

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4516 of 2019

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Bhupendra Singh @ Upendra Singh S/o Late Madheshwar Singh Resident of
Village-Majlispur,P.S.Garkha,Dist.-Saran,Chapra

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary,Department Mines and Geology,Govt. of Bihar,Patna
2. The Director, Department Mines and Geology,Govt. of Bihar,Patna
3. The Assistant Director, Department Mines and Geology,Govt. of Bihar,Patna
4. The Principal Secretary, Bihar State Pollution Control Board,Patna
5. The Regional Officer, Bihar State Pollution Control Board,Industrial Estate,Bela,Muzaffarpur
6. The District Magistrate, Saran,Chapra
7. The Superintendent of Police, Saran,Chapra
8. The Circle Officer, Garkha,Saran,Chapra
9. The Station House Officer, Garkha,Saran,Chapra
10. Amar Ray S/o Lalsaheb Ray Resident of Jaitiya,Bajitpur,P.S. Doriganj,Dist.- Saran,Chapra,who is the Proprietor of M/s SKY Int Udhyog.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ranjan Kumar Singh, Advocate Mr.Rajesh Kumar, Advocate
For Pollution Control Board:		Mr. Abhimanyu Singh, Advocate
For the Respondent/s	:	Mr.Gyan Prakash Ojha (G.A.7) Mr. Yash Mathur, A.C. to G.A.7

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 11-10-2022

Petitioner has prayed for following relief(s) : -

- I. For a direction in the nature of mandamus commanding the respondents to immediately close the brick kiln which is running on the lease deed land on which earlier M/S Birla Int Udhyog was



running in the partnership of petitioner and respondent no.10 respectively.

II. For a direction to the authority concerned to give effect the letter dated 27.1.18 under letter no.181 and follow up letter as contained in Annexure 14 as fraudulently the respondent no.10 established M/S Sky Int. Udhyog on the same land which was leased out in favour of the petitioner and Amar Ray, respondent no.10.

III. For a direction in the nature of certiorari for quashing consent-to-establish (NOC) dated 22.03.2018 which was obtained without spot verification which was supplied to the petitioner under Right to Information Act dated 22.10.2018 under letter no.2571.

IV. Further for a direction to grant all other consequential benefits in terms thereof for which petitioner is entitled for.”

Inter se disputes arising out of partnership entered into between the petitioner and private respondent No. 10, namely Amar Ray cannot be allowed to be agitated in the present petition filed under Article-226 of the Constitution of India.

It is not in dispute that, at some point in time, petitioner and the private respondent had entered into a partnership and had decided to set up a brick kiln. It is also not in dispute that the brick kiln was to operate in the name of partnership firm styled as “SKY Int Udhyog”. It is seen that letter of consent dated 22nd of March, 2018 stands issued in



favour of the said concern, though it records the proponent of the concern to be private respondent Amar Ray. After the issuance of the letter of consent, the partners fell out, be it for whatever reason, and, as such, the petitioner has filed the instant petition.

The inter se dispute between the two partners cannot be allowed to be agitated in a writ petition. However, it is open for the petitioner to agitate the issue with the Bihar State Pollution Control Board and take recourse either under the Environmental or Consumer/Civil Law/Remedies.

Petition is accordingly disposed of.

Interlocutory Application(s), if any, shall stand disposed of.

(Sanjay Karol, CJ)

(Partha Sarthy, J)

K.C.Jha/chn

AFR/NAFR	
CAV DATE	
Uploading Date	18.10.2022
Transmission Date	

