

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4458 of 2018

=====

Harihar Roy, Son of Late Chandradeep Roy, Resident of Village- Mathura,
P.O.- Mathura, Police Station- Bidupur, District- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary Forest and Environment Department,
Government of Bihar, Patna.
2. The District Magistrate, Vaishali.
3. The Sub-Divisional Officer, Hajipur, Vaishali.
4. The Circle Officer, Bidupur, Vaishali.
5. The Chairman, Bihar State Pollution Control Board, Patliputra, Patna.
6. The Secretary-Member, Bihar State Pollution Control, Board, Patliputra,
Patna.
7. The Regional Officer, Bihar State Pollution Central Board, Patliputra, Patna.
8. Madan Bhagat, Son of Kailash Bhagat, Resident of Village & Post- Mathura,
Police Station- Bidupur, District- Vaishali.
9. Sanjeev Kumar, Son of Late Bhushan Bhagat, Resident of Village & Post-
Mathura, Police Station- Biddupur, District- Vaishali.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Dhaneshwar Prasad Gupta, Advocate
For the Respondent/s : Mrs. Binita Singh, Advocate

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 04-07-2018

Inter alia contending that a poultry farm situated in the
area in question and being operated by respondent Nos.8 and 9 is
not being closed in spite of communications, Annexures 3, 4 and 5,
made by the officers of the Pollution Control Board and the Circle
Inspector, this writ petition has been filed in public interest seeking
action to be taken under the Water Pollution Control and



Regulation Act, 1974 and the Air Pollution Control and Regulation Act, 1981 against the functioning of the poultry farm. It is pointed out that the poultry farm in question is functioning near a residential area in violation to the statutory provisions and rules and regulations contained therein and in spite of the aforesaid communications made way back in July, 2017, nothing has been done for stopping the functioning of the poultry farm in question.

Learned counsel appearing for the Bihar Pollution Control Board on advance instruction invites our attention to Annexure 5 at page 18 and points out that the Emission Consent Order seems to have been issued in the matter, as is indicated by the Circle Officer, Bidupur, Vaishali. She also informs that inspection in the matter has been conducted recently and a report with regard to the said inspection is to be forwarded to the District Magistrate, Vaishali who, in turn, has to proceed in accordance with law.

Taking note of the aforesaid fact that the inspection with regard to the poultry farm has recently been conducted by the statutory authority, namely the Pollution Control Board, for the present, without entering into the controversy on merit and without commenting on the allegations made by the petitioner, we deem it appropriate to direct the Pollution Control Board to forward the



report of the inspection to the District Magistrate and the District Magistrate shall proceed to deal with the issue in accordance with law. In case the report of the Pollution Control Board indicates that there is pollution, based on the recommendation of the Pollution Control Board, the District Magistrate shall take action as is permissible under law.

Needless to emphasize that before taking a decision in the matter, all procedures, including grant of opportunity of hearing to respondent Nos.8 and 9, shall be complied with. Either ways, the action be taken and final decision communicated to the petitioner within 60 days from the date of receipt/production of a copy of this order.

With the aforesaid, this application stands disposed of.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

K.C.Jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	10.07.2018
Transmission Date	N/A

