

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14078 of 2025

M/S. J.M.D. BRICKS at Bela Chhapra, Pathak Tola, P.O.- Semra, P.S.-
Turkaulia, Dist.- East Champaran- 845435 through its proprietor Mohinder
Kumar Yadav, Male, aged about 55 years, S/o Ram Lochan Prasad Yadav,
R/o- House no.- 1261, Shekh Colony, Shahid Karnail Singh Nagar, Pakhowal
Road, P.S.- Dubri, Ludhiana, District- Ludhiyana, Punjab- 141013.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary-cum-Mines Commissioner,
Department of Mines and Geology, Government of Bihar, Patna.
2. The Secretary-cum-Mines Commissioner, Department of Mines and
Geology, Government of Bihar, Patna.
3. The Chairman, Bihar State Pollution Control Board, Parivesh Bhawan,
Patliputra Industrial Area, Patliputra, Patna.
4. The Regional Officer, Bihar State Pollution Control Board, Bela Industrial
Area, Muzaffarpur.
5. District Mining Officer, East Champaran, Motihari.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Kumar Amit, Advocate
For the Respondent/s	:	Mr. Raghwanand, GA (11)
For the Mines	:	Mr. Naresh Dikshit, Spl. PP
		Mr. Brij Bihari Tiwari, Advocate
		Ms. Shruti Singh, Advocate
For the BSPCB	:	Mr. Kumar Ravish, Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 13-11-2025 Heard the learned counsels for the parties.

2. The present writ petition has been filed on behalf of
the petitioner seeking the following relief(s):

- a.) *To issue an appropriate writ in the nature of certiorari for quashing the order dated 16.12.2024 having reference number 180585 passed by Respondent no.3 whereby and where under Petitioner has been ordered to close and stop operation of Brick Kiln with immediate effect;*
- b.) *To issue an appropriate writ in the nature of mandamus commanding the Respondents to lift the closure order on the operation of Brick Kiln as the Petitioner is entitled for operating the same.*

3. The learned counsel for the petitioner has submitted



that the petitioner, JMD Brick Kiln, is a registered unit engaged in the manufacturing of bricks operating lawfully for the past three years and the petitioner had duly obtained the Consent to Establish (CTE) as well as the Consent to Operate (CTO) from the Bihar State Pollution Control Board after complying with all legal formalities and depositing the requisite and enhanced fee as per prevailing guidelines. He further submits that despite compliance with all environmental and regulatory requirements and having valid consents, an order has been passed without affording the petitioner any opportunity of hearing by the Respondent No. 3 directing closure of the petitioner's brick kiln on the basis of a complaint alleging air pollution. No show cause notice or opportunity for representation was provided to the petitioner prior to the passing of the closure order.

4. The learned counsel for the Bihar State Pollution Control Board has vehemently opposed the application of the petitioner and has supported the impugned order. He submits that Inspection Report is not being annexed with the Bihar State Pollution Control Board.

5. I have heard and considered the submissions of the parties and have also gone through the records of the case.

6. It is an admitted position that the Inspection Report



has not been annexed with the proposed show-cause notice, after which the present closure order dated 16.12.2024 has been passed. The purpose of issuing a show cause notice is to allow the petitioner to file his show cause reply on the grounds which are given in the show cause notice. If the show cause notice is based on an inspection then the Inspection Report should be annexed with the show cause notice which has not been done in the present case. The action of the Bihar State Pollution Control Board in not annexing the Inspection Report with the show cause notice is detrimental to the order by which the brick kiln of the petitioner was directed to be closed.

7. In these circumstances, since non-annexing the Inspection Report has caused prejudice to the petitioner in adequately responding to the show cause notice, after which the impugned order was passed therefore, the impugned order stands vitiated. ***Accordingly, the application stands allowed*** and the order dated 16.12.2024 having reference number 180585 passed by Respondent no.3 is hereby quashed. The matter is remitted back to the Respondent No. 3 from the stage of issuance of the show cause notice.

8. It is expected that now henceforth the Bihar State Pollution Control Board will issue show cause notice along with



the Inspection Report not only in the present case but also in other cases also.

(Sandeep Kumar, J)

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