

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1038 of 2016

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Arun Kumar son of Ram Nandan Singh Secretary, Shanti Vihar Apartment, Block B Mohalla Salimpur Ahra (Behind R.B.I.) P.S. Gandhi Maidan, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar through Collector, Patna.
2. The Collector, Patna.
3. The S.D.O., Patna.
4. The Dy. S.P. (Town), Patna.
5. S.H.O. Gandhi Maidan, Patna.
6. Patna Municipal Corporation through its Commissioner.
7. Commissioner, Patna Municipal Corporation, Patna.
8. Bihar State Pollution Control Board, Patna, Shastri Nagar, Patna - 800023.
9. Vinod Kumar son of Kishori Roy Shanti Vihar Apartment, Flat No. 402 (A), Mohalla Salimpur Ahra (Behind R.B.I.) P.S. Gandhi Maidan, District - Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mritunjay Prasad Singh

For the Respondent/s : Mr. Md.Nadim Seraj(GP-5)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

2 14-08-2018 At the outset, Sri. Prasoon Sinha, learned counsel representing the Patna Municipal Corporation informs this Court that for the reliefs prayed in the writ application, a criminal writ would not lie.

Simultaneously, Mr. Shivendra Kishore, learned senior Advocate representing the Bihar State Pollution Control Board, Patna, joins the issue and submits that in fact for the same relief a civil writ application is pending consideration before this Court.

Learned senior counsel has however submitted that presently it would not be possible to provide the case number of



the writ application. This Court would believe his submission at the Bar.

Learned counsel for the State is present.

Going through the reliefs prayed in the writ application, this Court finds that the prayer of the petitioner is to issue a mandamus directing the respondent authorities to close and remove all works of M/s M.S. Advertising Office situated in the basement of the Shanti Vihar Apartment which causes nuisance, air pollution, sound pollution, health hazards etc.

In the nature of the reliefs prayed in the writ application, this Court agrees with the preliminary objection taken on behalf of the Patna Municipal Corporation and taking note of the information furnished by learned senior counsel representing the Bihar State Pollution Control Board that for similar relief a civil review application is pending, the writ application is disposed off with liberty to petitioner to pursue his remedy if so advised in an appropriate proceeding.

(Rajeev Ranjan Prasad, J)

Arvind/R.R.Ojha/Ved

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