

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16018 of 2019

Dr. Renu Kumari

... .. Petitioner/s

Versus

Union of India

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Apurva Kumar, Adv. Mr. Avinash Chandra, Adv. Mr. Kumar Vikram, Adv.
For the Respondent/s	:	Mr. Y.P. Sinha, AAG-7 Mr. Shankar Kumar, AC to AAG-7
For the BPSCB	:	Mr. Shivendra Kishore, Sr. Adv. Mr. Parijat Saurav, Adv.
For the Respondent No. 16	:	Mr. Uday Bhan Singh, Adv.
For the Respondent No. 9	:	Mr. Yashraj Bardhan, Adv.

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

4 29-01-2020 From the action plan of Air Control Pollution annexed as a document prepared by the Bihar State Pollution Control Board, it is apparent that the timeline for achieving the target of restricting plying of commercial diesel vehicles; introducing vehicles of thinner fuel i.e. CNG /LPG; ban on registration of diesel driven auto-rickshaw/ tempo; regulation and consumption of traffic of commercial vehicles; adoption of cleaner technology for brick kilns at five blocks of Patna; etc. is over. Yet, as we infer from the affidavit filed by the authorities, save and except from issuing directions, no work at the ground level



in checking and regulating air pollution stands taken by the authorities.

Illustratively, out of 716 units inspected by the authorities stipulated under the Bihar State Pollution Control Board, 137 units were found to be still in operation, despite issuance of closure directions. 415 units were found to have been closed and as to whether, they are now illegally carrying out any activity in violation of the provisions of the Air (Prevention and Control of Pollution) Act, 1981 or not is not evident from the record. No Inspections were carried out.

Out of 716 units, only 164 units were found to be plaintiff under the provisions of law.

The affidavit is conspicuously silent with regard to the action taken report on the action plan prepared by the Air Pollution Control Board.

What steps stand taken for introducing vehicles, using thinner fuels has not been disclosed by the State, though from the affidavit filed by the Respondent No. 16, namely, Gas Authority of Indian Limited (GAIL), it is clear that only 3 retail outlets stands established in Patna city. It appears that for monitoring and implementation of the provisions of the statute, for checking air pollution, an Advisory Committee stands



constituted and the Bihar State Pollution Control Board is to coordinate with the department of Environment and Forest, Urban Development & Housing Department, Transport Department of Government of Bihar and the Municipal Corporation, Patna.

Let the latest report of the said monitoring committee dealing with each of the aspects indicated in the action plan be placed on record within a period of two weeks from today.

List this case on 17.2.2020.

(Sanjay Karol, CJ)

(Mohit Kumar Shah, J)

Tiwary/-Ajay/-

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