

A/D. 16.  
December 15, 2020.  
MNS.

W. P. A. 10586 of 2020  
**(Via video conference)**

Netai Das  
Vs.  
The Union of India and others

Ms. Sutapa Sanyal,  
Mr. Triptimoy Talukdar

... for the petitioner.

Mr. Dibashis Basu,  
Mr. Partha Sarathi Ghosh

...for Union of India.

Affidavit-of-service filed in Court today be  
taken on record.

Despite service, none appears on behalf of  
the respondent nos. 2 and 3 although the  
petitioner and the respondent no. 1 are  
represented in court today.

At the outset, learned counsel for the  
petitioner submits that a Public Interest Litigation  
(WPA 10110 of 2020) is pending in connection  
with operation of the brickfield-in-question despite  
non-issuance of certificate of establishment and  
operation.

The grievance of the petitioner is that  
despite the pendency of the petitioner's  
application since 2016, no certificate of consent

to establish and consent to operate the brickfield of the petitioner is being granted by the respondent-authorities.

Learned counsel appearing for the petitioner relies on Memo No. BF/TF-18/1985/L & LR(N) dated August 13, 2018, which is a communication regarding ajoint verification report, along with report on availability of earth of mining plan.

It is submitted on behalf of the petitioner that despite such steps having been taken as long back as in August 2018, nothing is being done by the respondent-authorities to issue the certificate of consent to establish and operate the brickfield.

Learned counsel appearing for the respondent no. 1 submits that the West Bengal Pollution Control Board (in short 'WBPCB') is a necessary party to the writ petition, as is the Bongaon Municipality, since a clearance had to be taken by the petitioner from the former and an objection was raised by the latter authorities with regard to the operation of brickfield by the petitioner.

It appears from the materials annexed that the petitioner has already initiated steps for

getting due clearance from the WBPCB and no grievance has been raised as regards any act or omission of the said Board in the present writ petition.

Moreover, the office of the Bongaon Municipality, as it appears from Annexure- P/10 at page- 136 of the writ petition, raised an objection as to operation of the brickfield business by the petitioner on October 1, 2019, on the ground that the petitioner had not submitted a copy of a subsisting consent to operate certificate of the WBPCB.

As it appears from Annexure -/12 at page- 140, vide Memo No. 1906/4/WPB/BR/G/02 dated November 15, 2019, the Barrackpore Regional Office of the WBPCB intimated the petitioner as regards the petitioner's application for such certificate having been forwarded to the D.L. & L.R.O. office, which is the appropriate authority to grant the same.

A perusal of the said communication indicates that the WBPCB returned the application of the petitioner for consent to operate (with all enclosures) on the above ground. As such, there is no impediment in the D.L. & L.R.O. issuing the certificate of consent to operate the

brickfield in favour of the petitioner, subject to compliance of all other legal formalities.

Accordingly, W.P.A. 10586 of 2020 is allowed, thereby directing the respondent no. 2 to take immediate steps for grant of certificate to establish and operate the petitioner's brickfield, on the basis of the petitioner's application, subject to compliance of all other legal formalities by the petitioner and clearance by concerned authorities, if any required by law. Such process shall be completed by respondent no. 2 within one month from the date of communication of this order to the said respondent.

There will, however, be no order as to costs.

The parties are directed to act on the server copies of this order as and when uploaded in the official website of this Court. In any event, the petitioner is granted liberty to communicate the gist of this order to the respondents even without waiting for such server copy to be uploaded and the respondents are directed to act upon the same.

(Sabyasachi Bhattacharyya, J.)

