

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8024 of 2015

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M/s Suraj Rice Mill, Sati Asthan, Masaurhi, P.S. Masaurhi, District- Patna
a proprietorship firm through its Proprietor Renu Devi Wife of Sri
Purushottam Kumar @ Kallu Singh, resident of village- Dhanauti, P.S.
Masaurhi, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar, through the District Magistrate-cum- Collector, Patna.
2. The Sub- Divisional Officer, Masaurhi, District- Patna
3. The Circle Officer, masaurhi, District- Patna.
4. The Deputationist Police Officer, Masaurhi, District- Patna.
5. Chotey Singh son of Late Satrudhan Singh, resident of Mohalla- Sati
Asthan, Masaurhi, P.S. Masaurhi, District- Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vinay Mistry

For the Respondent/s : Mr. Amar Nath Deo

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

4 28-07-2015 Heard Mr. Vinay Mistry for the petitioner and counsel
for the State.

The petitioner runs a rice mill in the name and style of
M/s Suraj Rice Mill. The writ application has been filed
challenging the legality/sustainability of the communication dated
09.04.2015 (Annexure-5) which is addressed to the Sub Divisional
Officer, Masaurhi by the Circle Officer, Masaurhi informing the
former about the sealing of the business premises of the
petitioner.

It has been submitted by the petitioner that on an

objection raised by the respondent the petitioner applied and got the NOC from the Bihar State Pollution Control Board (for short 'the Board') and subsequently got the industrial premises registered with the District Industries Centre. Even then, the respondent has passed the said order arbitrarily.

A counter affidavit has been filed on behalf of the official respondents which is however not on record. Service of the counter affidavit on the petitioner has not been disputed. Counsel for the State produced a copy thereof for perusal of the Court. On the basis of the averments made in the counter affidavit, it has been submitted that at the instance of the private respondent herein a proceeding under section 133 Cr. P.C. was initiated with respect to the business premises of the petitioner wherein final order has been passed on 10.03.2015 which is prior to the date when the petitioner obtained NOC from the Board. A copy of the order passed on 10.03.2015 by the Sub Divisional Officer in Case No. 985 of 2015 has been enclosed along with the counter affidavit.

Counsel for the petitioner raises certain grievances with respect to the said order. In my view, the grievance of the petitioner against the order of the respondent-Sub Divisional Officer passed in the proceeding under section 133 Cr. P.C. can

very well be assailed before the higher forum in accordance with law. So long as the order exists the petitioner cannot operate the business premises. This being the position in law, this Court is not persuaded to grant the relief as prayed for in this writ application giving, however, liberty to the petitioner to assail the said order passed by the respondent-Sub Divisional Officer before the competent/appropriate authority/forum in accordance with law. Counsel for the petitioner has stated that he will seek the legal remedy provided under law and request the authority/forum/court for quick disposal thereof in view of the fact that the business premises of the petitioner has been sealed leaving the petitioner without any source of income. He is at liberty to do so.

The application is disposed of with the aforesaid observation(s).

(Kishore Kumar Mandal, J)

HR/-

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