

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11827 of 2022

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M/s Randhir Poultry Farm through its Proprietor namely Randhir Kumar (Male) Aged about 37 Years, Son of Rambali Singh, Resident of Village - Pansalla, Post Office - Bhairwar, Police Station - Mufassil, District- Begusarai.

... .. Petitioner/s

Versus

1. The Bihar State Pollution Control Board, Patna through its Chairman, having its Office at N.S. B/2, Industrial Area, Patliputra, PIN - 800010.
2. The Chairman, Bihar State Pollution Control Board, Patna having its office at Industrial Area, Patliputra, Patna - 10.
3. The Regional Officer, Bihar State Pollution Control Board, Patna having its Office at Industrial Area, Barauni, District - Begusarai.
4. The State of Bihar through the Principal Secretary, Department of Animal Husbandry, Government of Bihar, Patna.
5. The District Animal Husbandry Officer, Begusarai.
6. The District Magistrate, Begusarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Arun Kumar, Advocate
For the Respondent/s : Mr.Sajid Salim Khan, S.C.-25

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL JUDGMENT

Date : 08-04-2025

Heard learned counsel for the petitioner, learned counsel for the State and learned counsel for the Bihar State Pollution Control Board.

2. The present writ application has been filed for the following reliefs:

(i) A writ in the nature of certiorari setting aside the impugned order bearing Ref. No. 2419 dated 21.07.2022 issued under signature of Respondent No. 2 as contained in Annexure-6



whereby and where under in contrary to "Environmental Guidelines for Poultry Farm" as well as without giving proper opportunity of hearing to the petitioner and without proper consideration of show cause submitted by petitioner in purported exercise of Power under section 31 A of the Air(Prevention and Control of Pollution) Act 1981 directed to close and stop operation of Poultry Farm of petitioner with immediate effect and in default thereof Board will be constrained to file complaint under the provision of Act, in gross violation of Principle of Natural justice.

(ii) For further direction upon the Respondent concerned to allow the petitioner to run the Poultry Farm which is being run after getting registration from the level of Respondent District Animal Husbandry Officer, Begusarai much earlier in year 2013 and subsequently renewed on 04.07.2022 and even the Poultry Farm of petitioner is not required to get prior approval of State Pollution Control Board as the registration for Poultry Farm is up to 5000 Broilers whereas print approval is required for above than 1000 Broilers or above.

(iii) For a direction upon the respondent No.2 not to give effect the impugned order till decision of the present case.



(iv) Any other order/orders for granting any other relief/reliefs for which the petitioner is entitled to in the facts and circumstances of the case.

3. Learned counsel for the petitioner submits that the Poultry Farm of the petitioner is started in the year 2012 and as per guideline of the Central Pollution Control Board which suggests that the Poultry Farm is in progress in which the Broilers is more than One Lakh is required to take NOC from the Bihar State Pollution Control Board. Learned counsel for the petitioner submits that it is admitted fact that the poultry farm of the petitioner is running with 5,000 broilers and the impugned order has been passed by the authority concerned after the inspection carried out by the respondent-Board but from a bare perusal of the inspection report which suggests that the Inspected Officer has not mentioned the distance between the poultry farm to the house of the complainant, namely, Ritesh Kumar and contrary to that report the impugned order has been passed by the authority concerned.

4. In view of the aforesaid, the impugned order dated 21.07.2022 (Annexure-6) is set aside and the mater is remitted back to the Bihar State Pollution Control Board to take a fresh decision in accordance with law after carrying the inspection



report in presence of the petitioner and pass a speaking and necessary order after hearing the petitioner within a period of two months from the date of receipt/production of a copy of this order.

5. Accordingly, this writ application stands allowed.

(Rajesh Kumar Verma, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	09.04.2025
Transmission Date	NA

