

**BEFORE THE NATIONAL GREEN TRIBUNAL**  
**EASTERN ZONE BENCH, KOLKATA**

**ORIGINAL APPLICATION NO. 219 OF 2024**

**NIRAJ KUMAR & ANR. .... APPLICANTS**

**VERSUS**

**DHIRAJ KUMAR & OTHERS ..... RESPONDENTS**

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Date: 08/10/2024  
Place: Dehradun.



**FILED BY:**

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**ADVOCATE FOR THE APPLICANTS**

**BEFORE THE NATIONAL GREEN TRIBUNAL**  
**EASTERN ZONE BENCH, KOLKATA**

**ORIGINAL APPLICATION NO.                      OF 2024**

**NIRAJ KUMAR & ANR.                      ..... APPLICANTS**

Versus

**DHIRAJ KUMAR & OTHERS                      ..... RESPONDENTS**

**SYNOPSIS**

The Applicants who are the resident of Parbatta village, District- Khagaria, State- Bihar have approached this Hon'ble Tribunal to seek intervention in the operation of the Brick Kiln Plant established by the respondent no. 1 on the land bearing Khata no. 94, Khesra no. 225, Mauza- Karna, P.S.+ Anchal- Parbatta, District- Khagaria. The respondent no. 1 had bought the above-mentioned land in the year 2013. In 2022, the respondent no. 1 obtained the license to establish

Niraj Kumar  
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and operate the Brick Kiln Plant from the Bihar State Pollution Control Board. But, instead of establishing and operating the Brick Kiln Plant on the above-mentioned land the respondent no. 1 leased out a separate land 100 mtrs. approx. from the above-mentioned land and established his Brick Kiln Plant on that land and started operating from there. In order to avoid any repercussions in the future from the authorities, the respondent no. 1 just fixated a structure on the above-mentioned land just to show the authorities that there is a Brick Kiln Plant operating. But, in the garb of the false structure of the plant the respondent no. 1 is operating his Brick Kiln Plant on other location for which he has no license and consent order from the Bihar State Pollution Control Board. The Brick Kiln Plant of the respondent no. 1 has destroyed the health as well as the ecology of the neighboring village areas. There are three villages namely Bithla- 950 mtrs. approx. from the plant, Khulariya- 1.5 kms approx.. from the plant and Karna- 1.5 kms. approx.. from the location of the plant which has been seriously affected by the operation of the Brick Kiln Plant of the respondent. The locals living in these villages have been suffering from serious

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respiratory ailments due to the harmful discharge of air pollutants from the Brick Kiln Plant operated by the respondent no. 1. In addition to this, the agricultural yield of the applicant's land as well as the crops located in the nearby areas have been significantly affected due to the harmful chemicals discharged by the respondent's plant in the soil. There have been numerous complaints made by the applicants as well as the local villagers before the police officials but no action has been taken against respondent no. 1 till date as he is a very influential person and he has always hushed up the complaint made against him by bribing the officials. Thus, there have been a significant amount of damage which has been caused to the health of the locals and ecology of the applicant's land as well as the neighboring areas due to the operation of the Brick Kiln Plant as established by the respondent no. 1. Therefore, there are substantial questions relating to the environment which needs to be decided by this Tribunal.

Niraj Kumar

**LIST OF DATES & EVENTS**

<b>Sl. No.</b>	<b>DATE</b>	<b>PARTICULARS</b>
1.	15.03.2013	Respondent no. 1 bought a 14 Katha land bearing Khata no. 94, Khesra no. 225, Mauza- Karna, P.S.+ Anchal- Parbatta, District- Khagaria from Shairun Khaton, w/o Muslim Miyan.
2.	08.07.2022	Respondent no. 1 vide application no. 6285221 bearing application ID: 3004543 under the name of M/S D.P.Y Bricks, applied for the grant of consent to operate his Brick Kiln (Capacity- 15000 Bricks/Day) plant based on Cleaner Technology with Zig-zag loading of Green Bricks and Natural Draft (Ht. of Chimney- 135 ft.) at Mauza- Karna, At- Mahesh Mor,

Nitesh Kumar.

		P.O- Karna, P.S.+ Anchal- Parbatta, District- Khagaria, State- Bihar before the Bihar State Pollution Control Board.
3.	25.07.2022	Emission Consent Order was granted to the respondent no. 1 vide Ref. No. ROB(A) 1707/19/790, dated 25.07.2022 for the period up to 30.06.2027 from the date of the issue.
4.		Instead of establishing and operating the Brick Kiln Plant on the above-mentioned land the respondent no. 1 leased out a separate land 100 mtrs. approx. from the above-mentioned land and established his Brick Kiln Plant on that land and started operating from there.
5.		To avoid any serious consequences from the authorities in the future, the respondent

Nimai Kumar.

		<p>no. 1 just fixated a structure for the name-sake on the above-mentioned land just to show the authorities that there is a Brick Kiln Plant operating. But, in the garb of the false structure of the plant the respondent no. 1 is operating his Brick Kiln Plant on other location for which he has no license and consent order from the Bihar State Pollution Control Board.</p>
6.		<p>There have been a significant amount of damage to the health of the locals and ecology of the neighboring areas due to the operation of the Brick Kiln Plant of the respondent no. 1.</p>
7.		<p>Numerous complaints have been filed against the respondent no. 1 by the villagers before the police officials but no</p>

		action has been taken against him as he is an influential person in the locality.
8.	20.09.2024	Being aggrieved by the actions of the police authorities and damage caused to the health and ecology of the surrounding areas, the Applicant have filed the present application.

