

Court No. - 10

Case :- CONTEMPT APPLICATION (CIVIL) No. - 5441 of 2021

Applicant :- Sohanveer

Opposite Party :- Sri Chandra Prakash Singh, D.M.

Counsel for Applicant :- Vibhu Rai, Abhinav Gaur

Hon'ble Abdul Moin, J.

Heard.

The contention of learned counsel for the applicant is that a Division Bench of this Court has given a general mandamus vide the judgement and order dated 01.05.2014 passed in Public Interest Litigation No. 20773 of 2014 in re: Sumit Singh vs State of U.P. and others pertaining to running of brick kilns in violation of the Uttar Pradesh Brick Kilns (Siting Criteria for Establishment) Rules, 2012 in the Districts Baghpat and Meerut.

The said directions were issued after considering that a circular has been issued by the State Pollution Control Board to all its regional offices on 03.11.2013 whereby the Court had directed for strict and scrupulous compliance by the district administration. It is contended that subsequent thereto another circular had been issued by the Central Pollution Control Board on 18.10.2021, a copy of which is annexure 10 to the application whereby it has been directed that all brick kilns would remain closed in Delhi National Capital Region on the directions of National Green Tribunal.

It is contended that despite the applicant having informed the authorities about the operation of certain brick kilns in violation of the orders issued by the Central Pollution Control Board and a Division Bench of this Court, no heed has been paid upon the same and the said brick kilns are still operating. The said representations are dated 20.10.2021 and 14.11.2021, copies of which are annexure 13 to the petition.

As regards locus to file a contempt petition reliance has been placed on an unreported judgement of Hon'ble the Apex Court passed in **Contempt Petition (C) No. 928 of 2016 in re: Girish Mittal vs Parvati V. Sundaram and another** decided on 26.04.2019 to contend that where the direction issued by the court is general in nature then on violation of any such direction an aggrieved party can file a contempt petition.

Issue notice to respondent to show cause as to why the proceedings for contempt of the Court be not initiated against him for non-compliance of the judgment and order dated 01.05.2014 passed in Public Interest Litigation No. 20773 of 2014.

List on the date indicated in the notice as fresh.

The authorities while serving notice on the respondents-contemnor shall strictly adhere to the directions issued by this Court vide order dated 07.06.2021 in Contempt No. 670 of 2021.

Order Date :- 6.12.2021

J. K. Dinkar

Case :- CONTEMPT APPLICATION (CIVIL) No. - 5722 of 2021

Applicant :- Sohanveer

Opposite Party :- Sri Suhas Lalinakere Yathiraj, D.M.

Counsel for Applicant :- Vibhu Rai, Abhinav Gaur

Hon'ble Abdul Moin, J.

Heard.

The contention of learned counsel for the applicant is that a Division Bench of this Court has given a general mandamus vide the judgement and order dated 01.05.2014 passed in Public Interest Litigation No. 20773 of 2014 in re: Sumit Singh vs State of U.P. and others pertaining to running of brick kilns in violation of the Uttar Pradesh Brick Kilns (Siting Criteria for Establishment) Rules, 2012 in the Districts Baghpat and Meerut.

The said directions were issued after considering that a circular has been issued by the State Pollution Control Board to all its regional offices on 03.11.2013 whereby the Court had directed for strict and scrupulous compliance by the district administration. It is contended that subsequent thereto another circular had been issued by the Central Pollution Control Board on 18.10.2021, a copy of which is annexure 10 to the application whereby it has been directed that all brick kilns would remain closed in Delhi National Capital Region on the directions of National Green Tribunal.

It is contended that despite the applicant having informed the authorities about the operation of certain brick kilns in violation of the orders issued by the Central Pollution Control Board and a Division Bench of this Court, no heed has been paid upon the same and the said brick kilns are still operating. The said representations are dated 20.10.2021 and 14.11.2021, copies of which are annexure 13 to the petition.

As regards locus to file a contempt petition reliance has been placed on an unreported judgement of Hon'ble the Apex Court passed in Contempt Petition (C) No. 928 of 2016 in re: Girish Mittal vs Parvati V. Sundaram and another decided on 26.04.2019 to contend that where the direction issued by the court is general in nature then on violation of any such direction an aggrieved party can file a contempt petition.

Issue notice to respondent to show cause as to why the proceedings for contempt of the Court be not initiated against him for non-compliance of the judgment and order dated 01.05.2014 passed in Public Interest Litigation No. 20773 of 2014.

List on the date indicated in the notice as fresh.

The authorities while serving notice on the respondents-contemnor shall strictly adhere to the directions issued by this Court vide order dated 07.06.2021 in Contempt No. 670 of 2021.

Order Date :- 10.12.2021

A. Katiyar