

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13892 of 2015

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1. Harikant Yadav S/o Late Yadunandan Yadav
2. Bhagwat Choudhary S/o Late Saryug Choudhary
3. Biltu Ram S/o Late Achche Lal Ram
4. Dharendra Kumar Jha S/o Late Parmanand Jha
5. Yogendra Prasad Das S/o Late Biltun Das
6. Dilip Kumar Sah S/o Late Mahadeo Sah
All Resident of Mohalla Nagar Panchyat Jhanjharpur, near Panchanath
Mandir, Ward No. 12, Jhanjharpur, District Madhubani.

.... Petitioners

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Secretary, Department of Industries, Govt. of Bihar, Patna.
3. The Chairman, Bihar State Pollution Control Board, Beltron Bhawan,
Shastri Nagar, Patna-800023.
4. The Member Secretary, Bihar State Pollution Control Board, Beltron
Bhawan, Shastri Nagar, Patna-800023.
5. The District Magistrate, Madhubani.
6. The Sub Divisional Officer, Jhanjharpur, District Madhubani.
7. The Chairman, Nagar Panchayat, Jhanjharpur, District Madhubani.
8. The Executive Officer, Nagar Panchayat, Jhanjharpur, District
Madhubani.
9. The Civil Surgeon, Madhubani.
10. Md. Ashraf Ali S/o Late Md. Samad Resident of Mohalla Langra
Chowk, P.S. Jhanjharpur, District Madhubani.

.... Respondents

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Appearance :

For the Petitioners : Mr. Hemendra Prasad Singh, Senior Advocate
Mr. Baleshwar Kamat, Advocate
For the Respondent State: Mr. Ashish Kumar Lal, A.C. to GA-12
For the Respondent Board : Mr. Shivendra Kishore, Senior Advocate
Ms. Binita Singh, Advocate

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH

ORAL ORDER

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

4 16-12-2015

This writ petition has been filed, under Article 226
of the Constitution of India, in the nature of Public Interest
Litigation. The petitioners, who are all residents of Ward No.12
within Jhanjharpur Nagar Panchayat, District-Madhubani, have

sought for issuance of a writ of *mandamus* commanding the State respondents, namely, respondent Nos. 1 to 9 herein, to restrain respondent No.10 from running a poultry farm in Ward No.12 of the said Panchayat on the ground that the said poultry farm is being run without the permission of the Bihar State Pollution Control Board causing thereby hazard to public health.

Heard Mr. Hemendra Prasad Singh, learned Senior Counsel, appearing for the petitioners, and Mr. Ashish Kumar Lal, learned Assistant Counsel to Government Advocate No.12, appearing for the State. Heard also Mr. Shivendra Kishore, learned Senior Counsel, appearing for the respondent Bihar State Pollution Control Board.

Without entering into the veracity of the various statements, which have been made by the petitioners, it needs to be pointed out that in terms of Chapter XXI-CC of the Rules of High Court of Judicature at Patna, 1916, a person, invoking the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India, in a Public Interest Litigation, is required to make an averment to the effect that he has no personal interest in the subject matter of the writ petition. The petitioners have also, at paragraph 4, have made the statement, which read, “*The petitioners have no personal interest in connection with this case nor have any personal grudge against respondent No.10 nor*

have any business rivalry with him.”; whereas the writ petition, when read as a whole, makes it abundantly clear that the petitioners are as much aggrieved by the running of the said poultry farm as any other residents of Ward No.12; more so, when materials on record indicate that the house of petitioner No.1 herein is barely at a distance of 22 meters from the said poultry farm.

We are, therefore, of the clear view that the averments made by the writ petitioners to the effect that the petitioners have no personal interest in the case is palpably false and untrue. We do not, however, at this stage take any action for committing perjury against the petitioners and close this writ petition with, however, liberty given to the petitioners to approach this Court with appropriate application, in future, if so advised.

In view of the above, this writ petition stands disposed of.

(I.A. Ansari, ACJ)

(Chakradhari Sharan Singh, J)

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