

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3916 of 2026

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Anirudh Kumar @ Anirudh Kumar Singh S/o Late Prabhnarayan Singh,
Resident of Lanka Kachhuara, P.S. Gaurichak, District- Patna, at present
address- Rajendra Nagar, Road No. 13B, Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Laghu Udyog Department of Bihar, Patna (Bihar).
3. The Principal Secretary/ Director Pollution Department, Bihar.
4. Director of Udyog, Bihar, Patna-1.
5. District Magistrate, Patna.
6. Director General of Police, Bihar, Patna.
7. Senior Superintendent Police, Patna.
8. The Sub Divisional Magistrate, Patna Sadar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kameshwar Singh, Adv.
For the Respondent/s : Mr. P.K. Shahi, AG

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 25-03-2026 The instant writ petition, has been filed praying for

the following relief(s):-

“I. For directing the respondent authorities to take appropriate steps for quick action and seize the factory accounts of the illegal factory, which is producing duplicate cement from damaged/expired cement under the guise of an emery powder license.

II. For commanding respondent no. 3 (Pollution Department) to implement the findings of the inquiry as per Letter No. 1591/20 dated 05.08.2020 and the factory closure orders dated 05.11.2020 as per Letter No. 1181 dated 23.08.2021, as the factory has illegally reopened



under the same situation.

III. For directing respondent no. 3 to cancel the license issued for producing "emery powder" and to close the factory on account of pollution, which is established on disputed land.

IV. For directing the authorities to start an inquiry into Balajee Enterprises (Factory) vide order dated 28.01.2025 passed by the Addl. Member, Board of Revenue, Bihar, in Appeal (Pollution) Case No. 9/2023, which found that the factory was producing duplicate cement from frozen cement while having an emery powder license and no emery powder material was found.

V. For commanding the respondent authorities (Pollution Department) to take quick action, as the factory's operations create noise and air pollution, creating problems to the surrounding people."

2. From perusal of Annexure-11, it appears that upon receipt of the representation, an inquiry was initiated by the competent authority. The unit in question, namely *M/s Balaji Enterprises*, has not been made a party respondent in the present matter. From the materials on record, it further appears that the said unit was inspected and certain deficiencies were found. Consequently, on 16.10.2025, the Chairman, Bihar State Pollution Control Board, in exercise of powers under Section 31A of the Air (Prevention and Control of Pollution) Act, 1981 (for short 'the Act of 1981') issued a notice to *M/s Balaji Enterprises* proposing closure of the unit and granting an opportunity to submit objections, if any, within 15 days from the date of receipt of the notice.



3. In view of the fact that a competent authority is adjudicating the matter and a notice has already been issued in accordance with the provisions of the Act of 1981, this Public Interest Litigation is not maintainable.

4. Accordingly, the same stands dismissed.

(Sangam Kumar Sahoo, CJ)

(Harish Kumar, J)

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