

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CWP-23206-2022(O&M)
Date of decision: 20.07.2023**

Ashok Kumar

... Petitioner

Versus

State of Punjab and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE RAVI SHANKER JHA,
CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI**

Present: Mr. Abhinashi Singh, Advocate, for the petitioner.
Mr. Abhaypal Singh, DAG, Punjab.
Mr. Suvir Sheokhand, Advocate, for respondents No.2 & 3.

RAVI SHANKER JHA, C.J. (Oral)

1. This petition has been filed by the petitioner being aggrieved by order dated 13.09.2022, whereby the respondents-authorities have cancelled the permission granted to him to operate the brick kiln. The petitioner has also assailed the order dated 27.09.2022, vide which the brick kiln of the petitioner has been directed to be closed down and the electricity supply to the premises has been directed to be cut.

2. Learned counsel for the petitioner points out that this Court has entertained the present petition and granted an interim order staying the operation of the impugned orders on 7th October, 2022. He further submits that this Court had entertained the petition on the allegation that the impugned orders were passed without following the principles of natural justice by giving notice and opportunity of hearing to the petitioner.

3. Respondents No.2 & 3 have filed a reply stating that notices were issued to the petitioner prior to passing of the impugned orders and that the petitioner has an alternative remedy of filing an appeal before the Appellate Authority under Section 31 of the Air (Prevention and Control of Pollution) Act, 1981.

4. In view of the fact that the question as to whether the principles of natural justice have been followed or not is the disputed question of facts which can be gone into by the Appellate Authority, and with the consent of the parties, the petition is disposed of granting a liberty to the petitioner to file an appeal before the Appellate Authority, in accordance with law.

5. However, in the meanwhile, the interim order passed by this Court on 7th October, 2022 shall continue to remain in operation till the decision of the appeal subject to filing of the same by the petitioner before the Appellate Authority within 10 days from today.

6. It is made clear that this Court has not expressed any opinion on the merits of the case and, therefore, the authority would be at liberty to examine the matter keeping all facts and facets into consideration, and take a decision in accordance with law.

(Ravi Shanker Jha)
Chief Justice

(Arun Palli)
Judge

20.07.2023

Rajan

Whether speaking / reasoned:
Whether Reportable:

YES/NO
YES/NO