

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14898 of 2017

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Fatima Khatoon Wife of Dr. Md. Mashiui Janam Resident of Mohalla-
Mukundpur Pathan Tola, P.O. and P.S. Mahua, District- Vaishali at Hajipur.

... .. Petitioner/s

Versus

1. The State Of Bihar
 2. The District Magistrate, Vaishali at Hajipur.
 3. The Sub Divisional Officer hereinafter referred as to the S.D.O.Mahua,
Vaishai at Hajipur.
 4. The District Pollution Control Officer, Vaishali.
 5. The Special Officer, Nagar parishad , Mahua, Vaishali.
 6. Md. Asgar Ali Son of Md. Sakil Ahmad Resident of Mohalla- Mukundpur
Pathan Tola, P.O. and P.S. Mahua, District- Vaishali at Hajipur.
 7. The Members Secretary Bihar State Pollution control Board , Bihar, Patna.
- Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ram Ishwar Prasad, Advocate
For the Respondent/s	:	Mr. Anant Prasad Singh-SC-15
		Mr. Mithlesh Kr. Singh, AC to SC-15
For the BSPCB	:	Mr. Shivendra Kishore, Sr. Advocate
		Mr. Prijat Saurav, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 27-07-2023 **I.A. No. 1 of 2019.**

The aforesaid Interlocutory application has been preferred for substituting their name in place of the petitioner who died on 18.06.2019.

There is no opposition from the other side.

The I.A. No. 1 of 2019 is allowed.

Let the name of the heirs of the petitioner be incorporated as petitioner nos. 2, 3 and 4.

C.W.J.C. No. 14898 of 2017.

Heard Mr. Ram Ishwar Prasad, learned counsel for the



petitioner and Mr. Shivendra Kishore, learned Senior Counsel who represent the respondent no. 7, the Bihar State Pollution Control Board, Patna.

The present application is being directed for initiation of appropriate writ or writs /order or orders /direction or directions commanding the respondents for the following reliefs :-

(i) for issuance of appropriate writ in the nature of mandamus commanding the respondents for closure of grill gate factory of private Respondent no.6 which is being run illegally situated at Opposite side of the house of the petitioner demarcated by a survey gali of width of 10-12 feet causing great loss, injury, medical, pollution, noise and environmental problems due to which not only the life of the petitioner and his family rather of all neighbor and locality are being affected very badly in the following facts and circumstances of the case;

(ii) for issuance of appropriate writ in the nature of writ of mandamus for a thorough inspection as well as enquiry should be initiated for a proper investigation in the matter and to act in accordance with law in the interest of locality and society.

As the learned counsel for the petitioner is unable to assist the Court, Mr. Shivendra Kishore, learned Senior Counsel



took this Court to the counter affidavit filed by the respondent no. 7 in 2018 with specific reference to paragraph 6 (ii) which read as follows:

(ii) That on receipt of complaint a team of officers of State Board conducted inspection of the unit of respondent no.6 on 28.01.2018. In inspection it was found that the Unit is established in a room measuring 10'x15' and is engaged in welding of grill/gate with the help of 5.5 KVA DG set. The DG set was earlier situated besides the house of the complainant which under the instruction of the officers of the State Board was removed to a place in front of the Unit as a result whereof there has been no problem of air and noise pollution. Further, the fabrication unit comes under white category of industry which does not require to obtain Consent to Establish and Consent to Operate from the State Board.

He further took this Court to the advisory issued by the Ministry of Environment and Forests, Government of India dated 05.03.2016 which shows the list of industries under red category, orange category, green category and white category. He submits that under white category, the engineering and fabrication units (serial 14) comes for which no clearance from the Pollution Control Board is essential.



It is his further submission that despite that as a precautionary measure vide memo no. 271 dated 11.05.2018, the respondent no. 6 was directed to take appropriate steps so that those close-by/neighbour is not disturbed (Annexure-C).

This Court is convinced that no further step is required, the State Pollution Control Board has clarified the entire matter.

Accordingly, the writ petition stands disposed of.

(Rajiv Roy, J)

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