

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17547 of 2017

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Anil Kumar Shrivastava, Son of Sri Rameshwar Prasad Shrivastava,
Resident of Mohalla- Hathsarganj, Ward No.3, P.S.- Hajipur, District-
Vaishali.

.... Petitioner

Versus

1. The State of Bihar through the Collector, Vaishali at Hajipur.
2. The District Magistrate, Vaishali at Hajipur.
3. Sub Divisional Officer, Hajipur, Vaishali.
4. Chairman, Bihar State Pollution Control Board, Beltron Bhawan, Shastri Nagar, Patna- 800025.
5. Regional Officer, Bihar State Pollution Control Board, Parivesh Bhawan, N.S.B. 2, Patliputra Industrial area, Patliputra, Patna- 800010.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Naresh Chandra Verma, Adv.
For the Board : Mr. Shivendra Kishore, Sr. Adv.
For the Respondent/s : Mr. Raghwanand, GA-11

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 08-12-2017 Heard Mr. Naresh Chandra Verma, learned counsel

appearing for the petitioner, Mr. Shivendra Kishore, learned

Senior Counsel, appearing for the Pollution Control Board and Mr.

Raghwanand, learned GA-11, for the State.

The petitioner is aggrieved by the order dated 28.9.2016
of the Chairman, Bihar State Pollution Control Board, passed in
purported exercise of power under section 31A of the Air
(Prevention and Control of Pollution) Act, 1981 (hereinafter
referred to as 'the Air Act'), impugned at Annexure 2, as well as
the order dated 17.8.2017 of the Regional Officer, Bihar State
Pollution Control Board, impugned at Annexure 5, whereby he has



been asked to either close operation of the unit or to give alternative place for its operation which is beyond prohibited area.

Mr. Shivendra Kishore, learned Senior Counsel, for the Pollution Control Board, while raising preliminary objection informs that both the orders are appealable before the Board of Revenue under 'the Air Act'.

In the circumstances and without expressing any opinion on the merits of the case, I deem it proper to dispose of the writ petition with the liberty to the petitioner to exhaust the appellate remedy so available to him under law and it goes without saying that should any such appeal be filed by the petitioner within four weeks from today together with a petition for condonation of delay, the appellate authority shall consider and dispose of the appeal on merits in accordance with law and after opportunity of hearing to the petitioner.

The writ petition is disposed of accordingly.

(Jyoti Saran, J)

Surendra/-

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