IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(PIL) No. 216 of 2020

1. Anil Kumar Pathak, aged about 54 years, S/o Gupteshwar Pathak, R/o Village Lapra, P.O & P.S. Mccluskiegunj, District Ranchi, Jharkhand
2. Raghunath Yadav, aged about 36 years, S/o Ramsevak Yadav, R/o Village Harkha, P.O. Mongor, P.S. Latehar, District Latehar, Jharkhand
3. Pradeep Ram, aged about 47 years, S/o Bipat Ram, R/o Village Harkha, P.O. Mongor, P.S. Latehar, District Latehar, Jharkhand
4. Sonu Yadav, aged about 24 years, S/o Kishun Yadav, R/o Village Harkha, P.O. Mongor, P.S. Latehar, District Latehar, Jharkhand
5. Ramesh Yadav, aged about 29 years, S/o Khait Yadav, R/o Village Harkha, P.O. Mongor, P.S. Latehar, District Latehar, Jharkhand

... ... … Petitioners

Versus

1. The State of Jharkhand
2. The Chief Secretary, Government of Jharkhand, Project Office, Dhurwa, P.O & P.S. Dhurwa, District Ranchi, Jharkhand
3. The Secretary, Jharkhand State Pollution Control Board, Nepal House, Ranchi, P.O & P.S. Doranda, District Ranchi
4. The Secretary, (Urban Development and Town Planning), Project Office, Dhurwa, P.O & P.S. Dhurwa, District Ranchi, Jharkhand
5. The Deputy Commissioner, Latehar, having its office at Latehar, P.O & P.S. Latehar, District Latehar
6. Circle Office, Latehar having its office at Latehar, P.O & P.S. Latehar, District Latehar
7. The Executive Officer, Latehar Nagar Panchayat, P.O & P.S. Latehar, District Latehar.

… ... … Respondents

CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE RAJESH SHANKAR

For the Petitioners	:	Mr Abhay Kumar Mishra, Advocate Ms Adya Mishra, Advocate
For the Resp.-State	:	Mr Manish Kumar, Sr. S.C-II Mr Ashwini Bhushan, A.C o Sr. S.C-II
For the Resp.-JSPCB	:	Ms Richa Sanchita, Advocate

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15 /Dated: 10.09.2026

1. Heard the learned counsel for the parties.

2. This Public Interest Litigation has inter alia objected to the 7th respondent's setting up a solid waste management plant in the district of Latehar at Mauza Harkha, Khata no. 49, Plot No. 877A (said Plot).

3. The petitioners have raised several objections, including that the said Plot is located on the bank of rivers and a portion of the plot is, in fact, a Water Body.

4. The 3rd respondent, i.e. Jharkhand State Pollution Control Board (JSPCB) had filed an affidavit before us on 1.7.2024 submitting that a Consent to Establish (CTE) with general and specific conditions as contained therein was granted to the project proponent on 15.06.2023 on a written request submitted to the Board by the Executive Officer, Nagar Panchayat, Latehar. The affidavit admits that this Consent to Establish was valid for one year.

5. Upon our query, Mr Manish Mumar admitted that neither renewal was applied for before expiry of one year nor has any application been made for grant of fresh Consent to Establish. He tried to explain the reasons why this could not be done.

6. At this stage, we are not concerned with the reasons; the fact remains that the Consent to Establish dated 15.06.2023 is no longer valid, and based on the same, there is no question of the project proponent or the 7th respondent proceeding with the construction of a solid waste management plant.

7. Ms Richa Sanchita, learned counsel for the JSPCB, also submitted that without a Consent to Establish, there is no question of any project proponent proceeding with the construction of a solid waste management plant. She, however, maintained that there was no illegality in the grant of Consent to Establish dated 15.06.2023.

8. Mr Manish Kumar submitted that the construction work has already stopped pursuant to assurances given to this Court as recorded in some of

the orders made by the Co-ordinate Benches. He submitted that the 7th respondent, or the project proponent, has no intention of proceeding with construction until it obtains all requisite permissions, including the Consent to Establish. He, however, contested the petitioners' allegations raised in the petition and maintained that there was nothing wrong with the Consent to Establish already issued.

9. Mr Manish Kumar further submitted that within fifteen days from today, the 7th respondent/project proponent would apply to the JSPCB for Consent to Establish. He submitted that a suitable direction be issued to the JSPCB for expeditious disposal of the said application.

10. Mr Abhay Kumar Mishra, learned counsel for the petitioners, submitted that the JSPCB should also be directed to hear the petitioners on the serious objections raised in this petition before considering the application for Consent to Establish. He further submitted that liberty should be granted to the petitioners to file their objections to the 7th respondent/project proponent's application seeking Consent to Establish a solid waste management plant at the said Plot.

11. Learned counsel for the parties, in the peculiar facts of the present case, agreed that directions should be issued to the JSPCB for the expeditious disposal of the application for Consent to Establish, after hearing the 7th respondent/project proponent and the petitioners herein.

12. Accordingly, we direct that a copy of the application for Consent to Establish must be furnished to the learned counsel for the petitioners, who has agreed to accept the copy on behalf of the petitioners before the same is filed with the JSPCB. Within ten days of the receipt of such copy, the

petitioners may file their objections along with the documents for the grant of Consent to Establish.

13. The JSPCB should hear the representatives of the 7th respondent/project proponent and one of the nominated petitioners or their Advocate and dispose of the application for Consent to Establish as expeditiously as possible and in any event, within 120 days of its receipt.

14. The JSPCB need not be influenced either by any orders made in this petition or the earlier affidavits filed by the JSPCB on this issue. The matter must be considered afresh, in accordance with law, after considering the contentions of all parties.

15. The JSPCB should communicate its decision to the parties within this 120-day period. If any of the parties is aggrieved by such decision, they are at liberty to take out appropriate proceedings before the appropriate forum to challenge the same in accordance with law.

16. Both the parties, including the petitioners, must cooperate with the JSPCB to conclude the process expeditiously and, in any event, within the timeline now indicated. In particular, the petitioners must not seek any adjournment or delay the matter before the JSPCB. If for any reason, the petitioners / their representatives or Advocate cannot attend the proceedings before the JSPCB, they should file their written submission on or before the appointed day, so that JSPCB can consider the same.

17. Needless to add that until Consent to Establish and other required permissions are obtained, there will be no question of the 7th respondent /project proponent proceeding with the construction of the solid waste management plant or dumping any garbage /solid wastes at the said Plot.

18. The petition is disposed of in the above terms without any order for costs.

(M.S. Sonak, C.J.)

(Rajesh Shankar, J.)

September 10, 2026
NAFR
Ranjeet / R.Kr.
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