

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5202 of 2017

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Binod Kumar, S/o Late Randev Sharma, Resident of Village - Ratanpur, P.S. -
Daudnagar, District - Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Forest and Environment Deptt. Patna.
2. The District Magistrate, Aurangabad.
3. The Sub Divisional Officer, Daudnagar.
4. Bihar State Pollution Control Board through its Secretary, Bihar, Patna.
5. The Member Secretary Bihar State Pollution Control Board, Bihar, Patna.
6. M/S Shri Ram Rice Agrotech, Ratanpur, Kanap, P.S. - Daudnagar, District - Aurangabad through its proprietor Vineet Kumar S/o Surendra Sharma Resident of Village - Valma, Police Station - Daud Nagar, Dist - Aurangabad.
7. M/s Sharma Rice Mill, Ratanpur, Kanap, P.S. - Daudnagar, District - Aurangabad through its proprietor Madhvendra Sharma S/o Late Ramjanam Sharma Resident of Village - Ratanpur Kanap, P.S. - Daud Nagar, Dist - Aurangabad.

.... Respondent/s

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Appearance :

For the Petitioner : Mr. Sanjeev Kumar, Advocate
For the State : Mr. Sarvesh Kumar Singh- AAG-13
For the Board : Mr. Shivendra Kishore, Senior Advocate
Mrs. Binita Singh, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 18-05-2017



The grievance of the petitioner in this public interest petition is with regard to pollution caused by respondent Nos. 6 and 7. A notice being issued, the authorities of the Bihar State Pollution Control Board (hereinafter referred to as 'the Board') have filed a detailed reply and it is found that with regard to respondent No.6, there is no illegality or pollution as contended, but with regard to establishment of respondent No.7, there are various illegalities and it is stated that they have not even applied and complied with the requirements of obtaining proper NOC in accordance to the Statutory Rules and, therefore, the Board have already made a communication to the District Magistrate vide Annexure-R4/G on 17.02.2017 in the matter of illegality committed by respondent No.7 and has requested the District Magistrate to exercise its statutory power and ensure closure of the establishment in accordance with law.

That being so, we direct the District Magistrate, Aurangabad, respondent No.2, to take cognizance of the communication dated 17.02.2017 made by the Member Secretary, Bihar State Pollution Control Board, as contained in the aforesaid communication and to proceed to take action against respondent No.7 in accordance with law. Needless to emphasize, respondent No.2, the District Magistrate, shall issue notice to respondent No.7 herein, communicate to him the decision of the Board and thereafter to proceed to take such steps as are



permissible in law within a period of thirty days from the date of receipt of a copy of the certified copy of the order.

With the aforesaid, the petition stands disposed of.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

Sunil/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23.05.2017
Transmission Date	

