

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16986 of 2018

Nilam Devi Wife of Bimlesh Chaudhry, Resident of Village and P.O.- Pokhram, P.S.-Biraul, District-Darbhangha Proprietor of M/S Chaudhary Int Udyog, Situated at Mauja- Mohamadpur Buari, P.S.-Biraul, District-Darbhangha.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Department of Forest and Environment, Govt. of Bihar, Patna.
3. The Principal Secretary, Department of Industry, Govt. of Bihar, Patna.
4. The Principal Secretary, Department of Mines and Geology, Govt. of Bihar, Patna.
5. The Bihar State Pollution Control Board, Patna through its Member Secretary, Paryavaran Bhawan, Pat
6. The Chairman, The Bihar State Pollution Control Board, Paryavaran Bhawan, Patliputra Industrial Are
7. The Member Secretary, the Bihar State Pollution Control Board, Paryavaran Bhawan, Patliputra Indust
8. The Regional Officer, Regional Office, Muzaffarpur, Industrial Estate Bela, Muzaffarpur of the Bih
9. The State Environment Impact Assessment Authority, Bihar, Patna. Through its Member Secretary, Belt
10. The Chairman, the State Environment Impact Assessment Authority, Bihar, Beltron Bhawan, Shastri Nag
11. The Collector, Darbhanga District at Collectorate Compound Sarai, Darbhanga.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Abhay Kumar Thakur, Advocate
For the Respondent/s : Mr. Chittranjan Sinha -PAAG-2

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 10-08-2023 Heard the parties.

The petitioner has moved before this Court for the
following reliefs:



(i) to direct the concerned respondent to withdraw the notification published in Hindustan Hindi Daily News paper dated 27.06.2018 (Annexure-1) with respect to petitioner Brick Kiln declare the same not binding upon petitioner;

(ii) to direct the concerned respondent to continue the emission consent order till further period for which fee has been paid and Emission consent order granted vide Ref. No. 1363 dated 3.11.2017 (Annexure-5);

(iii) to declare that the notice dated 27.06.2018 (Annexure-I) is not applicable to petitioner Brick Kiln as the Brick Kiln is vertical Shaft Kin (VSK) and confirms to all prescribed norms as postulated under relevant rules;

(iv) during pendency of this petition the respondents are directed not enforce punitive and coercive action upon the petitioner.

A counter-affidavit on behalf of respondent no. 4, the Principal Secretary, Department of Mines and Geology, Bihar, Patna is on record in which it has been stated that the Department has not imposed any condition rather it has only acted under its obligation and directed its Officers to instruct



kiln owners to convert into cleaner technology.

It has further been incorporated that the same is covered by an order of **Patna High Court in CWJC No. 17541 of 2018, Shambhu Kumar Singh and Ors vs the State of Bihar**, disposed of on 31.08.2018 (Annexure- B to the counter affidavit).

This counter-affidavit was filed on 29.11.2018 after service of copy upon the learned counsel for the petitioner. Five years later, there is no rejoinder.

This Court will go by the statement made by the State in its counter-affidavit.

The writ petition is misconceived and is accordingly, dismissed.

(Rajiv Roy, J)

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