

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19431 of 2024

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1. Vikau Saday S/o Late Kailu Saday, resident of Madna Tole, Dhokra, Ward No.-9, Madna, P.S.-Andhratharhi, District-Madhubani (Bihar).
 2. Yogendra Saday, S/o Jholi Saday, resident of Madna Tole, Dhokra, Ward No.-9, Madna, P.S.-Andhratharhi, District-Madhubani (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Department of Panchayati Raj, Government of Bihar, Patna.
3. Bihar State Pollution Control Board Bailey Road, Patna through its Chairman.
4. The Commissioner, Darbhanga Division, Darbhanga.
5. The District Magistrate, Darbhanga.
6. The S.D.O., Jhanjharpur Sadar, District-Darbhangha.
7. Circle Officer, Andhratharhi Anchal, Andhratharhi, District-Madhubani.
8. The Block Development Officer, Andhratharhi, District-Madhubani.
9. Mukhiya Madna Panchayat, Anchal-Andhratharhi, District-Madhubani.
10. Panchayat Sevak, Madna Panchayat, P.S.-Andhratharhi, District-Madhubani.
11. The Superintendent of Police, Madhubani.
12. The S.H.O., Andhratharhi Police Station, District-Madhubani.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Shanti Pratap, Advocate
		Mr. Ajit Ranjan Kumar, Advocate
For the Respondent/s	:	Mr. Vikas Kumar, AC to AG

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 10-01-2025

The writ petition is filed to restrain the respondents from establishing a Waste Processing Unit (WPU) within the residential zone at Khesra No. 692 in Village- Dhokra Tole,



Ward No. 10 in Madna Panchayat, Circle Andhratharhi, District- Madhubani. It is also prayed that the appropriate site would be in Khesra No. 339, which is not a residential area. It is also alleged that the WPU is being established near a pond, which has religious significance. The No Objection Certificate given by the Circle Officer is under influence by the Mukhiya and her husband, is the contention taken.

2. The petitioners have made allegation that the establishment of WPU in a residential zone is violative of the guidelines of the State Government as well as that issued by the National Green Tribunal. However, no such guidelines have been produced, nor has the specific violation pointed out.

3. The Solid Waste Management Rules, 2016 has been produced as Annexure-P/2 and P/3, without any rule being pointed out which has been violated in the establishment of the WPU. A No Objection Certificate is said to have been issued by the Circle Officer, which also has not been produced or challenged in the writ petition. The petitioner has filed the writ petition mainly on the representations filed before various authorities annexed along with the writ petition.

4. There is nothing stated as to the violation in establishing a WPU and the No Objection Certificate of the



Circle Officer has also not been challenged. We also find that there is no public interest involved, since it specifically refers to the residential area wherein the petitioners are also residing.

5. We find absolutely no reason to invoke the extraordinary remedy under Article 226 of the Constitution of India, that too by a Public Interest Litigation.

6. The writ petition stands dismissed.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

P.K.P./-

AFR/NAFR	
CAV DATE	
Uploading Date	10.01.2025
Transmission Date	

