

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1618 of 2015

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1. Durga Paswan Son of Late Subran Paswan, Resident of Village -
Betounha, P.S. - Jainagar, District - Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, department of Mines and Zoology, Government of Bihar, Patna.
2. Principal Secretary, department of Mines and Zoology, Government of Bihar, Patna.
3. District Magistrate, Madhubani.
4. Superintendent of Police, Madhubani.
5. Assistant Mining Officer, madhubani.
6. Sub Divisional Officer, Jainagar, Madhubani.
7. Circle Officer, Jainagar, Madhubani.
8. Chairman, Bihar State Pollution Control Board, Beltron Bhawan, Shashtrinagar, Patna.
9. Dilip Kumar Mahto, Son of Sri Ashrafi Mahto, Resident of Village - Betounha, P.S. -Jainagar, District - Madhubani.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Siddhartha Prasad, Advocate
For the Respondent State: Mr. Devendra Kr Sinha, AAG-2
For the Pollution Board : Mr. Shivendra Kishore, Senior Advocate
For the Respondent Mines: Mr. Rajendra Prasad, Spl.P.P.(Mines)

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER
(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

3 28-03-2016 Pursuant to the directions, given by the order, dated

14.03.2016, respondent Nos. 3, 4, 6, 7 and 8, namely, District
Magistrate, Madhubani, Superintendent of Police, Madhubani,
Sub-Divisional Officer, Jainagar, Madhubani, Circle Officer,
Jainagar, Madhubani, and Chairman, Bihar State Pollution Control
Board, Patna, are personally present in Court along with all

relevant records and filed counter affidavit.

Heard Mr. Siddhartha Prasad, learned Counsel for the petitioner, and Mr. Devendra Kumar Sinha, learned Additional Advocate General No. 2, appearing for the State respondents. Heard also Mr. Shivendra Kishore, learned Senior Counsel for the respondent Pollution Control Board, and Mr. Rajendra Prasad, learned Spl. P.P. (Mines), appearing for the Mines Department.

By filing counter affidavit, respondent No.8, namely, Chairman, Bihar State Pollution Control Board, Patna, has averred to the effect that operation of brick kiln, which was being run by respondent No.9, namely, Dilip Kumar Mahto, at village Betounha under Jai Nagar Police Station, without obtaining 'No Objection Certificate', has been directed to be stopped.

It also transpires from the counter affidavit, which has been filed by District Mining Officer, Madhubani, that operation of the brick kiln has been stopped inasmuch as there is no clearance from the Bihar Pollution Control Board for running the said brick kiln.

We, therefore, in the interest of justice, dispose of this writ application, which has been made under Article 226 of the Constitution of India, in the form of Public Interest Litigation, as having become infructuous with liberty to the petitioner to

approach this Court with appropriate application, if so advised.

In terms of the above observations and directions, this writ petition shall stand disposed of.

(I.A. Ansari, ACJ)

(Anjana Mishra, J)

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