River. We, therefore, refrain from entertaining this writ petition on that

count. Petitioner is at liberty to invoke the jurisdiction of National Green Tribunal for raising his grievance in an appropriate constituted application.

9. With these observations, the Writ Petition is disposed of. However, there shall be no order as to costs.

Miscellaneous applications pending, if any, shall stand closed.

SD/-T. SRINIVASA REDDY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Chief Secretary, General and Administration Department, Dr BR Ambedkar Secretariat, Telangana State, Hyderabad
2. The Principal Secretary, Environment, Forests, Science and Technology Department, Dr BR Ambedkar Secretariat, Telangana State, Hyderabad.
3. The Member Secretary, Telangana State Pollution Control Board, A-3, Paryavaran Bhavan, Sanath Nagar Rd, Sanath Nagar Industrial Estate, Sanath Nagar, Hyderabad, Telangana 500018.
4. The Principal Secretary, Municipal Administration and Urban Development Department, Dr BR Ambedkar Secretariat, Hyderabad
5. The Principal Secretary, Panchayat Raj and Rural Development Department, Dr BR Ambedkar Secretariat, Hyderabad
6. The Principal Secretary, Finance Department, Dr BR Ambedkar Secretariat, Hyderabad.
7. The Special Chief Secretary, The Industries and Commerce Department, 3rd Floor, Dr BR Ambedkar Secretariat, Hyderabad
8. The Member Secretary,Central Pollution Control Board, Parivesh Bhawan, East Arjun Nagar, Delhi-110032
9. The Secretary, Union of India, Ministry of Finance. 3rd floor JeevanDeep Building, Sansad Marg, New Delhi, Delhi 110001
10. The Secretary, Union of India, Ministry of Housing and urban affairs. Nirman bhawan, Maulana azad road, New Delhi-110011
11. One CC to SRI AAKULA SAMPATH KUMAR, (Party in Person). [OPUC]
12. Two CCs to GP FOR GENERAL ADMINISTRATION, High Court for the State of Telangana. [OUT]
13. Two CCs to GP FOR PANCHAYATH RAJ, High Court for the State of Telangana at Hyderabad. [OUT]
14. Two CCs to GP FOR FINANCE & PLANNING, High Court for the State of Telangana at Hyderabad. [OUT]
15. Two CCs to GP FOR INDUSTRIES & COMMERCE, High Court for the State of Telangana at Hyderabad. [OUT]
16. One CC to SRI ZEESHAN ADNAN MAHMOOD, (SC for TS Pollution Control Board). [OPUC]
17. One CC to SRI N.BHUJANGA RAO, Deputy Solicitor General of India, High Court for the State of Telangana at Hyderabad. [OPUC]
18. Two CCs to GP for Municipal Administration and Urban Development, High Court for the State of Telangana at Hyderabad. [OUT]
19. Two CCs to GP FOR FOREST, High Court for the State of Telangana at Hyderabad. [OUT].
20. Two CD Copies.

BSK
LS

HIGH COURT

DATED:12/11/2025



ORDER

WP(PIL).No.69 of 2025

DISPOSED OF THE WRIT PETITION (PIL) WITHOUT COSTS

(28)

kpr

24/11/25