

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3402 of 2024

Akhilesh Kumar Prasad son of Late Hiralal Prasad, resident of village-
Dhobwalia, P.S.- Maharajganj, District- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Industry, Government of Bihar, Patna.
2. The Principal Secretary, Department of Environment, Forest and Climate Change, Government of Bihar, Patna.
3. The Forest Conservator-cum-Additional Secretary, Department of Environment, Forest and Climate Change, Government of Bihar, Patna.
4. The District Magistrate, District-Siwan.
5. The Sub-Divisional Officer, Maharajganj, District-Siwan.
6. The Bihar State Pollution Control Board, Parivesh Bhawan, Partliputra Industrial Area, P.O.- Sadakat Ashram, District- Patna through its Member Secretary.
7. The Chairman, Bihar State Pollution Control Board, Industrial Area, Bela, Muzzafarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Singh, Adv.
For the State : Mr. Sudhir Kumar Upadhyay, Adv.
For BSPCB : Mr. Shivendra Kishore, Sr. Adv.

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 26-09-2024 Heard Mr. Sanjay Kumar Singh, learned counsel for

the petitioner and Mr. Shivendra Kishore representing the Bihar

State Pollution Central Board.

The present writ petition has been preferred for the
following relief(s):

*“i) for commanding and directing
the Respondents Authority concerned either
to shift the bricks kiln namely "AKS Int.
Udyog", Dhobwalia, P.S.- Maharajganj,
District- Siwan situated at just near the main
road to another suitable place or to close the
same which is situated within 100 meters of
Middle School in which about 600 children*



are studying, 100 meters from Masrakh Railway Line contrary to the Notification No.11 dated 23.03.2022, as a result of several nearby people including the school going children are being badly affected of their health problems, due to functioning of said bricks kiln within the close 100 meters of the school and despite repeated requests made by the petitioner and other villagers before the Respondent authorities, no appropriate steps is being taken in the matter;

ii). for issuance of an appropriate direction to the Respondent Bihar State Pollution Control Board to cancel the license/renewal of the aforesaid AKS Int. Udyog forthwith, which is illegally running/ functioning in violation of guidelines issued vide Notification No.11 dated 23.03.2022 and apart from that its proprietor namely Anil Kumar is a government employee, working as Assistant Teacher in the government Upgraded High School/College, Casdeora Bangra, P.S.- Maharajganj, District-Siwan, which is also in violation of Government Servant Rules;

iii) and/or any other relief/reliefs for which the petitioner is entitled to, in the facts and circumstances of this case.”



3. The petitioner has challenged the order dated 08.01.2024 passed by the Appellate Authority by which taking note of the fact that the brick kiln proprietor has been granted lease for the year 2021-2026 and the notification no. 11 dated 23.03.2022 will be applicable prospectively, the direction was given to the Mining Development Officer, Siwan to regularly supervise and ensure that the guidelines of the Bihar State Pollution Control Board is followed by him. The proceeding was accordingly closed.

4. Though learned counsel for the petitioner tried to impress upon this Court about the illegality in the order. Mr. Shivendra Kishore, learned Senior counsel straightaway took this Court to the respondent list to show that the person who owns the brick kiln has not been made the party respondent.

5. In that situation, learned counsel for the petitioner submits that he will be approaching the Mining Development Officer, Siwan as observed by the First Appellate Authority.

6. Granting said liberty, the writ petition stands disposed of.

(Rajiv Roy, J)

Vijay Singh/-

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