

Court No. - 7

Case :- WRIT - C No. - 917 of 2024

Petitioner :- Mahaveer Brick Field Through Proprietor Puneet Kumar Mishra

Respondent :- State Of U.P. Thru Prin.Secy. Forests, Environment And Climate Change, Lucknow And Ors.

Counsel for Petitioner :- Prashant Shukla

Counsel for Respondent :- C.S.C.,Asit Srivastava

Hon'ble Manoj Kumar Gupta,Acting Chief Justice

Hon'ble Saurabh Lavania,J.

1. The petitioner is aggrieved by order dated 21.12.2023 passed by respondent no.4 with the approval of the competent authority i.e., respondent no.3 refusing to accord consent and authorization to the petitioner to operate a brick kiln.

2. Learned counsel for the U.P. Pollution Control Board points out that the order is appealable under Section 31 of the Air (Prevention and Control of Pollution) Act, 1981.

3. Learned counsel for the petitioner is not in a position to dispute the fact that the petitioner has alternative remedy of filing appeal.

4. Consequently, we are not inclined to entertain the challenge, particularly, in view of the disputed questions of facts being sought to be raised before us. We relegate the petitioner to the remedy of appeal provided under the statute.

5. The petition stands **disposed of**.

6. At this stage, learned counsel for the petitioner submits that the appellate authority be directed to decide the appeal expeditiously, which the petitioner would be filing.

7. Having regard to the said submission, we hereby provide that in case the appeal is filed within two weeks from today, it shall be decided on merits within next six weeks.

(Saurabh Lavania, J) (Manoj Kumar Gupta, A.C.J.)

Order Date :- 30.1.2024

Ankit.