

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15161 of 2023

Vikas Prasad Singh, Son of Upendra Sharma, Resident of Shiv Nagar, P.O.- Pakharpur, P.S. Karpi, District- Arwal. At Present Resident of Ara Garden Road, Jagdeo path, Mangalam Bihar Colony, Rukanpura, P.S. Digha, District- Patna, Coordinator of Sri A.K.S. Menorial Charitable Trust, registered Office at C/11, Amar Colony, Lajpath Nagar, New Delhi.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna.
2. The District Magistrate, Arwal
3. The Deputy Development Commissioner, Arwal.
4. The Sub-Divisional Officer, Arwal
5. The Block Development Officer, Karpi Block, District- Arwal.
6. The Circle Officer, Arwal
7. The Mukhiya, Gram Panchayat Raj, Aiyara, District- Arwal.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	None
For the Respondent/s	:	Mr. P.K. Shahi, AG Mr. Vikas Kumar, Advocate

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

Date : 21-06-2024

This Public Interest Litigation is listed as defective.

There is none to represent the petitioner.

2. Earlier, vide order dated 03.11.2023, two weeks time was allowed to cure the defect(s), but the same has not been done till date.

3. Learned Counsel for the State is present.

4. From the averments made in the writ petition, it



appears that the present writ petition by way of Public Interest Litigation has been filed seeking direction to the respondent authorities to shift the place of construction of Solid and Liquid Waste Processing Unit selected under the village Aiyara over Khata No.448, Plot No. 627, which is just adjacent to the Government Middle School as well as Jawahar Navodaya Vidyalaya and if the same is not done, it would adversely cause various health issues to the public at large, especially students of the nearby schools.

5. The writ petition averred that the Government has taken a decision for construction of Solid and Liquid Waste Management Unit after selecting the Plot No. 627 under Khata No. 448 recorded as *Gair Mazarua Aam*, which is situated adjacent to the school, apart from temples and other structures. The apprehension of the petitioner is that once the construction of Solid and Liquid Waste Processing Unit is done, it would result in storage of maximum volume of Solid and Liquid Waste causing smell and various kind of infection. Despite representation filed by the local people as well as the Headmaster of the school, the copy of which has also been forwarded to the District Magistrate, no action has been taken. It is also averred in the writ the petition that though the Circle Amin has demarcated the plot, in question, it is recorded that



there has been a protest against the construction of Waste Processing Unit on the place earmarked.

6. The materials available on record only suggests that the land has been demarcated and the ‘No Objection Certificate’ is to be issued at the level of the Circle Officer. Suffice it to say that the construction of Waste Processing Unit is to be done in terms of the guidelines of Lohia Swachh Bihar Abhiyan. The writ petition also suggests that the petitioner has already brought all the facts before the concerned authority, who is having exclusive domain to look into the matter before the issuance of ‘No Objection Certificate’ and the construction of Waste processing Unit.

7. In view of the aforementioned facts, prima facie, we find no reason to invoke extraordinary jurisdiction to interfere with the establishment of Waste Processing Unit at this stage.

8. The writ petition stands dismissed.

(K. Vinod Chandran, CJ)

(Harish Kumar, J)

uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	26.06.2024
Transmission Date	NA

