

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.4288 of 2018**

=====

Md. Raza Khan Son of Late Abdul Barakat, Resident of Nadraganj Dargah, Ward no. 38, Police Station-Civil Line Gaya, District-Gaya.

.... .... Petitioner/s

Versus

1. The State of Bihar, through the Secretary, Industries Department-Gaya.
2. The Director, Industries, Bihar, Patna.
3. The District Magistrate, Gaya, District-Gaya.
4. The Member Secretary, through its Bihar State Pollution Control Board, Bihar, Shashtri Nagar, Patna-23.
5. Shamim Kausar Son of Bacha Nasim Kausar, Resident of Nadriganj Chhto Dargah, Ward no.38, Police Station-Civil Line Gaya, District-Gaya.

.... .... Respondent/s

=====

**Appearance :**

- For the Petitioner/s : Mr. Manoj Kumar, Advocate
- For the State : Mr. Rakesh Ambastha, AC to AAG 7
- For the Respondent/s : Mr. Shivendra Kishore, Sr. Advocate

=====

=====

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD**

**ORAL JUDGMENT**

**Date: 23-07-2018**

It is common case of the parties that the respondent no. 5 is operating his business without proper consent/permission of the authorities under the Act.

2. The petitioner has drawn attention of the Court towards order dated 07.06.2018 bearing no. 2739 directing closure of the unit in question. However, from the same it is not clear that the affected parties, respondent no. 5 has been heard in the matter before the final decision has been passed.

3. This Court could have issued notice to respondent no. 5,



but in view of the position as emerging from the pleadings that the respondent no. 5 has not been heard prior to issuance of the closure, considers it appropriate to direct respondent no. 4 to take steps in accordance with law to ensure that the appropriate action as contemplated under Air (Prevention and Control of Pollution) Act, 1981 be taken against the respondent no. 5 in accordance with law.

4. It is expected that the authorities will act expeditiously in the matter without any delay keeping in view the environmental issue.

**(Madhuresh Prasad, J)**

Prakash/-

|                   |  |
|-------------------|--|
| AFR/NAFR          |  |
| CAV DATE          |  |
| Uploading Date    |  |
| Transmission Date |  |