Niraj Kumar.

**BEFORE THE NATIONAL GREEN TRIBUNAL**  
**EASTERN ZONE BENCH, KOLKATA**

**ORIGINAL APPLICATION NO.....OF 2024**

(Under section 18(1) read with sections 14 & 15 of the National Green  
Tribunal Act, 2010)

**IN THE MATTER OF:**

(1) Niraj Kumar

S/O Late Dinkar Prasad Yadav,

Village+Post- Lagar,

P.S.- Parbatta, District- Khagaria , Pin- 851216

Email: [niraj319@gmail.com](mailto:niraj319@gmail.com)

(2) Archana Kumari

W/O Niraj Kumar

Village+Post- Lagar,

P.S.- Parbatta, District- Khagaria, Pin- 851216

.....**APPLICANTS**

*Niraj Kumar*

**VERSUS**

(1) Dhiraj Kumar

S/O Late Dinkar Prasad Yadav,  
Village+Post- Lagar, P.S.- Parbatta,  
District- Khagaria.  
Email: Not available

(2) State of Bihar

Through its Secretary,  
Department of Environment, Forest & Climate Change  
Patna, Bihar- 800015  
Email: - [efd-bih@nic.in](mailto:efd-bih@nic.in)

(3) Bihar State Pollution Control Board

Through its Member Secretary  
Parivesh Bhawan, Patliputra Industrial Area,  
Patliputra, Patna, Bihar- 800010  
Email: - [msbspcb-bih@gov.in](mailto:msbspcb-bih@gov.in), [bspcb@yahoo.com](mailto:bspcb@yahoo.com)

(4) Union of India

Niraj Kumar

Through its Secretary

Ministry of Environment, Forest & Climate Change

Indira Paryavaran Bhawan, Jorbagh Road,

New Delhi- 110003

Email: - [secy-moef@nic.in](mailto:secy-moef@nic.in)

(5) Ministry of Environment, Forest & Climate Change

Through its Deputy Director General of Forests (C)

Integrated Regional Office (ECZ), 2nd Floor,

Headquarter- Jharkhand State Housing Board,

Harmu Chowk, Ranchi, Jharkhand – 834002, Ranchi

Email: - [ro.ranchi-mef@gov.in](mailto:ro.ranchi-mef@gov.in)

(6) The District Magistrate, Khagaria

1st Floor, Collectorate Building

Koshi College Road, Khagaria

Pin-851204

Email: - [dm-khagaria.bih@nic.in](mailto:dm-khagaria.bih@nic.in)

.....RESPONDENTS

Nitin Kumar.

**HUMBLE APPLICATION SUBMITTED BY**  
**THE APPLICANT ABOVE NAMED**

**MOST RESPECTFULLY SHOWETH:**

- I. The address of the counsel for the Applicants is given below for the service of notices of this Application.

Advocate Dhananjay Mishra (B/5867/99, UK-003/2016)

Chamber no. 49, Block no. 2, Near Bar Association

2<sup>nd</sup> Floor Court Compound, Dehradun- 248001

State- Uttarakhand, India.

Email: - advocatehc75@gmail.com

- II. The addresses of the Respondents are given above for the service of notices of this Application.

- III. This present Application is being filed to bring to the notice of this Hon'ble Tribunal the environmental and health damage caused due to the operation of Brick Kiln Plant established by the Respondent

*Niraj Kumar*

no. 1 at Mauza- Karna, At- Mahesh Mor, P.S.+ Anchal- Parbatta, District- Khagaria, State- Bihar to the neighboring village areas.

IV. The application is being filed under section 18(1) read with section 14(1) of the National Green Tribunal Act, 2010 (hereinafter referred to as NGT Act, 2010) since it raises substantial question related to environment as defined under section 2(m)(i) and (ii) of the Act and also invokes jurisdiction of this Hon'ble Tribunal under section 15 seeking restitution of the damaged area and compensation commensurate to the damage done to the environment and ecology of the area.

**FACTS IN BRIEF:**

1. That on 15.03.2013, Respondent no. 1 bought a 14 Katha land bearing Khata no. 94, Khesra no. 225, Mauza- Karna, P.S.+ Anchal- Parbatta, District- Khagaria from Shairun Khatoon, w/o Muslim Miyan. Copy of the Registration Deed dated 15.03.2013 is enclosed herewith and marked as **Annexure A/1.**

Niraj Kumar

2. That on 08.07.2022, Respondent no. 1 vide application no. 6285221 bearing application ID: 3004543 under the name of M/S D.P.Y Bricks, applied for the grant of consent to operate his Brick Kiln (Capacity- 15000 Bricks/Day) plant based on Cleaner Technology with Zig-zag loading of Green Bricks and Natural Draft (Ht. of Chimney- 135 ft.) at Mauza- Karna, At- Mahesh Mor, P.O- Karna, P.S.+ Anchal- Parbatta, District- Khagaria, State- Bihar before the Bihar State Pollution Control Board which was eventually granted vide Ref. No. ROB(A) 1707/19/790, dated 25.07.2022 for the period up to 30.06.2027 from the date of the issue. Copy of the Emission Consent Order dated 25.07.2022 is enclosed herewith and marked as Annexure A/2.

