

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.3155 of 2016**

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Chandrashekhar Prasad Taman Son of Late Surya Prasad Saha resident of  
Mohalla- Miscot, P.S. Motihari Town, District- East Champaran.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Home Department, Government of Bihar, Patna.
3. The Principal Secretary, Urban Development and Housing Department,  
Government of Bihar, Patna.
4. The Bihar State Pollution Control Board through Member Secretary, Beltron  
Building Shastri Nagar, Jawahar Lal Nehru Marg (Bailey Road), Bihar,  
Patna
5. The Chairman, Bihar State Pollution Control Board, Beltron Building  
Shastri Nagar, Jawahar Lal Nehru Marg (Bailey Road), Bihar, Patna
6. The Assistant Engineer, Bihar State Pollution Control Board, Beltron  
Building Shastri Nagar, Jawahar Lal Nehru Marg (Bailey Road), Bihar,  
Patna
7. The Zonal Officer, Bihar State Pollution Control Board, Sarai Syed Ali  
Chowk Technical Chowk Muzaffarpur
8. The Motihari Nagar Parishad Motihari, East Champaran through its  
Executive Officer, Motihari, East Champaran
9. The Executive Officer Motihari Nagar Parishad Motihari, East Champaran.
10. The Collector cum District Magistrate, Motihari East Champaran.
11. The Sub-Divisional Officer, Sadar Motihari, East Champaran.
12. The Circle Officer, Motihari Circle East Champaran.
13. The Superintendent of Police, East Champaran.
14. The Proprietor/Manager Ashoka Marriage Hall Jamla Road, PS.- Motihari  
Town District- East Champaran
15. The Proprietor/Manager Deoraha Vatika Marriage Hall near Gauri Shankar  
School, P.S. Motihari Town District-East champaran through Radhe Jalan
16. The Proprietor/Manager Hotel Arti cum Marriage Hall Main Road Motihari  
P.S. Motihari Town District- East Champaran through Sohan Prasad
17. The Proprietor/Manager Adarash Marriage Hall Bhawani Pur Zirat near  
Ward No 21, P.S.- Chatawni District-East Champaran through Mohan Prasad
18. The Proprietor/Manager S.S. Rai Hotel and Marriage Hall Agarwa Mohalla



- P.S. Motihari Town District-East Champaran through S.S. Rai
19. The Proprietor/Manager Kesri Marriage Hall Hindri Bazar P.S.- Motihari Town District- East Champaran through Parmod Kesri
  20. The Proprietor/Manager Hotel Sital cum Marriage Hall Chatawani Chawak Motihari, P.S.- Chatawni District-East Champaran through Chandrika Prasad Jaiswal
  21. The Proprietor/Manager Vishal Marriage Hall Baniyapatti Chowk Motihari, P.S.- Motihari Town District-East Champaran
  22. The Proprietor/Manager Madhu Padama Marriage Hall Hanuman Gadhi Motihari, P.S.- Motihari Town District-East Champaran
  23. The Proprietor/Manager Surekha Atithi Bhawan Teliya Patti, P.S.- Motihari Town District- East Champaran
  24. The Proprietor/Manager Kasi Sah Marriage Hall Gayan Babu Chowk Motihari, P.S.- Motihari Town, District-East Champaran
  25. The Proprietor/Manager Hotel Arti Bhawan Gudari Bazar, Near Pani Tanki Motihari, P.S.- Motihari Town, District-East Champaran
  26. The Proprietor/Manager Mandapam Bhawan Miscot, Ward No 8, Motihari, P.S.- Motihari Town, District- East Champaran through Sanjeev Kumar Sah
  27. The Proprietor/Manager Atithi Vibah Bhawan Miscot, Ward No.8, Motihari, P.S.- Motihari Town, District-East Champaran
  28. The Proprietor/Manager B.K. Garden Marriage Hall Janpul Chawk Motihari, P.S.- Motihari Town, District-East Champaran
  29. The Proprietor/Manager Yash Raj Marriage Hall Ambika Nagar Motihari P.S.- Motihari Town District- East Champaran
  30. The Proprietor/Manager Vatika Marriage Hall Chandmari Chowk, Motihari, P.S.- Motihari Town District-East Champaran
  31. The Proprietor/Manager Ashirbad International Marriage Hall, Chandmari Chowk Motihari P.S. Motihari Town District-East Champaran
  32. The Proprietor/Manager Hotel Simran Bhawani pur Jirat Ward No 20, P.S. Chatawani District East Champaran through Ramnath Prasad
  33. The Proprietor/Manager Hotel Park and Marriage Hall Bhawani Pur Jirat Ward No 20 P.S.- Chatawani District-East Champaran through Singam Prasad
  34. The Proprietor/Manager Well Home Marriage Hall Chitawni Main Road Motihari, P.S.- Chitawani District-East Champaran through Surendra Chaudhary



