

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4781 of 2015

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1. Sashi Bhushan Kumar Pandey Son of Sri Kedar Nath Pandey resident of village- Chandpur, P.O- Pirpainti, P.S- Pirpainti, District- Bhagalpur.

.... Petitioner/s

Versus

1. The Union of India through the Chief Secretary, Government of India.
2. The Secretary, Ministry of Coal, Govt. of India, Sastri Bhawan, New Delhi.
3. The State of Bihar through the Chief Secretary, New Secretariat, Punaichak, Patna.
4. The State of Jharkhand through the Chief Secretary, Jharkhand Mantralaya, Project Bhawan, H.E.C. Ranchi (Jharkhand)
5. The Member Secretary , Bihar State Pollution Control Board, Beltron Bhawan, Shastri Nagar, Patna
6. The District Magistrate , Bhagalpur.
7. The Chief General Manager, Raj Mahal Groups of Mines, P.O- Lalmatia Colliery, District-Godda.
8. The Chairman , National Human Right Commission (Law Division), Manava Adhikar Bhawan, Block-C, GPO Complex, New Delhi- 110023.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Verma, Adv.
For the Respondent/s	:	Mr. D.K. Sinha, AAG-2
		Mr. Alok Kumar Rahi, AC to AAG-2
For Union of India	:	Mr. Ravinder Kumar Sharma, CGC
		Mr. Awadhesh Kumar Pandey, Adv.
For Respondent No.4		Mr. Satyavrat Verma, Adv.
For Respondent No.5		Mr. Shivendra Kishore, Sr. Adv.
For Coal India	:	Mr. V.M.K. Sinha, Adv.

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL ORDER

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

7 08-03-2016

Heard Mr. Ashok Kumar Verma, learned Counsel,

appearing on behalf of the petitioner, and Mr. D.K. Sinha,

learned Additional Advocate General No.2, appearing on behalf

of the State respondents. Heard also Mr. Shivendra Kishore,

learned Senior Counsel, appearing on behalf of respondent No.5, and Mr. Satyavrat Verma, learned Counsel, appearing on behalf of respondent No.4.

In view of the fact that the counter affidavit, which has been filed today by respondent No.4, namely, the State of Jharkhand, shows that though the lifting of coal, in question, still causes pollution, the pollution level is within the permissible limits.

We are, therefore, of the view that though no punitive action is, at this stage, required to be taken against the Bihar Pollution Control Board, the Bihar Pollution Control Board shall ensure that the area, in question, is kept free from air pollution rather than maintaining the pollution within the permissible limits.

With the aforesaid observations, this application stands disposed of.

(I.A. Ansari, ACJ)

(Anjana Mishra, J)

K.C.jha/-

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