3. That after Respondent no. 1 obtained the permission from the Bihar State Pollution Control Board to establish and operate his Brick Kiln Plant on the above-mentioned land in the year 2022, instead of establishing and operating the plant from the above-

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mentioned land Respondent no. 1 leased out a separate land 100 mtrs. approx. from the above-mentioned land from Mohd. Israfil Miyan and established his Brick Kiln Plant on that land and started operating from there. In order to avoid any repercussions in the future from the authorities, he just fixated a structure on the above-mentioned land just to show the authorities that there is a Brick Kiln Plant operating. But, in the garb of the false structure of the plant Respondent no. 1 is operating his Brick Kiln Plant on other location for which he has no license and consent order from the Bihar State Pollution Control Board.

4. That condition 1 of the Emission Consent Order dated 25.07.2022 states that the "Applicant shall not make any alteration, addition, deletion or modification in the plant without the prior clearance from the Board". But in the present case Respondent no. 1 has not only made any alteration or modification but has shifted the whole Brick Kiln structure on other land without giving any notice and obtaining any prior

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clearance from the Board, thus violating the norms of the Consent Order.

5. That vide condition 3 of the Emission order dated 25.07.2022 the applicant is expected to monitor and maintain the ambient air quality in conformity with the board standards (emission of Particulate Matters shall not exceed 250 mg/Nm<sup>3</sup>) which Respondent no. 1 has not complied with as the residents living in surrounding areas are suffering from chronic respiratory diseases. It is to bring to your notice that increased exposure to particulate matter and pollutants can trigger asthma attacks and can lead to chronic bronchitis. Also, prolonged exposure to certain pollutants and carcinogens in brick kiln emissions can increase the risk of developing lung cancer. There have been a lot of cases of asthma attacks among the children and old age people of the villages situated near the Brick Kiln Plant. Due to this problem Respondent no. 1 has been repeatedly told by the villagers to shift his Brick Kiln to the nearby industrial area as

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the area in which the current Brick Kiln is being operated is a residential area and the villagers are suffering from serious ailments because of the operation of the Brick Plant but he has failed to do so thus violating the obligations as stated under the Air (Prevention & Control of Pollution) Act, 1981.

6. That it is to bring to your notice that Respondent no. 1 has also violated the provisions of the Water (Prevention and Control of Pollution) Act, 1974 as there have been reports of pollution of the nearby water bodies due to the discharge of harmful effluents in the water sources located nearby the Brick Kiln Plant of Respondent no. 1. The discharge of harmful pollutants in the nearby water bodies has disrupted the aquatic life and natural balance of the water bodies leading to a decline in the biodiversity of the surrounding areas of the Brick Kiln Plant operated by Respondent no. 1. Photographs of the water pollution caused by the Brick Kiln Plant is enclosed herewith and marked as Annexure A/3.

Niraj Kumar,

7. That Respondent no. 1 has also violated condition 7 of the Emission order which states that the use of coal with more than 35% ash content shall be avoided. It is to mention here that in order to make more profits the quality of the coal as used by Respondent no. 1 in his Brick Kiln plant is very low as it causes a lot of air pollution. It is to mention here that the low quality coal contains higher concentrations of heavy metals like lead, mercury, and arsenic. When burned, these metals can be released into the air and settle in soil and water bodies, leading to contamination and health risks. Also, low-quality coal contains impurities that can result in high levels of particulate matter (PM), including soot and ash. These fine particles can be harmful when inhaled and contribute to respiratory and cardiovascular diseases.

8. That it is also to bring to your notice that condition 8 of the Emission Consent Order states that the top of the kiln should be covered with a layer of ash followed by fire bricks or tiles for

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better thermal insulation as well as protection from fugitive dust emission. But, Respondent no. 1 has failed to do so as the non-covering of the top of the Brick Kiln Plant with a layer of ash has degraded the air quality of the nearby areas and the locals living in the surrounding villages are suffering from serious respiratory diseases. It is to mention here that the fine particulate matter (PM) can penetrate deep into the lungs and even enter the bloodstream, causing cardiovascular and respiratory problems. Thus, long-term exposure to dust emissions can increase the risk of serious health conditions such as lung cancer.

9. That it is also pertinent to mention here that a 14 Katha land bearing Mauja-Karna, Tauji no.- 525, P.S. no.- 364, Khata no.- 94, Khesra no.- 225 which is situated approx. 100 metres from the above-mentioned Brick Kiln Plant is being registered under the name of Applicant no. 2. Under the Hazardous & Other Wastes (Management & Trans-boundary Movement) Rules,

Nitin Kumar.

2016 it is the responsibility of the occupier to prevent, minimize, reuse, recycle, recover and safely dispose the hazardous and other wastes produced by their establishment. But in the present case, the Respondent no. 1 is disposing off all of his waste materials produced from his Brick Kiln Plant in the land of the applicant no. 2 thereby disturbing the ecology of the applicant's land and violating the provisions of the above-mentioned rules. It is to mention here that the above mentioned land of the applicant no. 2 is an agricultural land and because of the irresponsible management of the Hazardous wastes by the Respondent no. 1, the above-mentioned land of the applicant no. 2 has become unfit for cultivation and harvesting of crops.

**10.**That it is also to mention here that the Emission Consent Order to operate the Brick Kiln in the name of M/S D.P.Y Bricks was originally obtained for the production of 15000 Bricks/Day but Respondent no. 1 is flouting this rule by producing 20000 Bricks/day in order to maximize his profits by using low quality

*Niraj Kumar*

coals, polluting the nearby environment thereby attacking and destroying the health of the people living in the nearby villages.