35. The Proprietor/Manager Robin Club Bhawani pur Jirat Mohalla Mothari P.S. Chatawani District- East C
36. The Proprietor/Manager Shivam Hotel Chitawni Main Road Motihari P.S.- Chatawani District- East Champaran
37. The Proprietor/Manager Hotel Raj Bank Road Motihari P.S. Chatawani District- East Champaran.
38. The Proprietor/Manager Shakuntala Marriage Hall Bhawani pur Jirat P.S.- Chatwani District- East Champaran
39. The Proprietor/Manager Bhawani Mandap Gayan Babu Chowk Motihari P.S.- Motihari Town, District- East Champaran
40. Om Prakash son of Late Jagat Narayan Prasad Resident of Mohalla- Miscot Ward No 8 Police Station- Motihari Town District- East Champaran.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.Vijay Shankar Shrivastava  
For the Respondent/s : Mr.Nadeem Seraj, GP-5

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**CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY  
ORAL JUDGMENT**

**Date : 24-09-2024**

1. The Writ Petition is filed seeking reliefs in the nature of Certiorari:

(i) for quashing the Letter- C.E.C.-25/11 dated 15.10.2012 issued under the signature of the Member Secretary, Bihar State Pollution Control Board, Patna wherein the Collector-cum-District Magistrate East Champaran and the Executive Officer, Motihari Nagar Parishad, Motihari, District-East Champaran directed to close the operation of the Marriage hall of the petitioner namely, Suryabala Sadan situated at Ward No. 8, Miscot, Motihari, East Champaran.



(ii) for quashing the Memo No. 180 dated 27.12.2015 issued under the signature of the Sub-Divisional Officer, Sadar Motihari vide Annexure-5 wherein the petitioner was directed to close the marriage hall namely, Suryabala Sadan, situated at Ward No. 8, Miscot, Motihari, East Champaran.

(iii) for quashing the Letter No. 36 dated 07.01.2016 issued under the signature of the Circle Officer, Motihari, East Champaran vide Annexure-6 whereby the petitioner was directed to close his Marriage hall, namely Suryabala Sadan situated at Ward No. 8, Miscot, Motihari, East Champaran.

2. The brief facts culled out of the petition are that the petitioner is the Manager of the Marriage Hall namely, Suryabala Sadan, situated at Ward No. 8, Miscot, Motihari, East Champaran. The Marriage hall belong to one Renu Devi, wife of Anil Kumar and Veena Devi, wife of Awadhesh Prasad. Renu Devi and Veena Devi are sisters whereas, the petitioner is brother of the owners of the Marriage Hall. The said Marriage Hall is being used for marriage ceremonies and different kind of parties since 2005 and the said Marriage Hall had no complaints. The petitioner paid commercial taxes for the Marriage Hall. Later, the petitioner came to know that one Om Prakash and others had preferred the complaint before the Chairman, Bihar State Pollution Control Board against the Marriage Hall of the petitioner and prayed to



