

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH**

(By Video Conferencing)
Original Application No.497/2022

Sunny Yadav

...Applicant

Versus

State of U.P.

...Respondent

Date of hearing: 29.08.2022

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant: None.

Application is registered based on a complaint received by Post

ORDER

1. Mr. Sunny Yadav resident of Gali No. 3, Punjabi Colony, District Mainpuri, Uttar Pradesh has sent the present letter petition, which is treated and registered as original application, complaining that about illegal operation of three brick kilns, namely, (i) Dayal Brick Kiln, Nagriya, District Mainpuri, (ii) Shiv Brick Kiln, Ghitoli, District Mainpuri and (iii) Govind Brick Kiln and Tiles, Devmai, District Mainpuri in violation of environmental norms. It is submitted that the above said brick kilns are located in much thickly populated area of village, school or petrol pump and are causing environmental pollution posing serious health hazards and danger to the life of residents of the locality.

2. This Tribunal is empowered to *suo moto* take cognizance of the cases involving questions relating to environment arising out of the implementation of enactments specified in First Schedule of the National Green Tribunal Act, 2010 as held by Hon'ble Supreme Court in **Municipal Corporation of Greater Mumbai V/s. Ankita Sinha and others 2021 SSC Online SC 897.**

This Tribunal can also take cognizance of such cases on the basis of letter petitions in accordance with settled principles of law governing Public Interest Litigation.

3. *Prima facie*, the allegations made in the application raise questions relating to environment arising out of the implementation of the enactments specified in Schedule I to the National Green Tribunal Act, 2010. In view of the allegations made in the application, we consider it appropriate that a Joint Committee be constituted to verify the factual position. Accordingly, we constitute a Joint Committee comprising of CPCB, UPPCB and District Magistrate, Mainpuri and direct the same to meet within two weeks, undertake visits to the site, look into the grievances of the applicant, associate the applicant and representative of the concerned project proponents, verify the factual position and submit its report within one month by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF. The State PCB will be the nodal agency for coordination and compliance.

4. In case the Joint Committee observes any violation of consent conditions/environmental norms then it shall forward a copy of its report to

(i) Project Proponents to enable them to comply with the recommendations in its report or file objections against the observations/recommendations in the report of the Joint Committee and file their response before this Tribunal as desired within one month from the date of receipt of a copy of the report of the Joint Committee; and

(ii) to UPPCB and District Magistrate, Mainpuri to enable them to take appropriate remedial action by giving notice to/hearing the project proponents and following due process of law in accordance with Statutory provisions mandating them to take remedial action for prevention, control and abatement of environmental

pollution/degradation and protection and improvement of environment and submit their action taken report separately within one month from the date of receipt of a copy of the report of the Joint Committee.

5. List for further consideration on 08.12.2022.
6. A copy of this order, along with a copy of the application and documents attached with the same, be forwarded to the CPCB, UPPCB and District Magistrate, Mainpuri by e-mail for compliance.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

August 29, 2022
AG