



2026:AHC-LKO:1772-DB

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

WRIT - C No. - 82 of 2026

M/S Jai Maa Bhagwati Brick Field Bahraich Thru
Proprietor Ajeet Pratap Singh

.....Petitioner(s)

Versus

Member Secy. U.P. Pollution Control Board Lucknow And
Anr.

.....Respondent(s)

Counsel for Petitioner(s)	:	Ajeet Singh
Counsel for Respondent(s)	:	Ashok Kumar Verma

Court No. - 1

**HON'BLE RAJAN ROY, J.
HON'BLE ABDHESH KUMAR CHAUDHARY, J.**

1. Heard Shri Ajeet Singh, learned counsel for the petitioner and Shri Ashok Kumar Verma, learned counsel for the respondents.

2. By means of this writ petition, the petitioner has prayed for the following main relief (s) :-

"[1] Issue a writ, order or direction in the nature of Certiorari thereby quashing of impugned letter/order dated 16.10.2024, issued/passed by the opposite party No. 2, as contained in Annexure No. 1 to this writ petition.

[II] Issue a writ, order or direction in the nature of Mandamus thereby commanding and directing the opposite party No. 2 to issue consent order in favour of the petitioner with immediate effect, in the interest of justice."

3. On 8th January, 2026, this Court had passed the following order:-

"Put up this case tomorrow i.e. 09.01.2026 as fresh to enable Sri A.K. Verma, learned counsel for the U.P. Pollution Control Board to seek instruction as to whether any opportunity of hearing as envisaged in the second proviso to Section 21 (4) of the Air (Prevention and Control of Pollution) Act, 1981 and corresponding provisions under the Water (Prevention and Control of Pollution) Act, 1974 read with the Rules, if any, made thereunder, was given to the petitioner, as if it is so then availability of statutory remedy would not be very relevant in view of the decision of Hon'ble The Supreme Court in the case of

Whirlpool Corporation Vs. Registrar of Trade Marks, Mumbai and others; 1998 (8) SCC 1: AIR 1999 SC 22."

4. Today, Shri A.K. Verma very fairly informed the Court on the basis of written instructions and the records relevant to the case that after on spot inspection no opportunity of hearing was given to the petitioner.

5. In view of above statement, there has been a violation of the principles of natural justice, as enshrined in the second proviso to Section 21 (4) of the Air (Prevention and Control of Pollution) Act, 1981 and corresponding provisions under the Water (Prevention and Control of Pollution) Act, 1974 read with the Rules, therefore, not only the availability of statutory remedy of appeal is of no consequence, the impugned order is also liable to be set-aside, but only on the aforesaid ground. It is, accordingly, set-aside.

6. Now the competent authority shall proceed to consider renewal of the consent to operate granted earlier to the petitioner afresh, in accordance with law and take suitable decision, at the earliest.

7. Petition stands **allowed** in above terms.

January 9, 2026
Praveen

(Abdhesh Kumar Chaudhary,J.) (Rajan Roy,J.)