

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5951 of 2018

-
-
1. Om Prakash Singh, S/o Patthar Singh, Resident of Village- Jagatpur, P.S.- Basantpur, District- Siwan.
 2. Banti Kumar, S/o Brahma Singh, Resident of Village- Jagatpur, P.S.- Basantpur, District- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Mining, Bihar, Patna.
2. The Bihar State Pollution Control Board, through its Secretary, Bihar, Patna.
3. The District Magistrate-cum-Collector, Siwan.
4. The District Mining Officer, Siwan.
5. The Sub-Divisional Officer, Maharajganj, Siwan.
6. The Circle Officer, Lakri Naviganj, Siwan.
7. Bhagwan Singh, S/o Balam Singh, Resident of Village- Jagatpur, P.S.- Basantpur, District- Siwan.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Prabhakar Singh, Advocate
		Mr. Rakesh Mohan Singh, Advocate
For Pollution Control Board:		Mr. Shivendra Kishore, Sr. Advocate
		Mrs. Binita Singh, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 04-04-2018

Inter alia contending that a brick-kiln has been



established within a radius of 200 metres from a Government school or a public institution and the same is prohibited in view of the orders passed in the matter by the Pollution Control Board, as is evident from Annexure-2 dated 26.03.2009, and as the authorities are not taking any action in the matter and the brick-kiln has been constructed in violation to the notification of the Pollution Control Board Annexure-2 dated 26.03.2009, this petition has been filed in public interest.

The petitioner has made representation to the District Magistrate and when no action has been taken, this application has been filed.

If the brick-kiln has been established contrary to the requirement of law and the notification issued by the Bihar State Pollution Control Board, petitioner should make a representation in this regard to the Chairman of the Pollution Control Board giving all the details and the Chairman of the Pollution Control Board shall take action in accordance with law. Needless to emphasize that before taking action on the representation, the Pollution Control Board shall notice the persons to be adversely affected by any action, hear them and thereafter pass an appropriate order. If a representation is submitted, the entire action, as directed hereinabove, be



completed within a period of three months from the date of submission of the representation.

With the aforesaid, the writ petition stands disposed of.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

P.K.P./-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	06.04.2018
Transmission Date	

