

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6273 of 2019

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M/s North Bihar Leather Industries, C-23, Bela Industrial Estate, Muzaffarpur
through its Proprietor namely Atiqur Rahman, R/o 31C, Debendra Mallick
Street, Chittaranjan Avenue , Kolkata District Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Industries, Bihar, Patna.
2. The Collector Cum District Magistrate, Muzaffarpur.
3. The Additional Collector-Cum-Senior Incharge Officer, District General Section, District- Muzaffarpur.
4. The Sub-Divisional Magistrate, East Muzaffarpur.
5. The Chairman, Central Pollution Control Board, Ministry of Environment, Forest and Climate Change, Govt. of India, New Delhi.
6. The Secretary, Bihar State Pollution Control Board, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Fakhruddin Ali Ahmad
For the State	:	Mr.Kinkar Kumar, SC-9
For Pollution Board	:	Mr. A. K. Tiwary, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 17-10-2022

The petitioner has prayed for the following relief/s :-

“(a)To quash the order vide memo no. 526 dated 26.02.2019 issued under the signature of Sub-Divisional Magistrate, East Muzaffarpur whereby and whereunder without issuance of any notice or opportunity of hearing, it has been ordered to seal the industrial unit of the petitioner namely “North Bihar Leather Industries” in the light of letter No. 493 dated 25.02.2019 issued



under the signature of Senior In-charge Officer,
District General Section-cum-Additional
Collector, Muzaffarpur.

(b) To direct the respondents to
produce the letter no. 493 dated 25.02.2019
issued under the signature of Senior In-charge
Officer, District General Section-cum-Additional
Collector, Muzaffarpur and thereafter be pleased
to quash the said letter no.493 dated 25.02.2019,
which has not been provided to the petitioner.

(c) To direct the respondents to
provide all the documents alongwith evidence
based on which the order vide memo no. 526
dated 26.02.2019 has been passed by S.D.O.
(East Muzaffarpur).

(d) To direct the respondent not to
take any coercive step against the petitioner till
the disposal of the instant writ petition.”

After the matter was heard for some time, learned
counsel appearing on behalf of the petitioner, under
instructions, states that petitioner may be permitted to prefer
appeal against the impugned order before the appellate
authority.

Prayer allowed.

He may do so within a period of four weeks.

Learned counsel for the State states that if any such
appeal is preferred by the petitioner within the aforesaid period,



limitation shall not come in the way and the appeal shall be heard on merits, to be decided within a period of six months from the date of its filing.

Statement accepted and taken on record.

We only hope and expect the appropriate authority to consider and decide the appeal on its own merit and with reasonable dispatch.

We clarify that we have not expressed any opinion on facts and law. All issues are left open.

Learned counsel for the parties undertake not to take any unnecessary adjournment in such proceedings.

The present petition stands disposed of with the liberty aforesaid.

Interlocutory application, if any, shall also stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sujit/Ashwini

AFR/NAFR	
CAV DATE	
Uploading Date	21.10.2022
Transmission Date	

