

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.436 of 2017
IN
Civil Writ Jurisdiction Case No. 19693 of 2016**

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Purushottam Kumar Son of Sri Sachchida Nand Prasad, Resident of Mohalla- Nand Gola, P.O.- Kachchi Dargah, District- Patna.

.... Appellant/s

Versus

1. The State of Bihar, through the Principal Secretary, Department of Forest and Environment, Govt. of Bihar, Patna.
2. The Bihar State Pollution Control Board, Beltron Bhawan, Bailey Road, Patna, through its Member Secretary.
3. The Member Secretary, Bihar State Pollution Control Board, Beltron Bhawan, Bailey Road, Patna.
4. The District Magistrate, Patna, District- Patna.

.... Respondent/s

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Appearance :

For the Appellant : Mr. Abhay Kumar Thakur, Advocate
Mr. Sanjay Kumar, Advocate

For the Respondents :

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**CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE SUDHIR SINGH**

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 17-05-2017

As the petitioner has an alternative statutory remedy in terms of Section 31 of The Air (Prevention and Control of Pollution) Act, 1981 and this is one of the reason why the learned Writ Court refused to interfere into the matter, we are not inclined to reconsider the issue now in this appeal.

Petitioner may take recourse to the remedy available under Section 31 of the Act as indicated hereinabove, seek condonation of delay on the ground canvassed in the writ petition and



it would be for the statutory authority to consider the grievance of the petitioner.

In case an appeal is filed under Section 31 of the Act, the appellate authority will decide it in accordance to law within a period of 60 days of its representation.

With the aforesaid liberty, the appeal is disposed of.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

Narendra/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
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