

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 8308 of 2017

Santosh Kumar, son of Sitaram Keshri, resident of Mohalla - Khanjahanpur
(Ward No. 29), P.S. - Buniyadganj, Dist - Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Govt. of Bihar, Patna.
2. The Divisional Commissioner, Magadh Division, Gaya.
3. The District Magistrate, Gaya.
4. The Sub-Divisional Officer, Sadar, Gaya.
5. The Civil Surgeon, Gaya.
6. The Officer in charge Buniyadganj Police Station, Gaya.
7. The General Manager District Industries Centre, Gaya.
8. The Dy. Development Officer (Cloth), Gaya, Dist - Gaya.
9. Member Secretary, Bihar State Pollution Control Board, Beltron Bhawan, Shastrinagar, Patna.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No.12136 of 2017

M/s Vastra Udyog Bunkar Seva Samati. Of Manpur. Patmatoli, Gaya through
its President Mr. Prem Narayan Prasad S/o Late Chedan Ram Resident of
B.N. Sahay Lane, Manpur, Gaya, Bihar, Post Office- Manpur, Police Station-
Manpur, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Bihar State Pollution Control Boar, Beltron Bhawan Bailey Road, Patna.
3. The District Magistrate Kachari Road, Gaya.
4. The District Industrial Committee (D.I.C.), Kachari Road, Gaya.

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 8308 of 2017)

For the Petitioner/s : Mr. Bibhuti Narayan
For the State : Mr. Sarvesh Kumar Singh-AAG13
Mr. Tej Pratap Singh, AC to AAG 13
For the Pollution Control Board : Mr. Shivendra Kishore, Senior Advocate
Mrs. Binita Singh, Advocate

(In Civil Writ Jurisdiction Case No. 12136 of 2017)

For the Petitioner/s : Mr. Ashok Kumar, Advocate
For the Respondent/s : Mr. Sarvesh Kumar Singh – AAG13
Mr. Tej Pratap Singh, AC to AAG 13
or the Pollution Control Board : Mr. Shivendra Kishore, Senior Advocate
Mrs. Binita Singh, Advocate



CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 04-04-2018

As both these writ petitions pertain to running of loom machines for the purpose of making colour of clothes in the District of Gaya, particularly in Bodh Gaya, these petitions have been filed for stopping of such units, which are creating pollution in the area. It is indicated that thousands of units are functioning in the area which are violating the statutory pollution norms and in spite of representations submitted, the authorities are not taking any action in the matter. Accordingly, CWJC No.8308 of 2017 has been filed in public interest seeking closing down of the units in question.

CWJC No.12136 of 2017 is a petition filed by M/s Vastra Udyog Bunkar Seva Samiti of Manpur and it is their contention that in accordance to the guidelines and the policy issued by the State Government, particularly the statutory provision, only such units are required to be closed down which have a capital investment of more than Rs.5,00,000/- and are not following the pollution norms. As far the power looms which



were established with initial capital investment up to Rs.5 lac are concerned, it is stated that they are not required to be shut down.

In both the petitions, we had noticed to the District Magistrate concerned and the Bihar State Pollution Control Board and the Pollution Control Board has filed a detailed counter affidavit.

On going through the aforesaid counter affidavit filed by the Pollution Control Board it is seen that the Power Looms and Handlooms fall in the green category and therefore they are required to obtain CTE and CTO from the Board. However, the affidavit further clarify that such power looms and handlooms which initial capital investment of less than Rs.5 lacs are exempted from obtaining CTE and CTO from the Board and therefore it is required to be ascertain as to how many power looms are functioning in the area with capital investment of more than Rs.5 lacs. It is categorically stated that only such industries in the area which have capital investment of more than Rs.5 lacs are required to take permission and not all the establishments.

Keeping in view the aforesaid, we asked the District Magistrate to submit an affidavit and the District Magistrate has submitted a detailed counter affidavit after conducting inspection and enquiry into the matter and from the counter affidavit



submitted by the District Magistrate and the authorities of the State Government on 6th November, 2017 we find that the District Magistrate constituted a four member committee which conducted inspection of the entire area, the committee consisting of Deputy Development Officer (Textile), General Manager, District Industry Centre, Sub-Divisional Officer, Sadar, Gaya, Additional Collector, Gaya. In the report submitted by the four-member committee, as is evident from Annexure- R/5, on enquiry into the matter, the Committee found that in the division in question only 31 units have a capital investment of more than Rs.5 lacs. They have been directed to be closed and they have been closed. Thereafter, on further enquiry it has been found that eight units are still functioning which were required to be closed down and the report indicates that they have been closed after inspection report was submitted on 17.08.2017 and 18.08.2017.

From the aforesaid report it is clear that all such units which are functioning with the capital investment of more than Rs.5 lacs have been shut down in the area in question and, therefore, now we see no reason to make any indulgence and kept the issue pending. In case, the petitioners feel that any unit is still functioning which is not permissible, the petitioners may submit a representation in this regard to the District Magistrate and the



authorities of the Pollution Control Board and they will proceed to
take action against such units in accordance with law.

With the aforesaid, the matters stand disposed of.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

Sunil/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.04.2018
Transmission Date	19.04.2018

