

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10759 of 2016

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Santosh Kumar Sharma Son of Shri Paltan Sharma, R/o Village- Rajpur, P.O.-
Jaunapur, P.S.- Shahpu Patory, District- Samastipur.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Secretary Mining, Bihar, Patna.
2. The District Mining, Bihar, Patna.
3. The Principal Secretary Bihar State Pollution Control Board, Patna.
4. The District Mining Officer, Samastipur.
5. The Assistant Mining Officer, District- Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Ajay Kumar Singh
For the State	:	Mr.Niraj Kumar Sinha, AC to PAAG-2
For the Mines Respondent:		Mr. Naresh Dikshit, Spl. P.P. Mines
		Mr. Sunil Shekhar Pandey (AC to Naresh Dikshit)
For the Pollution Board	:	Mr. Shivendra Kishore
		Mr. Parijat Swaroop

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL JUDGMENT

Date : 19-04-2019

Heard the learned counsel for the petitioner and the State.

The instant writ petition has been filed for quashing the order dated 16.06.2014 as contained in Memo No. 290 (Annexure-5) and order dated 18.02.2015 as contained in Memo No. Camp-2/M-Samastipur (Annexure-6) issued by Respondent no. 4 as well as for direction to issue no objection certificate to the petitioner for the year 2014-2015.

Counter Affidavit has been filed on behalf of Respondent No. 3 (Bihar State Pollution Control Board) and Respondent Nos. 1, 2, 4 & 5.



It is mentioned in the Counter Affidavit filed on behalf of Respondent Nos. 1, 2, 4 and 5 that subsequent to non-depositing of royalty money certificate case has been registered against the petitioner under Public Demand Recovery Act, for which requisition has been sent. Copy of aforesaid requisition is annexed as Annexure-B to the Counter Affidavit. It is mentioned in para 11 of Counter Affidavit that criminal case has already been registered as Patori P.S. Case No. 25 of 2016.

The Bihar State Pollution Control Board has submitted in the Counter Affidavit that petitioner neither submitted the show cause nor appeared before the Chairman of the Board to place his case. The Member Secretary of the Board requested the Circle Officer, Mohanpur, Samastipur to inform the number of permanent inhabitants within the distance of 200 meters from the brick kiln which is situated at Mauza Rajpur, Khata No. 535, Khesra No. 1985 vide letter bearing Memo No. T-12791 dated 24.11.2014. Copy of aforesaid letter was forwarded to the petitioner, but the petitioner did not take step in the matter and did not appear before the Chairman. The brick kiln of the petitioner was inspected by the officer of the Bihar State Pollution Board and it was found that the same has been established at a site which does not confirm the sitting criteria of the State Board and in spite of direction of



Member Secretary of the State Board dated 23.12.2013, petitioner failed to submit environmental clearance from State Environment Assessment Authority, Bihar.

In such circumstances, this Court does not find any merit in this writ petitioner.

The writ petition is accordingly dismissed.

(Sanjay Priya, J)

rakhi/-

AFR/NAFR	
CAV DATE	N.A.
Uploading Date	30.04.2019
Transmission Date	

