

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12123 of 2018

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Ram Ratan Singh, S/o Late Sadhu Sharan Singh, resident of Village and P.O.-
Katauna, P.S.- Katrisarai, District- Nalanda (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Deptt. of Mines & Geology, Govt. of Bihar, Patna.
2. The Director, Mines, Govt. of Bihar, Patna.
3. The District Mining Officer, Nalanda (Bihar Sharif)
4. The Secretary, Bihar State Pollution Control Board, Parivesh Bhawan, N.S.B.- 2, Patliputra Industrial Area, P.O. Sadakat Ashram, Town & District Patna.
5. The District Magistrate, Nalanda (Bihar Sharif).

....Respondents 1st Party

6. Bharat Bhushan @ Pappu, Proprietor Bharat Int Udyog, S/o Sri Bipin Bihari Singh, resident of Village and P.O.- Katauna, P.S.- Katrisarai, District- Nalanda (Bihar).

... .. Respondent/s 2nd Party.

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Appearance :

For the Petitioner/s	:	None.
For the Mines	:	Mr. Naresh Dikshit, Spl. P.P. Miners. Mr. Brij Bihari Tiwary, Advocate.
For the State	:	Mr.Gyan Prakash Ojha -GA-7

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL JUDGMENT

Date : 11-02-2019

1. None has appeared on behalf of the petitioner.
2. Mr. Naresh Dikshit, Spl. P.P. Mines and counsel for the Pollution Board as well as State are Present.
3. Counsel for the Pollution Board has submitted that he has filed counter affidavit stating that Board has conducted physical inspection of the respondent 2nd set brick-kiln on 30.01.2018 in presence of petitioner and found that the respondent 2nd set has complied with the direction contained in letter No. T-250 dated 16.01.2018 and has stopped operation of his brick-kiln.



It was also observed that the site of the brick-kiln is in accordance with the sitting guidelines of the Board and main habitation is beyond 200m towards west from the brick-kiln but after 100m and within 200m in west, there are 10-11 houses. However, the brick-kiln was not having CTE and CTO from the Board.

4. The respondent 2nd set obtained Environmental Clearance and then applied for CTE from the Board vide application ID 1384657, which upon consideration, was found to be complete and in respect of permanent residents living within 200m from the brick-kiln, in 10-11 houses which were observed on physical inspection, a letter of Circle Officer, Katrisarai, Nalanda, bearing No. 82 dated 27.01.2018 was submitted by respondent 2nd set which clearly stated that there is no complain of pollution from the villagers. The copy of inspection report as well as copy of letter of Circle Officer, Katrisarai, have been enclosed as Annexure R/4-3 and R/4-5. Accordingly, the CTE was granted to respondent 2nd set and thereafter, it applied for CTO vide application ID-1440602, which was accordingly granted in accordance with law after taking Rs.1,50,000/- as environmental compensation for operating the brick-kiln without obtaining CTE and CTO from the Board.



5. Learned counsel for the Pollution Board has submitted that Board has considered the case of petitioner in accordance with law in the light of the order passed by this Hon'ble Court vide order dated 10.4.2018 passed in CWJC No. 2755 of 2018 and it was after considering the entire matter has acted in accordance with law by granting CTE and CTO to the respondent 2nd set.

6. The counsel for the Mines has also filed separate counter affidavit wherein it is mentioned in paragraph-8 of the counter affidavit that Department gives permission and receives royalty for the minor mineral (Brick) used in the brick kiln unit. The Brick kiln unit runs every year in brick session October to June.

7. The respondent mining authorities never permits any brick kiln unit to run if the same has not been established under the provisions of law and with valid clearances.

8. In such circumstances, after looking into the counter affidavit filed on behalf of the Mining Department and Pollution Control Board and hearing the submission of counsel for the State as well as Mining Department and Pollution Control Board, this Court finds that respondents have complied the order passed by this Court dated 10.4.2018 passed in CWJC No.2755 of 2018.



9. Therefore, this Court does not find any merit in the writ petition.

10. This writ petition is accordingly dismissed.

(Sanjay Priya, J)

S.Ali/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	19/02/2019
Transmission Date	

