

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9654 of 2025

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Maya Devi, W/o Rakesh Kumar, Prop, M/s Shree Vishnu Agro Industries,
Village- Nepa, Post- Fatehpur, P.S.- Tekari, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through Addl. Chief Secretary, Department of Health and Family Affairs, Govt. of Bihar, Patna.
2. Bihar State Pollution Control Board, through its Member Secretary, Parivesh Bhawan, N.S. B/2, Patliputra Industrial Area, P.O.- Sadakat Ashram, District- Patna.
3. Regional Officer, Gaya, Bihar State Pollution Control Board, Parivesh Bhawan, N.S. B/2, Patliputra Industrial Area, P.O.- Sadakat Ashram, District- Patna.
4. District Collector, Gaya.
5. General Manager, District Industry Centre, Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Prabhakar Singh, Advocate
For the State	:	Mr. Government Advocate (7)
		Mr. Raju Patel (AC to AG)
For the BSPCB	:	Mr. Kumar Ravish, Advocate

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

5 19-08-2025 Heard learned counsel for the petitioner, learned

counsel for the State and learned counsel for Bihar State

Pollution Control Board.

2. The present writ petition has been filed for the
following relief/s:-

*“I. For quashing of the order dated
04.04.2025 issued vide Letter No.344 by
Respondent no.2 (annexed as Annexure-P/11)
by which consent for operation and
establishment of the firm of the petitioner has*



been withdrawn.

II. For any other relief/reliefs for which the petitioner is entitled for.”

3. Learned counsel appearing for the Bihar State Pollution Control Board raised a preliminary objection and submits that the present writ petition is not maintainable, as there exists a statutory remedy of appeal under Section 31 of the Air (Prevention and Control of Pollution) Act, 1981. It is further submitted that the State Government has, by notification, conferred the power to hear such appeals upon the Board of Revenue.

4. As such, in light of the submissions made, this writ petition is hereby disposed off along with I.A. No.1 of 2025 granting liberty to the petitioner to avail her remedy before the Appellate Authority as mentioned in Section 31 of the Air (Prevention And Control Of Pollution) Act, 1981. It is made clear that the time limit under section 31 is only 30 days, therefore, delay if any in filing the appeal is hereby directed to be condoned and petitioner's appeal shall be entertained. Further liberty is granted to the petitioner to move for stay before the Appellate Authority. Till then, the letter under challenge shall not be made effective against the petitioner. In the event of



failure to avail the remedy of appeal, the order passed by the Bihar State Pollution Control Board, which is under challenge, shall automatically revive.

(Dr. Anshuman, J)

Divyansh/-

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