

GAHC010193622024



2024:GAU-AS:10418-DB

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : PIL/57/2024

MINAJUL ALAM
S/O- MAJIBUR RAHMAN, R/O- VILL.- ROWMARI,
P.O. SOLMARI, SADAR NAGAON, DIST. NAGAON, ASSAM

VERSUS

1: THE STATE OF ASSAM AND 4 ORS REPRESENTED BY THE PRINCIPAL
SECRETARY, FOREST AND ENVIRONMENT DEPARTMENT TO THE GOVT.
OF ASSAM, DISPUR, GUWAHATI-06.

2:THE CHAIRMAN POLLUTION CONTROL BOARD
ASSAM BAMUNIMAIDAM GUWAHATI-21.

3:DISTRICT COMMISSIONER
NAGAON ASSAM

4:THE CIRCLE OFFICER
NAGAON SADAR REVENUE CIRCLE NAGAON ASSAM

5:SADDAM HUSSAIN
S/O- HUSSAIN ALI VILL.- ROWMARI P.O. SOLMARI
PIN- 782002 DIST. NAGAON ASSAM

For the Petitioner(s) : Mr. F.Z. Mazumder, Advocate.

For the Respondent(s) : Mr. D. Gogoi, Standing Counsel, Forest Department for
respondent No.1.

: Mr. S. Baruah, Standing Counsel, Pollution Control Board for
respondent No.2.

: Mr. D.K. Sarmah, Additional Senior Govt. Advocate, Assam for
respondent Nos.3 & 4.

- B E F O R E -
HON'BLE THE CHIEF JUSTICE MR. VIJAY BISHNOI
HON'BLE MR. JUSTICE SUMAN SHYAM

24.10.2024

(Vijay Bishnoi, CJ)

This PIL petition is filed by the petitioner essentially being aggrieved with the consent given by the Pollution Control Board in favour of the respondent No.5 for establishing a brick kiln unit in Village – Rowmari, PO – Solmari in the District of Nagaon.

It is to be noticed that the consent for establishing a brick kiln unit was granted in favour of the respondent No.5 way back in the year 2020. However, this writ petition is filed challenging the said consent in the year 2024. Otherwise also, we are of the view that essentially this writ petition cannot be treated as a PIL petition and if the petitioner is aggrieved by the action of the Pollution Control Board for granting consent to the respondent No.5 for establishing a brick kiln unit, the petitioner can avail appropriate remedy available to him under the law.

At this stage, Mr. F.Z. Mazumder, learned counsel for the petitioner submits that he wants to withdraw this PIL petition with liberty for the petitioner to approach the concerned authority against the consent granted by the Pollution Control Board in favour of the respondent No.5 for establishing a brick kiln unit.

In view of the above, the writ petition filed by the petitioner is dismissed as withdrawn with liberty, as prayed for.

JUDGE

CHIEF JUSTICE

Comparing Assistant