

GAHC010242312023



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

Case No. : WP(C)/6273/2023

M/S ORANG BRICK FACTORY AND 3 ORS
HAVING ITS REGISTERED OFFICE AT GARUBANDHA,
P.O. AND P.S.- ORANG,
DISTRICT- UDALGURI (BTR), ASSAM,
PIN- 784112.
REPRESENTED BY ITS PROPRIETOR- SRI PRADYOSH KUMAR
BORAH.

2: PRADYOSH KUMAR BARUAH
SON OF SRI KESHAB BARUAH
RESIDENT OF CHAMUAPARA
P.O. AND P.S.- MAZBAT
MOUZA- ORANG DISTRICT- UDALGURI (BTR)
ASSAM. PIN- 784112.

3: M/S. ORANG BRICK INDUSTRY
HAVING ITS REGISTERED OFFICE AT GARUBANDHA
P.O. AND P.S.- ORANG
DISTRICT- UDALGURI(BTR) ASSAM
PIN- 784112.
REPRESENTED BY ITS PROPRIETOR- SRI KESHAB BARUAH.

4: KESHAB BARUAH
SON OF LATE SARAT BARUAH
RESIDENT OF CHAMUAPARA
P.O. AND P.S.- MAZBAT
MOUZA- ORANG PIN- 784112
DISTRICT- UDALGURI(BTR) ASSAM

VERSUS

THE UNION OF INDIA AND 7 ORS.
REPRESENTED BY THE SECRETARY,
MINISTRY OF MICRO, SMALL AND MEDIUM ENTERPRISES,

NEW DELHI- 110001.

2:THE STATE OF ASSAM
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM
INDUSTRY AND COMMERCE DEPARTMENT
DISPUR GUWAHATI-06.

3:THE BODOLAND TERRITORIAL COUNCIL
REPRESENTED BY THE PRINCIPAL SECRETARY
KOKRAJHAR P.O. AND P.S.- KOKRAJHAR
DISTRICT- KOKRAJHAR (BTR)
ASSAM PIN- 783370.

4:THE POLLUTION CONTROL BOARD
ASSAM REPRESENTED BY ITS MEMBER SECRETARY
BAMUNIMADAM
P.O.- BAMUNIMADAM
P.S.- CHANDMARI
DISTRICT- KAMRUP(M)
ASSAM.

5:THE DEPUTY COMMISSIONER
UDALGURI
P.O. AND P.S.- UDALGURI
DISTRICT- UDALGURI(BTR)
ASSAM. PIN- 784509.

6:THE GENERAL MANAGER
DISTRICT INDUSTRIES AND COMMERCE CENTRE
UDALGURI (BTR)
P.O AND P.S.- UDALGURI
PIN- 784509
DISTRICT- UDALGURI(BTR)
ASSAM.

7:THE AGRICULTURAL DEVELOPMENT OFFICER
ROWTA AGRICULTURAL CIRCLE
P.O. AND P.S.- ROWTA
DISTRICT- UDALGURI(BTR)
ASSAM PIN- 784509.

8:THE CIRCLE OFFICER
MAZBAT REVENUE CIRCLE
P.O. AND P.S.- ORANG
PIN- 784112
DISTRICT- UDALGURI(BTR)
ASSAM

Advocate for the Petitioner : MR R S CHAUHAN

Advocate for the Respondent : DY.S.G.I.

**BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA
ORDER**

Date : 07.02.2024

Heard Mr. R. S. Chauhan, learned counsel for the petitioners and Mr. M. Chetia, learned counsel for the respondent Nos. 5 & 8. Also heard Mrs. R. Devi, learned counsel for the respondent No. 1 and Mr. B. Choudhury, learned counsel for the respondent Nos. 3 & 7 as well as Mr. N. Kalita, learned counsel for the respondent Nos. 2 & 6.

2. The petitioners are aggrieved by an order dated 16.03.2023, passed by the Deputy Commissioner, Udalguri (BTR), whereby Brick Kilns Industries of the two petitioners have been ordered closure on the basis of an enquiry caused pursuant to a public complaint.

3. The impugned order dated 16.03.2023 states that on perusal of the detailed enquiry report, it is evident that the Brick Kilns Industries operating at Gorubandha village under Mazbat Revenue Circle have been functioning without necessary authorization from the concerned authorities, in violation of the Assam Brick Kilns Establishment & Regulation Rules, 2013. Further, there is no pollution clearance certificate from the Pollution Control Board, Assam.

4. The petitioners' counsel submits that at the time the impugned order dated 16.03.2023 was issued by the Deputy Commissioner's office, the petitioners did not have the required documents for running the Brick Kilns

Industries. However, the petitioners have now acquired all the necessary documents for running the Industries and have submitted the same to the District Commissioner, Udalguri vide forwarding letter dated 04.10.2023. However, no decision has been taken by the District Commissioner, Udalguri to allow the petitioners to run the Brick Kilns Industries. He accordingly prays that a direction may be issued to the District Commissioner to take a decision on the petitioners' application dated 04.10.2023 to run the aforesaid Industries.

5. The counsels for the respondents submit that they have got no objection to the prayer made by the petitioners' counsel.

6. On perusing the pleadings and after hearing the learned counsels for the parties, it is quite clear that there is no infirmity with the impugned order dated 16.03.2023 passed by the District/Deputy Commissioner, Udalguri in ordering closure of the petitioners' Brick Kilns Industries. However, the last sentence of the impugned order dated 16.03.2023 also provides as follows:-

".... this Industries are moreover directed to submit to the office of the undersigned all requisite clearances, NOC and permissions as per the relevant Rules from the concerned authorities, within a time period of four weeks."

7. As the petitioners have allegedly submitted the required documents for running the Brick Kilns Industries, the District/Deputy Commissioner, Udalguri, is directed to take a decision on the petitioner's application dated 04.10.2023 and communicate the same to the petitioners. The entire

process should be concluded within a period of 1 (one) month from the date of receipt of a copy of this order.

8. This writ petition is accordingly disposed of.

JUDGE

Comparing Assistant