

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4754 of 2023

Abhay Rana Son of Prabhu Prasad, Resident of Village and P.S.- Daniyawan,
Anchal and Prakhand- Daniyawan, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
2. The Additional Chief Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
3. The Principal Secretary, Department of Environment, Forest and Climate Change, Govt. of Bihar, Patna.
4. The Divisional Commissioner, Patna Division at Patna.
5. The Deputy Development Commissioner, Patna.
6. The District Magistrate cum Collector, Patna.
7. The Block Development Officer, Daniyawan, District- Patna.
8. The Circle Officer, Daniyawan, District- Patna.
9. The Chairman, Bihar State Pollution Control Board, Patna.
10. The Bihar State Pollution Control Board, Patna through its Secretary.
11. The Secretary, The Bihar State Pollution Control Board, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Dheeraj Kumar
For the Respondent/s : Mr.Sarvesh Kr. Singh (Aag13)

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 07-04-2023 The above writ petition is filed by the petitioner for
a direction to the respondents to restrain the construction of
W.P.U. for waste disposal under *Lohiya Swachh Abhiyan*, Bihar,
upon Plot No.1132 under Khata No.42 measuring Area 4
Decimals of Mauza + Anchal-Daniyawan, District-Patna and



also for issuance of direction commanding the respondent authority to shift W.P.U. for waste disposal under *Lohiya Swachh Abhiyan* to another proper place.

The writ petition is said to be in public interest, especially since the waste disposal unit is proposed to be established in a densely populated area. The petitioner has produced various representations made to the District Authorities, namely, the Block Development Officer, Daniyawar (Annexure-1), Circle Officer, Daniyawar (Annexure-2), Deputy Development Commissioner, Patna; District Collector, Patna; and the Commissioner, Patna (Annexure-3 series), which according to the petitioner, have not yet been considered. In fact, the specific case of the petitioner is that construction and establishment of waste disposal in the specified area could result in health hazards to the local residents and that it has been proceeded with without following the guidelines issued by the State of Bihar as well as the Bihar State Pollution Control Board. The various representations filed before the District Authorities cannot help the cause. In such circumstances, it is for the petitioner to approach the Pollution Control Board at the first instance; which liberty is left open.

The writ petition, however, would stand closed,



leaving open such remedy reserved by this order.

(K. Vinod Chandran, CJ)

(Madhuresh Prasad, J)

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