

25.11.2020
S/156
N.22SP151/CL
Ct-1
(Koley/AD)

(Via Video Conference)

WPA 872 of 2020

Maran Debnath
Vs.
State of West Bengal & Ors.

None appears for the parties.

No link has been sought for also.

We have perused the material papers of this Public Interest Litigation.

The petitioner's compliant is that the 7th respondent has been running a power-loom industry in a congested locality and the complaints made to the Pradhan of the local self government institution or the Sub-Divisional Magistrate, Kalna have not brought to home the relief that the petitioner seeks. According to the petitioner, serious hardship to the local public would be occasioned by the functioning of the power-loom industry and a letter of complaint was written on 04.12.2019 to the competent authorities.

Taking into consideration the substance of the allegations which relates to matters touching establishment of commercial activities including those which may use machines and also the questions relating to environmental protection and public health, we are of the view that the matter could be enquired into at the

appropriate level in terms of the provisions of the laws. The District Magistrate, Purba Bardhaman, being the 3rd respondent could have the comprehensive jurisdiction in terms of the different provisions of law including the Code of Criminal Procedure and also different other laws which would enable that authority to further track the complaint through the competent authority under the environmental laws and the other provisions which relate to such establishments.

Under such circumstances, for the ends of justice, we direct the District Magistrate, Purba Bardhaman, being the respondent no.3 to consider the complaint of the petitioner in accordance with law and with due notice to any person who could be aggrieved by any decision taken at that end. We hold so and issue directions without any manner impairing the contentions of the rival parties.

In the result, this writ petition is ordered without entering on merits, directing that the respondent no.3, the District Magistrate, Purba Bardhaman, would look into the allegations of the petitioner and take such action, if any, as may be found necessary, in accordance with law having particular regard to the provisions of the Code of Criminal Procedure as well as other enabling laws touching environment, public health and those further laws which relate to establishment of commercial institutions.

Let a final decision be taken by the respondent

no.3, the District Magistrate, Purba Bardhaman, as directed, within a period of three months from the date of receipt of a copy of this order and a copy of the writ petition.

The writ petitioner is directed to place a copy of this order along with a copy of this writ petition before the respondent no.3, the District Magistrate, Purba Bardhaman.

Since no affidavits have been called for, the allegations made in the writ petition are deemed not to be admitted by the respondents.

WPA 872 of 2020 is accordingly disposed of.

(Thottathil B. Radhakrishnan, CJ.)

(Arijit Banerjee, J.)