11. That in order to make more profits Respondent no. 1 is not paying enough/fair compensation to the laborers employed in the Brick Kiln Plant and is exploiting them (laborers) by making them work for long hours than the required reasonable working hours. In addition to this he has also employed the children less than 14 years of age in the Brick Kiln Plant and is exploiting them by not paying them fair compensation, making them work for long hours and not offering them safe working conditions.

12. That the discharge of waste from the Brick Kiln Plant of Respondent no. 1 is causing soil pollution of the applicant no. 2's land as well as the nearby village area and has made the land of the surrounding area unfit for cultivation of crops. The chemical waste as released from the Brick Kiln Plant has contaminated the soils leading to the reduced soil fertility of the applicant's land and nearby areas of the village. It is to mention

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here that the exposure to contaminated soil has caused various health issues, including skin conditions, respiratory problems, and long-term illnesses due to the accumulation of heavy metals and other toxins in the body of the people living in the nearby villages. Also, contaminated soil has caused poor crop yields and reduced agricultural productivity, affecting the livelihoods of farmers in the neighboring areas. Photographs of the discharge of chemical waste from the Brick Kiln Plant of the respondent no. 1 is enclosed herewith and marked as Annexure A/4.

13. That numerous complaints have been made by the villagers to the police officials regarding the inconvenience caused to them by the operation of the Brick Kiln Plant but Respondent no. 1 has always overpowered the officials by bribing them and shutting their mouths. As a result of this, no formal complaint has still been lodged in the name of Respondent no. 1 till date

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and he is still operating his Brick Kiln Plant without any fear from the authorities.

14. That due to the aforementioned facts and circumstances, the applicant is constrained to file the present original application before this Hon'ble National Green Tribunal on the following among other grounds –

**GROUND**

- A. That the discharge of harmful effluents by the Brick Kiln Plant operated by the respondent no. 1 in the air, water and soil has caused irreparable damage to the health of the people living in the neighboring area and has caused substantial environmental damage to the ecology of the applicant's land as well as the surrounding village's areas. Considering that the activities undertaken in the said region were harmful and dangerous to the surrounding environment, the respondent no. 1 was required to take extreme care and precaution to avoid such disastrous

Niraj Kumar

damage. However, sheer negligence on the part of the respondent no. 1 has resulted into the destruction of the ecology of the neighboring area also putting at stake the lives of thousands of villagers living in the surrounding areas. For such blatant negligence, the respondent no. 1 must be made absolutely liable to compensate for the huge loss caused to the environment and ecology of the applicant's land and the surrounding areas and to restitute the damaged areas to its original state.

**B.** That there has been deliberate negligence on the part of the respondent no. 1 which has caused irreparable damage to the environment and ecology of the neighboring villages and have destroyed the health of the locals. Thus, as per Section 17(1) of the NGT Act, 2010 the person responsible for causing an adverse impact to the environment is liable to pay relief/compensation for the damage as determined by the Tribunal.

Niraj Kumar.

C. That no consent had been obtained by the respondent no. 1 from the Bihar State Pollution Control Board to establish and operate the Brick Kiln Plant on other location. Hence, the license of the respondent no. 1 to operate the Brick Kiln Plant located at Khata no. 94, Khesra no. 225, Mauza- Karna, P.S.+ Anchal- Parbatta, District- Khagaria should be cancelled as the consent order to operate the Brick Kiln plant has been obtained by respondent no. 1 for the above-mentioned land but the respondent no. 1 is operating his Brick Kiln Plant on the other land.

D. That the respondent no. 1 is liable for restitution of the damaged area in accordance of Section 15 (1) (b) and (c) of the NGT Act, 2010. The word 'restitution' has been defined as follows: "The word 'restitution' was used in the earlier common law to denote the return or restoration of a specific thing or condition. In modern legal usage, its meaning has frequently been extended to

Niraj Kumar.

include not only the restoration or giving back of something to its rightful owner, but also compensation, reimbursement, indemnification, or reparation for benefits derived from, or for loss or injury caused to another”.

E. That the Hon'ble Supreme Court has held that enjoyment of pollution free water and air is fundamental right under Article 21 of the Constitution. The discharge of harmful effluents in the air and soil by the Brick Kiln Plant by the respondent no. 1 has infringed upon the rights of the people of clean environment, livelihood and has done damage to the environment, and ecology of the neighboring areas. In the case of ***Subhash Kumar vs. State of Bihar & Ors. (1991) 1 SCC598*** Hon'ble Supreme Court has held that:

*“Right to live is a fundamental right under Article 21 of Constitution and it includes the right of enjoyment of pollution-free water and air for full enjoyment of life.”*

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F. That in *Indian Council for Enviro-Legal Action v. Union of India* (1996) 3 SCC 212, the Hon'ble Supreme Court applied the 'Polluter Pay principle' and relied on the following observation with regard to the principle:

"The polluter pays principle demands that the financial costs of preventing or remedying damage caused by pollution should lie with the undertakings which cause the pollution, or produce the goods which cause the pollution. Under the principle it is not the role of government to meet the costs involved in either prevention of such damage, or in carrying out remedial action, because the effect of this would be to shift the financial burden of the pollution incident to the taxpayer."

