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**(2010) 08 AHC CK 0225**  
**In the Allahabad High Court**  
**Case No : Writ Petition No.6653 (M/B) of 2010**

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| Dhruv Raj Singh         | Vs | APPELLANT  |
| State of U.P.and Others |    | RESPONDENT |

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**Date of Decision :** 10-08-2010

**Acts Referred:**

Air (Prevention and Control of Pollution) Act, 1981 — Section 46  
Constitution of India, 1950 — Article 226

**Citation :** (2010) 08 AHC CK 0225

**Hon'ble Judges :** Uma Nath Singh, J and Satish Chandra, J

**Final Decision :** Disposed Of

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## Judgement

1. It appears that this writ petition has been preferred in the ignorance of the provisions of Section 46 of The Air (Prevention and Control of Pollution) Act, 1981. The said Section on reproduction reads as:

“46. Bar of jurisdiction. No civil court shall have jurisdiction to entertain any suit or proceeding in respect of any matter which an Appellate Authority constituted under this Act is empowered by or under this Act to determine, and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.”

2. We dispose of this writ petition with direction that this writ petition be itself treated as an appeal before the State Government in terms of Section 46 of the Air (Prevention and Control of Pollution) Act, 1981, and the same shall be considered on merit within a period of four weeks from the date of receiving a copy of this order.

3. With the aforesaid direction, this writ petition is, disposed of.

4. However, if any formal procedure required to be completed, the petitioner is at liberty to do the same within the period as directed by this Court.