close the operation of the Marriage Hall. Basing on the said complaint the respondents have issued the impugned orders vide Memo No. 180 dated 27.12.2015 and vide letter dated 07.01.2016 the petitioner was directed to close the Marriage Hall. It is the specific contention of the Learned counsel for the petitioner that there are more than fifty marriage halls in and around Motihari town itself, but basing on the complaint of Om Prakash, orders were issued by the respondents for closure of the Marriage Hall of the petitioner alone, which is nothing but discriminatory and arbitrary, therefore, prayed to quash the said orders. It is further contended that the wife of Om Prakash/respondent no. 40 was also running a Marriage Hall under the name and style of Mandapam Bhawan, but basing on the complaint of Om Prakash, the respondents have passed the impugned orders. It is specifically mentioned in the Writ application that Om Prakash has also filed CWJC No. 8048 of 2015 as Public Interest Litigation to win the game of business rivalry which was pending on the file of this Court.

3. Further it is contended by the Learned counsel for the petitioner that respondents are working hand in glove with the respondent no. 40 i.e. Om Prakash and at his instance alone the Marriage Hall of the petitioner was closed but no direction were



given to any of the proprietors of the Marriage Halls in the town of Motihari and therefore, prayed to set aside the impugned orders.

4. A detailed counter affidavit was filed by the respondent no. 3 denying all the allegations made in the Writ Application. It is specifically mentioned in the Counter affidavit that the Urban Development and Housing Department, Government of Bihar, Patna has addressed a letter to the respondent no. 9/Executive Officer, Motihari Nagar Parishad, Motihari, East Champaran dated 31.05.2017 vide letter No. 3645 (Annexure-A) to ensure filing of counter affidavit and further contended that the Writ application itself is misconceived and is fit to be dismissed.

5. The Counter affidavit filed by respondents no. 4 to 7 also disclose that it is necessary to place on record the Law governing the Establishment and Operation of Marriage Halls from environmental point of view and that various orders were passed by the National Green Tribunal dealing with the issue of pollution caused by the Marriage Hall. The Central Pollution Control Board, New Delhi has categorized industrial units into four categories i.e. Red, Orange, Green and White depending on pollution potential. Red and Orange category units are considered to be polluting; Green is less polluting and white is non-polluting.



The units falling in Red, Orange and Green are required to obtain consent from the State Pollution Control Board for establishing and operating an industrial unit falling under any of the aforesaid three categories. Hotels having upto 20 rooms is categorized as Green category and as such, it requires prior consent from the State Board. The National Green Tribunal, New Delhi in OA No. 400 of 2017 vide order dated 04.02.2021 at para No. 8 has categorically held as under:-

*“In view of above, the recommendations in the report of the Central Pollution Control Board need to be duly implemented by all the States/Union Territories by adopting the guidelines for control of pollution in marriage halls, banquet halls, party venues etc. along with consent management system, as already directed.”*

6. The Counter affidavit further disclose that the Respondent-Board received a public complaint against Suryabala Sadan Marriage Hall which is located at the centre of the colony and often Orchestra, DJ sets are played in the Marriage Hall late at night and DG sets are used for electricity supply which causes breathing problem. Basing on the aforesaid complaint, the State Board ordered for site inspection of the Marriage Hall of the petitioner and on inspection it was found that two DG sets were used for electricity supply for operation of Marriage Hall and it also contained seven rooms and a big hall on the first floor. The



Marriage Hall was operated without obtaining Consent to Establish (CTE) and Consent to Operate (CTO) from the State Pollution Control Board. Basing on the findings of the inspection report, a show-cause notice was issued to the petitioner to appear before the respondent-Board and in spite of it, the petitioner failed to appear and as such, letter No. CEC-25/11 dated 15.10.2012 was issued by which a direction was given to the District Magistrate, East Champaran at Motihari and the Executive Magistrate, Motihari to take necessary action to ensure closure of the Marriage Hall vide Annexure -2.