The Court further observed,

"We are of the opinion that any principle evolved in this behalf should be simple, practical and suited to the

conditions obtaining in this country". The Court ruled that "Once the activity carried on is hazardous or inherently dangerous, the person carrying on such activity is liable to make good the loss caused to any other person by his activity irrespective of the fact whether he took reasonable care while carrying on his activity. The rule is premised upon the very nature of the activity carried on".

**G.** That in *Vellore Citizens Welfare Forum vs. Union of India and Ors.*, AIR 1996 SC 2715 the Hon'ble Supreme Court while substantially relying upon the aforementioned judgment observed that the polluting industries are absolutely liable for the damage caused by their activities. The Hon'ble Court stated,

"the polluting industries are "absolutely liable to compensate for the harm caused by them to villagers in the affected area, to the soil and to the underground water and hence, they are bound to take all necessary measures to

remove sludge and other pollutants lying in the affected areas". The "Polluter Pays" principle as interpreted by this Court means that the absolute liability for harm to the environment extends not only to compensate the victims of pollution but also the cost of restoring the environmental degradation. Remediation of the damaged environment is part of the process of "Sustainable Development" and as such polluter is liable to pay the cost to the individual sufferers as well as the cost of reversing the damaged ecology."

**H.** That in *M.C. Mehta v. Kamal Nath and others* (2000) 6 SCC 213, in which the Hon'ble Supreme Court observed as under:  
"...pollution is a civil wrong. By its very nature, it is a tort committed against the community as a whole. A person, therefore, who is guilty of causing pollution, has to pay damages (compensation) for restoration of the environment and ecology.

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He has also to pay damages to those who have suffered loss on account of the act of the offender. The powers of this court under Article 32 are not restricted and it can award damages in a PIL or a Writ Petition as has been held in a series of decisions. In addition to damages aforesaid, the person guilty of causing pollution can also be held liable to pay exemplary damages so that it may act as a deterrent for others not to cause pollution in any manner.”

**LIMITATION**

That the present Application is filed against the environmental damage caused to the neighboring villages of the Brick Kiln Plant of the respondent no. 1. The application is within the period of six months as stipulated under section 14 of the NGT Act, 2010. The application has also been filed for restitution of the area and is within the period of five years as prescribed under 15 of the NGT Act, 2010.

*Niraj Kumar*

## PRAYER

For the facts and circumstances aforementioned, it is therefore most humbly prayed that this Hon'ble Tribunal may graciously be pleased to:

- i. Direct that the Respondent no. 1 be made liable for the damage caused to the ecosystem and pay compensation for the loss to ecology and environment in accordance with Absolute Liability and Polluter Pays Principle.
- ii. Direct restitution of the environment, biodiversity and wildlife habitats, damaged due to the activities/ operations of the Respondent no. 1 under section 15 of NGT Act, 2010.
- iii. Cancel the license of the Respondent no. 1 to operate the Brick Kiln Plant located at Khata no. 94, Khesra no. 225, Mauza-Karna, P.S.+ Anchal- Parbatta, District- Khagaria as the consent order to operate the Brick Kiln plant has been obtained by


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respondent no. 1 for the above-mentioned land but he is operating his Brick Kiln Plant on the other land.

- iv. Pass any such order, as the Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case.

And for this act of kindness and justice the Applicant shall ever remain obliged.

**APPLICANTS**

Through 

Advocate Dhananjay Mishra  
 Chamber no. 49, Block no. 2, Near Bar Association  
 2<sup>nd</sup> Floor Court Compound, Dehradun- 248001  
 State- Uttarakhand, India.  
 Email:- advocathec75@gmail.com

**ADVOCATE FOR THE APPLICANTS**

Date: 08/10/2024 .

Place: Dehradun .

Niraj Kumar



**AFFIDAVIT**

I, **Niraj Kumar, S/o. Late Dinkar Prasad Yadav, Aged 34 Years, R/o Village+Post- Lagar, P.S.- Parbatta, District- Khagaria, State-Bihar**, do hereby solemnly declare and affirm as under:

- 1) That I have filed the application Under Section 18(1) read with Sections 14, 15 of National Green Tribunal Act 2010.
- 2) That the contents of para 1 to 14 are true to my personal knowledge information and belief and Para Nos. A to H of the grounds, which I believe to be true and correct. I have not suppressed any material fact.
- 3) That the annexures accompanying the application are true copies of their respective originals.

**VERIFICATION**

I, the above-named deponent do hereby verify and declare that the contents of the affidavit are true & correct to the best of my knowledge & belief. No part of it is false and nothing material has been concealed therein.

Verified at **Dehradun** this **30<sup>th</sup>** day of **July** 2024.

Date : **30/07/2024**

Place : **Dehradun**



*[Signature]*  
Signature of Advocate

*[Signature]*  
Signature of Applicant  
**Niraj Kumar**

Signed, Sworn & verified before me  
by Shri/Smt. **Niraj Kumar**  
who is identified by

*[Signature]*  
Commissioner  
Dehradun



**AFFIDAVIT**

**I, Archana Kumari W/o Niraj Kumar Aged 34 Years R/o Village & Post office Langar, P.S. Parbatta, District Khangaria, State Bihar, do hereby solemnly declare and affirm as under:-**

1. That I have filed the application Under Section 18(1) read with Section 14, 15 of National Green Tribunal Act 2010.
2. That the contents of para 1 to 14 are true to my personal knowledge information and belief and Para Nos. A to H of the grounds, which I believe to be true and correct. I have not suppressed any material fact.
3. That the annexures accompanying the application are true copies of their respective originals.

