

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13051 of 2014

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Dr. Nand Kumar Mishra S/o Late Bashishth Narayan Mishra Resident of
Village + Post + P.S. Bhagwanpur Hat, District Siwan.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Environment Department, Govt. of Bihar, Patna.
2. The Chairman, Bihar State Pollution Control Board, Beltron Bhawan, Shastri Nagar, Patna.
3. The Regional Officer, Regional Pollution Board, Sarai Saiyad Ali Road, Technical Chauk, Muzaffarpur.
4. The District Magistrate, Siwan.
5. The Sub Divisional Officer, Mahrajganj, Siwan.
6. The Block Development Officer, Bhagwanpur Hat, Siwan.
7. Saroj Devi Chura Mill, Pro. Sri Putul Bihari Verma Resident of Village + P.S. Bhagwanpur Hat, District Siwan.
8. The Vishwakarma Chura Mill, Pro. Prem Nath Sah Resident of Village + P.S. Bhagwanpur Hat, District Siwan.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr Ajay Prasad
		Mr. Sanjay Kumar
For respondent nos. 2 and 3		Mrs. Binita Singh
For the State		Mr. Raju Giri, G.P.30

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 20-08-2015

Heard the parties.

The petitioner made a complaint against running of Chura Mills by the private respondents in a residential area before the Bihar State Pollution Control Board (for short 'the Board') (respondent no.2). The Board took notice of the said complaint and issued notices to the private respondents to furnish his response(s) and also caused a report to be submitted in this regard.



It is stated that the respondent-Board by a communication copy whereof has been enclosed along with the letter dated 14.07.2014 (Annexure-4) directed the private respondents to stop running of the mill which was emitting air pollutant and causing objectionable noise. Such direction was issued after making an inquiry into the matter. The Block Development Officer, Bhagwanpur was also directed to ensure compliance of the order. The grievance of the petitioner is that in spite of the aforesaid order passed by the respondent-Board and the steps taken by the BDO the private respondent continues to operate the mill.

A counter affidavit has been filed on behalf of the State respondents stating therein that in the light of the direction issued by the respondent-Board steps were taken to stop running of the Chura mills in question. When the private respondent did not pay heed to those steps. The officer-in-charge of the concerned police station has also been informed to ensure compliance of the order of the respondent-Board.

It appears to this Court that the grievance of the petitioner in substratum is non compliance of the order passed by the respondent-Board. The Air (Prevention and Control of Pollution) Act, 1981 (for short 'the Act') under which the Board has been created itself contemplates diverse penal provisions and

procedure to ensure due compliance of the order passed by the Board. Indisputably, the direction was issued to the private respondents under section 31-A of the Act. It appears on perusal of section 22-A and other provisions under Chapter VI of the Act that the Board can take steps for lodging of complaint in the court and also take punitive action against the person who has defied the order/direction issued by the respondent-Board.

In these circumstances, this Court would permit the petitioner to pursue the respondent-Board to take appropriate steps/action as required under law against the private respondent for his wilful defiance of the direction/order passed by the Board.

The writ application is disposed.

(Kishore Kumar Mandal, J)

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