

S/L 18
19.07.2021
Court. No. 19
GB

W.P.A. 11141 of 2021

Swarup Roy & Ors.
Vs.
The State of West Bengal & Ors.

(Through Video Conference)

Mr. Gaganjyot Singh

...for the Petitioners.

Mr. Partha Sarathi Das.

...for the Private Respondents.

*Mr. Lalit Mohan Mahato,
Mr. Kapil Guha.*

...for the State.

The writ petition has been filed alleging inaction on the part of the competent authority of Chhandar Gram Panchayat in disposing of the representation of the petitioners dated January 18, 2021. (Annexure P5)

It is the contention of the petitioners that the respondent no.5 has been carrying on a poultry business from Plot Nos.194, 209, 211, 212, 214, 215, 250, 251, 256, 257 and 260 of Mouza Dhengekand. It is further contended by the petitioners that the allegations with regard to the pollution is already sub-judice before the National Green Tribunal. It is further stated that apart from statutory non-compliances, the poultry farm is also encroaching into the panchayat road, which is a public road.

The learned advocate for the respondent no.5 submits that the issues with regard to pollution cannot be decided in this proceeding. He further submits that the contention that

the road in question is a panchayat road, is not backed by any evidence. It is further submitted that the poultry farm has not violated any provision of law.

This Court cannot go into the merits of the claims and counter-claims of the parties at this stage.

The writ petition is disposed of with a direction upon the competent authority of Chhandar Gram Panchayat to dispose of the representation (Annexure P5) filed by the petitioners dated January 18, 2021 in accordance with law upon hearing the petitioners as also the respondent no.5. The panchayat authority shall be entitled to call for the Mouza map and the records from the office of the Block Land and Land Reforms Officer to ascertain the ownership of the road in question. The representation shall be disposed of and a reasoned order shall be passed and communicated to all concerned within a period of twelve weeks from date of communication of this order. All the allegations made in the representation except those with regard to alleged pollution, shall be considered and dealt with in accordance with law. The office of the Block Land and Land Reforms Officer shall provide assistance to the panchayat authorities, if called for, in order to demarcate the road.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)