**VERIFICATION**

I, the above named deponent do hereby verify and declare that the contents of the affidavit are true & correct to the best of my knowledge & belief. No part of it is false and nothing material has been concealed therein.

Verified at Dehradun on this 20<sup>th</sup> day of September 2024.

Date : 20/09/2024

Place : Dehradun

Signature of Advocate

Signature of Applicant

Archana Kumari

Signed, Sworn & verified before me by Shri/Smt. Archana Kumari who is identified by Shri.....

Oath Commissioner  
Dehradun







District Registry Office, Khagaria 03/8/2013

Deed Number 1627

Reg. Year 2013

Serial Number 1639

Deed Number 1627

PresType Executant Name Shairin Khatoon

Photo Thumb Index Middle Ring Little

Sig. *Shairin Khatoon*  
वाठ प्रत्युज्जय कुमाराखन  
15/3/2013

Presented By Shairin Khatoon

Sig. *Shairin Khatoon*  
वाठ प्रत्युज्जय कुमाराखन  
15/3/2013

Executant Julekha Khatoon

Sig. *Bulbul Khatoon*  
वाठ प्रत्युज्जय कुमाराखन  
15/3/2013

Executant Bulbul Khatoon

Sig. *Nusi Khatoon*  
वाठ प्रत्युज्जय कुमाराखन  
15/3/2013

Executant Nusi Khatoon

Sig. *Raushan Ara*  
वाठ प्रत्युज्जय कुमाराखन  
15/3/2013

Executant Raushan Ara

Sig. *Sulaina Khatoon*  
वाठ प्रत्युज्जय कुमाराखन  
15/3/2013

Executant Sulaina Khatoon

Sig. *Dhiraj Kumar*  
वाठ प्रत्युज्जय कुमाराखन  
15/3/2013

Executant Dhiraj Kumar

Sig. *Dhiraj Kumar*  
वाठ प्रत्युज्जय कुमाराखन  
15/3/2013

Executant Dhiraj Kumar



Nirali Kumar





बिहार BIHAR

9893/15-3-2013

C 937723

नाममोहर कर का लः पचरुष कुमार पेशर दिन कर पचास  
यादव साहित्य की पोस्ट कार्ड प्रमाण प्रमाण पत्र  
पर न। जिला रजिस्ट्रार/कानून कक्ष।  
मि-61

विमर्शना विषय: केवाला क्षेत्र Sale deed -  
नाथदास अरसाहन: 110 रु, 50000 रु: का 10 पचास हजार  
रुपये मात्र।

नथसोल काराधी: केवाला 118 - पौडरुषा काराधी जिन नथरी  
करामी सिंपल एक खिसा 2014 (11) बाके माँगा करना  
प्राप्त पुरखिया थाना की कल्पन पर न। मधुसूदन  
नैरादी मरु क्षेत्र की बाँटनका रजिस्ट्रार नथरी प्ररुष  
थाना 388 कार्ड अमीनादी-बिहार सरकार कार्यालय  
लखिया काराधी न। 1/1/1989

Chowari

रुपाना: 2000 रु: काराधी: 100 = 20 = 20 = 40 =  
18 = 225 = 118 = सडक = काराधी = 1000 रु: मात्र  
पौराणिक नथरी - पौडरुष प्री. 1000 रु. मात्र। ममान (11/1/1989)  
पचास रु। 1000 रु. मात्र।

संकेत नं. 15-3-2013

15-3-2013


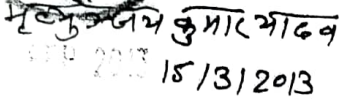
15-3-2013

15-3-2013

Nimmi Kumar.

hu

District Registry Office, Khagaria

Deed Number 1664	Reg. Year 2013	Serial Number 1639	Deed Number 1627
Pres type	Name	Photo	Thumb Index Middle Ring Little
Identified By	Mr. Sunjay Kr. Yadav		<input checked="" type="checkbox"/> Thumb
Sig.	 15/3/2013		

SCORE Ver.3.0 Powered by InfoSystem and Solutions, Patna Biometric Captured By 2100sop002

15/3/13

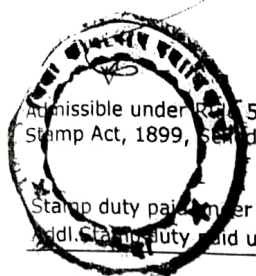
Niraj Kumar







**Endorsement of Certificate of Admissibility**



Admissible under Section 5 : duly Stamped ( or exempted from or does not require stamp duty ) under the Indian Stamp Act, 1899, Schedule I or I-A, No. '23'. Also admissible under section 26(a) of the B. T. Act.

