

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16107 of 2023

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1. Dev Narayan Singh @ D.N. Singh S/o Janak Prasad Singh R/o Bhagera Ashram, Kurji, P.S. Digha District-Patna. Bihar-800010 at Present Village-Vishambhar Chapra, P.S.-Amnour, District-Saran, Bihar-841401
 2. Jay Prakash Singh S/o Dharmnath Singh R/o Village-Vishambhar Chapra, P.S.-Amnour, District-Saran, Bihar-841401.
 3. Dev Anand Singh S/o Shiv Shankar Singh R/o Village-Vishambhar Chapra, P.S.-Amnour, District-Saran, Bihar-841401.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secreary, Patna, Bihar.
2. The Principal Secretary, Panchayati Raj Department, Government of Bihar,
3. The Secretary, Panchayati Raj Department, Government of Bihar, Patna.
4. The Director, Panchayati Raj Department, Government of Bihar, Patna.
5. The District Magistrate, Saran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Anjani Parashar, Advocate
For the Respondent/s : Mr. P.K. Verma, AAG

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJIV ROY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE RAJIV ROY)

Date : 15-12-2023

The petitioners claim to be residents of Vishambharpur Chapra, Amnour in the District of Saran and have preferred this Public Interest Litigation to shift the location of the Solid and Liquid Waste Management Unit (henceforth



for short 'the SLWMU') from Khata No. 38, Survey No. 67, 71, 87, Area- 52 decimal in the District of Saran to any other place.

2. The petitioners claim that the location chosen by the respondents is not an appropriate site, as around 500 people live there beside there being a *Bramha Sthan* Temple.

3. They claim that they moved before the authorities alongwith representation for shifting the same which was submitted to the District Magistrate, Saran at Chapra on 07.06.2023. However, since no action was taken, the present petition.

4. A counter affidavit has been filed on behalf of the respondent no. 5, the District Magistrate, Saran which has been put on affidavit by the Block Development Officer, Marhaura (who is also presently holding the charge of Block Development Officer, Amnour, Saran). As per the counter affidavit:-

(i) a Solid and Liquid Waste Management (SLWM) unit under Lohiya Swach Bihar Abhiyan scheme has been constructed in Village- Vishambharpur, Amnour, District- Saran, Bihar and before such construction Block Development Officer, Amnour, Saran vide letter no.365 dated 08-03-2022 has sought No Objection



Certificate (NOC) from Circle Officer, Amnour, Saran and vide letter No.238 dated 11-03-2022 Circle Officer, Amnour, Saran has submitted report to him and stated that Liquid Waste Management (SLWM) unit under Lohiya Swach Bihar Abhiyan scheme can be constructed upon the land selected in Village- Vishambharpur, Amnour, District-Saran, Bihar.

(ii) a written representation 07-10-2023 from the villagers of Vishambharpur, Amnour, District-Saran, Bihar has been received in the office of District Magistrate, Saran and in such letter they firstly expressed their gratitude for the efforts made by the authorities in managing waste effectively in their community and further they requested to shift the location of solid and liquid waste management unit from Bramha Sthan (Temple) area therefore vide letter No.3280/DRDA dated 19.10.2023 Deputy Development Commissioner, Saran has constituted a two member enquiry team headed by the Block Development Officer, Amnour, Saran whose other member is Circle Officer, Amnour, Saran for conducting enquiry in this regard.

(iii) vide letter No.1938 dated 01-11-2023 the Block Development Officer, Amnour, Saran has submitted joint enquiry report to Deputy Development Commissioner, Saran in which he has stated that there is no difficulty of natives of Village- Vishambharpur, Amnour,



District- Saran, Bihar for reaching to Bramha Sthan (Temple) and to worship there.

(iv) solid and liquid waste management is one of the key component of Swachh Bharat Mission launched with the objective of bringing improvement in cleanliness, hygiene and the general quality of life in rural areas. Solid Liquid Waste Management (SLWM) Unit is the collection, transportation, processing, recycling, treatment and disposal of waste material in scientific manner and from the construction of SLWM unit in Village- Vishambharpur, Amnour, District- Saran, Bihar, there is no environment pollution and any type of health hazards for the natives of such village.

5. We have heard learned Counsel for the petitioners as also the State.

6. Contrary to the submissions made by the learned Counsel for the petitioners that the respondents failed to take any action in the matter, as per the counter affidavit, the Deputy Development Commissioner, Saran constituted a two member Enquiry Committee consisting of the Block Development Officer, Amnour as also the Circle Officer, Amnour on 19.10.2023 (i.e. before the writ petition was filed). Subsequently, a report was submitted on 01.11.2023 (which has



been brought on record) by way of Annexure-C which clearly shows that not only the construction work has been completed at the chosen site, pursuant to that construction, no villager is facing any problem in moving to and fro the *Bramha Sthan* Temple.

7. As stated in the counter affidavit, the Solid and Liquid Waste Management is one of the key component of the Swachh Bharat Mission which has been launched with the sole objective of bringing improvement in cleanliness, hygiene and general quality of life in rural areas.

8. Further, the same is/are being done in scientific manner which according to the respondent will not create any environmental pollution/ health hazards to the natives of the said village.

9. A copy of the counter affidavit served upon the petitioner and has been filed in this Court. In rebuttal the statement made by the petitioner's counsel is that no environmental impact study is made and the seepage will definitely pollute the water bodies. This is just a bland apprehension not supported by any relevant data. The counter affidavit also belies such allegations. We will thus go by the stand taken by the State Government.



10. The Public Interest Litigation stands dismissed.

(K. Vinod Chandran, CJ)

(Rajiv Roy, J)

Neha/-

AFR/NAFR	
CAV DATE	
Uploading Date	03.01.2024
Transmission Date	

