

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.8048 of 2015**

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1. Om Prakash Son of Late Jagat Narayan Prasad, Resident of Mohalla - MISCOT, Ward No. 8, Police Station - Motihari Nagar, District - East Champaran.
  2. Bimal Kumar Rajgadia, S/o Late Kanhaiya Lal Rajgadia, Resident of Mohalla - MISCOT, Ward No. 8, Police Station - Motihari Nagar, District - East Champaran.

.... .... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Home Department, Government of Bihar, Patna.
3. The Principal Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
4. The Bihar State Pollution Control Board through its Member Secretary, Beltron Bhawan, Shastri Nagar Jawahar Lal Nehru Marg (Bailey Road), Patna (Bihar) - 800023
5. The Chairman, Bihar State Pollution Control Board, Beltron Bhawan, Shastri Nagar, Jawahar Lal Nehru Marg (Bailey Road), Patna (Bihar) - 800023.
6. The Asstt. Env. Engineer, Bihar State Pollution Control Board, Beltron Bhawan, Shastri Nagar, Jawahar Lal Nehru Marg (Bailey Road) Patna (Bihar) - 800023.
7. The Zonal Officer, Bihar State Pollution Control Board, Sarai Syed Ali Chowk, Technical Chowk, Muzaffarpur - 842001.
8. The Motihari Nagar Parishad, Motihari, District - East Champaran through its Executive Officer.
9. The Executive Officer, Motihari Nagar Parishad, Motihari, District - East Champaran.
10. The Collector cum District Magistrate, East Champaran.
11. The Superintendent of Police, East Champaran.
12. The Police Inspector cum Station House Officer, Police Station - Motihari Nagar, District - East Champaran.
13. The Proprietor / Manager, Suryabala Sadan, Mohalla - MISCOT, Ward No. 8, Police Station - Motihari Nagar, District - East Champaran.
14. The Proprietor / Manager, Atithi Vivah Bhawan, Mohalla MISCOT, Ward No. - 8, Police Station - Motihari Nagar, District - East Champaran.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Navendu Kumar, Advocate  
For the Respondent/s : Smt. Namrata Mishra, GA-13  
Mr. Shivendra Kishore, Sr. Advocate  
Mr. Raghwanand, Advocate  
Mr. Pravin Kumar, Advocate  
Mr. Rajesh Kumar, Advocate  
Mr. Anil Kumar, Advocate  
Mr. Anish Akhtar, Advocate

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**CORAM: HONOURABLE THE ACTING CHIEF JUSTICE  
and  
HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH  
ORAL ORDER  
(Per: HONOURABLE THE ACTING CHIEF JUSTICE )**

8 11-04-2016

With the help of this writ petition, made under Article 226 of the Constitution of India, in the form of Public Interest Litigation, the grievances expressed by the petitioners are that in Motihari Town, there are as many as 27 marriage halls, which use power generators, loudspeakers etc. causing pollution, but no permission has been taken from Bihar State Pollution Control Board.

Heard Mr. Navendu Kumar, learned Counsel, appearing on behalf of the petitioners, and Mrs. Namrata Mishra, learned Counsel, appearing on behalf of the State-respondents. Heard also Mr. Shivendra Kishore, learned Senior Counsel, appearing on behalf of Bihar State Pollution Board.

Upon taking cognizance of the grievances of the petitioners by this Court, respondent No.4, namely, Bihar State Pollution Control Board, has swung into action and it has, now, been brought on record that all the marriage halls have been directed to be closed for the reason that they have been causing pollution and no permission had been taken from respondent No.5 for the purpose of either running the generators or using the loudspeakers. In fact, it is also the finding of respondent No.4 that a kiosk system is made available.

By filing their counter affidavit, respondent Nos.13, 14, 17, 18, 19, 21, 23, 25, 28, 31, 34, 36, 37 and 38 have submitted that they would be applying to respondent No.4 for giving them permission

so as to enable them to run marriage hall.

Having regard to the nature of grievances, which have been expressed in this Public Interest Litigation, and the nature of leave, which have been sought for, we direct that the marriage halls, in question, shall remain closed until the time the respondent No.4 and other authorities concerned give permission to run the marriage halls in accordance with law.

We also make it clear that respondent No.8, namely, Motihari Nagar Parishad, Motihari, shall ensure that no marriage hall is operated within the territorial jurisdiction of Motihari Nagar Parishad except in accordance with law. Any dereliction of duty, in this regard, by respondent No.4, namely, Bihar State Pollution Control Board, or by respondent No.8, namely, Motihari Nagar Parishad, Motihari, would expose the functionaries to such penal action as may be warranted by law.

With the above observations and directions, this application is disposed of with liberty given to respondent Nos.17, 18, 21, 23, 28, 31, 34, 36, 37, 38 and 39 to apply for necessary permission to the authorities concerned including respondent Nos.4 and 8.

**(I.A. Ansari, ACJ)**

**(Ahsanuddin Amanullah, J)**

Mkr./-

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