

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10842 of 2023

Sanjay Kumar Chaurasiya, Son of Nagina Prasad Chaurasiya, Permanent resident of Ward No. 14, Ahwar Shekh, Aunhar Shekh, Dist.- West Champaran, Bihar, PIN Code- 845459.

... .. Petitioner/s

Versus

1. The State of Bihar through Principle Secretary, Department of Rural Development, Govt. of Bihar, Patna.
2. The District Magistrate, District- West Champaran, Bihar- 845459.
3. The Block Development Officer, Majhauriya Block, District- West Champaran, Bihar- 845459.
4. The Circle Officer, Majhauriya Block, District- West Champaran, Bihar- 845459.
5. Mukhiya, Ahwar Kudiya Panchayat, District- West Champaran, Bihar- 845459.
6. The Chairman, Bihar State Pollution Control Board, Parivesh Bhawan, Mall Road, Patliputra Industrial Area, Digha, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Pravin Kumar Chaubey, Advocate
For the Respondent/s	:	Mr. S.K. Mandal, SC- 3
		Mr. Bipin Kumar, AC to SC-3

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HARISH KUMAR)

Date : 15-03-2024

The petitioner by filing the present writ petition by way of a Public Interest Litigation under Article 226 of the Constitution of India seeks a direction upon the respondents to transfer and shift the ongoing construction work of Waste Processing Unit (hereinafter referred to as ‘the WPU’) to any other appropriate land, as the present dumping yard/WPU would



cause hazardous disease and multifarious health problems on account of air and water pollution.

2. The petitioner is a resident of the locality, in question, where the construction of WPU is said to be going on alleging irregularity and non-compliance of the policy/letters of the Government regulating the construction of WPU, apart from the allegation that the land, in question, whereupon the WPU is constructed is situated beside cremation ground and pond on which the people perform Chhath Puja, Dushara Mela and used for regular worship, being nearby to the old Shiv Mandir.

3. It is argued that representations were filed to the concerned authorities, however, having found no response, the present writ petition is preferred.

4. Considering the apprehension and grievance of the petitioner, this Court directed the respondent authorities to file their response, whereupon a counter affidavit has been filed, duly sworn by the Circle Officer, Majhauria, West Champaran.

5. It is categorically averred that in pursuance to the guide-lines issued by the Chief Executive Officer-cum-Mission Director in relation to construction of WPU under Lohia Swachchh Bihar Abhiyan, the D.D.C. -cum- Vice President, District Water and Sanitation Committee, West Champaran, send the model map and estimate to Block Development



Officer-cum- Block Sanitation Officer for implementation of the construction of WPU. In view thereof, the Circle Officer enquired viability of the proposed land through Halka Karamchari and Revenue Officer and submitted its report to the Block Development Officer, Majhauria, the copy of which is produced as Annexure-R/B.

6. It is submitted that part of the land stands recorded in the survey khatian as Gairmazarua Bandobastidar and the remaining part as Gairmazarua Mokirdar and the said land has been duly selected after proper verification. Further the Block Development Officer-cum- Block Sanitation Officer, Majhauria vide order dated 19.04.2023 submitted verification report along with 'No Objection Certificate' of the land, in question, before the Director, Accountants Administration-cum-Member Secretary, District Water and Sanitation Committee, West Champaran, Bettiah and now the construction work of WPU has already been completed. It has further been averred that the WPU has been issued under Lohia Swachchh Bihar Abhiyan for the purpose of cleaning the pollution and not to spread any infection. Further on the representation filed by the petitioner and other villagers, an enquiry was conducted by the Block Development Officer-cum- Block Sanitation Officer, Majhauria and it has been found that the WPU has been constructed in



accordance with the departmental guidelines after obtaining NOC and the same is constructed on a Government land, which is at the distance of 700 feet away from the place where the *Mela* (Fair) is being organized and moreover there is a clear road of 15 feet for proper transportation of vehicles and from the said WPU no disturbance is being caused to any one. The report has already been produced on record as Annexure-R/F Series.

7. In view of the aforesaid facts and especially the report submitted by the Block Development Officer-cum- Block Sanitation Officer, Majhaulia, this Court does not find any merit in the writ petition.

8. Accordingly, the same stands dismissed.

(K. Vinod Chandran, CJ)

(Harish Kumar, J)

uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.03.2024
Transmission Date	NA

