

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5439 of 2016

Shivam Kumar, S/o late Bishwanath Choudhary, Resident of Mahajan tola,
Sultanganj, Po and PS Sultanganj, District Bhagalpur, Proprietor of M/s
Shivam Industries, Village- Masdi, P.S. Sultanganj, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Additional Secretary, Pollution Control Board, Beltron Bhawan, Shastri Nagar, Patna.
3. The District Magistrate, Bhagalpur.
4. The Mineral Development officer, Bhagalpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	None
For Bihar State Pollution:	:	Mr. Shivendra Kishore, Sr. Adv.
Control Board	:	Mr. Parijat Saurav, Adv.
For the Respondent/s	:	Mr. Ashok Kumar Pathak, Advocate

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL JUDGMENT

Date : 15-04-2019

None appears on behalf of the petitioner.

2. From the order sheet, it appears that earlier on
10.04.2019 also nobody appeared on behalf of petitioner.

3. Counsel for the Bihar State Pollution Control Board
and State are present.

4. They have submitted that petitioner was running a
brick kiln since 2003 without obtaining environmental clearance
from SEIAA and no Objection Certificate from the concerned
department which is utter violation of the law. The petitioner was
directed by Memo No. T-172 dated 04.01.2016 to close his brick
kiln under the provision of Section 31A of the Air (Prevention and



Control of Pollution) Act, 1981 by the Chairman of the State Board. The aforesaid Memo has been enclosed as Annexure R/2-C to the counter affidavit.

5. Learned counsel for the respondent further submits that petitioner has annexed as Annexure R/2-L, which is application dated 21.10.2016 filed before Bihar Pollution Control Board, depositing draft of Rs. 1.50/- lac as Environmental Compensation. He has not filed any other relevant document as required.

6. In such circumstances, since order has already been passed by Bihar Pollution Control Board by Memo No.- T-172 dated 04.01.2016 to close the brick kiln under the provision of Section 31 A of the Air (Prevention and Control of Pollution) Act, 1981, this court does not find merit in the writ application

7. This writ application is accordingly dismissed.

(Sanjay Priya, J)

khushbu/-

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

