

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P. (PIL) No. 1325 of 2011

Court On Its Own Motion Versus The State of Jharkhand & Ors.

**CORAM: HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE D.N. PATEL**

For the Petitioner	:	Mr.I. Sinha, Amicus Curiae
For the Respondent-RRDA	:	Mr. A.K.Singh
For the Respondent-State	:	Mr. R.R. Mishra, G.P.
For the Respondent-RMC	:	M/s. R.R.Nath, L.C.N.Shaheo
For the Respondent-Pollution Control Board	:	Mr. A.K.Pandey
For the Respondent -BSL	:	M/s. P.K.Prasad, Sr. Advocate, Ananda Sen

04/ 01.04.2011

Heard learned counsel for the parties.

Learned Amicus Curiae, at the outset, drew attention of this Court towards an order passed by a Division Bench of this Court in W.P. (PIL) No. 3585 of 2002 dated 22.7.2003, in which the following directions were issued to the respondents :-

“8. We, therefore, issue the following directions by way of an interim measure in this case:-

(I) The State of Jharkhand represented by the Chief Secretary to the Government is directed to ensure that the Environmental Protection laws enacted in public interest are strictly enforced in the State with a view to protect the environment and public health;

(ii) We direct the Jharkhand State Housing Board to ensure that no Housing Colony is planned or created by it without first ensuring that adequate provisions are made for prevention of pollution in terms of the Environmental Protection Act; the Air Act and the Water Act and that where they have already brought into existence colonies, adequate and immediate steps are taken to prevent air, water and noise pollution;

(iii) We direct the Ranchi Regional Development Authority and other Regional Development Authorities in the State not to permit any construction or setting up of any industry, without first ensuring that adequate provisions are made for protection of the environment and to avert and avoid

air and water pollution. The Regional Development Authorities will also ensure that the provisions of the Regional Development Authority Act and the Rules under it are fully enforced and no construction in violation of the said Act or the Rules is permitted;

(iv) We direct the Ranchi Municipal Corporation and other Municipal Corporations and Municipalities to take steps to ensure that within their respective areas of operation, all steps contemplated by the Environmental Protection Act, the Air Act and the Water Act are taken and that the duty of the Corporation under the Municipalities Act or Municipal Corporations Act are duly and properly performed so as to maintain health and prevent pollution;

(v) We direct the Jharkhand State Pollution Control Board to take rigorous steps to enforce the provisions of the Environmental Protection Act, the Air Act and the Water Act and the Noise Pollution Control Rules in whole of the State and also launch prosecutions under the various Acts against persons, authority or statutory bodies who are found to violate the various pollution control enactments or Rules. The Pollution Control board is also directed to ensure that no industry is permitted to be established or set up within the State without ensuring that adequate pollution control measures as contemplated by the various Acts are adopted by the concerned industry.”

Today an affidavit, which has been filed on behalf of the State, almost conforms to the contrary to what has been stated in the order of this Court referred to hereinabove. If the directions of this Court issued in the year 2003 were followed, all that what is being stated in the affidavit at Annexure-A at page -27 would not be necessary to be stated. This shows total defiance of the order of this Court passed in 2003. This calls for issuance of notices of contempt to the State Government, Ranchi Regional Development Authority, Ranchi Municipal Corporation and other Municipal Corporations and other Municipalities, Jharkhand State Housing Board and Jharkhand State Pollution Control Board. Reply

in this regard be filed by 19th April, 2011.

Mr. Saryu Roy has filed I.A No1032/2011. He is permitted to intervene and he may assist this Court for better conservation and preservation of water resources of the State.

The file of W.P (PIL) No. 3585/2002 will be tagged with this matter.

Put up on 19th April, 2011.

(Bhagwati Prasad, C.J)

(D.N. Patel, J)

Dey/S.I.