

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11370 of 2016

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1. Deepali Singh, daughter of Gauri Shankar Singh, resident of Shaduji Niwas, In front of Circuit House, Pakri Chowk, Ara, Bihar, currently resident of Girls Hostel, Chanakya National Law University, P.S- Jakkanpur, District- Patna.
 2. Gaurav Kumar Singh, son of Anjani Kumar Singh, resident of Flat No- 302, Shashi Sudama Niketan, Road No-2, Rajendra Nagar, Near Magadh Hospital, P.S Kadam Kuan, District- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar through the District Magistrate, Patna, District-Patna
2. The Director General of Police Bihar at Patna.
3. The Senior Superintendent of Police, Patna , District- Patna.
4. The Superintendent of Police, Traffic Police, District- Patna.
5. The Bihar Pollution Control Board, Bihar at Patna.
6. The Secretary, Bihar Pollution Control Board, Bihar at Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sumeet Kumar Singh

For the Respondent/s : Mr. Anjani Kumar, AAG-4

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)



Date : 23-11-2020

Petitioners have prayed for the following relief(s):

“I. That the present writ is being filed in the nature of Mandamus for a direction to the State Pollution Control Board, Patna Municipal Corporation, S.S.P, Patna and Traffic S.P., Patna to stop the increase of the pollution in the District of Patna by way of implementation of Bihar State Pollution Control Board advisory by not allowing old vehicles of more than 15 years to run in the vicinity of State Capital;

II. That the present writ is being filed in the nature of Mandamus for a direction to the State Pollution Control Board, Patna Municipal Corporation and the Senior Superintendent of Police, Patna to stop the increase of the pollution in the District of Patna by way of implementation of Bihar State Pollution Control Board advisory such as stopping exposed burning of garbage and waste, especially by municipal bodies, covered transportation of building materials such as sand, cement, stone chips and mud, covering under-construction structures while the building work is in progress;

III. That the present writ is being filed in the nature of Mandamus for a direction to the State Pollution Control Board, Patna Municipal Corporation and the State Government to not issue fresh licenses of diesel vehicle as there is heavy pollution in the District of Patna which are mainly due to vehicular emission and further to convert autos, tempos into e-ricksaw;

IV. That the present writ is being filed in the nature of Mandamus for a direction to the Patna Municipal



Corporation and the State Government to check on the dust which are due to under developed roads and sand from dried banks of river Ganga and further to use vacuum cleaning if needed for removal of dust from the road and environment;

V. That the present writ is being filed in the nature of Mandamus for a direction to the Patna Municipal Corporation for proper handling of waste emission in the State Capital;

VI. And for issuance of any other relief or relief(s) for which the petitioners are entitled for.”

The issue in the present petition is with regard to the plying of vehicles more than 15 years old within the Municipal limits of Patna.

A counter affidavit has been filed by the Respondent Nos. 3 and 4, contents whereof, referred to in Paragraph 8, is reproduced as under:

“8. That, in this progression, action against noise/air pollution which was vehicles infringed the rule from January 2017 to July 2017 has been taken as mentioned below :-

I. Action against the vehicle under Noise Pollution :-

That, action against 346 vehicles has been taken and fine up to 4,22,400/- (Rs. Four Lacks twenty two Thousands and Four Hundred has been collected.



That the order of 12.05.2016 by which it was directed that 15 years old model diesel commercial vehicles shall not ply within the jurisdiction of the Municipal area Patna from 15.06.201; Consequently against the order of regional Transport Authority the aggrieved filed a writ application before the Hon'ble High Court of Judicature at Patna, bearing CWJC No. 9228 of 2016 Rajesh Kumar and Others Vs. the State of Bihar. This writ application was heard by the Hon'ble Court on 24.08.2016 and after hearing the parties the Hon'ble Court quashed the impugned order dated 12.05.2016 issued by Regional Transport authority."

In view of the reply filed by the Respondent Nos. 3 and 4, Shri Sumeet Kumar Singh, learned counsel for the petitioners seek permission to withdraw the present petition reserving liberty to take steps for either assailing the order passed by this Court or represent to the appropriate authorities to come out with a provision ensuring that 15 years old vehicles are not allowed to be plied within the municipal limits of Patna.

Permission granted.

The present petition stands disposed of with the liberty aforesaid.

We have not expressed any opinion on the merits of the matter.



Interlocutory Application(s), if any, shall stand disposed
of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Ashwini/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

