

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9457 of 2020

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Gunnu Prasad Singh, Son of Late Badri Singh, Resident of Mohalla - Agam Kuan, Dhanuki More, Police Station- Agam Kuan, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Department of Health, Government of Bihar, Patna.
3. The Chairman, Bihar Pollution Control Board, Parivesh Bhawan, Patliputra, Patna Bihar.
4. The District Magistrate, Patna, District - Patna.
5. The Sub-Divisional Magistrate, Patna City.
6. The Chief Executive Officer, Patna Municipal Corporation, Patna.
7. The Director General Of Police, Patna, Bihar.
8. The Senior Superintendent of Police, Patna, Bihar.
9. The City Superintendent of Police, East Patna, Bihar.
10. The Deputy Superintendent of Police, Patna City, Bihar.
11. The Station House Officer, Agamkuan Police Station, Patna.
12. Vijay Sharma (Proprietor of Acid Factory) Son of Not Known, Resident of Dhanuki More, Near Amit Suzuki, P.S. Agamkuan, Patna, District - Patna Bihar. 800007.
13. Babu Bhaiya, Son of Vijay Sharma, Resident of - Kankarbagh, P.S. Kankarbagh, District - Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Deepak Kumar Singh, Advocate
For the Respondent/s : Mr. S.D. Yadav, A.A.G. 9

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 23-12-2020

Petitioner has prayed for the following relief(s):

“i. For a direction to the authorities to



make proper and necessary inspection the premises of Respondent nos. 12 and 13 where in the Tezab (Acid) factory is established in residential area situated at Dhanuki More, Near Amit Suzuki, within the Jurisdiction of Agamkuan Police Station, Patna for manufacturing the Tezaab (Acid) which is Highly corrosive chemical substances which is fatal to life.

ii. Further direction is required to issue to the respondent authorities for removal of the said acid factory from the residential area if found to be true after completion of the enquiry.

iii. A direction also be issued to make verification regarding license of the proprietor Respondent no. 12 of the said factory to conduct the business of posion and it is found to be true then further direction be issued to cancel the same.

iv. A direction be issued to seal the said acid factory in the interest of general public of the said residential colony till its removal.

v. Any other relief/ reliefs be granted in the interest of common people of the said locality.”

After the matter was heard for some time, learned



counsel for the petitioner submits that petitioner shall be content if a direction is issued to the concerned respondents to consider and decide the representation which the petitioner shall be filing for redressal of the grievance(s).

State has no objection to the same.

As such, petition is disposed of in the following terms:

The petitioner shall file a representation before the authority concerned within a period of four weeks.

The concerned respondent is directed to consider and decide such representation expeditiously and preferably within a period of two months from the date of its filing along with a copy of this order.

The proceedings, during the time of current Pandemic- Covid-19 shall be conducted through digital mode, unless the parties otherwise mutually agree to meet in person i.e. physical mode.

Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law.

We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law,



before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch.

Needless to add, while considering such representation, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties.

Liberty reserved to the petitioner to approach the Court, if the need so arises subsequently on the same and subsequent cause of action.

We have not expressed any opinion on merits.

The petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, also stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/-

AFR/NAFR	
CAV DATE	
Uploading Date	26.12.2020
Transmission Date	

