

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3356 of 2023

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M/S P.K. Poultry through its proprietor Sri Prasoon Kumar @ Prasun Kumar (M) aged about- 49 years, S/o Kameshwar Prasad Singh of Nai Basti Mahadeva, P.S.- Basantpur, District- Siwan- 841226

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Environment and Forest, Government of Bihar, Patna.
2. The State of Bihar through Principal Secretary, Department of Animal Husbandary, Government of Bihar, Patna.
3. The Chairman, Bihar State Pollution Control Board, Patna.
4. The District Magistrate, District- Siwan, Bihar.
5. The Circle Officer, Circle Office, P.O. and P.S.- Basantpur, District- Siwan, Bihar- 841406

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Advocate
For the Respondent/s : Mr. Dhurjati Kumar Prasad, GP 14
For Bihar State Pollution Control Board : Mr. Shivendra Kishore, Sr. Advocate

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 29-03-2023 Heard learned counsel for the petitioner and learned senior counsel appearing for the Bihar State Pollution Control Board.

Petitioner has filed the instant application for the following relief(s)

“A i. Setting aside Closure Direction passed by the Chairman, Bihar State Pollution Control Board (Respondent No. 1) vide Letter Ref. No. 3606 dated 07.12.2022 wherein it is directed that the petitioner close and stop operation of his poultry farm with immediate effect till a valid CTO (Certificate to Operate) is obtained from the State Board.



B i. Directing the Respondent Authorities not to close and demolish the poultry farm i.e., M/s P.K. Poultry till the adjudication of this writ petition.

ii. To hold that the Respondent Authorities cannot change the rules of establishing poultry farm. midway.

iii. To hold that the inspection report for inspection dated 19.09.2022 is a table report.”

At the outset a preliminary objection is raised by learned senior counsel appearing for the Bihar State Pollution Control Board to the effect that the petitioner has an alternate and efficacious remedy under sections 28 and 33B(c) of the Water (Prevention and Control of Pollution) Act, 1974 and section 31 of the Air (Prevention and Control of Pollution) Act, 1981.

After some argument, learned counsel for the petitioner having heard the observation of this Court seeks permission to withdraw this application to move an appropriate appeal/application in accordance with law.

In case such an appeal/application in accordance with law is moved by the petitioner by 3.4.2023, no coercive steps pursuant to order contained in Reference no. 3606 dated 7.12.2022 issued under the signature of the Chairman, Bihar State Pollution Control Board, Patna shall be taken against the



petitioner till 6.4.2023, subject to the condition that the order has already not been given effect to.

In case the appeal/application is preferred by the petitioner by 3.4.2023, as directed above, the authority concerned under the Act in considering the limitation petition filed for condonation of delay will take into consideration the period for which the application remained pending in this Court.

This application is disposed of as withdrawn.

(Partha Sarthy, J)

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