

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.3337 of 2022**

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Mahendra Prasad son of Late Shivdhari Prasad, resident of Village-  
Noniyapura, P.S.-Krishna Brahma, Dumrao, District-Buxer, Pin Code -802111

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary Government of Bihar, Old Secretariat, Patna.
2. The Additional Chief Secretary, the environment, Forest and Climate Change, Department, Government of Bihar, Patna.
3. The Chairman, Bihar State Pollution Control Board, Parivesh Bhawan, NSB-2, Patliputra Industrial Area, Patliputra, Patna-800010.
4. The Regional Officer, Bihar State Pollution Control Board, Parivesh Bhawan, NSB-2, Patliputra Industrial Area, Patliputra, Patna-800010.
5. The Divisional Commissioner, Patna Commissionary, Patna.
6. The District Magistrate, Buxer.
7. The Sub Divisional Magistrate, Buxer.
8. The Circle Officer, Circle-Itadhi, District-Buxer.
9. The Mukhiya, Gram Panchayat, Harpur, Jaipur, Itadhi, P.O.-Basudhar, District-Buxer.
10. M/s Harpur Jaipur Pex Gasifine, Co. Rice Mill, Mauza-Jaipur, P.O.-Baikunthpur, District-Buxar.
11. Hari Narayan Singh, son of Ramayan Singh, village-Jaipur, P.O.-Baikunthpur, P.S.-Itadhi, District-Buxar, Pin Code-802123.

... .. Respondent/s

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**Appearance :**

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| For the Petitioner/s | : | Mr. Binod Kumar Gupta, Advocate<br>Mr. Mahesh Prasad, Advocate   |
| For the Respondent/s | : | Mr. Sarvesh Kr. Singh, AAG-13<br>Mr. Sunil Kumar Singh, Advocate |

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

**Date : 20-06-2022**

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



- (i) For issuance of appropriate writ(s) thereby directing and commanding the authorities of the state respondents to stop the pollution emitted by the respondent Nos. 10 and its closure u/s- 31A of the Air (Prevention and Control of Pollution) Act, 1981 under the proprietorship of respondent No.- 11, which is situated at the plot No.- 403, Khata No.- 29, Mauza- Jaipur village- Jaipur, P.O.- Baikunthpur, P.S.- Itarhi, District- Buxar. The respondent No.- 10 is a Arwa Rice Mill project with capacity of Arwa Rice- 1.0 MT/hrs.
- (ii) For consequently directing the authorities of the state respondents to remove the said mill from the place around which there are a number of houses there. The husk of the paddy fly over the village as the campus of the mill is much extent very low in comparison to the separator machines and the De-husker machine, without erecting a pucca shed for storing the husk. The Exhaust pipe of the D.G. set is also housed there below the roof. There is air pollution around the village. There is unhealthy civic amenities for the public at large due to this rice mill.



- (iii) For a direction to the state authorities to take a policy decision with regard to continuous maintenance of the rice mills where they are installed/established.
- (iv) For grant of any other relief(s) which the petitioner may be entitled to in the facts and circumstances of this case.

We notice from the response filed on behalf of the Bihar State Pollution Control Board (Annexure-I Page No. 74 of the affidavit dated 17.06.2022) that the directions for closure of the Unit in question under Section 31A of the Air (Prevention and Control of Pollution) Act, 1981 were issued against the private respondent.

Orally, we are informed that the said order also stands executed and the Unit in question i.e. Respondent No. 10, namely M/s Harpur Jaipur Pex Gasifine, Co. Rice Mill, Mauza-Jaipur, P.O.-Baikunthpur, District-Buxar, is not in operation.

As such, we dispose of the present petition reserving liberty to the petitioner to agitate the grievance, before the appropriate forum, should the need so arise



subsequently.

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

**(Sanjay Karol, CJ)**

**(S. Kumar, J)**

Amrendra/PKP

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| CAV DATE          |            |
| Uploading Date    | 23.06.2022 |
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