

August 23, 2021

ARDR

(43)

WPA 12442 of 2021

M/s. Anowara Brick Manufacturers & anr.

Vs.

The State of West Bengal & Ors.

Mr. Salil Kumar Maiti,

Ms. Pinki Saha,

...for the petitioners.

Mr. Arjun Roy Mukherjee,

...for the respondent no.8.

Mr. Chandi Charan De,

Mr. Soumitra Bandyopadhyay,

Ms. Anita Deb Jana,

...for the State.

The grievance of the petitioner is directed against a communication dated 2nd July, 2021 directing the petitioner to stop illegal operation of the brick field on the ground that the petitioner has not complied with the statutory formalities.

It is submitted on behalf of the petitioner that no opportunity of hearing was given to the petitioner and the impugned communication dated 2nd July, 2021 has been passed in violation of the principles of natural justice.

The respondent no.8 Pollution Control Board is represented and submits that notwithstanding having informed the petitioner for complying with all necessary formalities and submitting all relevant documents, the petitioner has taken no steps in this matter. This communication is dated 20th April, 2016

and the petitioner has not yet been able to comply with the same.

The State respondents are also represented and submit that in view of the unequivocal directions contained in the impugned communication dated 2nd July, 2021, there is no scope of entertaining this writ petition.

In reply, it is contended on behalf of the petitioner that the period of five years in terms of a letter dated 15th May, 2017 be made applicable to the petitioner.

I have heard the parties.

I am of the view that there is no material on records to demonstrate that there is any illegality or perversity in law in issuing the impugned communication dated 2nd July, 2021. On the contrary, it appears that the petitioner has been unable to comply with any direction of the State and obtained necessary clearances in running the brick field. As such, I am of the view that the impugned communication dated 2nd July, 2021 does not warrant or justify any interference whatsoever.

The State respondents are directed to act expeditiously and stop the operations of the petitioner in accordance with law.

With the aforesaid directions, WPA 12442 of 2021 stands dismissed.

(Ravi Krishan Kapur, J.)