Stamp duty paid under Indian Stamp Act	Rs. 39000/-	Amt. Paid By N.J Stamp Paper	Rs. 1150/-
Addl. Stamp duty paid under Municipal Act	Rs. 0/-	Amt. paid through Bank Challan	Rs. 51804/-

Registration Fee										LLR + Proc Fee		Service Charge
A1	13000	C	0	H1b	0	K1a	0	Lii	0	LLR	500	175
A8	0	D	0	H2	0	K1b	0	Liii	0	Proc Fee	50	
A9	0	DD	0	I	150	K1c	0	Mb	25	Total	550	
A10	0	E	0	J1	0	K2	0	Na	54			
B	0	H1a	0	J2	0	Li	0					
<b>TOTAL-</b>										<b>13229</b>		

Total amount paid (Reg. fee+LLR, Proc+Service Charge) in Rs. - 13954



15/3/13  
 Registering Officer  
 Khagaria

Date: 15/03/2013

**Endorsement under section 52**

Presented for registration at Registration Office, Khagaria on Friday, 15th March 2013 by Shairun Khatoon Muslim Miya by profession Agriculture. Status - Executant

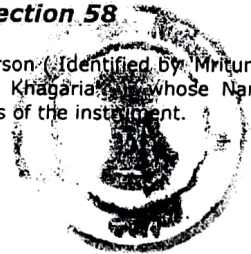
शैरुन खतून  
 का० मृषुणजय कुमार पाठक  
 Signature/L.T.I. of Presentant

Date: 15/03/2013

15/3/13  
 Registering Officer  
 Khagaria  
 शैरुन खतून  
 का० मृषुणजय कुमार पाठक

**Endorsement under section 58**

Execution is admitted by those Executants and Identified by the person identified by Mritunjay Kr. Yadav age '44' Sex 'M', 'Shailendra Kr. Yadav', resident of 'At-Basua Gogri Khagaria', whose Names, Photographs, Fingerprints and Signatures are affixed as such on back page / pages of the instrument.



15/3/13  
 Registering Officer  
 Khagaria

Date : 15/03/2013

**Endorsement of Certificate of Registration under section 60**

Registered at Registration Office Khagaria in Book 1 Volume No. 20 on pages on 489 -495 , for the year 2013 and stored in CD volume No. CD-4 year 2013 .The document no. is printed on the Front Page of the document.

Date : 15/03/2013  
 Token No. : 1664 Year : 2013 S.No. : 1639 SCORE Ver.3.0

15/3/13  
 Registering Officer  
 Khagaria  
 Deed No. : 1627

Niraj Kumar



# कार्यालय जिला अवर निबंधक (खगड़िया)

## नजरी नक्शा घोषण प्रमाण-पत्र

प्रमाणित किया जाता है कि निबंधन, उत्पाद एवं मद्य निषेध, विभाग, बिहार पटना के पत्रांक 1/एम1-103/2010-2627 दिनांक 06.09.2010 के द्वारा निर्गत अधदेश के क्रम में शहरी/ग्रामीण क्षेत्रों में भूमि के विक्रयपत्र/दानपत्र/बदलौन आदि में हम उभयपक्ष संपथपूर्वक घोषणा करते हैं कि हमारे द्वारा हस्ताक्षरित एवं सत्यापित नजरीनक्शा पूर्णतः सही है और निबंधन हेतु प्रश्नगत भूमि के 50 मी० (शहरी क्षेत्र में) 200 मी० (ग्रामीण क्षेत्र में) त्रिज्या में पड़ने वाले सभी भू-खण्डों मकानों को सही-सही दर्शाया गया है इसमें भविष्य में किसी प्रकार का विवरण निबंधन की तिथि को असत्य पाये जाने पर इसकी समस्त जवाबदेही मुझ क्रेता एवं विक्रेता पर होगी ।

स.ड.क. P.W.D

N



मो. प्रदीप सिंह  
हिरसेदार W

E पारो मराम  
अजय सहा

S  
अजय सहा

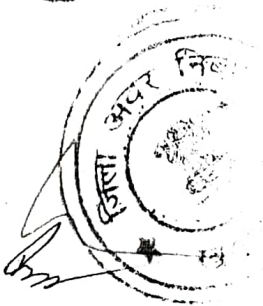
निबंधन हेतु प्रस्ताविक भूमि ( दस्तावेज संख्या/ तिथि ):-

गवाह का पूर्ण हस्ताक्षर  
मृदुलजय कुमार यादव  
15-3-2013.

क्रेता का पूर्ण हस्ताक्षर  
सुरेश कुमार  
15/3/2013.  
प्रधान लिपिक  
जिला अवर निबन कार्यालय, खगड़िया

विक्रेता का पूर्ण हस्ताक्षर  
लेखन खान  
या. मृदुलजय कुमार यादव  
15-3-2013

Nirvi Kumar



Regional Office-Cum-Laboratories

## Bihar State Pollution Control Board

Barauni Industrial area, P.O.-Tilrath, Dist.- Begusarai-851122

Email- robarauni01@gmail.com; website: http://bspcb.bihar.gov.in

Ref. No. :- ROB(A)1707/19 2290

Barauni, dated:- 25.7.22

## EMISSION CONSENT ORDER

With reference to the application no. 6285221 dated 08.07.2022, CTO upto 06.09.2022 issued in application ID 3004543 of M/S D.P.Y. Bricks, Proponent- Sri Dhiraj Kumar, At+P.O.-Lagar, P.S.+Anchal- Parbatta, Distt.- Khagaria- 851216 (Bihar) for CTO under section 21 of the Air (Prevention & Control of Pollution) Act, 1981, he/they is/are granted Consent-to-Operate his/their Brick kiln (Capacity- 15000 Bricks/Day) plant based on Cleaner Technology with Zig-Zag loading of Green Bricks and Natural Draft (Ht. of Chimney- 135 ft) Mauza- Karna, At- Mahesh Mor, P.O.- Karna, P.S.+Anchal-Parbatta, Distt.- Khagaria (Bihar) for the period upto 30.06.2027 from the date of issue with the following conditions -

