

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No 17541 of 2018**

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- 1 Shambhu Kumar Singh, son of Madan Jee Singh @ Madan Singh, Resident of Village – Barnao, Police Station – Ayar, District – Bhojpur at Ara. Proprietor of M/s Baba Chimni (Brick) at and Post Office – Barnao, PS – Ayar, District – Bhojpur at Ara
  - 2 Lalbabu Singh, son of Sri Amirchand Singh, Proprietor of M/s Namaskar Bricks, at and Post Office – Barnao, PS – Ayar, District – Bhojpur at Ara
  - 3 Dwarika Singh, son of Sri Jag Mohan Singh, Proprietor of M/s Yadav Bricks, At Barnao Utri Mathiya, Post Office – Barnao, PS – Ayar, District – Bhojpur at Ara

.... .... Petitioner/s

Versus

- 1 The State of Bihar through the Chief Secretary
- 2 The Principal Secretary, Mines and Minerals, Government of Bihar, Patna
- 3 The Member Secretary, Bihar State Pollution Control Board, Beltron Bhawan, Bihar, Patna
- 4 The Assistant Director, Mines and Minerals, Bhojpur at Ara
- 5 The Assistant Director, Mines and Minerals, Government of Bihar, Patna
- 6 The Collector, Bhojpur at Ara

.... .... Respondent/s

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**Appearance :**

|                      |                                                                 |
|----------------------|-----------------------------------------------------------------|
| For the Petitioner/s | : M/s Sushil Kr Singh, Binod Kr, Advocates                      |
| For M i n e s        | : M/s Naresh Dixit, Lalan Kr, Advocates                         |
| For the S t a t e    | : Mr Gyan Prakash Ojha, GA VII with<br>Mr Ajit Kr, AC to GA VII |

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**CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD**

**ORAL JUDGMENT**

**Date: 31-08-2018**

Heard learned counsel for the petitioners as well as  
learned Special PP, Mines.

2 Petitioners have challenged Memo No 3126 dated  
26.07.2018 whereby the brick kiln operators have been required to  
convert their brick kiln to “cleaner technology” by 31.08.2018. It is  
submitted that huge amount of resources is required for conversion  
and, therefore, three years period may be granted beyond 31.08.2018



for converting the brick kiln to cleaner technology.

**3** Petitioners have drawn attention of this Court towards Emission Consent Order granted in their favour. Clause 11 of the same clearly records that the decision of the Bihar State Pollution Control Board (for brevity, *the Board*) dated 31.12.2015 requires that the brick kilns are required to be converted to cleaner technology in phased manner. For the last about two and half years, the petitioners have been operating the brick kiln with the full knowledge that they were required to convert their plant to cleaner technology. Submission of the learned counsel for the petitioners that sufficient time for conversion has not been granted under letter dated 03.09.2016 is prima facie contrary to the records of the case. Apart from that, the requirement of converting the brick kiln to cleaner technology has been imposed by the Board under an order dated 31.12.2015 referred to in the communication dated 26.07.2018, which has not been challenged.

**4** In view of such circumstance, the action taken on the decision of the Board cannot be interfered with when the order under which the action has been taken has not been challenged by the petitioners. Another aspect of the matter is that the requirement is in the larger public interest to safeguard the environment.

**5** No case is made out for interference. The writ petition



is dismissed.

(Madhuresh Prasad, J)

ME.H./-

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| AFR/NAFR          | NAFR       |
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