

S/L 22
11.11.2021
Court. No. 19
GB

WPA 15459 of 2021

Netai Das
Vs.
The Bongaon Municipality & Ors.

(Through Video Conference)

*Ms. Sutapa Sanyal,
Mr. Diptomoy Talukder,
Mr. Abhiraj Tarafdar.*

...for the Petitioner.

Mr. Sayan Sinha.

...for the Bongaon Municipality.

Affidavit-of-service filed in Court today be kept with the record.

The petitioner is aggrieved by the inaction on the part of the Board of Administrators, Bongaon Municipality in renewing the certificate of enlistment required to run the brickfield.

Records reveal that the West Bengal Pollution Control Board was directed by this Court to issue a certificate to establish and operate the brickfield. Despite the said order the Pollution Control Board has not yet granted the certificate.

The petitioner is now aggrieved because the Municipality has refused to grant the renewal and has returned the application to the petitioner with the observation that due to pending litigation the said renewal cannot be granted.

The Municipality is concerned with granting the certificate of enlistment upon compliance of necessary formalities, one of such formalities being the consent to operate to be issued by the appropriate authority in charge of controlling pollution.

Under such circumstances, there is no scope for passing any order at this stage. As and when the petitioner is able to produce the consent to operate certificate before the municipality and complies with other formalities under the West Bengal Municipal Act for grant of the certificate of enlistment, the renewal shall be granted in accordance with law with immediate effect.

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 learned advocate's communication.

(Shampa Sarkar, J.)