

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10996 of 2024

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Shailendra Kumar Jha Son Of Tript Narayan Jha Resident of village- Siswa,
Post- Pandaul, P.S.- Pandaul, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Rural Development Department, Bihar, Patna.
2. The Principal Secretary, Rural Development Department, Bihar, Patna.
3. The District Magistrate, District- Madhubani.
4. The Block Development Officer, Block- Pandaul, District- Madhubani.
5. The Circle Officer Circle Pandaul, District- Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bimal Kumar Jha, Advocate
For the Respondent/s : Mr. Government Pleader 6

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 29-11-2024

The petitioner was aggrieved with the construction of a unit for storage of solid and liquid waste near village Sisawa, Panchayat Raj Pandaul East, Madhubani district. The unit was proposed to be constructed in a land which was asserted to be in an area, where there is dense population.

2. We directed the respondent to file an affidavit indicating the amount of waste the unit will be processing, the periodicity of its removal and also the manner of identification of



the land for establishment of the unit, by order dated 23.08.2024.

3. A counter affidavit has been filed specifically answering the above queries. The learned Counsel for the petitioner, however, submits that in the rejoinder affidavit, he has made a specific plea that, earlier, a plot with larger area was identified by the Mukhiya and the same was abandoned for the new site. It is stated that the earlier identified land was more apposite for construction of the unit.

4. We have looked at the counter affidavit filed which clearly indicates that there is no storage of waste to be carried out in the land identified for the purpose of establishing a Waste Processing Unit (hereinafter referred to as 'WPU'). It is the contention of the respondent that the waste collected from the households will be segregated and bio-degradable waste would be converted to bio-fertilizer, through the process of composting and plastic waste will be removed to the plastic waste management unit for processing or sold in the market. The quantity anticipated is approximately about 2 quintals, which will be processed at the WPU.

5. The respondent have produced Annexure-R/1 and Annexure-R/2 series indicating respectively that the identified plot has only one house nearby and is approximately 500 feet from the other residential buildings; as also to put forth



the procedure for transport of plastic to waste management units for processing.

6. As far as the identification of the land, the Mukhiya had sought for no objection, to establish a WPU, in the concerned land; which undisputably was government land and was far from any densely populated areas. The land was also connected with the road, giving access for bringing the waste in and taking the plastic waste out. The representation made by the Mukhiya is produced as Annexure-R/3.

7. When the representation was received, the Revenue Clerk submitted a report after verifying the revenue records, which also indicated that the land is recorded as Anawad Bihar Sarkar, as clear from Annexure-R4. Based on this inquiry report, Annexure-R/5 was issued to establish the WPU.

8. We find absolutely no reason to interfere with the establishment of the WPU and we dismiss the same.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

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CAV DATE	
Uploading Date	03.12.2024
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