

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17033 of 2023

Harihar Ray Son of Late Chandradeep Roy, Resident of Village - Mathura,
P.O. - Mathura Sultanpur, Police Station - Bidupur, District - Vaishali, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Forest and Environment and Climate Change Department, Government of Bihar, Patna.
2. The District Magistrate, Vaishali, Bihar.
3. The Sub-Divisional Officer, Hajipur, Vaishali, Bihar.
4. The District Animal Husbandry Officer, Vaishali, Bihar.
5. The District Welfare Officer, Vaishali, Bihar.
6. The Block Development Officer, Bidupur, Vaishali, Bihar.
7. The Circle Officer, Bidupur, Vaishali, Bihar.
8. The S.H.O., Bidupur Police Station, Vaishali, Bihar.
9. The Panchayat Secretary Mathurapur Gram Panchayat, Bidupur, Block, Dist. - Vaishali, Bihar.
10. The Chairman, Bihar State Pollution Control Board, Parivesh Bhawan, Plot No. NS- B/2, Patliputra Industrial Area, Patliputra, Patna.
11. The Secretary-Member, Bihar State Pollution Control Board, Parivesh Bhawan, Plot No. NS-B/2, Patliputra Industrial Area, Patliputra, Patna.
12. The Regional Officer, Bihar State Pollution Control Board, Parivesh Bhawan, Plot No. NS-B/2, Patliputra Industrial Area Patliputra, Patna.
13. Sri Madan Bhagat, S/o Kailash Bhagat, R/o - Village and Post - Mathura, P.S. - Bidupur, District - Vaishali, Bihar.
14. Sanjeev Kumar, S/o Late Bhushan Bhagat, R/o village and Post- Mathura, P.S. - Bidupur, District - Vaishali, Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Surendra Kumar Singh, Advocate
For the Respondent/s	:	Mr.Raghwanand, GA-11
		Mr. Sanjay Kr. Tiwary, AC to GA-11
For Board	:	Mr. Shivendra Kishore, Sr. Advocate
		Mr. Abhimanu Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 05-09-2024 Heard Mr. Surendra Kumar Singh, leaned counsel

for the petitioner and Mr. Shivendra Kishore, learned Senior



Counsel representing the Bihar State Pollution Control Board.

2. The petitioner has prayed for the following reliefs:

(i) to issue an appropriate Writ, order or direction for quashing the decision taken by the Respondent District Magistrate on 25.03.2023(Annexure-P-13,)

whereby and where under in the name of small Poultry farm the permission was accorded to the Private Respondent to run the Poultry farm;

(ii) to issue a Writ of MANDAMUS and or any other appropriate writs, Order or direction Commanding and directing the Respondent Authorities to Close the Poultry form run by the Respondent No.13 and 14 within 300 meters. From the Residential Area of Village & Post:-Mathura, Police-Station-Bidupur, Districts-Vaishali, Bihar



which is not only in violation of the orders passed by the Hon'ble High Court on 04.07.2018 in CWJC NO. 4458 of 2018 and on 04.04.2019 in CWJC No. 15048 of 2018 as also on 27.04.2022 in L.P.A NO. 560 of 2019. But is also against the notification No. 18 dated 29.08.2022 issued by Bihar Pollution control Board;

(iii) to issue further appropriate Writ, order or direction commanding the Respondents to allow the petitioner and other villagers of Village & Post:- Mathura, Police-Station-Bidupur, Districts-Vaishali to live in peace and hygiene.

(iv) to award the cost of litigation and suitable compensation to the petitioner and other villagers for the loss and damages caused to



them due to the objectionable activities of the Respondents;
(v) to award any other relief or relieves for which the petitioner is found entitled in the facts and the circumstances of the case.

3. The case of the petitioner is that despite reports by the Bihar State Pollution Control Board (henceforth for short 'the Board), the District Magistrate, Vaishali/the officials have circumvented the matter which has resulted into the resident of that particular area Mathurapur village within Bidupur, Vaishali unable to reside due to environmental pollution.

4. The respondent nos. 13 and 14 are running poultry farm in the said area, as stated above and it is the case of the petitioner that despite sounding/requesting/direction of the Court, the pollution continues and unless interfered with, the people will be suffering with serious diseases and in fact are still suffering.

5. Mr. Shivendra Kishore, learned Senior Counsel submits that though earlier an inspection was done, now that the District Administration has passed an order, the same stands consigned.



6. An issue has been raised by the petitioner. Though, it is clear that the District Magistrate, Vaishali has come to the conclusion that poultry farm is having business of less than 5000/- which do not need any license, the issue is whether environmental guidelines is followed or not and whether an environmental hazard is there.

7. It is 'the Board, Patna which is the best authority to answer to the said question.

8. Learned counsel for the petitioner submits that he do not want the local authority to inspect and will be approaching 'the Board', Patna in next four weeks alongwith a proper petition and as the petitioner himself want 'the Board' officials of the State Head Office to inspect, he is ready to submit a draft of Rs.5,000/- in the name of the **Bihar State Pollution Control Board** for the inspection.

9. In case, such petition is filed by the petitioner alongwith the Demand Draft of Rs.5,000/- 'the Control Board, is duty bound to send the official from State Level instead of assigning the role to the District Level at Vaishali.

10. The team will be noticing both the petitioner as also the respondents, owners, namely Sanjeev Kumar Poultry Farm and Kumar Poultry Farm fixing the date. On that day it



will visit and inspect the site in the presence of both the parties and the inspection will be conducted strictly in accordance with the guidelines issued by Central Pollution Control Board/Bihar State Pollution Control Board inasmuch:

(i) whether the guidelines is/are being followed by the two poultry farms?

(ii) whether they need any rectification?

(iii) whether it need immediate closure?

11. It is made clear that the entire inspection has to be videographed and the pen drive is to be provided to both to the petitioner as also Poultry Farm owners on payment of cost.

12. On the report so made, the signature of both the petitioner as also poultry farms' owners and/or their authorized representative should be taken.

13. On the basis of the said report, a decision has to be taken and communicated to the District Administration, Vaishali with a copy each both to the petitioner as also the Poultry Farm owners.

14. It is once again made clear that the entire



exercise has to be taken up by the officials of ‘the Board’, Patna and cannot assign to any District Level officials and the petitioner has to pay a cost for that as recorded above to show his bonafide complaint and also his insistence that the inspection be done by the State level officials.

15. The exercise is to be completed within a period of eight weeks from the date the petitioner submits its representation alongwith all the relevant documents/demand draft as also the copy of the order.

16. The writ petition stands disposed of.

(Rajiv Roy, J)

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