

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2755 of 2018

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Ram Ratan Singh, Son of Late Sadhu Sharan Singh, Resident of Village- Katauna,
P.O.- Katauna, Police Station- Katrisarai, District- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Mines and Geology Department, Government of Bihar, Patna.
3. The Secretary, Pollution Control Board, Bihar, Patna.
4. The Commissioner, Patna Division, Patna.
5. The District Magistrate, Nalanda.
6. The Director, Mines, Nalanda.
7. The Sub Divisional Officer, Rajgir, Nalanda.
8. The Circle Officer, Katrisarai, Nalanda.
9. Bharat Bhushan @ Pappu, son of Bipin Bihari Singh, resident of Village- Katauna, Police Station- Katri Sarai, District- Nalanda.

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Manish Kumar No. 2, Advocate.

For the Respondent/s : Mr. Kaushal Kumar Jha, AAG 8.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

Date: 10-04-2018

In this Public Interest Litigation brought by the petitioner he has raised a grievance against the functioning of the brick-kiln of the private respondent, namely, Bharat Int Udyog in Vilalge Katauna, P.S. Katrisarai, District Nalanda.

2. Learned counsel for the petitioner submits that the brick-kiln is being run in the village by ignoring the laws regulating pollution control for which the Pollution Control Board (respondent



no. 3) has to take necessary action. The Pollution Control Board (hereinafter referred to as 'the Board') has filed a Counter Affidavit sworn by the Assistant Environmental Engineer serving in the Bihar State Pollution Control Board. He has brought on record the documentary evidences showing the action taken in the matter. Annexure - R/3-B is the copy of the letter sent to the private respondent to submit all relevant documents showing compliance with the provisions of the law in this regard.

3. Learned Senior Counsel representing the respondent no. 3 submits that the matter is already being enquired into at the level of the Pollution Control Board and the petitioner has remedies under the law if he would be aggrieved by the decision taken in the matter. The respondent no. 3 has brought on record a copy of the order dated 06.05.2016 of the National Green Tribunal, Eastern Zone Bench, Kolkata as Annexure – R/3-G passed in O.A. No. 61/2015/EZ (Joydeep Mukherjee Vs. Pollution Control Board, State of Bihar & Anr). It is stated that if the respondent no. 9 is found to be acting in violation of the environmental law and is running the brick-kiln prior to obtaining necessary consent then he would be liable to be proceeded against.

4. In the aforesaid view of the matter, considering the stand taken by the respondent-Board in its Counter Affidavit, we



dispose of the present Writ Application giving liberty to the petitioner that if the Board is not found acting in accordance with law, he will have liberty to agitate the issue before the appropriate forum.

5. For the present there is nothing in this Writ Application for proceeding in the matter. Hence, the Writ Application is dismissed.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

Dilip, AR

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	12.04.2018
Transmission Date	N/A

