

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18432 of 2018

1. Basisth Pandey, son of Late Ram Naresh Pandey, resident of Village- Gajiyapur, P.O.- Parsa Garh, P.S.- Ekma, District- Saran.
2. Imteyaz Ahmad, son of Harun Shah, resident of Village+ P.O.- Herihana, P.S.- Hussainganj, District- Siwan.
3. Irshad Anwar, son of Gulam Mustafa, resident of Village- Markan, P.S.- Hussainganj, District- Siwan.
4. Yogendra Singh, son of Kailash Singh, resident of Village- Bhawrajpur, P.S.- Andar, District- Siwan.
5. Chandrika Singh, son of Late Daroga Singh, resident of Village- Suwahi, P.S.- Siswan, District- Siwan.
6. Raja Ram Singh, son of Late Rambarai Singh, resident of Village- Husena Bangra, P.S.- M.H. Nagar (Hasanpura), District- Siwan.
7. Raju Kumar Gupta, son of Late Gulabchand Prasad, resident of Village- Guthani, P.S.- Guthani, District- Siwan.
8. Banke Bihari Dubey, son of Late Ramji Dubey, resident of Village- Nagai, P.O.- Ramgarh, P.S.- Siswan, District- Siwan.
9. Harendra Nath Tiwari, son of Late Deonandan Tiwari, resident of Village- Chainpur Mobarakpur, P.S.- Siswan, District- Siwan.
10. Rama Shankar Shahi, son of Late Ram Prashann Shahi, resident of Village- Deopura, P.S. Rashulpur, District- Saran.
11. Krishna Kumar Singh, son of Durga Singh, resident of Village- Risaura, P.S.- Maharajganj, District- Siwan.
12. Rajnish Kumar, son of Late Nawal Kishore Singh, resident of Village- Bangra, P.S.- Maharajganj, District- Siwan.
13. Shamim Akhtar, son of Late Md. Hedayatuldah, resident of Village- Piyaaur, P.S.- M.H.Nagar (Hasanpura), District- Siwan.
14. Pankaj Kumar, son of Late Ashok Kumar Singh, resident of Village- Mahuari, P.O. Deoriya, P.S. Maharajganj, District- Siwan.
15. Gajendra Kumar Singh, son of Late Surendra Nath Singh, resident of Village- Bithuna, P.S.- Basantpur, District- Siwan.
16. Arun Kumar Singh, son of Late Parmanhans Singh, resident of Village- Mahuari, P.S.- Maharajganj, District- Siwan.
17. Shiv Kumar Singh, son of Late Dharmnath Singh, resident of Village+ P.O.- Jalalpur, P.S.- Darounda, District- Siwan.
18. Ajay Kumar Singh, son of Visheshwar Singh, resident of Village+ P.O.- Ekma, P.S.- Ekma, District- Saran.
19. Awnish Kumar Shahi, son of Sharadanand Shahi, resident of Village- Deopura, P.S. Rasulpur, District- Saran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Department of Environment & Forest, Government of Bihar, Patna.
3. The Principal Secretary, Department of Mines and Geology, Government of Bihar, Patna.



4. The Chairman, Bihar State Pollution Control Board, Bihar, Patna- 800 023.
5. The Regional Officer, Bihar State Pollution Control Board, Industrial Estate, Bela, Muzaffarpur.
6. The Chairman, The State Environment Impact Assessment Authority (SEAC), Bihar, Patna.
7. The Director, Mines and Geology, Bihar, Patna.
8. The District Magistrate-cum- Chairman, District Environment Impact Assessment Authority (DEIAA), Siwan.
9. The District Magistrate-cum- Chairman, District Environment Impact Assessment Authority (DEIAA), Saran.
10. The Assistant Director (Mu), Mines and Geology, Bihar, Patna.
11. The Union of India through the Secretary, Ministry of Environment, Forest and Climate Change, Government of India, New Delhi.
12. The Chairman, Central Pollution Control Board, New Delhi.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar Singh, Advocate
For the Mines	:	Mr. Naresh Dikshit, Spl. PP Mines
For the State	:	Mr. M.K.Upadhyay, AC to GP-3
For the Pollution Board	:	Mr. Shivendra Kishore, Sr. Advocate

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 26-10-2018

Ref.:-I.A. No. 8176 of 2018

The present interlocutory application has been filed for intervention by the intervenors- petitioners seeking same and similar relief as has been sought for by the petitioners of the present writ petition.

The learned counsel for the intervenors- petitioners seeks to withdraw the present interlocutory application with liberty to file fresh writ petition.

I.A. No. 8176 of 2018 is dismissed as withdrawn with liberty to the intervenors- petitioners to file fresh writ petition.

C.W.J.C. No. 18432 of 2018

The present writ petition has been filed for directing



the respondents not to disturb the functioning of the brick kiln of the petitioners till completion of the construction of cleaner technology for the purposes of running brick kiln and by employing zig zag method of manufacturing bricks, as provided for in the notification issued by the Ministry of Environment, Forest and Climate Change, New Delhi dated 15.03.2018.

It is submitted by the learned counsel for the petitioners that the petitioners would require some time to convert the brick kiln as directed to be done by the aforesaid notification dated 15.03.2018 whereby and whereunder the brick kilns are required to follow the zig zag or vertical method of brick making as also the brick kilns are required to comply with the new standards for particulate matter by adopting good fuel, charging / operation practices as mentioned in the said notification dated 15.03.2018.

The learned senior counsel for the Respondent Nos. 4 and 5 has pointed out that the aforesaid notification dated 15.03.2018 provides one year time for making the aforesaid changes in the system of manufacturing of bricks as also using cleaner technology and good fuel, charging as well as operation practices.

In view of the submissions made by the respective



parties, this Court is of the view that the petitioner has got time upto 15.03.2019 to adapt to the new requirements as notified by the Ministry of Environment Forest and Climate Change vide notification dated 15.03.2018, hence, it is directed that the respondents shall not disturb the functioning of the brick kiln of the petitioners till 15.03.2019, whereafter the respondents may take recourse to such actions as may be deemed fit and proper in accordance with the notification dated 15.03.2018.

The writ petition is disposed of with the aforesaid directions.

(Mohit Kumar Shah, J)

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