

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3868 of 2025

1. Prakash Mashala Mil through its Proprietor Purushotam Tiwari, Male, aged about 50 years, S/o Chandrika Tiwari, Resident of Minabazar, Motihari Town P.S. District- East Champaran.
2. Sagar Mashala Mil, through its Proprietor Pappu Jaiswal, Male, aged about 52 years, S/o Late Jagdish Prasad. Resident of Minabazar, Motihari Town P.S. District- East Champaran.
3. Manoj Mashala Mil, through its Proprietor Manoj Kumar, Male, aged about 50 years, S/o Late Utim Sah. Resident of Minabazar, Motihari Town P.S. District- East Champaran.
4. Jyoti Mashala Mil, through its Proprietor Manish Tiwari, Male, aged about 46 years, S/o Satish Tiwari, Resident of Minabazar, Motihari Town P.S. District- East Champaran.
5. Om Sai Mashala Mil, through its Proprietor Aman Jaiswal, Male, aged about 21 years, S/o Vinit Prasad, Resident of Minabazar, Motihari Town P.S. District- East Champaran.
6. Anmol Mashala Store, through its Proprietor Bhuli Sah, Male aged about 54 years, S/o Late Bharat Prasad, Resident of Minabazar, Motihari Town P.S. District- East Champaran.
7. Chandeshwarlal Prasad S/o Late Ramashray Sah. Resident of Minabazar, Motihari Town P.S. District- East Champaran.
8. Raja Ram Sah S/o Kamlesh Prasad, Resident of Minabazar, Motihari Town P.S. District- East Champaran.
9. Ajay Mashala, through its Proprietor Ajay Kumar, Male, aged about 48 years, S/o Harendra Prasad, Resident of Minabazar, Motihari Town P.S. District- East Champaran.
10. Pappu Mashala Mil, Minabajar through its Proprietor Ganesh Prasad, Male, aged about 52 years, S/o Shri Thakur Prasad, Resident of Minabazar, Motihari Town P.S. District- East Champaran.
11. Ganesh Prasad S/o Late Jaipal Sah, Resident of Minabazar, Motihari Town P.S. District- East Champaran.
12. Mahavir Mashala, through its Proprietor Abhishek Jayswal, Male, aged about 24 years, S/o Vijay Prasad, Resident of Minabazar, Motihari Town P.S. District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Collector, East Champaran at Motihari.
2. The Chairman, Bihar State Pollution Board, Bihar, Patna.
3. The Secretary, Bihar State Pollution Board, Bihar, Patna.
4. The Sub Divisional Officer, Sadar, Motihari, District- East Champaran.
5. The Circle Officer, Sadar, Motihari, District- East Champaran.
6. The Civil Surgeon, Motihari, East Champaran.



7. The Chief Factory Inspector, Motihari, East Champaran.
8. The Officer-in-Charge, Motihari Town P.S., District- East Champaran.
9. Surendra Prasad S/o late Motilal Prasad, Resident of House No. 405, Ward No. 12, English Kabristan, Hanumangadh, Motihari, P.S.- Town, District- East Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Prateek Tandon
For the Respondent/s : Mr.Government Advocate (03)

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL JUDGMENT

Date : 05-08-2025

Heard learned counsel for the petitioner, learned counsel for the Bihar State Pollution Control Board and learned counsel appearing on behalf of the State as well as learned counsel for the respondent No.9.

2. The present writ application has been filed by the petitioner challenging the letter No.138080 dated 01.07.2024 and the consequent letter No.18 dated 27.01.2025 by which in exercise of power conferred by Section 31(a) of the Air (Prevention and Control of Pollution) Act, 1981, the petitioners had been directed to close the operation of Masala Udhyog with immediate effect and in default thereof, the Board would be constraint to file complain under the relevant provisions of the said Act with other actions under other suitable provisions of Environment Act, 1986.

3. During the course of argument, learned counsel for the petitioners submits that as a consequence of the above orders issued by the respondent-authorities, the shop of the petitioners



were forcibly sealed on 06.02.2025. In response to the same, the petitioner had filed a representation before the Chairman of the Pollution Control Board on 03.03.2025 (Annexure P/4) in which the petitioners gave an undertaking that the petitioners are ready to do some other business and, therefore, their shops should be unsealed allowing them to do other business other than the business of Masala Udhyog. In light of this undertaking given by the petitioners vide Annexure P/4, the Pollution Control Board in its counter affidavit in paragraph 10 has stated as follows :-

“10. That the petitioners in their supplementary affidavit have categorically taken a stand that they are not going to operate grinding unit/masala mill and rather use the sealed premises for operating a shop/kirana shop. In light of above, it is stated that in case the petitioners wish to operate standalone shop with no grinding activity then the State Board has no objection and the petitioners may be permitted to do the same.”

4. Learned counsel for the petitioner once again submitted before this Court that they stand by the undertaking given to the Pollution Control Board that they will not do the



business of Masala Udhyog any more and, therefore, their shops to be directed to be unsealed.

5. From the aforesaid statement made by Bihar State Pollution Control Board, it is clear that the Bihar State Pollution Control Board has no objection to the proposal and undertaking of the petitioners and hence both the parties pray that the present writ application be accordingly disposed of.

6. Considering the submissions and undertaking of the petitioners as expressed in Annexure P/4 and also the statement of the Pollution Control Board made in paragraph 10 of its counter affidavit as quoted hereinabove, the present writ application is disposed of directing the Pollution Control Board and respondent No.4 and 5 to unseal the shops of the petitioners for allowing them to do any other business lawfully other than the business of granding of Masala / Masala Udhyog. After the shops have been unsealed and handed over to the petitioners, if the Pollution Control Board finds that the petitioners are violating the undertaking given by them, they will be well within their power to take appropriate action under the law for once again closing the operation of the shops in question.

7. The shops, in question, must be unsealed and handed over to the petitioners within 15 days of passing of this order.



8. With the aforesaid observation and direction, this writ application is disposed of.

(Alok Kumar Sinha, J)

sanjeev/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

