

27/04/2021
Item No.11 (a)
Court No.1.
AB/S DE

Through Video Conference

W. P. A. (P) 9 of 2021

**-
Soyeb Sardar**

Vs

The State of West Bengal & Others

Mr. Debajyoti Deb,
Ms. Rupsha Bhowmick ...for the Petitioner.

Mr. Tapan Kr. Mukherjee, Ld. AGP,
Mr. Somnath Naskar ...for the State.

The short grievance of the petitioner in this Public Interest Litigation is that the private respondent and his associates are operating brick kiln in the Sundarbans in violation of the applicable laws and regulations. This, it is submitted, is causing tremendous harm and damage to the ecology of the Sundarbans and having severe adverse environmental impact in that area.

We have heard learned Counsel for the State also. Nobody appears for the private respondent.

We direct the respondent no.3, being the District Magistrate, South 24 Parganas, to treat the contents of this writ petition as a representation of the petitioner. The respondent no.3 shall cause requisite

investigation/ enquiry to be held into the matters raised by the petitioner.

If it is found that the private respondent or anybody else is operating any brick kiln in the Sundarbans in violation of any applicable laws / rules / regulations, the respondent no.3 shall immediately take steps for stopping such illegal operation after giving an opportunity of hearing to the person operating such brick kiln. The respondent no.3 shall be authorized to pass immediate ex-parte prohibitory order stopping the operation of any brick kiln if, prima facie, it appears to him that such brick kiln is being operated in violation of law.

It is also made clear that in case the respondent no.3 comes to the final conclusion that any brick kiln was being operated in breach of any applicable law, the respondent no.3 shall ensure removal of such brick kiln, if necessary, at the cost of the person who was carrying on such illegal activity and shall restore the area to its original nature and character.

This entire exercise has to be completed within three months from the date of a copy of this order along with a copy of the writ petition being placed before the respondent no.3. An Action Taken Report shall be filed by the respondent no.3 with the Registrar General of this Court within two weeks thereafter. The Registrar General shall place such Action Taken

Report before the Hon'ble the Chief Justice for appropriate directions.

Since no affidavit has been called for, none of the allegations in the writ petition shall be deemed to have been admitted by the respondents.

The writ petition is, accordingly, disposed of.

Urgent Photostat Certified copy of this order, if applied for, be supplied expeditiously after complying with all necessary legal formalities.

[Thottathil B. Radhakrishnan, C.J.]

[Arijit Banerjee, J.]