

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 19693 of 2016

=====

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

.... Petitioner/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

=====

Appearance :

For the Petitioner/s	:	None
For the Respondents No. 2 and 3 (B.S.P.C.B)	:	Mr. Shivender Kishore, Sr. Advocate Ms. Binita Singh, Advocate
For the State	:	Mr. Alok Kumar Reho, A.C. to G.P.

21

=====

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 06-02-2017

Nobody appears on behalf of the petitioner.

The matter was listed for out of turn hearing on the basis of motion slip filed on behalf of learned counsel for the petitioner.

A counter affidavit has been filed on behalf of the



respondents no. 2 and 3.

The petitioner has moved the Court being aggrieved by the order to close the unit and refusal of consent by the Bihar State Pollution Control Board (hereinafter referred to as the 'Board').

Learned counsel appearing for the respondents no. 2 and 3 submitted that the petitioner has approached the Court after inordinate delay as the impugned order was passed in August, 2014, whereas the writ petition has been filed in December, 2016. He further submitted that there is an alternative statutory remedy in terms of Section 31 of The Air (Prevention and Control of Pollution) Act, 1981. As the matter relates to air pollution, which is a serious environmental issue, the Court called upon the learned counsel for the State to know as to whether the unit is running or has been closed in terms of the order impugned of the Board. Learned counsel for the respondents no. 2 and 3 submitted that they had communicated to the District Magistrate, Patna by letter dated 09.03.2015 requesting him to ensure that the factory was closed in terms of the order impugned.

In view of the position aforesaid and the fact that nobody appears to press the writ application, the same stands dismissed.

However, learned counsel for the Board as well as the State shall ensure that the order impugned is implemented



forthwith, if already not done. It would be the duty of the learned counsel for the respondents no. 2 and 3 and the State to communicate the order to the concerned authorities for compliance.

(Ahsanuddin Amanullah, J.)

Anand Kr.

AFR/NAFR	
U	

