

Item No. 02

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 341/2023

Vipin Kumar

Applicant

Versus

Uttarakhand Pollution Control Board & Ors.

Respondent(s)

Date of hearing: 19.05.2023

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON  
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER  
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Mr. Rohan Thawani, Advocate

**ORDER**

1. Grievance in this application is against operation of two brick kilns - Jai Mata Brick Field and Gagan Brick Field in Tehsil Roorkee, District Haridwar, Uttarakhand. According to the applicant, their operation is against the siting criteria laid down under the MoEF&CC Notification dated 22.02.2022 issued under the Environment (Protection) Rules, 1986, which is as follows:-

*"6. Brick kilns should be established at a minimum distance of 0.8 kilometre from habitation and fruit orchards. State Pollution Control Boards/Pollution Control Committees may make siting criteria stringent considering proximity to habitation, population density, water bodies, sensitive receptors, etc.*

*7. Brick kilns should be established at a minimum distance of one kilometer from an existing brick kiln to avoid clustering of kilns in an area."*

2. It is further stated that the Hon'ble Supreme Court vide order dated 08.04.2022 in *Civil Appeal Diary No. 18213/2021, NCR Brick Kiln*

*Association vs. Central Pollution Control Board & Ors.* directed strict enforcement of the said Notification. The brick kilns in question are within the prohibited distance. Jai Mata Brick field, is located within 651.178 meters from an existing brick kiln viz. Balaji Brick Field, and within 228.219 meters of Chaudhary Bharat Singh Junior High School. Gagan Brick Field is located within 500,852 meters from Bharat Brick Field; within 555.386 meters of Sarkari Aam Ka Bagh; within 707.441 meters of Sureshi Devi Public School; within 780.165 meters from Nirmala Devi Inter College; within 774.548 meters from Budhpur Jatt Village; and within 890.753 meters from Chaudhary Sukbhir Singh Adarsh Junior High School. Consent has been granted to the said brick kilns on 13.01.2023 and 30.01.2023 respectively i.e. after the Notification dated 22.02.2022.

3. In view of above, it appears to be necessary to require the State PCB to look into the matter and take remedial action in accordance with law. Further, to ascertain factual position, we constitute an independent Committee comprising State PCB and District Magistrate, Haridwar. State PCB will be the nodal agency for coordination and compliance. Report may be furnished within two months by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF. The report may mention the status of any other brick kilns operating in the vicinity of the said two brick kilns. The violating Brick kilns in question be put to notice of these proceedings for their response, if any.

List for further consideration on 18.08.2023.

A copy of this order be forwarded to State PCB and District Magistrate, Haridwar by e-mail for compliance.

The applicant may serve a set of papers on State PCB and District Magistrate, Haridwar and the allegedly violating brick kilns and file affidavit of service within one week.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

May 19, 2023  
Original Application No. 341/2023  
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