

IN THE HIGH COURT OF JUDICATURE AT PATNA
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.
2. The Additional District Magistrate, General, Patna.
3. The Sub-Divisional Officer, Patna Sadar, Patna.
4. The Circle Officer, Sampatchak, District- Patna.
5. The Bihar State Pollution Control Board, through its Chairman.
6. The Chairman, Bihar State Pollution Control Board, Patna.
7. The Secretary, Bihar State Pollution Control Board, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rajeev Kumar Singh, Advocate
For the State	:	Mr. Raj Kishore Roy (G P 18)
For the BSPCB	:	Mr. Parijat Saurav, Advocate

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 25-02-2023 Heard learned counsel for the petitioner, learned

counsel for the State and learned counsel for the Bihar State

Pollution Control Board.

The petitioner has filed the instant application for the
following reliefs:-

“(i) To quash the order contained in

memo no. 3062 dated 17.11.2022 issued by the

Chairman, Bihar State Pollution Control Board, Patna

whereby and where under direction for closure of the

unit of petitioner has been passed and further

direction has been given to district administration to

seal the unit of petitioner. A copy of memo dated



17.11.2022 is annexed application. as ANNEXURE-1 to
this application.

(ii) To direct the respondents not to
disturb the petitioner from running the unit.

And/or

Pass such other order(s) as per the facts
and circumstances of the case.”

At the outset, it is submitted by learned counsel for
the respondent Bihar State Pollution Control Board that the
order impugned contained in memo no. 3062 Patna, dated
17.11.2022 (Annexure-1) issued under the signature of the
Chairman, Bihar State Pollution Control Board, besides others,
are appellable under section 31 of the Air (Prevention &
Control of Pollution) Act, 1981 (hereinafter referred to as ‘the
Act’).

Having heard learned counsel for the parties, the
instant application is disposed of with the direction to the
petitioner to prefer an appeal, for the reliefs prayed for herein,
under section 31 of the Act. The appeal shall be filed by the
petitioner within a period of one week from today along with
the prayer for interim relief / order.

The order impugned dated 17.11.2022 having been
preferred in the instant case within period of 30 days (affidavit
of the petitioner being 5.12.2022), the question of limitation will



not come in the way of the petitioner and the appeal shall be decided on its own merit.

It is informed by learned counsel appearing for the respondent State as also respondent Bihar State Pollution Control Board that as per instructions received, the unit in question has not been sealed as yet by the respondent Board or the District Administration. It is ordered that till the first date of hearing of the appeal so preferred by the petitioner, no coercive steps shall be taken by the respondents pursuant to the order contained in memo no. 3062 Patna, dated 17.11.2022 (Annexure-1).

It is clarified that if no appeal is preferred by the petitioner on or before 4.3.2023, the respondents may proceed in accordance with law.

This order has been passed in presence of Mr. Raj Kishore Roy, learned Government Pleader for the State and Mr. Parijat Saurav, learned counsel for the Bihar State Pollution Control Board who will immediately communicate the same to the respondent authorities.

(Partha Sarthy, J)

Spd/-

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