

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.25288 of 2013

- =====
1. M/S Sanjay Construction, Musallahpur Hat, Lohar Lane, Mahendru Patna- 800006 Through Its Partner Vasudeo Prasad S/O Late Yogendra Prasad R/O Musallahpur Hat, Lohar Lane, Mahendru, Patna- 800006
 2. Brajendra Kumar Singh S/O Sri Ram Bahadur Singh R/O East Lohanipur, Railway Hunder Colony Near J.P. Offset, Kadamkuan, Patna- 800003
 3. Bolbum Construction Pvt. Ltd., 201, Ashish Kutir, Kavi Raman Path, Nageshwar Colony, Boring Road, Patna- 800001 Through Its Director Sri Surendra Narayan Singh S/O Late Ram Prasad Singh R/O Ashish Kutir, Kavi Raman Path, Nageshwar Colony, Boring Road, Patna- 800001

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Secretary, Road Construction Department, Government Of Bihar, Patna
3. The Chief Engineer, South Bihar (Communication) Wing, Road Construction Department, Government Of Bihar, Patna
4. The Superintending Engineer, Central Circle, Road Construction Department, Patna
5. The Executive Engineer (Mechanical), Mechanical Division, Road Construction Department, Patna
6. The Executive Engineer, Road Construction Department, Patna West Road Division, Null Government Of Bihar, Patna
7. The Executive Engineer, New Capital Road Division, Road Construction Department, Patna
8. The Member Secretary, Bihar State Pollution Control Board, Patna
9. The Managing Director, Bihar State Pollution Control Board, Patna
10. Sri Shailendra Kumar S/O Not Known Posted As Dy. Analyst, Central Laboratory, Bihar State Pollution Control Board, Patna

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : None
For the Respondent/s : Mr. Prasoon Sinha, Adv

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date : 06-12-2018

The present writ petition has been filed for quashing the letter no. 632 dated 04.12.2013 (Annexure-5) issued by the Executive Engineer (Mechanical), Mechanical Division, Road



Construction Department, Patna (respondent no. 5) whereby and whereunder he has directed the Assistant Engineer (Mechanical), Mechanical Sub Division No.1, Road Construction Department, Patna for closing the Government Hot Mix Plant, Phulwarisharif, Patna; for quashing the letter no. T-20229 dated 02.12.2013 (Annexure-5/1) issued by the Member Secretary, Bihar State Pollution Control Board, Patna (respondent no. 8) whereby and whereunder the respondent no. 5 has been forebidden to operate the Government Hot Mix Plant, Phulwarisharif, Patna and to shift it to some other place; and for connected reliefs.

2. As none appeared on behalf of the petitioner the matter was passed over for a few cases. However, on repeat call the petitioner was again not represented. None had also appeared on behalf of the petitioner yesterday when the matter was called.

3. Learned counsel for the respondent-State invites reference to para 6 of the counter affidavit, stating that on a detailed technical analysis of emission of the Hot Mixing Plant and sound level, the same were found to be within prescribed limit. It is further stated however, on 25.03.2014, the Bihar State Pollution Control Board gave permission to operate the aforesaid Hot Mixing Plant upto 30.04.2014 at its present location and accordingly supply of bituminous mixture to the petitioner was completed. It is therefore, submitted that the writ petition has



now become infructuous.

4. Moreover, this Court also takes note that categorical directions have been given by a Division Bench of this Court in CWJC No. 23567 of 2013 (Harendra Prasad vs. The State of Bihar & Ors.) (Annexure-H to the counter affidavit), which was disposed of in the following terms –

“Once the Pollution Control Board has declined consent the plant cannot remain operational for a single day even. It is directed to be shut down forthwith, if not already done, at the present location.”

5. The writ petition accordingly, stands dismissed.

Chandran

(Vikash Jain, J)

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.12.2018
Transmission Date	NA