- 1 That, he/they shall not make any alteration, addition, deletion or modification in the plant without the prior clearance from the Board and shall also abide by the obligations under sections 22,23 and 31A of the Air (Prevention & Control of Pollution) Act, 1981 and further shall extend co-operation to the Board in performing its functions entrusted under sections 24,25 and 26 of the Act;
- 2 That, he /they shall comply with the requirements of rule 14 of the Environment (Protection) Rules, 1986; the Hazardous & Other Wastes (Management and Trans-boundary Movement), Rules 2016; the Manufacture, Storage and Import of Hazardous Chemical Rules, 1989 and the Public Liability Insurance Act, 1991, whichever is applicable;
- 3 That, he/they shall monitor his/their emission(s) and the ambient air quality from representative point regularly and shall maintain its quality in conformity with Board's standards (emission of Particulate Matters not exceeding 250mg/Nm<sup>3</sup>) and shall produce its proof, as and when asked for;
- 4 That, he/they shall submit application for consent again 30 days before the expiration of the period of consent from the same login ID.
- 5 That, the unit shall not excavate soil more than 1.5 meter deep as per the affidavit no. 631, dt. 25.06.2022 submitted to the Board.
- 6 That, the unit shall submit flue gas analysis report to the Board yearly.
- 7 That, coal fines of 10 mm. sizes shall be used and use of coal with more than 35 % ash content shall be avoided. Agro wastes shall be used as fuel as far as possible.
- 8 Top of the kiln shall be covered with a layer of ash followed by fire bricks or tiles for better thermal insulation as well as protection from fugitive dust emission.
- 9 That, area of movement around the kiln including access road shall be paved with bricks to minimize fugitive dust emission during operation of the brick kiln;
- 10 That, tree plantation all around the campus in two (2) rows of evergreen species shall be developed and maintained.
- 11 That, the unit shall submit environmental statement of each financial year by the 30<sup>th</sup> September of the following year
- 12 That, In the event of any complaint regarding Air/Water/Noise pollution from the unit is observed, you have to shift the unit to a suitable location at your cost.
- 13 The unit shall have a display board near the site stating name of unit/ industry with address/ name of proprietor with address and ref. no. and date of consent with its validity period granted by the Board.

To,

Sri Dhiraj Kumar,  
M/S D.P.Y. Bricks,  
At+P.O.- Lagar, P.S.+Anchal- Parbatta,  
Distt.- Khagaria- 851216 (Bihar)

(S.P. Roy)  
Regional Officer

f

Niraj Kumar











48

**BEFORE THE NATIONAL GREEN TRIBUNAL**  
**EASTERN ZONE BENCH, KOLKATA**

**V A K A L A T N A M A**

**ORIGINAL APPLICATION NO. \_\_\_\_\_ OF 2024**

**NIRAJ KUMAR & ANR.**

**...APPLICANTS**

*VERSUS*

**DHIRAJ KUMAR & OTHERS**

**...RESPONDENTS**

I, Niraj Kumar, S/o Late Dinkar Prasad Yadav, Aged 34 Years, Indian National, R/o Village+Post- Lagar, P.S.- Parbatta, District- Khagaria do hereby appoint

1.) Advocate Dhananjay Mishra (B/5867/99, UK- 003/2016)  
Chamber no. 49, Block no. 2, Near Bar Association  
2<sup>nd</sup> Floor Court Compound, Dehradun- 248001  
State- Uttarakhand, India.  
Contact: 9411112120  
Email:- advocatehc75@gmail.com


2.) Advocate Aishwarya Singh (MAH/1322/2019)

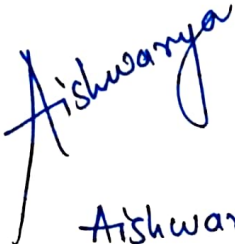
To act, appear, plead for me in the above matter and I have signed on this 27<sup>th</sup> day of July 2024. (This Vakalatnama is only related and limited to the present case)

Niraj Kumar  
Client

Accepted

Advocate/s:

  
Dhamezay Mishra  
Advocate

|  
  
Aishwarya Singh  
(Advocate)



50

**BEFORE THE NATIONAL GREEN TRIBUNAL**  
**EASTERN ZONE BENCH, KOLKATA**

**V A K A L A T N A M A**

**ORIGINAL APPLICATION NO. \_\_\_\_\_ OF 2024**

**NIRAJ KUMAR & ANR.**

**...APPLICANTS**

*VERSUS*

**DHIRAJ KUMAR & OTHERS**

**...RESPONDENTS**

I, Archana Kumari, W/o. Niraj Kumar, Aged 34 Years, Indian National, R/o Village+Post- Lagar, P.S.- Parbatta, District- Khagaria do hereby appoint

1.) Advocate Dhananjay Mishra (B/5867/99, UK- 003/2016)  
Chamber no. 49, Block no. 2, Near Bar Association  
2<sup>nd</sup> Floor Court Compound, Dehradun- 248001  
State- Uttarakhand, India.  
Contact: 9411112120  
Email:- advocatehc75@gmail.com

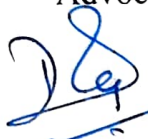
2.) Advocate Aishwarya Singh (MAH/1322/2019)

To act, appear, plead for me in the above matter and I have signed on this 07<sup>th</sup> day of September 2024. (This Vakalatnama is only related and limited to the present case)

Archana Kumari  
Client

Accepted

Advocate/s:

  
(Dhanya Jay Mishra)  
- Advocate

|

Aishwarya  
Aishwarya Singh  
(Advocate)