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**(2004) 11 JH CK 0012**

**Jharkhand High Court**

**Case No:** Writ Petition (PIL) No. 2332 of 2001

Manbodh Mahto

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

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**Date of Decision:** Nov. 4, 2004

**Acts Referred:**

- Constitution of India, 1950 - Article 226

**Citation:** (2005) 1 JCR 238

**Hon'ble Judges:** S.J. Mukhopadhaya, Acting C.J.; Narendra Nath Tiwari, J

**Bench:** Division Bench

**Advocate:** A.K. Kashyap, Dilip Jerath, R.N. Sahay, S.C. II, R.R. Nath, for the Appellant;  
Mokhtar Khan and M.S. Anwar, for the Respondent

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### **Judgement**

@JUDGMENTTAG-ORDER

1. This public interest litigation has been preferred by the petitioner calling upon the respondents to restrain respondent No. 7 from operating the Hot-Mix Plant at plot Nos. 39 and 67 of village-Tilta, P.S Ratu, District-Ranchi on the ground that the aforesaid plant is a hazardous industry having been so declared by the Expert Committee of the Central Pollution Control Board. This case was heard from time to time and certain orders were passed. Some of the respondents earlier informed that they will adopt remedial measures to ensure that Hot-Mix Plant does not cause any pollution.

2. Mr. Jerath, counsel for the Jharkhand State Pollution Control Board submitted that after verification of Hot-Mix Plant in question, NOC has been given to the contractors on the basis of the present specification, as determined by the Jharkhand State Pollution Control Board. The Board has no objection, if they are now being run by the respondents of this case at the places where they are situated.

3. Though the counsel for the petitioner tried to raise different objections, this Court is not inclined to decide those issues, as the Courts are not the Expert Committee to determine whether it is polluted area or not. It is for the Pollution Control Board to decide the same. Now, on the basis of the present standard, specification and norms prescribed vide Notification No. 28 dated 27th August, 2003, the Jharkhand State Pollution Control Board having verified the Hot-Mix Plants in question and having granted NOC to them, this Court allows the contractors to proceed with their work so that they may complete the construction of the road on an early date, failing which it will be open to the State of Jharkhand to cancel their agreement.

4. This application stands disposed of, with the aforesaid observations.

5. Let a copy of this order be handed over to the counsel for the parties.