

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.703 of 2023

In
Civil Writ Jurisdiction Case No.17889 of 2022

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Manish Kumar Singh S/o Sri Mithilesh Singh, Resident of Village and P.O.-
Lanka Kachhuara, P.S.- Gaurichak, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Patna Sri Chandrashekhar Singh.
2. Sri Chandrashekhar Singh Son of Not Known, The District Magistrate, Patna.
3. Sri Ashok Kumar Ghosh Son of Not known, the Chairman Bihar State Pollution Control Board, Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	M/s Suresh Prasad Bhakta Dheeraj Kumar, Advocates
For the State	:	M/s Raj Kishore Roy (GP 18) Perna Anand, AC to GP 18
For the BSPCB	:	Mr. Parijat Saurav, Advocate

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

- 8 09-08-2023 1. Heard learned counsel for the petitioner and learned counsel for the opposite parties.
2. The petitioner has filed the instant application alleging contempt of the directions contained in order dated 25.2.2023 passed in CWJC no. 17889 of 2022.
3. It is contended by learned counsel for the petitioner that inspite of the specific direction contained in order dated 25.2.2023 to the effect that no coercive steps shall be taken by the respondents pursuant to the order contained in memo no. 3062 Patna, dated 17.11.2022 till the first date of hearing of the



appeal the respondents proceeded to seal the unit of the petitioner on 3.3.2023 and the unit was unsealed by the respondents – opposite parties only on 4.5.2023.

4. Learned counsel appearing for the opposite parties submits that the opposite parties have filed their show cause. Relevant paragraphs of the show cause is being quoted hereinbelow for ready reference:-

“5. That it is humbly submitted that the letter no. 3626, dated 12.12.2022 issued by the Bihar State Pollution Control Board in view of the order dated 13.05.2022 passed in C.W.J.C. No. 4838 of 2022 and letter no. 4446, dated 26.12.2022 issued by the In-Charge Officer, General Section, Patna was received in the office of S.D.O., Patna Sadar on 03.01.2023. Thus the S.D.O., Patna Sadar vide letter no. 152, dated 10.01.2023 has directed the B.D.O., Sampatchak for sealing of the Unit of the Petitioner, M/s- Bala Jee Enterprises. Accordingly, the B.D.O., Sampatchak had submitted his report vide letter no. 325, dated 06.03.2023 with regard to the sealing of the said unit.

6. That due to communication gap, the sealing of the unit has been done inadvertently for which answering opposite parties deeply regret and tender their apology.

7. That when the aforesaid orders passed by the Hon'ble Court came in the knowledge of the opposite parties then the S.D.O., Patna Sadar vide letter no. 158, dated 03.05.2023 (Annexure- A) had



directed the B.D.O., Sampatchak to take immediate action for opening the seal of the M/s Bala Jee Enterprises, in light of the order passed by the Hon'ble Court.

8. That accordingly, the B.D.O., Sampatchak vide letter no. 606, dated 04.05.2023 (Annexure- B) has informed the S.D.O.. Patna Sadar that the seal of petitioner's unit has been opened on 04.05.2023.”

5. Having heard learned counsel for the parties and having perused the material on record, though it is not in dispute that after passing of the order by this Court the premises of the petitioner was sealed but the action of the respondents – opposite parties cannot be said to be deliberate. Apology tendered by the opposite parties in their show cause as quoted hereinabove together with the contempt having been purged by unsealing of the premises of the petitioner, the same is accepted.

6. The instant application stands disposed of.

(Partha Sarthy, J)

Spd/-

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