

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

**Civil Writ Jurisdiction Case No.11285 of 2015**

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Indu Bhushan Prasad, Advocate, son of Loknath Yadav resident of Mohalla-  
Lakhisarai English ward no. 5, P.S.- Lakhisarai, District- Lakhisarai.

.... .... Petitioner/s

Versus

1. The State of Bihar through District Magistrate, Lakhisarai.
2. The Chairman, Bihar State Pollution control Board, Beltron Bhavan, Shastri Nagar, Patna.
3. The member Secretary, Bihar State Pollution Control Board, Beltron, Shastri Nagar, Patna.
4. Ramanuj Mahto @ Anuj Kumar son of Late Basudeo Mahto resident of Mohalla- Lakhisarai English, P.S.- Lakhisarai, District- Lakhisarai.
5. D.M. Lakhisarai.

.... .... Respondent/s

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**Appearance :**

|                         |   |                                     |
|-------------------------|---|-------------------------------------|
| For the Petitioner/s    | : | Mr. Indu Bbushan, Advocate          |
| For the State           | : | Mr. Dhirendra Kumar, Advocate       |
| For the Pollution Board | : | Mr. Shivendra Kishore, Sr. Advocate |

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

**ORAL JUDGMENT**

**Date:** 23-08-2018

Heard learned counsel for the petitioner, the respondent  
Board as well as the State.

2. Petitioner has sought a direction upon respondent no. 2  
to take action against the respondent no. 4 for having allowed  
installation of mobile tower which was causing air pollution as the  
same is located next to the petitioner's dwelling.

3. Counter affidavit has been filed by the respondent Board  
wherein they have placed on record the report of two inspections of  
15 KVA diesel generator set installed in the mobile tower located near



the petitioner’s dwelling. The reports are dated 19.08.2015 and 24.11.2016. On both occasions inspection has revealed that the noise level as well as other emission from the DG set was within the permissible limit. No rejoinder/reply to counter affidavit has been filed.

4. In view of such findings placed on record by the respondent Board in the instant writ petition, no further order needs to be passed.

5. Writ petition is dismissed.

**(Madhuresh Prasad, J)**

Prakash/-

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