7. The Counter affidavit further disclose that the action taken by the respondent-Board in exercise of its functions and duties has rightly directed the closure of the petitioner's Marriage Hall. The petitioner failed to obtain necessary consent from the State Board and therefore, the impugned orders are not liable to set aside.

8. A rejoinder was filed to the Counter affidavit by the petitioner denying the contents of the Counter affidavit. In the reply it was stated that CWJC No. 8048 of 2015 was disposed of vide order dated 11.04.2016 and there was a direction for closure of the Marriage Hall, but still more than fifty Marriage Halls are running in Motihari town itself. It further disclose that no show-



cause notice was received by the petitioner. Therefore, no opportunity was given to the petitioner and as such, the respondent taking action for closure of the Marriage Hall of the petitioner alone is discriminatory and arbitrary.

9. Heard Learned counsel for the petitioner as well as Learned counsel for the respondents. Perused the record.

10. The entire record disclose that Writ application was filed on 15.02.2016 by the petitioner challenging the impugned orders of the respondents. The contents of the Writ application also disclose that the petitioner was aware about the CWJC No. 8048 of 2015 “Public Interest Litigation” filed by one Om Prakash wherein the petitioner was arrayed as respondent no. 13 and the said CWJC No. 8048 of 2015 was disposed of vide order dated 11.04.2016 and the operative portion of the order of the Hon’ble Division Bench of this Court reads as follows:-

*“Having regard to the nature of grievances, which have been expressed in this Public Interest Litigation, and the nature of leave, which have been sought for, we direct that the marriage halls, in question, shall remain closed until the time respondent No. 4 and other authorities concerned give permission to run the marriage halls in accordance with law. We also make it clear that respondent No. 8, namely, Motihari Nagar Parishad, Motihari, shall ensure that no marriage hall is operated within the territorial jurisdiction of Motihari Nagar Parishad except in accordance with law. Any dereliction of duty, in this regard, by respondent No. 4, namely, Bihar State Pollution Control Board, or by respondent No. 8, namely,*



*Motihari Nagar Parishad, Motihari, would expose the functionaries to such penal action as may be warranted by law.*

*With the above observations and directions, this application is disposed of with liberty given to respondent Nos. 17, 18, 21, 23, 28, 31, 34, 36, 37, 38 and 39 to apply for necessary permission to the authorities concerned including respondent Nos. 4 and 8.”*

11. On perusal of the order of Hon’ble Division Bench of this Court, passed in CWJC No. 8048 of 2015, it is evident that basing on the Public Interest Litigation (PIL) filed by one Om Prakash and other, there is specific direction to close the Marriage Halls, until the time, respondent Nos. 4 and other authority give permission to run the Marriage Halls in accordance with law and further it is directed that Motihari Nagar Parishad shall ensure no Marriage Hall is operated within the territorial jurisdiction of Motihari Nagar Parishad except in accordance with law. Admittedly, the petitioner was arrayed as respondent No. 13 in the Writ application. The orders of the Hon’ble Division Bench of this Court also disclose that Counter affidavit of respondent Nos. 13 and 14 proprietors of the Marriage Halls were on record and the Hon’ble Division Bench after considering each and every aspect have passed the order. The orders in CWJC No. 8048 of 2015 have become final and the petitioner cannot seek any relief in this Writ application, as already there is a specific direction for the closure



of the petitioner’s Marriage Hall. If at all, the petitioner has any grievance he ought to have resorted/challenged the orders in CWJC No. 8048 of 2015 dated 11.04.2016. Writ petition itself is not maintainable as the orders of CWJC No. 8048 of 2015 have attained finality.

12. In view of the above discussion, the Writ application stands dismissed as devoid of merits.

**(G. Anupama Chakravarthy, J)**

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