

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8392 of 2020

Dr. Anita Sahay Principal Jai Prakash Evening Inter College, Hajipur-
Jandaha Road, P.O.- Industrial Area Hajipur, P.S.- Industrial Area, Hajipur,
Pin code- 844102.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary Department of Rural Development, Bihar, Patna.
3. The Chairman State Pollution Control Board, Bihar, Patna.
4. The Chairman North Bihar Power Supply Co. Ltd.
5. The District Magistrate Vaishali, Hajipur.
6. The Superintendent of Police Vaishali, Hajipur.
7. The Sub divisional Officer Hajipur Sadar, Vaishali.
8. The S.H.O. Industrial Area Police Station Vaishali, Hajipur.
9. Munna Singh Director M/S Shanti Parvati Hatchery, Vastu Vihar, Phase-II, Hajipur, Jhandaha road, Vaishali, Hajipur, Pin Code- 844102.
10. Vikash Kumar Director, M/S Shanti Parvati Hatchery, Opposite Vastu Vihar, Phase-II, Hajipur, Jhandaha road, Vaishali, Hajipur, Pin Code- 844102.
11. Santosh Kumar Singh Director, M/S Shanti Parvati Hatchery, Opposite Vastu Vihar, Phase-II, Hajipur, Jhandaha road, Vaishali, Hajipur, Pin Code- 844102.
12. Mohan Kumar Director, M/S Shanti Parvati Hatchery, Opposite Vastu Vihar, Phase-II, Hajipur, Jhandaha road, Vaishali, Hajipur, Pin Code- 844102.
13. Manoj Kumar Manager, M/S Shanti Parvati Hatchery, Opposite Vastu Vihar, Phase-II, Hajipur, Jhandaha road, Vaishali, Hajipur, Pin Code- 844102.
14. Yogendra Chaudhary Son of Late Shiv Chaudhary Village- Jethui, P.O.- Hajipur, P.S.- Industrial Area Hajipur, Vaishali, Bihar Pin code- 844102.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Saurabh Bishwambhar,
For the Respondent/s	:	Mr.Lalit Kishore (AG)
		Mr.Anjani Kumar, AAG-4

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)



2 09-10-2020

Petitioner has prayed for the following relief(s):-

“(i) To issue a writ, order or direction in the nature of Mandamus commanding/directing the Respondents to henceforth close the two **Unlicensed and Illegal** Ms. Shanti Parvati Hetchery working on land of Yogendra Chaudhary Son of Late Shiv Chaudhary (respondent No 14) in the densely populated Residential area of Vastu Vihar Phase-II and Doctor colony, Hajipur- Jandaha Road, Hajipur.

(ii) To issue a writ, order or direction in the nature of Mandamus commanding/directing Respondents No. 1 to 3 and 5 to 7 to take quick coercive action against the two Illegal and Unlicensed factory owners (M/S Shanti Parwati Hetchery) as the life of the College staffs/ Local Inabitants are prone to severe diseases from the discharge of **20,000 litres of waste and contaminated water per day** and emission of foul smell in the College premises of Jai prakash Evening Inter College and residential area of Vastu Vihar Phase-II, Hajipur - Jandaha Road, Vaishali.

(iii) To issue a Writ, order or direction in the nature of Mandamus commanding/directing the Respondent No-2 to provide a **free passage of the public land which is been captured by the respondent No-9 to 13 which restrict the monsoon water disbursement/sewrage process.**

(iv) To issue a writ, order or direction in the nature of Mandamus commanding/directing the Respondent No-1 to 3 and 5 to 8 to restrain the activity of M/S Shanti-Parvati Hetchery as the discharge of waste and contaminated water in the residential area and vacant land has **created a serious water log and the walls of the Jai Prakash Evening Inter College are prone to downfall leading to**



Crores Rupees damage to the College management. The nearby agricultural land located in the area has also become polluted and the agricultural lands have lost its production capacity.

(v) To issue a writ, order or direction in the nature of Mandamus commanding/directing the supply of Respondent No-4 to stop the electricity in M/S Shanti Parvati Enterprises with immediate effect as it is very uncertain that how can two **unlicensed** Hatchery factory can get Electricity Meter for commercial use.

(vi) To issue a writ, order or direction in the Nature of Mandamus directing Respondent No-2 to 3 and 5 to **immediately stop the extraction of 20,000 Litres of Fresh water on daily basis from mother earth for commercial purpose** without any approval from the Local/ State Authorities.

(vii) To issue a writ, order or direction in the nature of Mandamus commanding /directing the Respondent No.8 (S.H.O Industrial Area) not to act in aid and advise of Respondent No- 9 to 13 and to maintain the dignity of his constitutional post.”

Considering the nature of grievance raised in the application, we are of the considered view that it would be appropriate if the petitioner were to first approach the respondent authorities by way of filing representation.

The present application is, accordingly, disposed of reserving liberty to the petitioner to file appropriate representation before the appropriate authority. If such a representation is filed by the petitioner, the authority concerned



is directed to consider the same and dispose it of expeditiously and preferably within a period of four weeks thereafter. Needless to say that while considering such request, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties.

If aggrieved by the said order, the petitioner shall have liberty to approach this Court by way of separate petitions, if so required and desired.

With the aforesaid observations, this application is disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/-

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