

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17638 of 2019

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Md. Shahjahan, son of Shri Abdul Ahat, Proprietor of M/s Philips Bakery,
Resident of Mohalla - Gulzar Pokhar, P.O.- Munger, P.S.- Kotwali, Distt. -
Munger.

... .. Petitioner/s

Versus

1. The Bihar State Pollution Control Board through its Chairman, Office at Beltron Pariwesh Bhawan, NSB - 02, Patliputra Industrial Area, District- Patna, Pin Code- 800010.
2. The Chairman, Bihar State Pollution Control Board, Pariwesh Bhawan, NSB - 02, Patliputra Industrial Area, District- Patna, Pincod- 800010.
3. The Member Secretary, Bihar State Pollution Control Board, Pariwesh Bhawan, NSB - 02, Patliputra Industrial Area, District- Patna, Pin Code- 800010.
4. The Regional Officer, Bihar State Pollution Control Board, Regional Office at Industrial Area, Barauni, District- Begusarai, Pin Code- 851122.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Akshansh Ankit, Advocate Mr. Raj Kumar Choudhary, Advocate
For the Respondent/s	:	Mr. Shivendra Kishore, Sr. Advocate Mr. Parijat Saurav, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL JUDGMENT

Date : 28-08-2019

This writ petition has been filed by the petitioner for
following reliefs:

- (a) To quash letter No. 2414 dated 24.6.2019 issued by the Respondent No. 3 whereby and whereunder a direction under Section 31A of 1981 Act was issued to the petitioner to close the Bakery till he obtains consent to establish (CCTE) and consent to operate (CTO).
- (b) To quash letter No. 851 dated 2.7.2019 issued by Respondent No. 4 by which the application dated 18.4.2019 of petitioner for consent to establish (CTE) was rejected.



(c) For issuance of direction to the Respondent Authorities to not give effect to impugned orders dated 24.6.2019 (Annexure-P10) and dated 2.7.2019 (Annexure-P11) during pendency of the instant writ application.

Petitioner is mainly aggrieved by the order passed in Annexure-10 and 11 issued by Respondent Nos. 3 and 4 whereby and whereunder a direction under Section 31A of the Air (Prevention and Control of Pollution) Act, 1981 was issued, directing the petitioner to close the Bakery till he obtains consent to establish (CTE) and consent to operate (CTO) from the Bihar Pollution Control Board. It further appears that by order dated 2.7.2019 (Annexure-11), the application dated 18.4.2019 filed by the petitioner for consent to establish (CTE) and consent to operate (CTO) were rejected by the Bihar Pollution Control Board.

Mr. Shivendra Kishore, counsel for the Bihar State Pollution Control Board has appeared. He has submitted that there is statutory remedy of appeal available to the petitioner as provided under Section 31 of the Air (Prevention and Control of Pollution) Act, 1981.

Counsel for the petitioner does not contradict the aforesaid submission raised on behalf of the petitioner.



In such circumstances, this writ petition is disposed off with direction to the petitioner to file Appeal before the competent authority under Section 31 of the Air (Prevention and Control of Pollution) Act, 1981, within a period of one month from the date of passing of this order.

The Appellate Authority will pass final order on the appeal preferred by the petitioner within a period of two months from the date of filing of the Appeal by petitioner in accordance with law, after giving proper opportunity of hearing to the petitioner, and looking into all the relevant documents, filed by the petitioner. The limitation in filing the appeal by the petitioner, if any, will be condoned by the competent authority, since petitioner was availing remedy in this Court.

This writ petition is accordingly disposed off.

(Sanjay Priya, J)

S.Ali/-

AFR/NAFR	AFR
CAV DATE	N.A.
Uploading Date	02/09/2019
Transmission Date	N.A.

