

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6501 of 2014

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Sri Ram Bricks 555, Farda Munger through its Partner Sanjay Kumar S/O Janardan Kunwar @ Janardan Kumar resident of village Farda Purbari Tola, P.O. Farda, P.S. Nayaram Nagar, District - Munger

.... Petitioner/s

1. Versus

1. The State of Bihar through Mines Commissioner - Cum - Principal Secretary, Mines and Geology Department, Vikas Bhawan, Bailey Road, Patna
2. Bihar State Pollution Control Board, Bihar, Patna through The Member Secretary, Bihar State Pollution Control Board, Belton Bhawan Shastrinagar, Patna
3. Regional Officer, Regional Office Cum Laboratory of Bihar State Pollution Control Board, Industrial Area Barauni, P.O. Tilrath Begusarai
4. Mineral Development Officer, District Mining Office, Fort Area Munger

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dinesh Kumar Gupta, Advocate
For the State : Mr. Devendra Kumar Sinha, Sr. Advocate
Mr. Abhinay Raj, Advocate
For the Respondents 2, 3 : Mrs. Binita Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE V.N. SINHA
ORAL JUDGMENT
Date: 11-06-2015

Heard learned counsel for the petitioner, counsel for the Mines Department and Bihar State Pollution Control Board (hereinafter referred to as the Board).

2. Petitioner- brick-kiln has filed this writ petition through its partner, Sanjay Kumar praying, inter alia, to quash the instruction of the Board contained in Letter No. 455 dated 10.02.2014, Annexure-5 whereunder brick-kiln has been asked to stop its activity for failure to furnish environment clearance from the Board. In the light of the aforesaid instruction of the Board, Mines and Mineral

Development Officer, Munger has also issued instruction contained in Letter No. 80 dated 01.03.2014, Annexure-7 series asking the brick-kiln not to continue with its activity. Aforesaid instruction is also assailed.

3. It is submitted on behalf of the petitioner that it has obtained the required clearance from the State Environment Impact Assessment Authority, Bihar which is dated 22.01.2015, Annexure-12 to I.A. No. 4658 of 2015. It is further submitted that in the light of the environment clearance granted by the competent authority, Mines Department has also accepted royalty which would appear from demand draft dated 25.04.2015 contained at page 17 of the said interlocutory application.

4. In view of subsequent grant of environment clearance from the competent authority and receipt of the royalty by the Mines Department, Letter No. 455 dated 10.02.2014, Annexure-5 and Letter No. 80 dated 01.03.2014, Annexure-7 series are required to be quashed, which are, accordingly, quashed and the brick-kiln is permitted to continue with its operation in accordance with law.

5. The writ petition is, accordingly, allowed.

(V.N. Sinha, J.)

Arjun/-

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