

(1996) 11 PAT CK 0001
In the Patna High Court
Case No : C.W.J.C. No. 11279 of 1996

Subhash Prasad Singh and Another	Vs	APPELLANT
The State of Bihar and Others		RESPONDENT

Date of Decision : 29-11-1996

Acts Referred:

Citation : (1997) 1 PLJR 494

Hon'ble Judges : D.P. Wadhwa, C.J; R.M. Prasad, J

Bench : Division Bench

Advocate : Uday Bhanu Roy and A. Mukherjee, for the Appellant; P.K. Shahi, Sharvadeo Singh, Shekhar Singh for Respondents 6 to 9, J.P. Karn and S.P. Singh for Respondents 2 and 5, Y. Kishore and R. Pathak, for the Respondent

Final Decision : Dismissed

Judgement

1. This Public Interest Litigation has been filed by two Petitioners claiming that there is certain emission from the factory named Shiv Shankar Chemicals Ltd. Jagdishpur, District Banka which is harmful and dangerous to human beings. Prayer is, therefore, for the immediate closure of the unit. On show-cause having been issued to the Respondents, the Distillery Manager of the factory has sworn in an affidavit stating therein that the matter had earlier been taken to the Hon'ble Supreme Court and a report was called for from the Pollution Control Board and thereafter the matter was dropped as there was no effluent from the factory premises.

2. Mr. J.P. Karn, learned Counsel appearing for the Pollution Control Board, submits that effluent treatment plant has been installed in the factory and the same is functioning and there is no effluent or emission coming out from the factory. Similar is the stand by the learned Counsel appearing for the State. In the Affidavit of the Distillery Manager it is stated that the Petitioners are trying to black-mail the factory and had made false averments. It is stated that Petitioner No. 1 is a social worker and the second Petitioner is a practising Advocate at Patna. It is, however, submitted by the learned Counsel for the Petitioners that

effluent is still coming out which is dangerous to the human beings and in a certain case even pregnancy has been terminated and that the animals also do not drink water which is contaminated due to emission.

3. We find these submissions of the Petitioners have no basis and we are satisfied that the Petitioners have abused the process of the Court in filing this petition and they are acting with mala-fide motives.

4. The writ petition is accordingly dismissed with cost quantified at Rs. 10,000/- (Rupees Ten thousand) payable to the Patna High Court Council of Legal Aid Advice. The cost shall be paid within two weeks. Let a copy of this order be sent to the Secretary, Patna High Court Council of Legal Aid and Advice.