

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3052 of 2016

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Mukesh Kumar Singh son of Late Tej Narayan Singh, Resident of Anamika Kunj, Raod No.7, North Patel Nagar, P.S.- Patliputra, District- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, (Mining) Bihar, Patna.
2. The Chairman, Bihar State Pollution Control Board, Beltron Bhawan, Shastri Nagar, Patna.
3. The Collector, Saran, Chhapra.
4. The Secretary, Bihar State Pollution Control Board, Beltron Bhawan, Shastri Nagar, Patna.
5. The District Mining Incharge/District Mining Officer, Saran at Chhapra.
6. The Chairman, State Environment Injuries Assessing Authority, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Sanjiv Sharan, Advocate
For the State	:	Ms. Ratna Kumari AC to PAAG-2
For the Pollution Board	:	Mr. Shivendra Kishore, Sr. Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL JUDGMENT

Date : 26-02-2019

Heard learned counsel for the petitioner, Bihar State Pollution Control Board as well as the State.

The petitioner has filed this writ petition seeking relief to take action against brick kiln owners who have established brick kiln without consent of the Board in the light of closure direction issued by the Chairman, Bihar State Pollution Board.

Learned counsel for petitioner submitted that petitioner after getting knowledge of running brick kiln without proper permission and according to rules filed a petition/complain



before the Assistant Director, Mining, Saran at Chapra and send the copy to other concerned authority.

It has further been submitted that on the basis of earlier complaint filed by the petitioner the unit was inspected on 3.9.2015 by the Board. It was found that the said unit is in operation without consent (CTE/CTO) of the Board. It is further submitted that after proper inspection of the unit of petitioner, Chairman of the Board issued closure order dated 7.12.2015 and forwarded copy to all concerned along with brick kiln owners who operate brick kiln without proper permission of the Board. Photo copies of the orders dated 7.12.2015 has been annexed as Annexure(s) 3 and 3/1 to this writ petition. The copy of closure order was also communicated to the District Magistrate Saran at Chhapra and District Mining In-charge and District Mining Officer, Saran for information and necessary action. Photo copy of letter dated 09.12.2015 has been annexed as Annexure-4 to the writ petition. It is further submitted that petitioner has approached several times before the concerned authority in connection with his claim but no positive steps have been taken.

Two sets of counter affidavits on behalf of the respondent no.3 and respondent nos. 2 and 4 have been filed. It has been



stated in the counter affidavit that order for closure of the brick kiln unit of the brick kiln owners, namely, Bachcha Singh and one Shambhu Singh was passed by Annexure -C. The letter was sent to District Magistrate, Saran to take appropriate action against both those brick kiln owners vide Annexure- D. Learned counsel further submits that circumstances has changed subsequently and the brick kiln owners of the aforesaid unit, namely, Bachcha Singh and Shambhu Singh along with other brick kiln owners were recommended for issuance of Enviornmental Clearance in the meeting of State Expert Appraisal Committee (SEAC) held on 26.09.2015/27-09-2015. State Enviornment Impact Assessment Authority in the meeting held on 13.10.2015 accorded Environmental Clearance to several brick kilns including the aforesaid two brick kiln owners as mentioned in Annexure- C. Subsequently, the consent has been granted to these brick kiln owners to operate his/their plant for the period 29.3.2016 to 28.3.2019 subject to the condition as mentioned in detail in Annexure- G which is Emission Consent Order of both the units issued by the Bihar State Pollution Control Board dated 29.3.2016.

The counsel for the Pollution Control Board has submitted that as such both those brick kiln owners are running



their brick kiln after getting the Emission Consent order. Learned counsel further submits that if the petitioner is aggrieved by the order of Pollution Control Board granting Emission Consent order then he has alternative remedy to file appeal before the competent authority.

In such circumstances, this Court does not find any merit in this writ petition. This writ petition is, accordingly, dismissed. Petitioner is, however, at liberty to file necessary appeal if so advised, against the order passed by the Bihar State Pollution Control Board, granting Emission Consent, to both the brick kiln owners, namely, Bachcha Singh and Shambhu Singh, who are running brick kiln in the name and style of B.M.N. Int Udyog as mentioned in Sl. Nos. 64 and 65 of Annexure- H to the counter affidavit filed on behalf of respondent no.3

(Sanjay Priya, J)

shyambihari/-

AFR/NAFR	
CAV DATE	
Uploading Date	7.3.2019
Transmission Date	

