

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14923 of 2021

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

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Department of Health, Govt. 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, Patnacity.
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, Patnacity, Bihar.
11. The Station House Officer, Agamkuan, Police Station, Patna.
12. Vijay Sharan (Proprietor of M/S Mahabir Chemicals) S/o not known,
Resident of Mohalla - Dhanuki More, Near Amit Suzuki, Police Station-
Agamkuan, District- Patna, Bihar - 800007.
13. Babu Bhaiya, Son of Vijay Sharan, Resident of Mohalla - Kankarbagh,
Police Station- Kankarbagh, District - Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Birendra Kumar, Advocate

For the Respondent/s : Mr. S. D. Yadav, Advocate

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

Date : 07-09-2021

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



“I) For quashing the order dated 19.03.2021 (Annexure-5) passed by the Chairman, Bihar State Pollution Control Board, Parivesh Bhawan, Patliputra, Patna Bihar (Respondent No. 3) which has been passed without compliance of order dated 23.12.2020 (Annexure-4) passed by Division Bench of Hon’ble The Chief Justice and Hon’ble Mr. Justice S.Kumar in C.W.J.C. No. 9457/2020.

II) For a direction is required to issue to the respondent authorities for removal of the M/S Mahabir Chemicals of Respondent No. 12 and 13 which is established in the residential area situated at Dhanuki More, Near Amit Suzuki, within the Jurisdiction of Agamkuan Police Station Patna which involved in the production of different acid product from Tezab(Acid) which is highly corrosive chemical substance which is fatal to life and without any license from the District Magistrate, Patna.

III) For a direction be issued to seal the said acid factory/Godown/Premises in the interest of general public of the said residential colony till its removal.

IV) For other relief/reliefs may be granted in the interest of common people of the said locality.”

We do not find the petitioner to have made out a case for interference by this Court by filing the instant Public Interest Litigation. The locus of the petitioner, in our considered view, is



doubted, for there are no averments whatsoever made in the petition with regard to the work carried out in the field of environment. To us, the dispute appears to be *inter se* two private parties.

Be that as it may, we notice that the authority below i.e. Bihar State Pollution Control Board, has passed a detailed and reasoned order dated 19.03.2021 with which we do not find, based on the material placed on record, any infirmity. Nothing is brought on record to indicate the conclusion of the Authority to be faulty or for that matter the order passed for extraneous reasons and considerations, so also without application of mind or consideration of cogent material and the relevant provisions of law. The authority has not only returned its finding but also issued certain directions to the private respondents, which are in public interest.

It is not the case of the petitioner that such directions, forming part of the operative portion of the order, have yet not been complied with.

Be that as it may, the provisions of the environmental laws laid down specific provisions for implementation of such directions. As such, present petition devoid of merit.

The petition stands dismissed.



Interlocutory application, if any, also stands dismissed.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sujit/Ashwini

AFR/NAFR	
CAV DATE	
Uploading Date	10.09.2021
Transmission Date	

