

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15847 of 2023

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Vijay Prakash S/o Bharat Lal Sah Resident of Village-Barbatta, P.S.-
Sarairanjan, District-Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Secretary, Environment, Government of Bihar, Patna.
3. The District Magistrate, Samastipur.
4. The District Development Commissioner, Samastipur.
5. The District Gram Panchayat Raj Officer, Samastipur.
6. The Block Development Officer, Sarairanjan, District-Samastipur.
7. The Circle Officer, Sarairanjan, District-Samastipur.
8. The Sarpanch, Gram Panchayat Raj, Barbatta, Block-Sarairanjan, District-Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Binit Kumar
For the Respondent/s : Mr.Kumar Alok (Sc 7)
Mr. Satyeshwar Prasad, AC to SC-7

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 29-08-2024 Learned counsel for the petitioner prays and is

allowed to implead the Bihar State Pollution Control Board,

Bihar, Patna as respondent no. 9 in course of the day.

2. Heard the parties.

3. The writ petition has been filed for the following
reliefs:-

“1. That this is an application on
behalf of the above named petitioner to issue an
appropriate writ(s), order(s) or direction(s)
commanding and directing thereby to the
Respondent(s) concerned to shift planning to
construct the Garbage House from Ward No.-9



of the Barbatta Gram Panchayat, Block-Sarairanjan to some remote non-residential area, since construction of Garbage House at the densely populated area may cause various health problem thus will become hazardous to the local residents and/or may grant any other equitable relief(s) befitting in the facts and circumstances of the case.”

4. Learned counsel appearing on behalf of State submits that though the Secretary, Environment has been made party-respondent, Bihar State Pollution Control Board, Bihar, (for short ‘Board’) Patna who was not a party and it is not the case that he approached the said Board and upon inspection, it has come to a conclusion which prompted him to file the present petition.

5. This Court finds force in the submission of learned counsel for the State. In case, the petitioner has reason that there is health hazard, he should approach the concerned ‘Board’ with a proper representation/facts/documents so that it can make an inspection to come to the conclusion.

6. In that background, learned counsel for the petitioner submits that he will be approaching the ‘Board’ within a period of four weeks from the date of this order. In case, the said representation is filed, the ‘Board’ is duty bound to look into the matter, inspect the site and then come to a conclusion



which must be incorporated in its order.

7. The petition stands disposed of.

(Rajiv Roy, J)

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