

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12377 of 2023

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Anil Kumar Chaubey @ Anil Chaubey S/o Late Ram Niwas Chaubey,
Resident of Village - Dihri, P.S. - Rajpur, District - Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Panchayat Raj Government of Bihar Patna.
2. The Bihar State Pollution Control Board, through its Secretary, Bihar, Patna.
3. The Collector, District - Rohtas.
4. The Deputy Development Commissioner, District - Rohtas.
5. The Block Development Officer, Kochas, District - Rohtas.
6. The Circle Officer, Kochas, District - Rohtas.
7. The Mukhiya, Gram Panchayat, Gara, Kochas, District- Rohtas.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Madhu Prasun, Advocate
For the Respondent/s : Mr. P.K. Shahi, Advocate General

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 26-04-2024

The petitioner in the above Public Interest Litigation is aggrieved with the establishment of a garbage dumping yard in a densely populated area of Gara Panchayat Kochas District Rohtas. It is contended that the land lies adjacent to an Anganwari Centre and an Upgraded Middle School. The



7th respondent who is mukhiya of the gram panchayat has filed a counter affidavit dated 10.10.2023 pointing out that the Waste Processing Units (WPU) were directed to be established by the District Magistrate under the Lohiya Swaksh Abhiyan, Bihar. The land was identified by the Anchal Adhikari who had intimated the fact to the Block Development Officer with a sketch map of land having 3000 Sq.feet in Khata No. 182 Plot No. 978, with clearly demarcated boundaries. It is as per the guidelines of the Rural Development Department for implementation of Lohiya Swaksh Abhiyan, Bihar that the Gram Panchayat Implementation Committee selected the land for the WPU which was approved in the Aam Sabha held on 09.02.2022.

2. Learned counsel for the petitioner specifically pointed out the counter affidavit filed by the Bihar State Pollution Control Board, the 2nd respondent, to submit that on directions of this Court there was an inspection of the site conducted by the deponent to the affidavit. It is stated that the Anganwari and the dump site is around 180 meters apart at a distance of 355 metres there is a village School. The distance of a river (Dharmvati) is 850 meters from the



dump site and habitation exists at a distance of 450 meters. The State Pollution Control Board refers to Rule 3(3) and 15(y) of the Solid Waste Management Rules of 2016 to contend that if the volume of waste exceeds 5 metric tonnes per day, authorization for setting up of Waste Processing Unit has to be obtained from the State Pollution Control Board or the Pollution Control Committee. No such authorization has been granted is the submission of the Pollution Control Board.

3. In this context, the 7th respondent has filed a counter affidavit dated 14.03.2024, wherein, it has been specifically stated that the average waste collection for each ward will be 52 kgs and from the 9 Wards the total waste collection would be 468 Kilograms far lesser to the quantity which requires authorization from the Pollution Control Board.

4. The Block Development Officer, Kochas has also filed a counter affidavit dated 12.10.2023, wherein the establishment of the Waste Processing Unit is said to have been done as per Annexure-R-3 to 6/A, B & C.

5. We find absolutely no reason to invoke the



extraordinary jurisdiction to interfere with the establishment of Waste Processing Unit.

6. The writ petition stands dismissed.

(K. Vinod Chandran, CJ)

(Harish Kumar, J)

ranjan/-

AFR/NAFR	
CAV DATE	NA
Uploading Date	01.05.2024
Transmission Date	NA

