

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10228 of 2021

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Ramadhar Dubey Son of Late- Janak Dubey Resident of Village- Nichua Khas, P.O.- Nichua Jalalpur, P.S.- Kuchaikote, District- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Home Department, Government of Bihar, Patna.
2. The Principal Secretary, Pollution Department Bihar, Patna.
3. The Additional Secretary, Mining and Geology Department Bihar, Patna.
4. The District Magistrate, Cum- Collector, Gopalganj.
5. The Superintendent of Police, Gopalganj.
6. The Officer in- Charge, Kuchaikote Police Station, Gopalganj.
7. The Area Officer Bihar State Pollution Control Council Industrial Area Bela Muzaffarpur.
8. Abbas Ansari Son of Amanullah Ansari Resident of Village- Nichua Pandey Tola, P.O.- Nichua Jalalpur, P.S.- Kuchaikote, District- Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Dubey, Advocate
For the Respondent/s : Mr. Gyan Prakash Ojha, GA 7

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

Date : 20-01-2022

Heard learned counsel for the parties.

Petitioner has prayed for following reliefs:-

- (I) To restrain Abbas Ansari from running brick kilning in the village Nichua Khas, P.O.- Nichua Jalalpur, P.S. Kuchaikote, District, Gopalganj with
- (ii) To take appropriate action against Abbas Ansari to run illegal brick killing during the pendency of the criminal case that is Kuchaikote P.S. Case No. 70/2018 for trial.

(iii) To take appropriate action to against Abbas Ansari to run brick killing by him in violation of closer order by the competent authority.

(iv) To get enquiry the matter about the running the brick kilning by the Abbas Ansari by any independent agency like C.B.I., C.I.D or any Police Officer up to rank of S.P.

After the matter was heard for some time, learned counsel for the petitioner, under instructions, states that petitioner shall be content if the present petition is disposed of with a direction issued to appropriate authority, respondent no.7, the Area Officer Bihar State Pollution Control Council Industrial Area Bela Muzaffarpur to consider and decide the representation to be filed within four weeks along with a copy of this order, within a period of three months from the date of its presentation.

Learned counsel for the respondent State states that if the representation is filed within the time stipulated, the same shall be considered and decided positively within a period of three months.

Statement accepted and taken on record.

Needless to say that while considering such request, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties.

If aggrieved by the said order, the petitioner shall

have liberty to approach this Court by way of separate petition(s), if so required and desired.

Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law.

We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch.

Without expressing any opinion on merits of the claim and leaving all issues on facts and law open, the petition stands disposed of in the aforesaid terms.

Interlocutory application, if any, shall also stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.01.2022
Transmission Date	NA