

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2134 of 2016

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1. Md. Jaffir, son of Md. Muslim,
 2. Eid Mohammad,
 3. Md. Taslim, both sons of late Sobrati,
 4. Harikant Yadav, son of late Yadunandan Yadav,
 5. Bhagwat Choudhary, son of late Saryug Choudhary,
 6. Biltu Ram, son of late Achche Lal Ram,
 7. Dharendra Kumar Jha, son of late Parmanand Jha,
 8. Yogendra Prasad Das, son of late Biltun Das,
 9. Dilip Kumar Sah, son of late Mahadeo Sah, all residents of mohalla- Nagar Panchayat Jhanjharpur, near Panchanath Mandir, Ward No.12, P.S.- Jhanjharpur, District Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna,
2. The Secretary, Department of Industries, Govt. of Bihar, Patna,
3. The Chairman, Bihar State Pollution Control Board, Beltron Bhawan, Shastri Nagar, Patna-800023,
4. The Member Secretary, Bihar State Pollution Control Board, Beltron Bhawan, Shastri Nagar, Patna-800023,
5. The District Magistrate, Madhubani,
6. The Sub-Divisional Officer, Jhanjharpur, District- Madhubani,
7. The Chairman, Nagar Panchayat, Jhanjharpur, District Madhubani,
8. The Executive Officer, Nagar Panchayat Jhanjharpur, District Madhubani,
9. The Civil Surgeon, Madhubani,
10. Md. Ashraf Ali, son of late Md. Samad, resident of Mohalla- Langra Chowk, P.S.- Jhanjharpur, District Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Baleshwar Kamat, Advocate Mr. Rana Vikram Singh, Advocate
For the Respondent Nos.3 &4.	:	Mr. Shivendra Kishore, Sr. Advocate Mr. Parijat Saurav, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2/ 19-02-2019 Heard counsel for the Petitioners as well as counsel
for Respondent Nos.3 & 4.

None appears on behalf of Respondent Nos.5,6,7 and
8.

Only prayer made in the instant writ application is to
direct Respondent No.5 (the District Magistrate, Madhubani) to



ensure closure of Poultry Farm run by Respondent No.10 in Ward No.12, Nagar Panchayat, Jhanjharpur, in the letter contained in Memo No. T-6480 dated 25.06.2015 of the Respondent No.4 as it is causing immense health problem to the local people.

Counsel for the Bihar State Pollution Control Board, Patna, submits that this writ application has become infructuous as the aforesaid Poultry Farm run by Respondent No.10 has already been closed. It is also submitted that an appeal was also filed under the statutory provision.

Counsel for the Petitioners submits that grievance raised by the Petitioners in the instant writ application has already been redressed.

Counter Affidavit has been filed on behalf of Respondent Nos. 3 and 4.

State has also filed Counter Affidavit on behalf of Respondent Nos.5, 6, 7 and 8. It is mentioned in the Counter Affidavit filed on behalf of Respondent Nos.5, 6, 7 and 8 that Respondent No.5 i.e. the District Magistrate, Madhubani, in terms of the order of Respondent No.4, has taken action against Respondent No.10. The District Magistrate, Madhubani, has sent the petition to the SDO, Jhanjharpur, for taking appropriate action. The SDO, Jhanjharpur, sent the enquiry report.



It is mentioned in para 13 of the Counter Affidavit filed on behalf of Respondent Nos.5, 6, 7 and 8 that Executive Officer, Nagar Panchayat, Jhanjharpur, had sent a letter bearing Letter No.181 dated 17.03.2016 to SDM, Jhanjharpur, for taking proper action. The SDM, Jhanjharpur, started a case under Section 133 Cr.P.C. (State Vs. Md. Ashraf Ali). After hearing both the parties, order has been passed to close the Poultry Farm vide order dated 06.06.2016 within seven days and said information was given to Respondent No.10 as well as other concerned authorities. Xerox copies of the show cause notice issued by the Executive Officer, Nagar Panchayat, Jhanjharpur, vide letter no.323 dated 07.05.2016 and order dated 06.06.2016 have been annexed as Annexure- G to the Counter Affidavit.

In such circumstances, the order passed by Respondent No.4 has already been complied with and the Poultry Farm of Respondent No.10 has already been closed.

In view of such, instant writ application has, now, become infructuous.

This writ application is, accordingly, **dismissed**.

(Sanjay Priya, J)

J. Alam/-

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